

AN ACT REPEALING CHAPTER 87 OF THE PUBLIC AUTHORITIES LAW, TITLE 30, LIBERIAN CODE OF LAWS REVISED, AND ALL ACTS AMENDATORY THERETO INCLUDING PRC DECREE NO.20 AND ENACTING IN LIEU THEREOF A NEW CHAPTER 87, TITLE 30, LIBERIAN CODE OF LAWS REVISED, PROVIDING FOR THE ESTABLISHMENT OF THE LIBERIA PUBLIC BROADCASTING SERVICE (LPBS).

PREAMBLE

WHEREAS, in 1973 the state-owned broadcaster, the Liberian Broadcasting Corporation (LBC), was established pursuant to Chapter 87 of the Public Authorities Law; and,

WHEREAS, Chapter 87 of the Public Authorities Law was amended in 1980 by PRC Decree No. 20, which provided for the establishment of a new state-owned broadcaster, the Liberian Broadcasting System (LBS); and,

WHEREAS, over the years the public broadcaster (both the former LBC and the present LBS) have not performed as a truly independent public broadcaster; and,

WHEREAS, it has been realized that it is in the public interest and the general welfare to have a public broadcaster which is responsive to the interest of the people and free from extraneous interference and control; and,

WHEREAS, it is the desire of the Government and people of Liberia to transform the state-owned public broadcaster into a truly independent, non-partisan, professional, credible and financially transparent public service broadcaster that will effectively serve the interest of all Liberians and contribute meaningfully to the overall development of the society; and,

WHEREAS, it is important that the independence of the public broadcaster be guaranteed, protected and maintained at all times through the enactment of the appropriate legislation that will ensure its continuous managerial efficiency and editorial independence; and,

WHEREAS, it is essential to establish a national public service broadcaster which will be independent and autonomous in all its operational, managerial, and editorial matters.

NOW, THEREFORE:

It is enacted by the National Legislature Assembled:

Section 1. That from and immediately upon the passage of this Act, Chapter 87 of the Public Authorities Law, Title 30, Liberian Code of Laws Revised, and all Acts Amendatory thereto including PRC Decree No. 20 providing for the Establishment of the Liberian Broadcasting System (LBS), are hereby repealed and there is enacted in lieu thereof a New Chapter 87 providing for the establishment of the Liberia Public Broadcasting Service (LPBS).

CHAPTER 87: THE LIBERIA PUBLIC BROADCASTING SERVICE

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Section 87.1: **Title:** This Act constitutes Chapter 87 of Title 30, Liberia Code of Laws Revised.

Section 87.2: **Short Title:** This Act may be cited as the Liberia Public Broadcasting Service Act.

Section 87.3: THE LIBERIA PUBLIC BROADCASTING SERVICE CREATED

It is hereby created, as successor to the Liberian Broadcasting System (ELBS), an independent and non-partisan national public service broadcaster to be known as the Liberia Public Broadcasting Service (“LPBS”).

Section 87.4: DEFINITIONS

As used in this Act and unless the context otherwise clearly indicates, the

following terms and acronyms shall have the respective meanings as herein set-forth below:

Advisory Council - means local county groups of five (5) or nine (9) persons representing their communities in their interactions with the LPBS, and serving as monitors and advisors in respect of the LPBS' programming and relevant activities.

Board - means the Board of Directors as set up for the governance of the LPBS.

LBS - means the Liberian Broadcasting System.

GOL - means the Government of Liberia.

GAC - means the General Auditing Commission of the Republic of Liberia.

Legally Existing - means being in compliance with all the statutory and regulatory requirements for operating and doing business.

Noncommercial - means without traditional advertisement of products, brands, or services of entities during broadcasts as a means of generating revenues.

LPBS - means the Liberia Public Broadcasting Service, the successor to ELBS.

NTGL - means The National Transitional Government of Liberia.

Participatory Communication - means the involvement of persons and/or groups in the exercise of exchanging views and information on a regular and systemic basis as part of efforts to democratize media utilization and, by extension, enhance pluralism and democracy in society.

Public Access - means the right and ability of all persons and/or citizens, regardless of their background or physical challenges, to have equal opportunity to access the broadcast/media facility, for making their views and feelings known on local, community, and national issues.

