

# MINUTES

REGULAR LEITI MULTI-STAKEHOLDERS STEERING GROUP MEETING  
HELD IN THE CONFERENCE ROOM OF THE LEITI SECRETARIAT • WEDNESDAY,  
NOVEMBER 30, 2015

## PRESENT

### GOL

Stephen Dorbor	Proxy of the Chair/MLME
Romell A. Watson	Proxy of the Minister/MFDP
Charles McClain	Minister of Agriculture
B. Al-Dennis	Proxy for the Commissioner General LRA
Elvin C. A. Frank	Proxy for the Minister of Internal Affairs
Edward S. Kamara	Proxy, Managing Director/FDA
Rufus Tarnue	Proxy, President of NOCAL

### CSO

Wynston Benda-Henries	Rights & Rice Foundation
Cecelia T.M. Danuweli	PWYP
Nellie A. Attidigah	WONGOSOL
Ezekiel S. Johnson	Labor Congress
Frances R. Deigh Greaves	NCSCCL

### Private Sector

Laurentine	ExxonMobil
Esiaka B. Konneh	Gold and Diamond Workers Union of Liberia
Henri Harmon	GVL
Zinnah B. Sackie	Aureus
Ansu Konneh	Western Cluster

## IN ATTENDANCE

### Partners/Observers

Kofi Ireland	UNMIL
Juliane Weymann	GIZ
Lilieth Whyte	US Embassy

### OTHERS

Samuel J. Askie	MIA
Isaac Kipi	FDA
Johnny Tarkpah	NOCAL
Mark Mattner	GIZ
Tepleh Reeves	PWYP
Gracia Buenconino	USAID

### LEITI Secretariat

Konah D. Karmo	LEITI
Myer W. Saye	LEITI
Samson Wonnah	LEITI

**I. Preliminaries** – The 9<sup>th</sup> Regular meeting of the LEITI Multi-stakeholders Steering Group (MSG) for the year was held on Wednesday, September 30, 2015 in the Conference Room of the LEITI Secretariat. The meeting commenced at 1:00pm, and was chaired by Hon. Stephen B. Dorbor, Proxy of the Chairperson. Prior to reading of the agenda, the Head of Secretariat (HOS), Konah D. Karmo, raised the need for the

MSG to honor Dr. Mark Mattner, an Observer representing GIZ, who he said, was leaving the GIZ project in Liberia to take a new assignment at the Country Office in Sierra Leone. Dr. Mattner was then awarded a certificate, presented by Hon. Dorbor, who on behalf of the MSG, expressed LEITI's gratitude for his services during his tenure as Observer on the MSG.

On another note, the Chair expressed the MSG's condolence to Madam Cecelia T. Danuweli of Publish What You Pay, who, it was reported, lost her brother.

**II. Adoption of the Agenda:** The agenda was read. It contained several discussion points, with the key items listed below:

- Authorization to renew Consultants' Contract for Preparation of the 7<sup>th</sup> LEITI Reconciliation Report
- 2016 EITI Global Conference
- Submission of Draft Beneficial Ownership Disclosure Report

The agenda was adopted, but given its packed nature, the Chair cautioned that the discussions be guided to avoid the meeting running very late.

**III. Draft Minutes:**

- ***Corrections:*** The minutes from the meeting of August 26 was opened for review. Except for the input from Madam Cecelia Danuweli, sent prior to the meeting and incorporated in the minutes, no new corrections were made. Madam Danuweli's had pointed that the comments she made during the past meeting regarding the need to discourage people sending proxies to meetings were omitted and should be included.
- ***Adoption:*** with no additional corrections, a motion was made and seconded that the minutes be adopted and form part of the Secretariat's archives. This was concluded.
- **Matters Arising:** Below are the concerns raised from the adopted minutes and the discussions that followed.
  - ***Implementation Update of Decisions from Previous Meeting***—Mr. Kofi Ireland of UNMIL raised that in order to come up to speed, it was necessary for the Secretariat to provide update on the implementation status of decisions reached in the past meeting. The HOS recounted that the letter requested to be sent to the President has been drafted and forwarded to the Chairperson for signature; the validation consultation form has been completed and forwarded to the International Secretariat; the beneficial ownership report was available; the template for validation was done and shared and that the EITI Regional Director has said that Liberia could approach the International Secretariat to recruit a consultant for pre-validation assessment if LEITI could complete the 6<sup>th</sup> Report by October 2015.

