

ACT

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THE BUMBUNA WATERSHED MANAGEMENT AUTHORITY AND THE BUMBUNA CONSERVATION AREA ACT, 2008

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SIGNED this 4th day of July, 2008

DR. ERNEST BAI KOROMA,
President.

No. 6

2008



Sierra Leone



THE BUMBUNA WATERSHED MANAGEMENT AUTHORITY Short title. AND THE BUMBUNA CONSERVATION AREA ACT, 2008.

Being an Act to provide for the establishment of the Bumbuna Watershed Management Authority, to coordinate sustainable land use and agriculture programmes in an environmentally compatible manner in the Bumbuna Watershed, to promote environmental management and biodiversity conservation in the Bumbuna Conservation Area, in order to address environmental and social needs associated with the operation of the Bumbuna Hydroelectric Dam, including, the physical protection and sustainability of the Bumbuna reservoir and to provide for other related matters.

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires –

“Authority” means the Bumbuna Watershed Management Authority established by section 2;

“Board” means the Board of Directors of the Authority;

“Bumbuna Conservation Area” means the Bumbuna Conservation Area established under section 22;

“Bumbuna Hydroelectric Dam” refers to the hydroelectric dam located on the river Seli about 200km northwest of Freetown and consisting of an asphalt-faced rockfill dam 88 metres high, two multi-purpose tunnels and a powerhouse with a design capacity of 50MW;

“Bumbuna Trust” means the Bumbuna Trust registered at the office of the Administrator and Registrar-General which has as its objects amongst other things, financing the establishment and operation of the Bumbuna Watershed Management Authority and the Bumbuna Conservation Area.

“Bumbuna Reservoir Watershed Area” refers to the area of land in the Bumbuna Watershed which is bounded by the following communities at its north, east, south and west extremities: Fula town - North; Malondi - North East; Gbogbontor - South East; Kamankay - South; Kamakolo - West.

“Bumbuna Watershed” means the area of land whose waters drain into the Rokel/Seli River but which for the Initial Reservoir Management Activities of the Authority shall be the area defined as the Bumbuna Reservoir Watershed Area;

“Bumbuna Watershed Management and Conservation Strategy and Action Plan” mean the strategy and action plan comprising a set of mitigation, monitoring, and institutional measures to be taken during

construction and operation of the Bumbuna Hydroelectric Dam, to eliminate adverse environmental and social impacts or reduce them to acceptable levels, and the actions needed to implement these measures.

“Carbon Credit Fund” means the World Bank managed carbon funds that is applied to purchase greenhouse gas emission reductions from projects in the developing world or in countries with economies in transition, and pay on delivery of those emission reductions;

“Chairman” means the Chairman of the Board;

“Endangered Species” refers to species of fauna categorized as endangered by the Laws of Sierra Leone and species categorized as Endangered or Critically Endangered in the Red List of the International Union for Conservation of Nature and Natural Resources.

“Executive-Director” means the Executive-Director of the Authority;

“Government” means the Government of Sierra Leone;

“Initial Reservoir Management Activities” refer to the carrying out of responsibilities of the Authority under Section 12(2) and which shall be for the promotion of sustainable land use practices and environmental management in the Bumbuna Reservoir Watershed Area and the exercise of control in the Bumbuna Conservation Area so as to protect the flora and fauna including Endangered Species and in order to address environmental and social needs associated with the operation of the Bumbuna Hydroelectric Dam, including, the physical protection and sustainability of the Bumbuna reservoir.

“Minister” means the Minister responsible for energy and “Ministry” shall be construed accordingly;

PART II – ESTABLISHMENT AND FUNCTIONS OF BUMBUNA WATERSHED MANAGEMENT AUTHORITY

Establishment
of Bumbuna
Watershed
Management
Authority.

2. (1) There is hereby established a body to be known as the Bumbuna Watershed Management Authority.

(2) The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Authority shall have a common seal, the use of which shall be authenticated by the signature of –

- (a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and
- (b) the Executive–Director or some other person authorised by the Board in that behalf.

Board of
Authority.

3. (1) The governing body of the Authority shall be a Board in which shall be vested, subject to this Act, the control and supervision of the Authority.

