



**AN ACT TO ESTABLISH THE MINISTRY OF FINANCE AND
DEVELOPMENT PLANNING, REPUBLIC OF LIBERIA,**

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WHEREAS, Chapter 10, Article 89 of the Liberian Constitution empowers the Legislature to enact statutes for the creation of agencies and commissions as may be necessary for the effective operation of Government; and

REALIZING that it is necessary to combine the Ministry of Finance and the Ministry of Planning and Economic Affairs into one new Ministry, to make it more capable and responsive, both organizationally and functionally, in its primary mandate of fostering economic development, thereby promoting the judicious and efficient management of the financial resources of the Government, its subdivisions and instrumentalities in order to attain sustainable economic growth and developmental objectives of the Nation; and

ACKNOWLEDGING that the necessary and proper changes in the organizational and functional structures of the government, its agencies and instrumentalities, shall be effected in order to promote planned and sustainable economic development, efficiency in deployment of resources and effectiveness in the delivery of public services;

NOW THEREFORE, it is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled.

SECTION 1: SHORT TITLE. This Act may be cited as “**The MINISTRY OF FINANCE AND DEVELOPMENT PLANNING ACT**”.

SECTION 2: REPEALS. The provisions of the following laws are hereby expressly repealed insofar as they relate to the establishment of the Ministry of Planning and Economic Affairs and the Ministry of Finance.

- (a) Chapter 32 Ministry of Planning and Economic Affairs, Title 12, Liberian Code of Laws is hereby repealed and all functions and powers subsequently transferred to the Ministry of Finance and Development Planning in keeping with this Act.
- (b) Chapter 21 Ministry of Finance, Title 12, Liberian Code of Laws Revised is hereby repealed and all functions and powers are

subsequently transferred to the Ministry of Finance and Development Planning in keeping with this Act.

- (c) Notwithstanding the repeal of the aforementioned Chapter 32, and amendment of Chapter 21 and all Acts as well as all Executive Orders amendatory thereto, any contract, order, decision or anything made or done before the coming into force of this Act which was duly authorized in keeping with the repealed and amended Acts shall be valid and continue to be in force as if made or done under this Act.

SECTION 3: A new Chapter 21, Executive Law Title 12, Liberian Code of Laws Revised is hereby created to be entitled “Chapter 21. Ministry of Finance and Development Planning” to read as follows:

Chapter 21. MINISTRY OF FINANCE AND DEVELOPMENT PLANNING

§21.1. Definitions

§21.2. Establishment of the Ministry

§21.3. Powers and Functions

§21.4. Structure of the Ministry

§21.5. Appointment, Duties of the Minister

§21.6. Appointment of Deputy Ministers

§21.7. Duties of Deputy Minister for Fiscal Affairs

§21.8. Duties of Deputy Minister for Economic Management

§21.9. Duties of Deputy Minister for Budget and Development Planning

§21.10. Duties of Deputy Minister for Administration

§21.1. Definitions.

In this Act, unless the context otherwise requires:

“MINISTRY” in this Act means the Ministry of Finance and Development Planning;

“MINISTER” in this Act means the Minister of Finance and Development Planning.

“NATION” in this Act means the Republic of Liberia.

“CONTRACT” in this Act means an agreement either between the Ministry of Finance or Ministry of Planning and Economic Affairs and a vendor or an institution, or an individual creating obligations that are enforceable or otherwise recognizable at law.

“CONTRACTOR” in this Act means one who has been hired to perform work or service for either the Ministry of Finance or the Ministry of Planning and Economic Affairs.

“PUBLIC INVESTMENT” in this Act means long term capital investment with measurable economic and social outcomes. They include expenditure in infrastructure as roads, rails, bridges, airports, hyrdo and dam, buildings, water, health, research, education and training.

“CAPITAL” in this Act refers to both human capital and infrastructure capital.

§ 21.2. Establishment of the Ministry

There is hereby established in the Executive Branch of Government, the Ministry of Finance and Development Planning (MFDP), hereinafter referred to as the Ministry.