On a related note, Al B. Dennis of LRA asked as to how the beneficial ownership reported could be aligned with the LRA tax return process. The HOS responded that the technical issue would be discussed further with the LRA.

**IV. Secretariat Update:** An update of the Secretariat covering the period August 26—September 29, 2015 was presented by the Head of Secretariat Mr. Konah D. Karmo. The key highlights are summarized below:

- **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:
  - **Monitoring of Focal Persons**– Nellie A. Attidigah of WONGOSOL asked whether the LEITI Focal Persons are being monitored. The HOS responded that the Secretariat planned to have staff from the Communications Team making quarterly monitoring visits to these Focal Persons to assess their activities. The DHOS buttressed that the challenge with such monitoring plan is the financial constraints currently facing the LEITI and called for the MSG to push further for the additional funding to augment the current allocation. Contributing again, Madam Attidigah said her concern was more about the need to coordinate with these Focal Persons. Her suggestion was acknowledged.
  - Also commenting on the same issue, Mr. Ansu Konneh of Western Cluster said, reports submitted by the Focal Persons as presented by the HOS lacked certain essentials required of such reporting. He said that the Focal Persons should have ensured that fundamental questions such as when, where, what and how of the issues reported on are answered and that they should have as well contacted the companies reported on in order to get their reports balanced. He stated that Samson Wonnah, LEITI Communications & Outreach Officer knew these reporting essentials and in his supervision role, should have ensured they were corrected. Responding to him, the HOS said that the reports were from the Secretariat and were not necessarily confined to a particular style of writing. Also contributing to this discussion, Kofi Ireland of UNMIL said responses emerging seemed to suggest a contradiction of the intent and spirit of the work of the Focal Persons. He said the Focal Persons should not be expected to do investigative reporting as they are not journalists. Their reports, he said, are privilege information which the MSG needs to work with. Closing the debates on this subject, the Chair said the MSG will decide at the appropriate time, on the nature and use of the reports from the Focal Persons.

**V. Authorization to Renew Consultants’ Contract for the Preparation of the 7<sup>th</sup> LEITI Report**—the HOS referenced a past MSG decision that mandated the Secretariat to contract the same Consultant for the 6<sup>th</sup> and 7<sup>th</sup> Reports. Based on this mandate, he said, the contract signed with the current Reconciler for the 6<sup>th</sup> Report carries a clause that required the Consultants to submit a notice expressing their interest to serve as Reconcilers for the 7<sup>th</sup> Report one month in advance of the closure of the current contract. He disclosed that the Secretariat has received such expression of interest from the Reconcilers and thought to share this with the MSG before proceeding. Two concerns emerged on this issue: whether the practice is not in violation of the PPCC law and whether in fact, the Reconcilers were doing good job with the current report? On the former, the HOS responded that the method was discussed with PCC and they had no reservations. Responding to the latter, Kofi Ireland confirmed that the Reporting and Communications Committee’s recent assessment of the draft 6<sup>th</sup> Report showed that the report was impressive and far beyond the scope of previous reports. It was agreed that the Secretariat proceeds with negotiating with the Consultants on the 7<sup>th</sup> Report.

