

Email to Global Witness from Darlington S. Tuagben, Deputy Managing Director for Operations, Forestry Development Authority, Government of Liberia

8 January 2017

Dear Mr. Gant,

Greetings from the Management of the Forestry Development Authority (FDA). On behalf of our Managing Director, Hon. Harrison S. Karnwea Sr., who is currently on vacation and has instructed me to forward you FDA's official comments to your upcoming brief, I have the honor to officially send you our comments as seen below:

Please be reminded that at the Forestry Development Authority (FDA), our Management has continuously created the space for interactions and as such encouraged conversations with all who have valid inputs and recommendations for further improving our already well tracked management approach to Liberia's forest sector. With this process, we also expect that partners like your institution (Global Witness) will clearly see Liberia's forest sector Management in the core concept of our enviable 3cs (Conservation, Commercial and Community) approach. While the implementation of our forest programs, using this approach, have not been smooth, we would like to draw your attention to Global Witness continuous unnecessary attacks on the commercial management of our forest for the sole purpose of raising funds to sustain your programs instead of being a part of the positive conversations of our progress and providing rational suggestions for overcoming our challenges.

As indicated in your mail, this is a lazy attempt to undermine our progress under the EU's Voluntary Partnership Agreement and our current engagement with the Norwegian Government. Be assured that the Liberian Government, through the FDA, will remain committed to our programs with our partners and no level of slander and negative propaganda through your choreograph briefs will undermine such progress. Your attempt of reminding us of our commitment under the Norwegian Letter of Intent clearly shows your lack of interest in the positives of our forest sector as we have long developed a term of reference for reviewing Liberia's forest concession and your brief is in no way intended to trigger such review but to achieve your selfish funding objective and undermine Liberia's economic revitalization to which commercial forestry activities contribute.

Relative to issues raised in your unpublished brief, please be reminded that:

1. There is a due process requirement under the Laws of Liberia and as far as we are concerned, Section 5.2 of the National Forestry Reform Law (NFRL) of 2006 establishes the qualifications of persons that should not obtain or conduct commercial forest operations in Liberia, specifically Section 5.2b. We remain committed to the letters of the Law and have not violated or to the best of our knowledge allowed such performance to pass our scrutiny. We are however aware that logging Concessions are corporate entities and ownership may change as the case maybe in the course of business. We are therefore ready to take the appropriate actions where there to be such occurrence. We hope that you clearly reconsider the content (count one and two) of your brief as it relates to the requirements set by the 2006 NFRL (which is the Law controlling).
2. Relative to your claim of a suspicious SGS's staff communication, please be informed that SGS is a private entity that serves as a service provider to the Government of Liberia. As claimed by you, SGS suspected a conflict of interest with a member of its staff and acted. We are however aware that SGS system experienced technical errors with acquiring accurate data from concessions

holders' field staff. Investigation was done (through stock take) and it was established that those errors were human and not manipulation. Additionally, the logs concerned were not exported until they were resubmitted and processed in line with our Chain of Custody (COC) requirements.

3. As to bullet four, the allegation of CFMAs being awarded to companies instead of communities is a malicious lie. There is a clear process by which authorized forest communities come into existence through Community Forest Management Agreement with the FDA. It is however important to note that when these CFMAs are signed, the communities have the right to manage their forest by themselves or enter into a third party agreement with a company for the management of their forest. Communities entering into a third party agreement is not a violation of the law (or a de facto contract award by the FDA), and is consistent with Community Rights Law with Respect to Forest Land (CRL) Chapter 9 Section 2. In the case mentioned, the Communities of the four CFMAs entered into a CFMA with the FDA and later signed a third party agreement through their communities governing structures (Community Forest Management Body), which is no violation of the Law and constitutes no de facto award of community forest to companies by the FDA. We advise, that you read the CRL and its regulation in detail to better inform you about the operational mechanism of community forest acquisition and governance. Global Witness had earlier raised similar issue and we provided you copies of all the documents leading to the signing of the mentioned CFMAs with the communities. We find your continuous assertions in the midst of our openness as unwelcoming and intended to undermine the progress in the implementation of our community forestry programs.
4. We acknowledge that we have had challenges with arrears as a result of bid premiums. The companies and the government have arranged the payment of these arrears.
5. As noted in the FDA's preliminary response to your email, your claim of companies being barred by Executive Order Number 44 issued in February 2013 is not valid as the mentioned instrument had a life span of a year. We would like to further state that the ban was placed on Private Use Permits (PUPs) operations and not the operators of PUPs. These operators that are operating under licenses other than PUPs have committed no offense. If they do, we are willing to investigate and prosecute them through the Ministry of Justice (MOJ) and let the courts decide punitive actions where necessary.

Thanks

Darlington S. Tuagben
Deputy Managing Director for Operations
Forestry Development Authority (FDA)
Whien Town, Mt. Barclay
Monrovia, Liberia
Tel. +231-886-798425