

# MINUTES

REGULAR LEITI MULTI-STAKEHOLDERS STEERING GROUP MEETING  
HELD IN THE CONFERENCE ROOM OF THE LEITI, OLD BUDGET BUREAU BUILDING • REDEMPTION  
ROAD, MONROVIA, LIBERIA • WEDNESDAY, APRIL 29, 2015

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## PRESENT

### GOL

Stephen Dorbor	Proxy Chairperson, MLME
Charles N. McClain	Proxy of the Proxy for the Minister of Agriculture
Alieu F. Nyei	Proxy of the Proxy for the Co-Chair
Sebastian A. Weah	Proxy of the Proxy for the Commissioner General, LRA
Samuel J. Askie	Proxy of the Proxy for the Minister of Internal Affairs
S. Tobias Wesseh	Proxy for the President of NOCAL
Edward S. Kamara	Proxy for FDA Managing Director

### CSO

James Yarsiah	Rights & Rice Foundation
Lena T. Cummings	WONGOSOL

### Private Sector

Ansu Konneh	Western Cluster Ltd.
Hewri Harmon	Golden Veroleum Liberia
John S. Deah	LTA
Nathaniel Jallah	Exxon Mobil
Zinnah B. Sackie	Aureus/BEA
Ezekiel S. Johnson	Liberia Labor Congress

## IN ATTENDANCE

### Partners/Observers

Kofi Ireland	UNMIL
Marcus B. Zarway	GIZ

### OTHERS

Samuel D. Darpolor	PWYP
Dixon W. Seboe	MFDP
	NCSCL

### LEITI Secretariat

Konah D. Karmo	LEITI
Samson Wonnah	LEITI

**I. Preliminaries** - The Regular Monthly meeting of the LEITI Multi-stakeholders Steering Group (MSG) was held on Wednesday, April 29, 2015 in the Conference Room of the LEITI Secretariat, Old Bureau of the Budget Building, Capitol Hill, Monrovia, Liberia. The meeting commenced at 12:30pm and was chaired by Hon. Stephen B. Dorbor, Proxy of the MSG Chairperson and Deputy Minister for Planning and Research at the Ministry of Lands, Mines and Energy. Following a brief opening remark during which Hon. Dorbor formally welcomed everyone to the meeting, the attendants introduced themselves one after another across the floor.

**II. Adoption of Agenda:** At start of business, the Chair read the meeting’s agenda, which consisted of three main items including update on the Beneficiary Ownership Disclosure exercise; submission of draft reports to the MSG and the Secretariat’s request for approval to establish bank account for the UNDP (EISD) program support.

With no amendments made, a motion was made and seconded that the agenda be used to inform discussions at the meeting.

**III. Draft Minutes:**

- **Corrections:** The minutes from the meeting held on March 18, 2015 was reviewed with the following corrections made:

- On the first page of the document where attendance was recorded, it was noticed that the first name of “**Darlingston Y. Taleyr**”, Proxy for the LRA Commissioner General, was wrongly spelled as “**Darlington**”. The correction was requested to be made.
- The sure name of another participant, “**Caroline Dow**” was mistakenly spelled as “**Don**” and the correction requested to be made.
- Still on the attendance page, it was realized that Mr. S. Tobias Wesseh of NOCAL attended the meeting with the minutes reflecting contributions from him, but his name was not captured. The correction was requested.
- Elsewhere in the document, the following names were noticed wrongly spelled: the first name of “**Hewri Harmon**” the GVL Representative was misspelled as “**Hewy**”; and an “**s**” was mistakenly added to the first name of Mr. “**Myer Saye**”, recruited and approved by the MSG as the new Deputy Head of Secretariat. All these errors were requested to be corrected.

- **Adoption:** with these corrections effected, a motion was made and seconded that the minutes, as corrected, form part of the Secretariat’s archives. This was unanimously agreed.

- **Matters Arising:** From the minutes adopted, few concerns were raised and addressed as follow:

- **Senate’s Appointment**—it was raised that while providing updates at the Secretariat during the March 18, 2015 meeting, the Head of Secretariat made mentioned of the Senate’s appointment of Hon. Adolf Lawrence as their representative to the MSG, but that was not reflected in the minutes. This was noted and the Secretariat was requested to update the minutes to reflect the omitted item.
- **Summarizing decisions reached:** Mr. Kofi Ireland of UNMIL pointed out that the decision regarding the approval of the MSG Policy Manual, though mentioned elsewhere in the minutes, was not captured in the segment designated for summary of the decisions reached as agreed in the previous meeting. His concern was noted and a request was made to have the item included in the right column.
- **MSG Committee’s Report on Recruitment of Deputy Head of Secretariat:** Mrs. Cecelia Danuweli, the PWYP Representing and a member of the MSG Committee that spearheaded the recruitment of the new Deputy Head of Secretariat raised several concerns on some of the things captured in the minutes on the report from the Committee. Firstly, she notified that the number of candidates interviewed for the position was five and not four as captured by the minutes. That was noted. She further revealed that the participation of AfDB Representative in the interview process was not captured in the minutes. Regarding this, the HOS swiftly corrected that the information was not provided when the Committee made its report, and therefore, could not have been captured in the minutes (**Note:** Mrs. Danuweli was not present when the Committee made its report in the March 18, 2015 meeting). The PWYP Representative also raised a third concern on the date recorded as the schedule for the contract negotiation meeting with Mr. Myer Saye who was approved for the Deputy Head of Secretariat position. She pointed that the right

