

MSG MEETING MINUTES

Meeting of the Multi-Stakeholder Steering Group (MSG) of the Liberia Extractive Industries Transparency Initiative (LEITI) held on November 8, 2019 at 11:00am in the conference room of the LEITI, Old Budget Bureau Building.

Present in Attendance were:

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| 1 Carlton S. Miller | MME |
| 2 MacDonald C. Joss | MFDP |
| 3 B. AL. Dennis | LRA |
| 4 Eric Daniels | NOCAL |
| 5 Atty: Robiab Cooper | MOJ |

CSO

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| 1. Winston W. Wreh | LLC |
| 2. Abraham B. Gappie | MICSOL |
| 3. Saylor Wahtoson | PWYP |
| 4. Ekema Witherspoon | LIBTA |

Private Sector

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| 1. Clarence Tay | Atlantic Resource Ltd. |
| 2. Eric Swen | Arcelor Mittal-Liberia |

Observer

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| 1 Kim Schultze | GIZ |
| 2 Samuel Summerville | GIZ |
| 3 Alusine Sheriff | US Embassy |

LEITI

1. Jeffery N. Yates Officer In-Charge
2. Sam Tokpah, Consultant

Preliminaries: The regular meeting of the Multi- Stakeholders Steering Group (MSG) of the Liberia Extractive Industries Transparency Initiative (LEITI) was held on Friday November 8, 2019 in the LEITI Conference Room.

Commencing at 11: 32 am, the meeting was called to order by the Proxy of the Co-Chair of the MSG, Hon. Carlton S. Miller. This was followed by self-introduction of members of the MSG, Observers and LEITI’s Secretariat staff present.

The presiding officer of the meeting, Hon. Carlton S. Miller, representing the Co-Chair of the MSG, did the welcome remarks. He welcomed all in attendance and stated that they are the governing body of the LEITI and that they should all work together to ensure the success of the EITI process in Liberia.

The Presiding, Hon Carlton S. Miller, in a short statement also welcomed Mr. Sam Tokpah and everyone on behalf of the Chair and himself. He stressed that Liberia is the only country we have and we all have to work to make it stable. He emphasized that LEITI is a transparency framework that seeks to promote the accountable management of the country’s natural resources. He stated that the practice of transparent resource management prevents conflict and promotes stability of the state. He urged his fellow MSG members to put Liberia’s interest first despite our diverse political and religious views. He encourages all to build relationship and mutual respect for progress.

Reading of the Agenda

The presiding officer, Hon. Miller, asked the Officer In-Charge of the Secretariat to read the agenda. The agenda was read as requested. Following the reading of the agenda, the Chair presented the agenda and requested the will of the body towards the agenda. It was subsequently moved and seconded that the agenda be used as a working tool to guide the meeting.

Silent prayer was offered by members, followed by the discussions below:

Reading of the Last Meeting Minutes

The presiding asked the Officer In-Charge of the Secretariat, Mr. Jeffrey N. Yates to read the last meeting minutes. Mr. Yates read the minutes as requested by the Presiding.

Issues Arising from the Reading of the last Meeting Minutes

Following the reading of the last meeting minutes, the presiding asked member of the MSG whether anyone had any issue with the minutes as read. Three members of the MSG raised by concerns about page numbering was raised by Mr. Robert Cooper, correct spelling of the word endorsed was raised Hon. Carlton Miller and replacement of “Board” in the minutes with “MSG” was raised by Mr. Ekema A. Witherspoon. Following the concerns raised, the presiding instructed Mr. Yates to incorporate all of the corrections and observations made in the final meeting minutes.

After the observation and corrections in the last meeting's minutes, the presiding requested a motion for adoption of the last meeting's minutes. It was moved by Mr. Ekema A. Witherspoon and seconded by members of MSG that the last meeting's minutes be adopted and placed in the archive of the Secretariat.

Update from the Secretariat

The Secretariat update was done by the Technical Consultant. In his presentation. See below his update:

Report

The Technical Consultant informed the MSG of the following:

- Binder Dijker Otte/ BDO (formerly Moore Stephens-UK in association with Parker& Associates was singled- sourced to produce the 10th & 11th EITI reports for Liberia,
- The Public Procurement and Concession Commission approved LEITI's single- source request owing to the critical deadline of producing these reports,
- A technical workshop was held on October 23, 2019 with reporting entities, including government agencies.
- Reporting Templates were distributed and data collection was in process,
- The deadline for the submission of templates by reporting entities and government MAC's was November 8, 2019,
- He indicated that while some entities were responsive, others weren't
- The Technical Consultant indicated that in accordance with LEITI Regulation #001, the Secretariat will prepare for the Chairperson's signature communication to all delinquent entities demanding they comply with data submission (2.2a Demand to Comply), failure to meet the deadline will lead to Public Censure
- He informed the MSG that LEITI has a Regime of Progressive Sanctions (RPS). Layers of the RPS include Public Censure, Notice of Intent to Affect Operations, Imposition of 1,000 Fines, Legal Actions, or even request to the President for removal from office
- He informed the MSG that the Secretariat has already engaged the General Auditing Commission (GAC) to review and attest to all reporting templates submitted by government ministries and agencies; and that an Agreed Upon Procedures was signed between the LEITI and the GAC on Wednesday, November 6, 2019
- Finally, three decisions were taken by the MSG:
 - The MSG agreed to set a deadline for Wednesday, November 13, 2019 for the submission of all reporting templates to the Independent Administrator
 - That the Secretariat enforces LEITI Sanctions as described in Regulation 001
 - The Secretariat produces a non- financial supplemental report if needed.