Public Broadcaster - means an independent, non-partisan, impartial and non-commercially based broadcasting service whose programming and related activities are primarily geared towards serving the interest of all members of the public, and whose programming is available to all.

Public Interest - means issues that are of interest or relevant to the well-being of the people or of the society as a whole.

Universal Media Access - means the capacity of a broadcasting facility to have

its transmission signals available to all persons in a given geographical location.

Simple Liberian English - means an adulterated version of Standard English spoken and understood by the generality of the Liberian people. It is often used by local broadcasters to reach majority of the illiterate population living especially in the rural areas.

Section 87.5: OBJECTIVE, POWERS AND FUNCTIONS

The objective of the LPBS shall be to provide a truly independent, nonpartisan, credible, professionally efficient and accountable public broadcasting service that will cater to the needs of the Liberian people and thereby promote a vibrant, open, stable and democratized society. The LPBS shall be independent in all matters concerning the conditions of its services, the content of its programs and the times at which they are broadcast or transmitted, and in the management of its affairs.

To facilitate the achievement of its objective, the LPBS shall have the following powers and functions:

- a. To provide accurate, balanced, impartial, reliable and socially responsible information to all Liberians, irrespective of their status, political, religious, regional and ethnic affiliations, in a systematic, sustainable and efficient manner.
- b. To provide, as public services, independent, balanced and impartial radio and television programs of information, education, and entertainment in Liberia.
- c. To develop and implement policies and practices designed to develop programs that involve and address the needs of unserved and under-served Liberian audiences.
- d. To engage in and conduct (directly or through contracts) research, demonstrations, or training with respect to noncommercial educational and cultural radio and television programming.
- e. To lease, purchase, acquire and own, to order, have, use and contract for, and to otherwise obtain, arrange for and provide technical equipment and facilities for the production, recording and distribution of educational, cultural, informative, and entertaining noncommercial programs for broadcast over radio and television.
- f. To establish and maintain one or more service or services for the duplication, storage and distribution of broadcast programs on motion

picture film, videotape or any other means or mechanism suitable for transmission and exhibition thereof.

- g. To commission, compile, prepare, edit, make, print, publish, issue, circulate, and distribute, with or without charge, such books, magazines, periodicals, journals, printed matter, records, cassettes, compact disc, videotapes audiovisual and/or interactive material as may be conducive to the objective of LPBS.
- h. To establish and maintain libraries and archives of noncommercial educational, cultural and instructional radio or television programs and related materials and develop public awareness of and disseminate information about noncommercial educational, cultural and instructional radio or television broadcasting by various means, including the publication of a journal, and to make available to the public such libraries and archives with or without charge.
- i. To organize, present, produce, provide or subsidize concerts, shows, cultural performances, revues, musicals and other productions and performances and other entertainments (whether live or recorded) in connection with its broadcasting and program supply services or for any purpose incidental thereto.
- j. To educate and entertain the people of Liberia within the context of their needs, and to safeguard cultural sovereignty and strengthen the moral fiber of society.
- k. To provide a platform to all Liberians and the general public for local and national discourse and debate on issues bearing on their needs and aspirations, thereby engendering participatory communication, increase in knowledge level/public awareness, deliberative democracy, good governance and an open society.
- l. To optimize the utilization of broadcasting as an effective tool for overall national development and the promotion of the well-being of the Liberian people.
- m. To promote a sense of justice and a culture of tolerance and respect for the rule of law among the people of Liberia.
- n. To provide universal media access to the Liberian people and the general public, with particular consideration for giving voice to the often voiceless, marginalized rural population and those living on the periphery of urban life.