**VI. EITI Global Conference**—The HOS disclosed that the Secretariat has received circular from the International Secretariat on preparation for the up-coming EITI bi-annual conference scheduled in Lima, Peru in February 2016. He presented a proposal on the size and structure of Liberia’s delegation to the conference. He said 11 persons are proposed to be selected from the various constituencies on the MSG to represent Liberia at the conference, and that the International Secretariat has committed to cover travel cost for two persons out of this number. After a brief debate on how to source funding in support of the trip, with some proposing that the Secretariat write companies for sponsorship, it was finally concluded that sectors on the MSG should meet and submit the names of the nominees to the Secretariat no later than the 10<sup>th</sup> of October 2015.

**VII. Presentation of Reports by Reporting and Communication Committee**—Mr. Kofi Ireland, Chair of the Communications and Reporting Committee made a presentation of the Committee’s review of the draft 6<sup>th</sup> Report and draft Scoping Study Report. Their findings and recommendations are highlighted below:

- 6<sup>th</sup> LEITI Report: He said generally, the report looks great except for minor grammar errors and the followings issues to which they recommended remedial actions:
  - Reference to NOCAL was inconsistent, in some cases, as a regulator, and in other places, as a government agency. It was recommended that the Reconcilers specifically state at what time NOCAL is a regular and a government agency.
  - The Reconcilers suggested that NOCAL is audited by an independent auditor. The Committee recommended that the audit be done by GAC
  - The Committee also recommended that GAC’s role in the reporting process should be limited to attesting templates submitted by government agencies as the GAC has huge capacity challenge, even unable to fully audit government ministries and agencies.
  - The Committee recommended that amount due be deferred to the 7<sup>th</sup> Report as no substantive data is available at the moment to inform that level of reporting.
  - It was the view of the Committee that the discrepancies be maintained in the report; they could be clarified during subsequent investigations.

Scoping Study Report: Mr. Ireland disclosed that the Scoping Study Report was also reviewed and the Consultant asked to improve on the draft. One of the main issues, he said, was that data presented in the report were estimates quoted from unofficial sources. The Consultant was therefore asked to consult official sources such LRA that is now doing some works in the sector.

Two main concerns followed Mr. Ireland’s presentation. Al B. Dennis of LRA raised that the issue of amount due does not squarely lie with the LRA. Other sector leaders and agencies have roles to play. He mentioned factors such as demarcation of concession land and inflationary rate as being crucial to determining amount due.

Also, Madam Laurentine H. Bass of ExxonMobil sought to know when the 6<sup>th</sup> Report would be updated since NOCAL had admitted to the \$70m discrepancies flagged. The HOS responded that the review done by the Committee preceded the input from NOCAL, and that the Reconcilers have been requested to provide a more recent version of the report.

**VIII. Submission of Draft Beneficial Ownership Disclosure Report**—The HOS presented the draft Beneficial Ownership Report submitted by the Consultant, making some guiding comments. He noted that the report was required to form part of the 6<sup>th</sup> Report and the Consultants reconciling the 6<sup>th</sup> Report have stressed the crucial need to have the Beneficial Ownership Report on hand. After a brief discussion on how the report would be handled especially in the wake of the time constraint, it was concluded that the various sectors send their inputs to the Secretariat by October 6 and that the Reporting and Communications Committee meets on the 9<sup>th</sup> of October to harmonize the input. In addition to the submitting input online, sectors representatives were also encouraged to be part of the Committee’s meeting.

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

- Complaint from Putu Contact Group: The HOS presented a letter from a group calling itself “Putu Contact Group”, seeking LEITI’s intervention in what the group termed as government’s failure to involve the people of Putu in the negotiation process of the Putu Iron Ore Project in Grand Gedeh County. He said the letter was hand delivered by Dr. G.E. Saigbe

Boley, Sr. a prominent citizen of Grand Gedeh. That people are now resorting to the LEITI for redress, the HOS said, is a boost for the Initiative. There was lengthy debate on how the complaint would be handled. Some suggested that it would be useful to bring together relevant agencies of government to address this issue. Others argued that it could be handled by an MSG Committee. The HOS narrated that in the past, the LEITI had referred such cases to the specific regulatory agencies. The Chair proposed that the MSG needs to come up with policy on how to address such issues no matter where it was coming from. In the end, there was a consensus that an ad hoc committee be established, reflective of the tripartite nature of the LEITI, to look into the issue. The composition of the committee is as follow:

- Civil Society (2 persons)
- Private Sector (1 person)
- Government (1 person)
- Observer (1 person)

Sectors were requested to submit the names of their nominees to the Secretariat by Friday, October 2, 2015. Further, the Secretariat was mandated to write an initial response to the Putu Contact Group.

