

MINUTES
EMERGENCY LEITI MULTI-STAKEHOLDERS STEERING GROUP MEETING
HELD IN THE CONFERENCE ROOM OF THE LEITI, OLD BUDGET BUREAU BUILDING ● REDEMPTION
ROAD, MONROVIA, LIBERIA ● WEDNESDAY DECEMBER 18, 2019

PRESENT IN ATTENDANCE

GOL

C. Mike Doryen	FDA
Carlton Miller	MLME
T. Ojuku Nyenpan	MFDP
Edrick F. Noah	MOJ
Eric W. Daniels	NOCAL
Moses Zolue	MOA

CSO

Winston Wreh	Labour Congress
Daniel Nyankonah	PUL
Abraham B. Gappie	NICSOL

Private Sector

Clarence Tay	Atlantic Resource
Eric Swen	Arcelor Mittal

Partners/Observers

Daniel Bovel Jr	US Embassy
Samuel Summerville	GIZ

Others

Richmond Jallah	NOCAL
Timothy Jarry II	NOCAL
Oussama Barrak	BDO LLP-IA
Daher Kabsi	BDO LLP-IA

LEITI Secretariat

Jeffery Yates	OIC/LEITI
Cedrick W. Kpadeh	Comms consultant

Preliminaries – An emergency meeting of the LEITI Multi-stakeholders Steering Group (MSG) was held on Wednesday, December 18, 2018 in the Conference Room of the LEITI Secretariat. The meeting was called to address and approve several action points for the development of the 10th and 11th EITI reports for Liberia. The meeting Commenced at 11:20 AM, with the Presiding, Mr. C. Mike Doryen of the Forestry Development (FDA) having observed a quorum, requesting the Acting Head of Secretariat, Jeffery Yates to read the agenda. At his request, a seven-item agenda was presented.

Adoption of Agenda: A seven item agenda was presented to the body for adoption. With no changes made, it was adopted through a motion.

Opening Prayer: A thirty second silent prayer was observed by members of the MSG.

Welcome Remark: The Presiding at this point turn to his deputy for welcome remarks. In his welcome remarks, Deputy Minister Carlton S. Miller of the Ministry of Land Mines and Energy urged his colleagues to be open minded in asking questions of relevance to the discussion points.

Self-Introduction: Sixteen persons participated in the self -introduction. Two persons came later.

Discussion on the Initial Reconciliation Report-IA: Two persons representing the Independent Administrator, Oussama Barrak and Maher Kabsi made presentations on several points that they would need the approval confirmation of the MSG to proceed further. At this point the Officer in charge of the LEITI connected with the Technical Consultant through WhatsApp. The Technical Consultant admonished the MSG to meticulously discuss and consider the action points. He added that the MSG's confirmation of these points was vital to the EITI implementation process. Prior to that, the Presiding admonished his colleagues to be steadfast during the remainder of the period so that Liberia is not delisted from the EITI process. He thanked the various constituency blocs for their collective efforts so far adding that more was needed even now to save the Country. He extolled the Ministry of Finance and Development Planning for the level of support and expressed hope that this support continues. He also commended the IA for continuously engaging the process and making sure that the 10th and 11th reports are produced and on time.

Hereafter, the IA presented the points and it was agreed by the MSG that decision be made in tandem as the points are presented: The decision points were divided into three contents-Scoping EITI reports FY 2016/2017 & FY 2017/18, Reconciliation and Reporting planning. There were action points under each category of content for the MSG approval or confirmation. The presentation and decision process proceeded as follows:

1. Scoping Materiality threshold

The following points were presented for the MSG action:

- Four companies that were initially part of the scope were found not be extractive companies and therefore should not be included in the data collection for reconciliation for fy2017/18. The companies are Zwedru Mining Inc, Construction & Mining Contractors (CMC) Inc, EXONMOBIL and CGGC Mining. The three companies named above excluding ExxonMobil, are said to be mining service providers and not mining companies. For ExxonMobil, its production share contract expired since April 5, 2018.
- **MSG Decision:** After several debates and inquiries amongst MSG members especially on the revenue collected by the three companies, the MSG resolved that it would hereafter contact the Liberia Revenue Authority for clarity on the revenue stream of these three companies. For Exxon, the Technical Consultant clarified that all efforts to get it respond to the LEITI proved fruitless. The MSG agreed to exclude these entities because Zwedru Mining Company and CGGC and CMC are all service providers in the sector and aren't involved with extraction or exploration activities. For Exxon, they have ceased operations since early 2016 and have not responded to communications from LEITI or NOCAL. With that clarification, **the MSG voted overwhelmingly to exclude the four Companies.**
- The next point was setting threshold for extractive companies in the different sector as follows:
 1. Extractive Companies in the mining sector paying taxes of more than 500,000
 2. Extractive Companies in the oil and gas sector paying more than 100,000