- o. To help close the information gap between the information-poor rural majority and the information-rich urban based privileged few.
- p. To facilitate, promote, and sustain genuine national identity, cohesion, unity and stability in Liberia.
- q. To ensure that the people of Liberia, including grassroots-based individuals and groups, exercise effective control and ownership over public broadcasting.
- r. To ensure inclusivity, diversity in ownership, control, management and programming that is reflective of a pluralistic and multi-cultural society, and cater to the needs of the various communities, languages, cultures and religious groups in the country.
- s. To facilitate the empowerment of the disadvantaged and minority groups in the Liberian society and enhance gender equality.
- t. To help unshackle the vast majority of the Liberian people and youths from the yoke of ignorance and the culture of violence.
- u. To promote respect for the human rights of all in society.
- v. To assist the people of Liberia meet the challenges of nation-building and development.
- w. To enhance human resource development in the area of professional skills in broadcasting.
- x. To hire or accept the services of consultants, experts, advisory boards or panels to aid it in carrying out its purposes.
- y. To takeover and hold all existing property of LBS and to acquire additional property and to equip and use such property for carrying out any of the objects of LPBS.

Section 87.6: ADMINISTRATION

The Administration of the affairs of the LPBS shall be executed in a manner as follow:

Section 87.7: BOARD OF DIRECTORS

1. The Management of the LPBS shall be vested in a fifteen (15)-man Board of Directors to be appointed by the President of Liberia on the recommendation of legally

existing Liberian professional and civic groups, by and with the advice and consent of the National Legislature. The members of the Board shall be citizens of Liberia (not regular full-time employees of GOL). Selection of or membership on the board shall not be based on ethnicity, religious or political affiliation and, in all cases, not more than one member shall come from the same county.

2. The Board shall be the governing body of the LPBS and shall report directly to the National Legislature. It shall be responsible for the formulation and implementation of policies. It shall be responsible to ensure that the LPBS operates as a truly independent, transparent, nonpartisan, credible, professionally efficient and accountable public broadcasting service.

Section 87.8: COMPOSITION OF THE BOARD OF DIRECTORS

The composition of the Board shall be broad based, regionally representative and reflective of the diversity of the Liberian people. The members of the Board shall be selected so as to provide as nearly as practicable a broad representation of various regions of the country, various professions and occupations, and various kinds of talent and experience appropriate to the functions, purposes, and responsibilities of LPBS, including but not limited to the following:

- a. Mass Communication
- b. Legal
- c. Electronic Engineering
- d. Civil Society/Advocacy
- e. Public Administration/Accounting
- f. Youth/Activism
- g. Women Advocacy

Section 87.9: TENURE OF OFFICE

1. Each member of the Board of the LPBS shall serve for a term of three (3) years; except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his/her predecessor was appointed shall be appointed for the remainder of such term; and (b) the terms of office of members of the initial Board shall begin on the date of appointment and shall expire, as designated at the time of their appointment, five at the end of one year, five at the end of two years, and five at the end of three years. Based upon his/her performance, each member may be appointed by the President for an additional period of three (3) years upon the recommendation of the professional and/or civic group that recommended him/her for appointment to the Board. No member shall serve for more than two consecutive terms of three years each. Notwithstanding the preceding provisions of this paragraph, a member whose term has expired may serve until his/her successor has been appointed and qualified.

2. A member of the Board, however appointed, shall cease to be a member:

- a. If he or she shall at any time, by notice in writing, to the President resign as a member of the Board;
 - b. If he or she shall hold any office or place in which his interest may conflict with any interest of the LPBS;
 - c. If he or she becomes substantially incapacitated by reason of mental or physical illness; or,
 - d. If he or she shall absent himself or herself from three (3) consecutive meetings of the Board continuously or longer, without justifiable excuse.
3. Any vacancy in the Board shall not affect its powers, but shall be filled in the manner in which the original appointments were made.

Section 87.10: APPOINTMENT OF CHAIRMAN/COMPENSATION OF MEMBERS OF THE BOARD OF DIRECTORS

1. The President shall designate one of the members of the Board as Chairman. The members of the Board shall elect one of them as Vice Chairman.
2. The members of the Board shall not, by reason of such membership be deemed employees of GOL. The members of the Board shall not receive salaries but shall be compensated for attending meetings of the Board or engaging in duties related to such meetings or in other activities of the Board and for all expenses incurred in attending duties of LPBS. They may also be paid reasonable allowances or gratuities as may from time to time be determined by them.