§ 21.3. Powers and Functions

- (a) The Ministry shall formulate, institutionalize and administer economic, development, fiscal and tax policies for the promotion of sound and efficient management of the financial resources of the government.
- (b) The Ministry shall have the power to administer this Chapter and all of the provisions contained herein as well as perform such other powers and functions as may be provided by law.

§ 21.4. Structure of the Ministry

The Ministry of Finance and Development Planning shall be organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of the President. The Ministry is hereby structurally organized to include:

Office of the Minister;

Department of Fiscal Affairs;

Department of Economic Management;

Department of Budget and Development Planning;

Department of Administration;

Each Department in the Ministry shall be composed of Divisions, Section and Units and other structures dedicated to implementing the core functions of the Ministry as

established by law. Each Department shall be headed a Deputy Minister, who shall be assisted by such other officials as may be required

§21.5. Appointment, Duties of the Minister of Finance and Development Planning

The Ministry shall be headed by a Minister who shall be appointed by the President with the consent of the Senate. The Office of the Minister shall be composed of such structures as shall be determined by the Minister subject to the approval of the President. It shall, however maintain at all times an office of Internal Audit and Legal Affairs.

The Minister shall further be assisted by Deputy Ministers and such other officials as may be necessary. The Minister shall be charged with the following duties:

- (a) issue such rules, regulations and other instruments as may be necessary to ensure the effective implementation of the provisions of this Chapter;
- (b) submit to the President and the Legislature, not later than 30 days at the end of each calendar year, an annual report of the Ministry on the activities and operations during the preceding year;
- (c) formulate, institutionalize and administer economic, development planning, fiscal and tax policies;
- (d) prepare expenditure budget proposals including allocation of resources for development;
- (e) disburse Government funds in accordance with Legislative appropriations and provide oversight in managing public investments;
- (f) undertake and supervise activities related to negotiation, servicing and restructuring of domestic and foreign debt incurred or guaranteed by the government and its instrumentalities;
- (g) review and coordinate policies, plans and programs of government financial institutions and recommend course of action that dovetail these policies, plans and programs to national government fiscal policies, plans and programs;
- (h) coordinate with other government agencies on matters concerning fiscal policies, credit, economic development, international finance, trade and investment;

- (i) formulate, in coordination with other concerned government agencies, long-range, medium-term and annual plans covering the government's resource mobilization and national development effort, involving all public sector resources whether generated by revenues and operations, foreign and domestic borrowing, sale or privatization of corporations or assets, or from other sources and supervise the implementation of such plans;
- (j) undertake research and policy analysis on the economy, monitor and evaluate existing development projects and programs, and appraise new and proposed projects and programs; and
- (k) perform a coordinating and/or advisory role in providing planning guidelines for ministries and agencies (hereafter M&As) in plan and budget preparation and guidance to program planning officer personnel based in those M&As.

§ 21.6. Appointment of Deputy Ministers

The Minister shall be assisted by Deputy Ministers. Each Deputy Minister under the supervision of the Minister shall head a Department within the Ministry. The President, with the consent of the Senate, shall appoint a Deputy Minister of Finance for Fiscal Affairs who shall be the principal assistant to the Minister of Finance and Development Planning and who shall act in the absence of the Minister. With the consent of the Senate the President shall also appoint a Deputy Minister for Economic Management, Deputy Minister for Budget and Development Planning, and Deputy Minister for Administration. Each Deputy Minister shall be responsible and report to the Minister.

The respective assignments and reporting procedures to be followed by Deputy Ministers and other officials as may be identified, shall be determined and established by law and where not specified, by the Minister. In addition to the duties and functions of each deputy minister as provided for herein, the Minister may determine additional assignments for said deputies.

The work assignment of the Directors, staffing patterns and reporting procedures within the divisions shall be determined by the Deputy Ministers, with the approval of the Minister.

§ 21.7. Duties of Deputy Minister for Fiscal Affairs

Subject to the authority and direction of the Minister, the Deputy Minister for Fiscal Affairs shall be responsible to:

- (a) manage the financial resources of Liberia and develop and administer the financial rules and regulations of the Republic;

- (b) oversee and execute all matters relating to government accounting, including pay, pensions and other allowances as well as develop fiscal policy;
- (c) oversee all matters concerning framing of proposals regarding tax and non-tax revenue, tax reform as part of fiscal consolidation, coordinate with and generally perform all such services relative to the management of government finances as may be required by law; and
- (d) implement expenditure proposals of Ministries and Agencies of Government as appropriated in the budget and perform other functions as may be assigned by the Minister as well as imposed by law;

§ 21.8. Duties of Deputy Minister for Economic Management

Subject to the authority and direction of the Minister, The Deputy Minister Economic Management shall be responsible to:

- (a) develop mechanisms for managing and guiding economic growth;
- (b) formulate and monitor economic policies at the macro level;
- (c) manage internal and external debt;
- (d) develop national medium and long term strategic plans including undertaking strategic analysis of medium- to long term macro-economic and structural reform options;
- (e) oversee all aspects of aid, including donor engagement and policy formulation;
- (f) collect primary data and apply models, statistics and simulation to make forecasts on future economic conditions;
- (g) undertake economic policy and financial analysis; and
- (h) perform other functions as may be assigned by the Minister as well as imposed by law.

§ 21.9. Duties of Deputy Minister for Budget and Development Planning

Subject to the authority and direction of the Minister, The Deputy Minister for Budget and Development Planning shall be responsible to:

- (a) undertake studies and make recommendations on development and socio-economic issues;
- (b) prepare the annual budget and undertake measures for fiscal consolidation;
- (c) formulate expenditure budget proposals including allocation of resources for development;
- (d) appraise public investments;
- (e) conduct public investment planning and formulate resource raising proposals; and
- (f) monitor, evaluate and coordinate development policies, programs and projects and perform other functions as may be assigned by the Minister as well as imposed by law.

§ 21.10. Duties of Deputy Minister for Administration

Subject to the authority and direction of the Minister, The Deputy Minister for Administration shall be responsible to:

- (a) supervise Ministry-wide services relating to internal cash management, personnel administration, property and supplies procurement and custody and maintenance of central files and corresponding reporting systems;
- (b) formulate policies and guidelines on the management of human and physical resources; and
- (c) design and develop training policies and guidelines as well as administer and evaluate training programs perform other functions as may be assigned by the Minister as well as imposed by law.

SECTION 4: TRANSITIONAL PROVISIONS. Upon the effective date of this Act, the following actions shall be considered taken:

- (a) the person serving as Minister of Finance prior to the coming into effect of this Act shall serve as Acting Minister;
- (b) the assets, personnel and remaining budget of the Ministries of Finance and Planning and Economic Affairs shall be transferred to the Ministry.

- (c) the officers and employees of the Ministry of Finance and the Ministry of Planning and Economic Affairs shall, in a holdover capacity, continue to perform their respective duties and responsibilities to and receive the corresponding salaries and benefits until the new position structure and staffing pattern of the Ministry shall be prescribed by the Minister and approved by the President;
- (d) incumbents whose positions are not included in the organogram or who may not be re-appointed shall be deemed redundant. Redundant employees shall be paid severance benefits consistent with the laws of Liberia. In the case of employees who meet eligibility for retirement, they shall receive such retirement benefits as provided for under the laws of Liberia; and
- (e) all existing assets, liabilities and obligations of the two ministries shall be transferred to the Ministry.
- (f) notwithstanding the provisions above, the Minister in consultation with the deputies in holdover roles, shall develop a transitional plan to ensure a smooth transition and to operationalize the act within one year upon publication of into handbills;

SECTION 5: This Act shall take effect immediately upon publication in Handbills by the Ministry of Foreign Affairs.

ANY ACT TO THE CONTRARY NOTWITHSTANDING