- 3. Extractive companies in the Agriculture sector paying more than 500,000
- 4. Extractive companies in the forestry sector paying taxes of more than 300,000
- 15 companies are captured for scoping under this category according to the thresholds for the 2016/17 reconciliation.
 - **MSG Decision:** After several inquiries and clarifications the MSG agreed in favor with one abstaining. Eric Swen of Arcelor Mittal did not vote. He said the threshold seems different from what was previously discussed, and without further clarifications, he could not vote. The Technical Consultant then clarified that though there is a change in the threshold, methodology remains the same thus, the change will have no effect on the outcome. **With that clarification, the vote was retaken and it was a unanimous one.**
- Unilateral disclosure for extractive companies that are not selected for the FY2017/18 reconciliation scope be unilaterally disclosed by government agencies in accordance the EITI requirement 4.1
 - **MSG Decision:** Here, according to the IA, all extractive companies that are not captured in scope, like the artisanal miners, be captured only from the Government. According to the Technical Consultant, the Government will only report a lump sum amount. **After the Technical Consultant's clarification, the MSG agreed to accept same and the representative of MFDP abstained.**
- Revenue streams in FY2016/17 in all sectors above 100,000
 - **MSG Decision:** The MSG agreed to the recommended revenue streams.

2. Reconciliation and data collection

- For FY2017/18 three companies out of 19 did not submit their reporting template-LIBINC OIL PALM INC, SIMBA ENERGY and SING AFRICA PLANTATIONS LIBERIA. The disclosures above sparked a change of mood from the presiding and others from the government bloc as several phone calls were placed to Sing Africa Plantation immediately with the company promising to comply before the close of business on Wednesday, December 18, 2019.
 - **MSG Decision:** For LIBINC, the Secretariat was mandated by the MSG to dispatch a team to Buchanan until Friday December 21, 2019 to work with the company to get the needed report. For the others, it was agreed that the requisite authorities including the Ministry of Finance intervene by pulling their tax records to know their last tax compliant date as well use the law where necessary to get the reports.
- Concerning the issue of data certification
 - **MSG Decision:** **MSG agreed that senior managers are generally tasked to complete the reporting templates so an electronic submission from one such individuals must be considered as meeting the data certification procedure.**

- Registration of licenses-The IA recommended that it reviews the awarding process for six companies all in the mining sector to ensure compliance with applicable laws, regulations and procedures.
 - **MSG Decision: The MSG overwhelmingly agreed to the IA's recommendation.**
- Only one license was awarded by NOCAL to Simba Energy during the period under review, the IA recommends that it reviews the awarding process
 - - **MSG Decision: The MSG mandated NOCAL to provide the information to the Independent Administrator.**
- Transportation revenues-during the scoping study, Government agencies confirmed that no transportation revenues collected from extractive companies in Liberia
 - **MSG Decision: All of the government agencies on the MSG agreed with the assertion that there were no Transportation revenues.**
- NOCAL confirmed that no infrastructure provisions and barter arrangement in oil and gas sector.
 - **MSG Decision: The MSG agreed with NOCAL's preposition that there were no infrastructures in the Oil and Gas sector.**
- Five MDAs included infrastructure and barter elements- the IA presented a table of the MDAs with such arrangements. The Presiding asked the IA representatives to define the word barter in the context of the EITI. It was then made known to mean an agreement where government will request a company to construct an infrastructure or infrastructures for direct concession right.
 - **MSG Decision: After this definition, it was agreed that such does not exist in Liberia and the MSG therefore asked the IA to remove the word barter from the line.**
- Moses Lolue from MOA confirmed that no barter arrangement and/or infrastructure provisions in the agriculture sector.
 - **MSG Decision: Hence, the MSG agreed that there are no barter or infrastructure arrangements in the sector.**

- According to the FDA, probably there are infrastructure provisions stated between GoL and EURO Logging, However, the IA is still waiting for a soft copy of the agreement. The Presiding who is the Managing Director of the FDA confirmed the assertion and promised to provide a copy to the IA after the meeting as a telephone conversation guaranteed him a provision of the copy of the document.

- **MSG Decision: The FDA MD would provide a copy of the agreement to the IA.**

After these presentations and approvals, the IA sat with requisite agencies of Government to discuss the provision of several outstanding and pending documents. These included the Ministry of Mines and Energy and the Forestry Development Authority. The IA was assured that it would get all of the documents before departing the Country on Friday December 21, 2019.

The IA assured the MSG that with the timely provision of the documents it was sure of meeting the deadline of producing the report by December 30, 2019.

With that the Presiding challenged his colleagues to reinvigorate their efforts to making sure everything is done to meet the deadline with excellence to save the country of any embarrassment. The meeting adjourned at 2:25 PM.

AOB

Nothing substantive was discussed under AOB

Summary of Key Points

- LEITI to dispatch a team to LIBINC to get report before Friday, December 21, 2019
- All action points approved with maximum votes taken
- FDA and MLME to help IA get pending documentation from the Government's end

Date and time of next MSG meeting: There was no date for next meeting announced