Section 87.11: POWERS AND FUNCTIONS OF THE BOARD OF DIRECTORS

The Board shall be responsible for the management and operations of the LPBS. In connection therewith, the Board shall have the following specific powers:

- a. To formulate strategies and policies for the smooth, independent, effective and efficient operation of the LPBS as an independent public service broadcaster.
- b. To issue guidelines and regulations under which the LPBS shall operate as an independent public service broadcaster.
- c. To select and appoint the Executive Director, the Deputy Executive Directors for (a) Administration, (b) Broadcasting, (c) Technical Services, and such other officers that may from time to time be required for the smooth, efficient and transparent operations of the LPBS.
- d. To determine the strategy of the LPBS in respect of its provision of quality public oriented broadcasting service and to ensure that LPBS's services,

programs and other related activities reflect the needs and interest of the public.

- e. To determine the strategy for and oversee the provision of public broadcasting services in such a way as to ensure that they are adequately funded, operated and accounted for.
- f. To monitor and supervise the LPBS's fulfilment of its legal obligation of providing noncommercial credible and independent educational and cultural radio and television programs to the Liberian people.
- g. To appoint independent auditors to carry out periodic audits of the LPBS to ensure that all funds received for the management and operation of the LPBS are duly accounted for.
- h. To ensure that the functions of the LPBS are performed efficiently and with maximum benefit to the Liberian people and the general public.
- i. To promote and maintain the managerial and editorial independence and integrity of the LPBS.
- j. To ensure that the collection and/or gathering and presentation by the LPBS of news and information is accurate and impartial according to professional standards of journalism.
- k. To ensure that any comments, proposals and complaints made by viewers and listeners of LPBS televisions and radio programs are given due consideration and are properly handled by LPBS.
- i. To devise and make such arrangements as appear to the Board to be best adapted to the purpose of bringing the work of the LPBS under constant and effective review from without the LPBS, and to that end to provide suitable and sufficient means, which may include public meetings and seminars held in different parts of Liberia, for the representation to the LPBS of public opinion on the programs broadcast or transmitted and for the consideration within the LPBS of criticisms and suggestions so represented.

Section 87.12: MEETING OF THE BOARD OF DIRECTORS

1. The Board of the LPBS shall meet as often as the business and affairs of the LPBS may require, provided that a Board meeting shall be held at least once every three (3) months. The Chairman of the Board, or in his/her absence the Vice Chairman shall preside at all meetings of the Board.

2. The Board shall from time to time make such regulations with respect to the summoning, notice, time, place, management and adjournment of meetings, and generally with respect to the transaction and management of the business and affairs of the NPBS, as the Board may deem fit. Such regulations shall provide for regular meetings for which no formal notice shall be necessary, and special meetings to be convened at the written request of the Chairman of the Board or the Executive Director of the LPBS.

3. Decisions of the Board shall be adopted by a simple majority of the votes of the members present and voting. A quorum of the Board shall consist of nine members, but less than a quorum may adjourn from time to time until a quorum is in attendance.

4. For the transaction of its business or affairs, the Board may from time to time appoint Committees of its members, or Committees of its members and other persons, for purpose and on such terms and conditions as the Board may deem fit. The conclusion of any such Committee shall not be binding on the Board unless adopted with or without amendment by the Board in meeting assembled.

Section 87.13: ADVISORY BODIES

There are hereby created advisory bodies in the fifteen (15) political subdivisions of the country to be known as the Advisory Councils. The Advisory Councils shall be constituted as follows:

1. For the larger and more populated counties, the Advisory Councils shall consist of nine (9) members. For the smaller and sparsely populated counties, the Advisory Councils shall consist of five (5) members. The members of the Advisory Council in each county shall be nominated by traditional leaders, women groups, youth groups and other legally existing civic groups in the counties. Each member of the Advisory Councils shall be selected by virtue of his/her knowledge of the culture, characteristics and affairs of the people in the county for which he/she is selected and his/her close touch with opinion in that county.

2. The Advisory Council in each county shall be constituted in such manner so as to ensure grassroots participation and management of the LPBS in accordance with procedures to be established by the Board. The Advisory Councils shall ensure that the LPBS's programming reflect the aspirations of the people of the counties. The Advisory Councils shall also monitor, evaluate, and make recommendations to the Board for the improvement of the content and programs of the LPBS.