(2) The Board shall consist of a Chairman and the following members–

- (a) a representative of the Ministry responsible for energy;
- (b) a representative of the Ministry, department or commission responsible for environment and forestry;
- (c) a representative of the Ministry responsible for local government;
- (d) a representative of the Ministry responsible for tourism;
- (e) a representative of the Ministry responsible for fisheries;
- (f) the Paramount Chiefs of Diang, Kasunku, and Kalansogoaia Chiefdoms or their respective representatives;

(g) a representative each, of the respective District Councils representing the Diang, Kasunku, and Kalansogoaia Chiefdoms; and

(h) the Executive Director, as ex-officio who shall be the Secretary to the Board.

(3) The Chairman shall, on the advice of the Minister and subject to the approval of Parliament be appointed by the President from among persons with proven knowledge of ecotourism and experience in agricultural, environmental and biodiversity matters.

4. (1) The Chairman shall hold office for a period of three years and shall be eligible for re-appointment once only. Tenure of members.

(2) A person shall cease to be a member of the Board on any of the following grounds–

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause;
- (f) if he resigns his office by written notice to the Minister.

5. (1) The Board shall meet for the dispatch of its business at least once every two months at the offices of the Authority and at such time as the Chairman may determine. Meetings of Board.

(2) The Chairman shall preside at every meeting of the Board, if present, and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of three members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act on his behalf shall summon a special meeting within five days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be seven.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of
conflict of
interest.

6. (1) A member of the Board who has any conflict of interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Board.

7. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act. Immunity of members of Board, etc.

(2) No member of the Board shall be personally liable for any debt or obligation of the Authority.

8. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine. Committees of Board.

(2) A committee shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Executive-Director, and performing such functions as the Board may determine.

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

9. (1) Subject to this Act, the Board shall have the control and supervision of the Authority, including overseeing the sound and proper financial management of the Authority. Functions of Board.

(2) It shall also be the responsibility of the Board to provide such policy guidance and advice as will secure the efficient implementation of the functions of the Authority and enhance the overall performance of the Authority.

10. The Chairman and the other members of the Board and any person co-opted by the Board under subsection (8) of section 5 shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Authority for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine. Remuneration of members.

11. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent from Sierra Leone for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office for a continuous period of three months— Filling of vacancies.

- (a) the members of the Board shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of the member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III—FUNCTIONS OF AUTHORITY

Functions of
Authority.

12. (1) The object for which the Authority is established is to promote sustainable land use practices and environmental management in the Bumbuna Watershed and to exercise control in the Bumbuna Conservation Area so as to protect the flora and fauna in order to address environmental and social needs associated with the operation of the Bumbuna Hydroelectric Dam, including, the physical protection and sustainability of the Bumbuna reservoir.

(2) Without prejudice to the generality of subsection (1) the Authority shall have responsibility to—

- (a) develop a Bumbuna Watershed Management and Conservation Strategy and Action Plan to address water, land use and agricultural issues and to mitigate negative impacts on wildlife, vegetation and aquatic ecology among other things;
- (b) implement, in co-operation with relevant Government ministries, departments or commissions, local government bodies, non-governmental organizations, academic

institutions and the private sector the Bumbuna Watershed Management and Conservation Strategy and Action Plan referred to in paragraph (a);

- (c) set up and administer community liaison committees, for the purpose of ensuring community participation in the process of developing and implementing the Bumbuna Watershed Management and Conservation Strategy and Action Plan;
- (d) formulate and implement awareness activities for local communities, schools, and local administration to promote knowledge of and participation in programs and services including, fisheries, agricultural and forestry best practices, wild life protection, forest management, land, soil and water conservation, water pollution, waterborne diseases and their prevention;
- (e) monitor community participation and make assessments of the success in the implementation of the Bumbuna Watershed Management and Conservation Strategy and Action Plan;
- (f) ensure the adoption of safeguards to minimise domestic, industrial and agricultural pollution of river and reservoir waters and inform the community of issues of suitable treatment and disposal of wastewater, and appropriate use and disposal of agricultural pesticides;
- (g) manage the Bumbuna Conservation Area in line with national conservation policies and develop management objectives, structures and mechanism for that purpose that take into account local stakeholders' interests;