



REPUBLIC OF LIBERIA

THE PRESIDENT

EXECUTIVE ORDER No. 50

MORATORIUM ON THE EXPORTATION OF UNPROCESSED NATURAL RUBBER

WHEREAS, the Liberian rubber sector has been part of Liberia's economic heritage for over 80 years, providing a high source of annual revenue for the Government and providing more employment nationwide than any other single economic sector, but has been greatly affected by abuse, misuse, abandonment and theft;

WHEREAS, the Liberian rubber sector has been, and continues to be adversely affected by illicit tapping and sale of rubber, which is having economic consequences on employment and Government revenue;

WHEREAS, in order to deal with the situation in the Liberian rubber sector, the Government believes that appropriate institutional and regulatory frameworks must be established to sustain development of the sector and stimulate growth;

WHEREAS, in the meantime, the Government believes that, in the national interest, urgent action is necessary to stem the current decline in the rubber sector and as part of remedial measures an immediate halt in the exportation of unprocessed natural rubber is required;

WHEREAS, in the exercise of the Executive Power vested in the President by the Constitution, the President issued Executive Order No. 16, which expired, placing a moratorium on the exportation of unprocessed natural rubber but present circumstances demand a re-imposition of a moratorium on the exportation of unprocessed rubber;

NOW THEREFORE, with the intention of curbing the decline in the Liberian rubber sector until policies and frameworks appropriate to the situation are instituted, and to ensure redevelopment, new development, increased production, increased job opportunities and increased revenue to Government, it is hereby ordered as follows:

Section 1. That from the date of this Executive Order, there shall be no exportation of unprocessed natural rubber from Liberia until otherwise ordered. Unprocessed natural rubber shall be defined as the raw material tapped from rubber trees, not having gone through any processing to change its physical or chemical composition; or natural latex, coagulum, cup lump, tree lace, bark scrap, ground scrap and any other form of unprocessed natural rubber. //



For purposes of this Executive Order, “processed rubber” shall mean latex concentrate, technically specified rubber (“TSR”) and other dry rubber or grades of rubber that are generally considered to be processed rubber by the natural rubber industry worldwide.

Section 2. That the Ministry of Commerce and Industry, Ministry of Finance, or any other government agency shall not issue or authorize the issuance of any export permit for unprocessed natural rubber from Liberia.

Section 3. That within 30 days of the issuance of this Executive Order, the Ministry of Commerce and Industry in conjunction with the Ministry of Agriculture shall make special effort to provide access to domestic markets for Liberian rubber farmers in remote areas to who rely primarily on cross-border trade in unprocessed natural rubber.

Section 4. That all custom officers and law enforcement authorities at points of entry and exit to and from the Republic of Liberia whether by land, sea, or air shall stop and prohibit the exportation of all consignments of unprocessed natural rubber from the Republic of Liberia.

Section 5. That transporting or moving unprocessed natural rubber outside of rubber plantations between the hours of 8:00pm and 6:00am is prohibited. Persons found transporting or moving unprocessed natural rubber during those hours shall be stopped by plant protection force or law enforcement authorities. Any persons found to be in violation of this Executive Order shall be subject to prosecution by the Ministry of Justice.

Section 6: **RESPONSIBILITIES OF MAJOR ACTORS IN THE RUBBER BYING PROCESS**

a. **Processor:** processors may nominate a buying agent(s) to act on behalf of and in the interest of a processor. In the instance where an agent buys stolen rubber and its is proven beyond all reasonable doubt that a processor’s agent(s) was responsible, and that said rubber was in fact sold to said processor, the processor shall be responsible to refund the value and cost of recovery to the victim, in addition to penalties already provided for under the law for the commission of such act.



- b. **Agent:** an agent is a person employed or engaged by a processor and who represents that processor(s) in dealings with third persons. Agents must apply for a license, subject to new requirements, through the Ministry of Agriculture. When an agent is found to be in violation of this Executive Order by a court of law, the agent shall be banned from acting as an agent to any processor in the country. The name of the agent shall be submitted to the Ministry of Justice and placed on a list of banned agents.
- c. **Farmer:** a processor of unprocessed natural rubber may sell his or her rubber directly to a buying agent or processor and shall not accept or sell any other farmer's rubber.

Section 7: That within 30 days of the effective date, Government shall issue Guidelines which set forth legally acceptable procedures all agents, processors, and farmers must follow for the purchase, sale, and trade of unprocessed natural rubber in Liberia. Any person found to be acting in violation of the Guidelines shall be subject to legal action by the Ministry of Justice, in accordance with law.

Section 8: That any and every agent must buy rubber at buying stations or at farmer's collection points. No agent shall buy any rubber along the highway, other pathways, or any other location other than at buying stations and farmer collection points. If an Agent buys rubber that is determined to be stolen, the principal, except where the agent has acted ultra vires, and the agent shall be required to pay the victim the value of the stolen rubber and the cost of recovery.

Section 9: That as of the effective date of this Executive Order, all broker activities relating to the purchase, sale, or trade of unprocessed rubber in the Republic of Liberia shall cease and agents shall be the only persons to act on behalf of or for a processor or to act as intermediaries between farmers and processors in the transacting the unprocessed natural rubber trade.

Section 10: That all rubber buying stations and names of persons responsible for the operation of such stations in Liberia shall be registered with the Ministry of Agriculture. Any other unregistered and unauthorized buying station engaged in rubber trade shall be subject to seizure in accordance with law. Any person operating prohibited or unauthorized buying stations shall be subject to arrest and prosecution.



- Section 11. That under no circumstances shall a processor build or place a buying station within a five (5) mile radius of a competitor's plantation. Violation of this zone shall subject the offending party to appropriate action that could include seizure of the buying station and its assets, including stockpiles of unprocessed rubber. The Minister of Agriculture is duly empowered to administer this Executive Order and where a violation of this Executive Order or the laws of the Republic of Liberia has occurred, the Ministry of Agriculture shall then refer the matter to the attention of the Ministry of Justice for appropriate action.
- Section 12. That while it is true that crimes committed under this Executive Order are bailable, the presiding magistrate or judge shall be required to take into account, in approving bail, the tonnage of rubber involved and the extent of damage done to the rubber tree(s). For each offense, the violator will be subject to a minimum fine of US\$1500 per ton of stolen rubber and US\$1500 per acre of rubber trees damaged, unless otherwise prescribed by the Liberian Penal Law.
- Section 13. That any person found to be acting in violation of this Executive Order shall be subject to legal action by the Ministry of Justice, in accordance with law.

This Executive Order shall take immediate effect on the date specified below.

**GIVEN UNDER MY HAND AND SEAL OF THE
REPUBLIC OF LIBERIA THIS 5th DAY OF
APRIL, A. D. 2013.**

A handwritten signature in green ink, reading "Ellen Johnson Sirleaf".

**Ellen Johnson Sirleaf
PRESIDENT
REPUBLIC OF LIBERIA**