3. The Advisory Councils shall advise the Board on all matters relating to or concerning the programs, broadcasts and services of LPBS.

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Section 87.14: MANAGEMENT STRUCTURE

1. The Board shall appoint an Executive Director and three (3) Deputies: the Deputy Executive Director for Administration; the Deputy Executive Director for Broadcasting; and, the Deputy Executive Director for Technical Services. The Executive Director and the Deputies shall, subject to the direction of the Board, be responsible to conduct and manage the day-to-day affairs of the LPBS. The Executive Director and Deputies shall have such authority and perform such duties in the management of the LPBS as are provided in this Act or as may be determined by the Board not inconsistent with this Act.

2. The Executive Director and the Deputies shall be chosen by the Board based on criteria set by the Board for the various positions. The Executive Director and the Deputies shall be employed on a contractual basis for an initial period of three (3) years, subject to renewal for another three (3) years upon good performance. The performance level of the Executive Director and the Deputies shall be determined by the Board, based on the results of monitoring and evaluation processes as set forth in this Act and as may be established by the Board. The Executive Director and Deputies may be removed by the Board whenever in its judgment the best interest of the LPBS will be served thereby. Such removal shall be without prejudice to the contract rights of the person so removed.

3. The Board shall appoint such other officers and staff as it may from time to time consider necessary for the efficient operations of the LPBS. The Board shall fix such rates of remuneration and conditions of employment for the officers and staff so employed as the Board may consider proper. Subject to any contract made between the LPBS and such officer or member of staff, the Board may remove any such officer or member of staff.

Section 87.15: PROGRAMING AND PROGRAMING CONTENT

1. PROGRAMMING

The LPBS shall maintain high professional standards in all aspects of its public service broadcasting. In this respect, the LPBS shall ensure that its programs reflect the following:

- a. A high broadcasting standard at all times in respect of program content, quality and editorial integrity.
- b. That its programs stimulate, support and reflect, in drama, comedy, music and the visual and performing arts, the diversity of cultural activities in Liberia.
- c. Plurality in news, views, and information on pertinent issues of public interest.

- d. Substantial percentage coverage for current affairs, information, news, educational issues, human and infrastructural development issues, civic education, national unity, peace and stability. .
- e. Subject to (d) above, appropriate time should also be allocated to entertainment programs characterized by cultural awareness through music and drama.
- f. That broadcast time will be as extensive as possible to accommodate all relevant programs.
- g. Maintain or provide prime time scheduling (dependent on audience's listening habit) for both information and educational issues.
- h. Comprehensive, authoritative and impartial coverage of news and current affairs and all other programs in Liberia and throughout the world.
- i. That a fair percentage of its programs shall be aired in simple Liberian English and local dialects.
- j. That it broadcast on a regular basis the proceedings of the National Legislature and provide adequate coverage for the activities of the Executive and the Judiciary.

2. **PROGRAM SPECIFICS**

The LPBS shall air programs pertaining to the following:

- a. News and current affairs. The content of the news and current affairs programs shall be accurate, informative and reflective of the diversity of views or opinions on a given issue, situation or event.
- b. Public forum programs. The LPBS shall ensure that issues of national concern are thoroughly debated and/or discussed by individuals and groups across the socio-economic and political spectrum and shall be moderated or facilitated by knowledgeable persons. The LPBS shall take the necessary measures to ensure, as much as possible, that parallel programs are aired in the local languages.
- c. Cross Cutting Features. Programs devoted to issues of collective concern to the people, including but not limited to topics such as combating gender discrimination, HIV/AIDS, teenage pregnancy, prostitution and malaria shall be aired by the LPBS.
- d. Development Programs. Programs dealing with the basics of life as they

impact on the majority of the Liberian people.

- e. Knowledge Building and Learning Programs.
- f. Specialized Programs.
- g. Public Announcements.
- h. Children and Youth Programs.
- i. Gender Information Programs.