date was April 2 and not March as recorded by minutes. It was concluded that the minutes would be checked and the right date considered.

- *Beneficial Ownership*: The Exxon Mobil representative, Mr. Nathaniel Jallah, requested for additional time for the submission of data for the Beneficial Ownership Disclosure exercise, noting that the 10 days deadline given the companies was not adequate particularly for oil companies. Responding to this, Mr. Kofi Ireland of UNMIL said that the deadline was set by the Consultants and had already been considered, but the ten-day notice agreed in the previous meeting came about when Mr. Harmon of GVL complained that the companies are often given short notices by the Secretariat and that going forward, nothing less than ten-day notice should be given. He argued that there was no need to set a new deadline as the ten-day notice has nothing to do with this current request but applies to subsequent engagements. Mr. Ireland's mention of Consultants setting deadlines prompted a comment from Mr. Harmon of GVL that the MSG should decide when it is feasible to act and not allow consultants to determine what deadlines should be. To this, the HOS countered that the issue of deadline cannot be left to the person from whom the information is required. Some reports, he said, are statutory and the Secretariat is under obligation to work with the consultants to come up with reasonable deadlines.

Commenting further on the submission deadline, the Exxon Mobil Representative said, responding to some of the questions in the Beneficial Ownership questionnaire, particularly question #9 has been challenging for the oil companies and this would cause delays in submission. However, he noted, if the MSG wants the forms to be returned without this section addressed, they could go ahead and complete them. Responding to his comment, the HOS noted that the template was agreed by the MSG and the very companies raising these issues were part of the decision. He wondered what the key issues were with question #9—whether the information are not available or the companies are not willing to make them available? Proposing the way forward, the Chair of the meeting, Hon. Dorbor suggested that the process should move ahead and not be hindered by the challenge with one specific question as delays might have so many implications including financial. It was agreed therefore that the process is continued and that if companies find any questions difficult to address, they should comment of them in their submission, but that does not mean that the quality of the report should be compromised.

On a related note, Mr. Ireland of UNMIL stressed that companies' representatives on the MSG have the responsibilities to carefully look through the discussions and raise necessary concerns before decisions are reached. He noted that dissenting positions coming from companies represented on the MSG after decisions are reached tend to undermine the credibility of the process. He cited the example of NOCAL's position about the 5<sup>th</sup> EITI Report of Liberia after several drafts of the report were circulated and discussed and the final version approved by the MSG in a meeting at which NOCAL was represented. Going forward, Mr. Ireland stressed, the companies need to be encouraged to make use of the process, particularly by carefully reading the circulars and reports and do justice to the body.

- *Definition of natural persons*: Mr. James Yarsiah of the Rights and Rice Foundation sought to understand whether the request to define natural persons in relations to the Beneficial Ownership Disclosure as discussed in the previous meeting has been met. Responding to his query, the HOS confirmed that the definition had already been provided and is contained in the Inception Report submitted by the Consultants and subsequently presented to the MSG.

**IV. *Secretariat Update*:** An update of the Secretariat covering the period February 29-March 18, 2015 was presented by the Head of Secretariat Mr. Konah D. Karmo. Key activities highlighted by the HOS are summarized below:

- The Secretariat has commenced sanctioning of companies that failed to comply with the preparation of the 5<sup>th</sup> EITI Report
  - The Secretariat has concluded the recruitment of 15 Focal Persons whose deployment will begin by May 2015
  - Copies of the MSG Policy Manual recently approved have been distributed to MSG members
  - The newly recruited Deputy Head of Secretariat, Mr. Myer Saye, is expected to commence work on May 1, 2015
  - Liberia's Representative to the International Board, Hon. Gbezhongar M. Findley, attended the 29<sup>th</sup> EITI Board Meeting from April 13-15, 2015 in Brazzaville, Republic of Congo
  - The Secretariat has completed a two-day workshop with Artisanal and Small-Scale Miners and mining agents of the MLME
  - The Secretariat has agreed contract with MAC Africa, a geological consultancy firm to conduct the Scoping Study in the Mining Sector
  - Final draft of the LEITI Value Chain Analysis/Gap Assessment Report has been submitted by the Consultant (ODI)
  - The data collection stage of the Beneficial Ownership Disclosure is being concluded
  - Fifteen book shelves were recently donated to e-Club schools by LEITI in support of research in the schools amongst participating students of the program
  - The Secretariat has engaged GIZ for provision of technical support to develop a five-year Strategic Plan for the LEITI
- **Discussion of the Secretariat update:** Following the update, Hon. Dorbor thanked the Head of Secretariat and declared the update opened for discussions. Various comments, concerns and issues raised in relation to the Secretariat Update are highlighted below:
- **Firm Selection & EITI Board Representation**– Mr. Ansu Konneh of Western Cluster sought to understand few things highlighted in the Secretariat Update. He expressed concern firstly, on whether the firm MAC Africa awarded the contract for the Scoping Study was Liberian or foreign owned? It was disclosed that the firm is 100% Liberian owned. He also wanted clarities on the status of Hon. Gbezhongar Findley relative to his representation at the EITI International Board since he is no longer in the public office which served as a platform for his election. It was also clarified that Mr. Findley was elected for a fixed term to represent not only Liberia, but seven other countries; he would therefore end his tenure regardless of his status in the government.
  - **MSG Scorecard:** Referencing the segment of the Secretariat Update that mentioned distribution of Policy Manual and Scorecard to the MSG, the Exxon Mobil Representative, Nathaniel Jallah inquired on how the scorecard came about. The HOS explained that the scorecard was approved by the MSG to promote participation and enhance the MSG decision making process. He then recognized GVL and UNMIL as the two institutions with the highest attendance records during the periods under review. Commenting on further on attendance records, Mr. Harmon of GVL said that he represents a constituent that include several other companies and so sought to find out whether he could serve as Proxy for these other companies? It was agreed that he could proxy for these companies but his representation should be communicated in writing.
  - **TOR for Strategy Plan:** Mr. Yarsiah of Rights and Rice Foundation asked as to whether the TOR for the Five-year Strategic Plan to be developed for LEITI was approved by the MSG? The HOS responded that the contract for developing the Strategy Plan was between the donor and the Consultant. After few minutes of deliberation on this issue with several views

expressed on it, it was finally agreed that the TOR was different from the service contract to be awarded by the donor. As the Strategy Plan would be developed for the LEITI, it was reasoned that MSG approve the TOR and provide clear instructions on what the consultant is expected to do. This was approved.

- Representation of LEITI: Mr. Ireland of UNMIL sought to know whether Liberia's Representative to the EITI Board, Hon. Gbezhongar Findley has provided any update to the MSG since his return from the 29<sup>th</sup> EITI Board Meeting in Congo Brazzaville. It came to the attention of the body that such update has not yet been provided. Mr. Ireland expressed disappointment, shared by many, over the continuous failure of people representing the MSG especially at foreign functions, to provide update to the body on outcome of those functions. As a decision point, the Secretariat was asked to liaise with Hon. Findley to provide briefing on the meeting he attended preferably during the next MSG meeting.

**V. Report from Beneficial Ownership Disclosure Exercise:**

- **Baker Tilly**, the Consultant engaged to conduct the Beneficial Ownership Disclosure made a brief oral report on the current status of the exercise. In their presentation, the Consultants indicated that the exercise is going very slow due to slow responses from the companies in submitting their data. According to them, up to date, only 34 out of 84 companies who received the templates have responded with only 9 of those responsive companies meeting compliance. They noted that the slowness in responding is particularly common with the mining sector where some companies have complained that their key staff are yet to return to the country since leaving due to the Ebola outbreak. Parts of the challenges, the Consultant said, are that contact numbers for some of these companies are inactive while most of the companies reached have complained of question #9 in the template. The Consultant therefore sought LEITI's intervention in addressing the situation.
- Responding to the report, Ansu Konneh of Western Cluster offered to follow up on some of the companies particularly those in the mining sector if the list of target companies was available. The Secretariat was mandated to circulate the spreadsheet containing the names of the companies after the meeting. Still on the template issue, Mr. Harmon of GVL cautioned that the list should be reviewed to determine whether some of these companies exist. The Chair of the meeting, Hon. Dorbor noted that it is inferred that these companies exist once the templates were delivered to them. However, the Consultant could not confirm that each company acknowledges receipt of the forms circulated. The Consultants were therefore advised to ensure that receipts are provided for forms given out.
- Also commenting on the delays experienced in getting the data required for the Beneficial Ownership exercise, Mr. John Deah of the LTA wondered why the Consultants could not solicit these data from the Liberia Business Registry as pretty much, most, if not all of the information required are available at the Registry. Hon. Dorbor also expressed disappointment why providing these information would be a problem. Publicly registered companies, he noted, should by law disclose their beneficial ownership. He maintained that if a company has contractors that legally exist, such as that which is becoming a sticky issue, the company should identify them and those contractors can report directly to the process. The Exxon Mobil Representative argued this point that there are instances where some firms contracted by these companies operate offshore. The best thing in this instance, Hon. Dorbor noted, is for the company to provide its information and the rest will be followed. Concluding on this matter, the Secretariat was mandated to work with the Consultant to ensure that companies comply with the Beneficial Ownership exercise.

**VI. Submission of Draft Reports to the MSG:** The Secretariat, at this point, presented two drafts reports to the MSG namely, the draft Inception Report for the 6<sup>th</sup> Reconciliation Process and the Gap

Analysis Report. Making the presentation, the Head of Secretariat said, the reports could not be circulated earlier because they just came and that the Secretariat could not make enough copies of the Gap Assessment Report due to its volume. He then proposed that the MSG sends the draft reports to the applicable Committee for review and that the Committee works along with the Secretariat and the Consultants to come up with recommendations. At the call for motion, it was moved and seconded that reports be sent to committee room with the provision that each sector, particularly the companies, be represented at the review process. This was agreed.

**VII. Approval to Open Bank Account for UNDP Support:** The Secretariat requested approval from the MSG to open an account at the Central Bank of Liberia dedicated for the UNDP support under the Extractive Program for Sustainable Development Grant. The grant, according to the HOS, was secured to support establishment of the Center of Excellence and to facilitate the purchase of one vehicle amongst other activities, and in line with the direct transfer arrangement with the donor, it is required that an account is opened. It was agreed and approved that the account be opened.

**VIII. Any Other Businesses—**After the key agenda items were exhausted, other issues were brought on the floor and discussed as follow:

- LEITI Workshop with Artisanal and Small-scale Miners: Hon. Dorbor used the occasion to provide update on the recent workshops held with Artisanal and Small-scale Miners at two locations in the country which were also supported by the Ministry of Lands, Mines and Energy. He expressed delight that with the structures established from the workshops, LEITI can now obtain data directly from the Artisanal and Small-scale Miners during the preparation of the reconciliation reports. These structures, he said, were decided by the miners themselves.
- Feedback to the Inception: It was brought to the attention of the body that LETII was requested to provide feedback to the Inception Report for the 6<sup>th</sup> Reconciliation process between May 25 and 29. With this, it was agreed that the next MSG meeting should be adjusted to the 20<sup>th</sup> of May to allow for the report from the Committee room to be review before such feedback was provided to the Consultant. On a related note, it was agreed that recommendations from the Gap Assessment Report be reviewed in order to determine which would be implemented.
- Honoring of Senate Representative to the MSG: Cecelia Danuweli of PWY inquired whether there were any plans by the MSG to Honor Findley as he leaves the body, as it was done for others in the past? It was clarified that Hon. Findley's tenure at the MSG is not yet over and that he is expected to be coming for meetings.

**IX. Summary of Decisions Reached**

- It was agreed that Beneficial Ownership exercise continue unhindered and that if companies find any questions difficult to address, they should note them in their submission.
- It was agreed that going forward, companies representatives on the MSG carefully review discussions and make relevant input or comments before decisions are reached in order to avoid the situations where the same companies will come up with dissenting positions against decisions taken by the body which they were part of
- It was agreed that the TOR for the five-year Strategy Work Plan be reviewed and approved by the MSG

- The Secretariat was requested to liaise with Hon. Gbehzongar Findley to provide briefing on the EITI Board Meeting he attended recently in Congo Brazzaville preferably during the next MSG meeting.
- The Secretariat was mandated to circulate the spreadsheet containing the comprehensive listing of companies targeted for the Beneficial Ownership Disclosure exercise in order to allow for collective follow-up efforts with these companies to encourage them comply with the process and the Consultants were also advised to ensure that receipts are provided for forms given out
- The Secretariat was also mandated to work with the Consultants to ensure compliance with the Beneficial Ownership exercise
- It was decided that the draft reports—Inception Report for the 6<sup>th</sup> Reconciliation Process and the Gap Analysis Report—be sent to committee room with the provision that each sector, particularly the companies, be represented at the review process.
- The Secretariat’s request to open a dedicated account for the UNDP support as part of the Extractive Program for Sustainable Development Grant was approved by the MSG
- It was agreed that the next MSG meeting be adjusted to the 20<sup>th</sup> of May to allow for review of the 6<sup>th</sup> Reconciliation Inception Report and the Gap Analysis Report in order to meet the deadlines for relaying feedback on these reports to the Consultants.
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**X. Date and time of next MSG meeting:** The next MSG meeting was scheduled for Wednesday, May 20, 2015.

*The meeting was adjourned at 2:25pm.*