- *NOCAL's Participation on the MSG:* Madam Nellie A. Attidigah of WONGOSOL asked what the MSG would do about NOCAL's participation on the process in wake of the crisis the entity is faced with. Responding, the Chair said, NOCAL is a public entity; if they have issues and needed support from the MSG, it would be prudent for them to notify the LEITI. Or, if the CSO feels that NOCAL should be removed from the MSG, there is a way to go about it. This issue attracted lots of arguments. NOCAL's Representative in the meeting, Mr. Rufus Tarnue said, NOCAL was still a regulator and the Act that established it has not been repealed. Kofi Ireland of UNMIL suggested that NOCAL is written by the MSG particularly in respect of their representation on the MSG and their positions to the discrepancies flagged in the draft 6<sup>th</sup> Report. After the lengthy debate, the Secretariat was mandated to write the office of the CEO of NOCAL, requesting an official confirmation on the entity's representation on the MSG given the current crisis they are faced with.
- *Boycotting of Meetings:* Kofi Ireland of UNMIL expressed disappointment over the boycotting of meetings by some MSG members, noting that it was unfair to others. To mitigate this issue, it was decided that attendance is recorded twice during MSG meetings—at the beginning and end of the meetings. At the same time, the Chair called for the meetings to be held within the scheduled time. Dr. Charles McClain of MoA said there was a need to look at the lunch schedule, proposing that lunch should follow the discussions, not before as it is currently practiced.

Relatedly, the Secretariat was requested to review the mailing list of MSG members to avoid sending mails to the wrong destinations.

- *Announcement/Information:* The HOS announced that Madam Laurentine H. Bass has been designated as a permanent representative of Mr. Steve Bucks of ExxonMobil who represents the Oil Sector on the MSG.

## **X. Summary of Decisions Reached**

- *7<sup>th</sup> Report preparation:* The Secretariat was mandated to proceed with negotiating with the Consultants on the 7<sup>th</sup> Report in line previous MSG decision.
- *Liberia's participation in EITI bi-annual Conference:* it was agreed that sectors on the MSG meet and submit the names of the nominees to the Secretariat no later than the 10<sup>th</sup> of October 2015.

- *Draft Beneficial Ownership Disclosure Report:* it was concluded that the various sectors send their inputs to the Secretariat by October 6 and that the Reporting and Communications Committee meets on the 9<sup>th</sup> of October to harmonize the input. In addition to the submitting input online, sectors representatives were also encouraged to be part of the Committee's meeting.
- *Complaint from Putu Contact Group:* an ad hoc committee was established to look into the issue. The committee is comprised of 2 representatives from the civil society and a representative each from the private sector, government and observers. Further, sectors were requested to send the names of their nominees to the Secretariat by Friday, October 2, 2015. The Secretariat was also mandated to write an initial response to the Putu Contact Group.
- *NOCAL's Participation on the MSG:* the Secretariat was mandated to write the office of the CEO of NOCAL, requesting an official confirmation on the entity's representation on the MSG given the current crisis they are faced with.

*Boycotting of Meetings:* it was decided that attendance is recorded twice during MSG meeting—at the beginning and end of the meetings. Relatedly, the Secretariat was requested to review the mailing list of MSG members to avoid sending mails to the wrong destinations.

**XI. *Date and time of next MSG meeting:*** The next MSG meeting was scheduled for Wednesday, November 28, 2015.

*The meeting was adjourned at 4:10pm.*

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