3. **PROGRAM STANDARDS**

The LPBS shall ensure that a high degree of professional standard is maintained in respect of all programs broadcast or transmitted by it. In connection therewith, the LPBS shall:

- a. provide and maintain a properly balanced service consisting of a wide range of subject matter.
- b. ensure that all its programs serve the tastes and needs of its different audiences, and, in particular, in order to show concern for the young, are placed at appropriate times.
- c. ensure that programs that undermine the Liberian society's core values, glorify violence and/or foment religious and social disharmony are not aired.
- d. treat controversial subjects or issues with due diligence, accuracy, balance and impartiality, both in its news coverage and in the more general field of programs that deal with matters of public policy, or of political, ethnic or industrial controversies.
- e. ensure that its programs do not include anything which offends public decency or is likely to incite any section of the population to violence or public disorder.

Section 87.16: FUNDING OF THE LPBS

The LPBS, as a truly national public broadcaster, shall be funded by both public and private sector financial support. The following shall constitute the major sources of LPBS's funding:

- a. [The GOL, through budgetary allocation by the National Legislature, shall](#)

allocate One Million United Dollars (US\$1,000,000.00) annually for the operation of LPBS. This amount shall be deposited directly into LPBS's independently-run account.

- b. A Media Development Fund is hereby established to which all gainfully employed Liberians shall be required to contribute half of 1% of their monthly incomes to the financial sustenance of the LPBS. For the purpose of collection, all employers shall be deemed to be withholding agents.
- c. Although the LPBS, by its very nature as a public broadcaster, shall not be involved in traditional advertising of products as additional means of generating revenue, it shall nonetheless have the right to seek limited sponsorship of its programs for a fee. The name of the sponsor, and not the sponsor's product, shall be mentioned just before and after the airing of the sponsored program. The LPBS shall not, however, accept any sponsorship from political, ethnic or religious groups and institutions.
- d. In addition to sources of income above, the LPBS shall have the right to seek and receive donation and contributions from foreign donors, business entities operating in Liberia (whether incorporated in Liberia or elsewhere) and individuals and such donations and contributions shall be directed to the Media Development Fund.

Section 87.17: AUDITS

1. The financial accounts of the LPBS for any fiscal year shall be subjected to audits by the GAC. Any such audit shall be conducted at the place or places where accounts of the LPBS are normally kept. The representatives of the GAC shall have access to all books, accounts, records, reports, files, ledgers and all other papers, things or property belonging to or in use by the LPBS pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded facilities for verifying transactions with balances held by depositories. All such books, accounts, records, reports, files, papers and property of the LPBS shall remain in possession and custody of the LPBS. A report of such audit shall be made to the National Legislature. The report to the National Legislature shall contain such comments and information as the GAC may deem necessary to inform the national Legislature of the financial operations and condition of the LPBS, together with such recommendations with respect thereto as it may deem advisable. The report shall also show specifically any program, expenditure or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the GAC, has been carried on or made without authority of law. A copy of such report shall be furnished to the President and the LPBS at the time it is submitted to the National Legislature.

2. The accounts of the LPBS may also be audited in accordance with generally accepted auditing standards by a firm of independent certified public accountants approved by the Board whenever it deems this necessary. The audits shall be conducted at the place or places where accounts of the LPBS are normally kept. All books, accounts, records, reports, files, ledgers and all other papers, things or property belonging to or in use by the LPBS and necessary to facilitate the audits shall be available to the person or persons conducting the audits; full facilities for verifying transactions with balances held by depositories shall be afforded to such person or persons. Where an independent audit is conducted, the report of such optional independent audit shall be submitted to the Board which shall forward it to the National Legislature and publish same for public consumption. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the LPBS assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the LPBS' income and expenses during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

Section 87.18: REPORTS

1. The LPBS shall submit an annual report to the National Legislature. Such report shall set out detailed facts describing the managerial, operational, editorial, financial transactions and accomplishments of the LPBS during the year, its financial conditions and a statement of all receipts and expenditure during the year, and may include such recommendations as the LPBS deems appropriate.

2. The LPBS shall also submit other periodic reports as may from time to time be required by the National Legislature.

3. All reports submitted by the LPBS to the National Legislature or other public institutions shall simultaneously be published for public consumption, in the absence of any compelling confidentiality consideration.

Section 87.19: Effective Date.

This Act shall take effect immediately upon publication in handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING.