

Environmental Protection and The Intersection of Climate Change with The Liberian Constitution: The Need for Constitutional Reform

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Abstract—Liberia's 1986 Constitution lacks an explicit "right to a healthy environment," leaving environmental protection as a statutory right under the Environmental Protection and Management Act of 2003, which limits the enforcement effectiveness. This study reveals that the lack of constitutional recognition results in minimal public awareness and weak legal remedies, it presents an argument for a tripartite framework to elevate environmental rights from being a legal and statutory right to fundamental, constitutional status. To address these gaps, the study proposes that the Legislature constitutionally amend the 1986 Constitution to include the right a clean and healthy environment, the fundamental duty of citizens to improve and protect their environment, the Executive must invest in programmes and initiatives that aims to improve the environment promote environmental awareness, and implement strict environmental treaties like the Paris Agreement, the Stockholm Convention and etc., and that the Judiciary should interpret the right to life to include the right to a clean and healthy environment under Article 11(a) and 20 (a) of the Liberian Constitution.

Index Terms—Right to life, right to clean and healthy environment, Environmental Protection, Sustainable Development, Climate Action, Climate Change.

I. INTRODUCTION

Climate change and environmental protection in Liberia require an urgent, well-structured debate over existing frameworks and necessary legal reforms. As a developing nation rich in natural resources, Liberia faces severe threats from deforestation, rising sea levels, and unpredictable weather patterns. Addressing these challenges effectively depends heavily on the strength, implementation, and enforcement of national laws. The Environmental Protection and Management Act (EPMA) of 2003 serves as Liberia's foundational

environmental protection law. The Environmental Protection Agency (EPA) acts as the primary authority responsible for managing, co-ordinating, and monitoring the law's implementation.

The EPMA provides a comprehensive legal framework designed to safeguard Liberia's diverse ecosystems. It regulates vital areas such as general environmental management, land use, soil conservation, air quality, and water pollution. By setting specific standards for these sectors, the Act aims to prevent ecological degradation while managing the extraction of natural resources.

II. CORE GUIDING PRINCIPLES

To guide its enforcement approach, the Act incorporates several universally recognized environmental principles. These concepts bridge the gap between legal theory and practical field enforcement:

- The Polluter Pays Principle: Dictates that individuals or businesses causing environmental damage must bear the financial costs of clean-up and restoration.
- Sustainable Development: Ensures that current economic progress does not compromise the ability of future generations to meet their needs.
- Inter-generational Equity: Imposes a moral and legal duty to preserve the environment for the benefit of future citizens.
- The Precautionary Principle: Advises taking preventive action against potential environmental risks, even if complete scientific certainty is lacking.
- The Participatory Principle: Emphasizes the importance of involving local communities and

citizens in decisions that affect their local surroundings.

III. ENVIRONMENTAL RIGHTS AND LEGAL REDRESS

Interestingly, the EPMA elevates environmental care from a policy goal to a legal right. Under Sections 5 and 34, the Act explicitly recognizes the right of every Liberian to a clean and healthy environment, it further empowers citizens to take direct legal action, granting them the right to raise a claim or bring a lawsuit against entities causing environmental damages. This provision allows communities to hold powerful industries and public bodies accountable for pollution or illegal resource exploitation.

While the EPMA of 2003 remains a progressive document, it faces substantial modern challenges. Written over two decades ago, the text does not fully address the modern, accelerating impacts of global climate change.

To bridge these gaps, Liberia needs targeted reforms that clarify the EPA's funding, strengthen local enforcement mechanisms, and update penalties to deter corporate polluters. A robust public debate is essential to update these older frameworks, ensuring they can protect Liberia's rich biodiversity and support climate resilience today.

IV. METHODOLOGY

This study utilizes a doctrinal research methodology to evaluate primary and secondary legal sources regarding environmental rights in Liberia. Primary sources include constitutional provisions, statutory legislation, international instruments, and judicial interpretations. Secondary sources comprise legal analyses, academic articles, journals, and authoritative website information. By analyzing these critical texts, the study adopts a systematic approach that synthesizes existing scholarship with legislative and constitutional frameworks. The ultimate goal is to present a rigorous legal proposal that elevates environmental protection from a General Principle of National Policy (GPNP) to an enforceable, fundamental citizen duty. Furthermore, this research argues for the explicit legal and constitutional recognition of the right to a clean environment as a fundamental right intrinsic to the right to life under the

Liberian Constitution. All referenced texts and sources are duly cited.

V. KEY OBJECTIVES AND ARGUMENT

The primary objective of this study is to establish a baseline argument for interpreting the right to life under the Liberian Constitution to encompass the right to a clean and healthy environment.

To support this objective, the research focuses on four key pillars:

- **Constitutional Interpretation:** Expanding the legal definition of the right to life to include environmental well-being.
- **Civic Awareness:** Educating the public on environmental protection and the civic duty of every Liberian to preserve their surroundings.
- **Corporate Liability:** Holding companies and industries financially and legally accountable for environmental damage.
- **Public Accountability:** Ensuring public officials are held responsible when they fail to protect and improve public spaces from environmental hazards.

VI. LITERATURE REVIEW

Addressing climate change in Liberia's post-war era requires moving past symbolic framework mechanisms and paper policies that lack the teeth for practical implementation. To guarantee effective climate governance and environmental protection, existing policies must be actively complemented by the robust, institutional enforcement of statutory environmental laws, institutional transparency, and absolute consistency in legal enforcement (Togbah, C.F. 2024). A major obstacle in Liberia's environmental sector is the disconnect between policy formulation and practical enforcement. Post-conflict reconstruction has seen a proliferation of environmental strategy papers, yet local regulatory bodies like the Environmental Protection Agency (EPA) often lack the political capital, decentralized funding, and administrative capacity to penalize violations. Without mechanisms to hold both corporate actors and regulatory public officials accountable, climate governance frameworks fail to yield measurable ecological protection.

Furthermore, effective climate governance relies heavily on the state's ability to capture, archive, and analyze continuous climate data. This data is critical for empirical planning, risk mapping, and deploying targeted adaptation policies to vulnerable geographic zones. However, Liberia's long-term historical climate registries suffered catastrophic disruptions and data gaps due to decades of civil conflict (Masike et al., 2025). Because of these disruptions, contemporary policymakers face a severe historical data deficit. To formulate resilient, predictive models for rising sea levels along coastlines like West Point or unpredictable precipitation shifts in agrarian sectors, Liberia must validate alternative datasets. This includes integrating global satellite telemetry, remote sensing technologies, and regional climate models to compensate for the lack of localized, historical baseline data (Masike et al., 2025).

VII. INTERSECTION OF ENVIRONMENTAL PROTECTION WITH THE RIGHT TO LIFE

An indispensable relationship exists between the right to life and the right to a clean and healthy environment. A person cannot fully realize or enjoy their life without an environment that actively supports human survival and prevents ecological hazards from compromising their livelihood. Consequently, the state holds a fiduciary duty to guarantee its citizens an appropriate space to enjoy their right to life with true dignity. The right to life extends far beyond mere physical existence. It encompasses the right to live with dignity, which is impossible to separate from the condition of one's physical surroundings. When a state permits unchecked pollution, toxic dumping, or severe environmental degradation, it directly undermines the biological systems required to sustain human life. Contaminated water sources, toxic air quality, and degraded agricultural soils lead to chronic illness, malnutrition, and premature death. Therefore, guaranteeing the right to life remains a hollow promise unless the state concurrently protects the environmental baseline that makes human life possible.

VIII. THE STATE AS A FIDUCIARY TRUSTEE

Under public trust doctrines, the state acts as a fiduciary trustee of the nation's natural resources. This

means the government does not own the environment; rather, it manages natural resources on behalf of its citizens. The state's sovereign authority brings a legal and moral obligation to protect the public commons, such as clean water, breathable air, and fertile land, from corporate exploitation and environmental degradation.

Fulfilling this fiduciary responsibility requires active state intervention. Governments must enact robust statutory protections, fund independent regulatory bodies, and strictly enforce environmental laws. When public officials fail to regulate polluting industries or ignore environmental hazards in public spaces, they breach this fiduciary duty and violate their citizens' constitutional right to life with dignity.

IX. GLOBAL AND REGIONAL LEGAL STANDARDS

This intrinsic link is widely recognized in international and regional human rights law. On a global scale, the United Nations General Assembly formally adopted a historic resolution declaring access to a clean, healthy, and sustainable environment a universal human right (UN General Assembly, 2022). This resolution acknowledges that environmental degradation directly threatens the enjoyment of all other human rights, most notably the right to life.

Regionally, the African Charter on Human and Peoples' Rights explicitly bridges this gap under Article 24, stating that all peoples have the right to a general satisfactory environment favorable to their development (African Union, 1981). The African Commission on Human and Peoples' Rights has consistently interpreted this provision as a binding obligation on member states to prevent environmental pollution that harms human health or compromises livelihoods. By aligning national laws with these frameworks, states legally reinforce the reality that a healthy ecosystem is the foundation of human dignity.

X. CONSTITUTIONAL REFORMS AND SYSTEMIC RESTRUCTURING

Liberia's 1986 Constitution requires immense reform to meet the needs of present-day legal discourse. From property rights and human rights to emerging digital rights, the current text lacks the mechanisms needed to address modern realities. To build a resilient legal

framework, the Legislature must pursue targeted constitutional amendments. Specifically, structural reform should focus on introducing fundamental civic duties and elevating the right to a clean environment to an enforceable fundamental human right.

XI. INTRODUCING A SUB-CHAPTER ON FUNDAMENTAL DUTIES

A comprehensive constitutional overhaul should begin by inserting a dedicated sub-chapter on the Fundamental Duties of Citizens directly preceding Chapter III on Fundamental Rights. This structural change establishes that rights and duties are inherently reciprocal. Within this new sub-chapter, a explicit provision must mandate that every Liberian citizen has a legal duty to protect, improve, and preserve their natural environment.

Integrating environmental stewardship as a fundamental civic duty transforms environmental protection into a shared responsibility. This constitutional recognition validates and reinforces the participatory and inter-generational equity principles already outlined in the Environmental Protection and Management Act (EPMA) of 2003. When citizens share the burden of conservation, environmental management shifts from a top-down state mandate to a collective national effort.

XII. ELEVATING ENVIRONMENTAL PROTECTION TO A FUNDAMENTAL RIGHT

In addition to defining citizen duties, the Legislature should amend Chapter III by inserting a new sub-section immediately succeeding Article 11(a). This new provision must explicitly tie the right to life and personal liberty to the right to a clean and healthy environment. Currently, environmental goals in many developing nations are relegated to non-binding General Principles of State Policy. These principles are positive obligations on the state, meaning they direct the government to act but are strictly non-justiciable, citizens cannot sue the state in court for failing to achieve them.

By contrast, explicitly elevating the environment to a fundamental right changes the legal dynamic:

- **Positive on Citizens:** It empowers individuals with an enforceable, legally protected claim to a safe habitat.

- **Negative on the State:** It imposes a negative obligation on the government, legally restraining the state from acting in ways that infringe upon, pollute, or degrade that right.

XIII. CONSTITUTIONAL PRECEDENTS AND JUSTICIABILITY

This dual approach of combining fundamental rights with civic duties draws strong precedent from global constitutionalism. For example, Article 51A(g) of the Indian Constitution explicitly mandates that it is the duty of every citizen to protect the natural environment. Concurrently, the Supreme Court of India expanded the constitutional right to life under Article 21 to include the right to a wholesome environment.

By mirroring these established global frameworks, Liberia can bridge the gap between abstract policy and active courtroom litigation. This structural shift provides Liberian citizens with the exact legal teeth needed to hold both corporate polluters and negligent state actors directly accountable under constitutional law.

XIV. CONCLUSION

This study demonstrates that the constitutional right to life under the Liberian Constitution remains an empty promise without a conclusive understanding of its intrinsic relationship with the right to a clean and healthy environment. Human survival, health, and dignity depend entirely on the quality of our physical surroundings. Therefore, the legal definition of life must expand to encompass the protection of all ecological systems.

A truly comprehensive view of the environment cannot be limited to isolated elements like clean water or fertile soil. It must include all interconnected aspects of nature, from urban air quality and dense forest ecosystems to complex biodiversity networks. Furthermore, modern environmental protection cannot succeed without robust climate governance. This requires transparent institutions, active public accountability, and data-driven policies capable of mitigating global climate threats like rising sea levels and unpredictable weather shifts.

To bridge these gaps, Liberia must pursue deep constitutional and legislative reforms. Moving

forward, environmental protection must transition from a non-binding state principle into an enforceable, fundamental human right. By succeeding Article 11(a) with explicit environmental guarantees, the state creates a binding negative obligation on the government to prevent ecological degradation.

Concurrently, establishing a constitutional sub-chapter on fundamental civic duties transforms conservation into a shared national responsibility. This dual framework provides Liberian citizens with the legal teeth needed to hold corporate polluters and public officials accountable. Ultimately, securing a healthy ecosystem is not an alternative to economic development; it is the absolute baseline required to safeguard human life and dignity for present and future generations.

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