Annual Progress (Activity) Report

The Technical Consultant informed the MSG of the following under this portion of the update:

- That Liberia suspension was recently reaffirmed by the EITI Board due in part to the delay in publishing the 2017 and 2018 Annual Progress Reports.
- Hence, the Secretariat recommended to the MSG a 3- month contract with the former Communication Officer to help complete the task, as well as update and revise the LEITI website.
- When questioned by Mr. Carlton Miller about funding, the Technical Consultant informed the MSG that funding for this role has been secured from GOL emergency support, and the budget was approved by the MSG with a no- objection sent on October 15, 2019
- Finally, the MSG approved the decision to bring in the former Communication Officer on a 3- month contract.

MSG Governance and Oversight

The Technical Consultant informed the MSG of the following:

- That the EITI Board cited weakening government engagement (Requirement 1.1), MSG Oversight (Requirement 1.4), and Workplan (Requirement 1.5)
- He reminded the body that MSG principals should be encouraged to attend meetings to help beef up our scores at validation
- The Technical Consultant informed the MSG that the Secretariat has reintroduced the production and publication of its MSG Scorecard. He indicated that the Scorecard will be periodically circulated to the entire MSG including Observers, posted on the website of the Secretariat for public consumption, on the bulletin board of the Secretariat and also feature in local dailies
- The Technical Consultant informed the MSG of the need to address critical constituency issues leading up to validation. He noticed through review of documentation that some organizations captured in the MSG Minutes as representing civil society have no formal communication from the President to serve on the Board, and should not count as Voting-Member. Specific reference was made to the Mineral Civil Society Organization of Liberia. Concerns on whether how members from CSO and private sector were selected also raised.
- Hence, the MSG agreed that each member of the MSG should submit to the Secretariat copy of his/her letter of appointment from the Office of the President before the next MSG meeting.
- Finally, the MSG also agreed that the Chairperson will work with the Office of the President to ensure that key development partners mentioned on the website of the Executive Mansion of Liberia without appointment letters are given appointment letters by the Office of the President.

Secretariat Operations

The Technical Consultant after conducting a full institutional and capacity assessment of the Secretariat reported the following to the MSG:

- That a limited number of staff currently at the LEITI grasp the full context and work scope, not least the capacity to execute

- That the MSG begins the process to fill the Head of Secretariat and Deputy Head of Secretariat positions immediately. He indicated that this is not a reflection of performance of the current leadership, but a signal that the MSG is taking critical steps to strengthen implementation in Liberia, not least to mention the capacity challenges at the Secretariat.
- On this recommendation, the MSG informed the Technical Consultant that in its previous meeting, the MSG agreed that the Technical Consultant should firstly work with the Secretariat and them to get the report produced and published before looking into the issue of recruiting the Head and Deputy. However, the MSG sitting on November 8, 2019 instructed the Finance and Administration Committee, the committee responsible for the recruitment of the Head and Deputy Head of Secretariat to start working with the Secretariat on the development/ revision of the job descriptions for these positions, and create a roadmap to execute this task after the production and publication of the report.
- The Technical Consultant also informed the MSG that several personnel were hired or assigned responsibilities without the expressed approval of the MSG. His reviewed indicated that from a total of nineteen personnel, 6 were hired, budgeted for and approved by the MSG; 3 were budgeted for, hired, but not approved by the MSG; 7 regularly visited the Secretariat, not budgeted for and not approved by the MSG; and 3 were hired, budgeted for, approved by the MSG, but deviated without the MSG consent.
- After exchanged of ideas, the MSG agreed that such matter should be sent to the Governance and Ethics Committee for further investigation, and report be made to the Board. The Committee was asked to work with the Secretariat in finalizing the investigation.

Workplan

The Technical Consultant informed the MSG that with support from the Secretariat, a workplan that runs from October 2019 to July 2020 was drafted and sent to the Finance and Administration Committee for their review and input.

Funding

The Secretariat informed the MSG that an initial 136,000 or 50% of the 273K requested as emergency support from the Government of Liberia. He indicated that the funding is being applied in accordance with the approved budget.

The Secretariat also informed the MSG that UK's Department of International Development has expressed interest in supporting LEITI.

Other Operational Issues

The Secretariat informed the MSG that the vehicle assigned to the former Head of Secretariat marked LB-6600 has been returned to the Secretariat in a fair condition and would need some maintenance work.

He indicated that the LEITI Website is finally back online, and we have paid 2 years of outstanding amounts due the company that hosts our site.

He mentioned that the LEITI Secretariat was in the process of procuring printers, stationeries and other materials for the workings of the Secretariat