

OFFICE OF THE PRESIDENT

# REPUBLIC OF LIBERIA

## REPUBLIC OF LIBERIA GOVERNMENT OF LIBERIA

### EXECUTIVE ORDER N°1 GOL FOREST SECTOR REFORM

*Adopting the Recommendations and Report of the Forest Concession Review Committee and promoting transparency, benefit sharing, and public participation in forest and natural resource management in Liberia.*

WHEREAS, The 1986 Constitution of the Republic of Liberia mandates that "[t]he Republic shall, consistent with the principles of individual freedom and social justice enshrined in this Constitution, manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia"; and

WHEREAS, under Chapter 6 of the 1986 Constitution of Liberia, the Executive power of the Republic is invested in the President who shall be Head of State and Commander in Chief of the Armed Forces of Liberia;

WHEREAS, the natural resources sector over the last two decades has been characterized by lack of: transparency, accountability, civil society participation (especially by non-governmental organizations and rural people), and equitable sharing of benefits generated by the industry; and

WHEREAS, several investigations and reports commissioned by civil society organizations and confirmed by the United Nations Panel on Liberia have confirmed that illicit trade in natural resources has fueled and prolonged the country's civil war; and

WHEREAS, from 2001 to the present and continuing, the United Nations Security Council has imposed and renewed an embargo on the diamond and timber sectors of Liberia and instructed the Government of Liberia to carry out reforms in the forest and other resources sectors so their operations conform to internationally accepted standards and that revenue there from is used for the benefit of the Liberian people; and



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WHEREAS, in conformity with the United Nations Security Council mandate, as well as with the policy of the Government of Liberia to ensure transparency and accountability in the management of the forest resources of the Republic of Liberia, the Chairman of the National Transitional Government of Liberia by letter dated July 7, 2004 appointed an 18 member Forest Concession Review Committee (Committee) composed of representatives "from a broad cross-section of government agencies, international agencies, and non-governmental organizations working in Liberia" to conduct a review and evaluate the legal status of all timber concessions.

WHEREAS, in the course of its comprehensive case-by-case review the Committee found multiple and massive instances of legal non-compliance and mismanagement. As a result, the Committee recommended that each and every existing forest concession be cancelled, and further recommended that an *integrated set of forest sector reform* measures be developed and instituted prior to allocating any future concessions; and

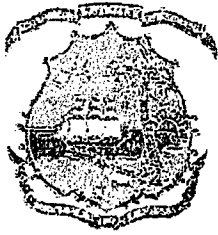
WHEREAS, the United Nations Security Council Resolution 1521 lifted the timber industry to an issue of *National Emergency*, which *impinges* on the national security and sovereignty of the Republic of Liberia and the destabilization of the West African sub-region; and

WHEREAS, the United Nations Security Council Resolutions 1607 and 1647 request the implementation of the recommendations of the Forest Concession Review in their entirety; and

WHEREAS, in the exercise of the executive power vested in her by the Constitution, the President may issue Executive Order in the public interest, either to meet emergencies or to correct particular situations which cannot wait until the lengthy legislative process had run its course; and

WHEREAS, the President is authorized under the New Executive Laws of the Republic of Liberia Chapter 3, section 3.4 (*delegation of function*) and Executive Law Chapter 10, section 10.5, (*Regulation in general*) to designate and empower the Head of Ministries or Agencies in the Executive Branch of Government or any official thereof, who is required to be appointed by and with the advice and consent of the Senate to perform such function which is vested in the President by statute or regulation; and

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WHEREAS, in consideration of the above it has become imperative that the Government of Liberia adopt corrective measures to reform the forest and natural resources sectors and ensure independent monitoring and verification of the management of these sectors;

NOW, THEREFORE, the Government of Liberia hereby adopts and incorporates by reference the recommendations and findings of the Forest Concession Review Committee as contained in its Report of May 31, 2005 and orders the following corrective measures to institute reform of the natural resource sectors.

1. All Ministries, Agencies and Bureaux are authorized and required to carry out the recommendations and findings of the Forest Concession Review Committee for actions and activities within their jurisdiction.
2. The President of the Republic of Liberia, based on the findings of the Concession Review Committee and the mandate of the United Nations Security Council, hereby declares all purported forest concessions null and void ab-initio – including “concession agreements”, “management contracts”, “non-concession operator permits”, “forest management utilization contracts”, and “salvage permits”.
3. The President of the Republic of Liberia, the Chief Executive Officer and Commander in Chief, hereby instructs the Ministry of Justice to issue individual letters informing all parties of the decision in paragraph 2.
4. The Forestry Development Authority is hereby mandated to grant or allocate future forest concessions only after it determines in writing that the measures for forest management reform outlined in Paragraphs 5 through 7, below, are fully instituted and implemented and the necessary legislation enacted and regulations passed under Paragraph 7 (k.), below.
5. The President of the Republic of Liberia, the Chief Executive Officer and Commander in Chief, hereby establishes a Committee (Forestry Reform Monitoring Committee) to be led by the Forestry Development Authority with the participation and assistance of the Liberia Forest Initiative, composed of Liberian and international representatives including international and local civil society, to monitor forest management reform.

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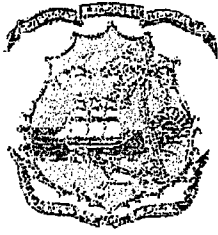
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6. The Committee is hereby charged with the responsibility of overseeing, monitoring, and verifying the formulation, development, and implementation of the measures prescribed as a condition precedent to the resumption of concession grants and allocations as per Paragraph 4, above, which would allow the resumption of timber harvesting in Liberia consistent with international standards and basic principles of accountability, transparency, and sustainability and as contained in the Public Procurement and Concession Act of 2005.

7. The measures to be monitored and verified by this Committee shall consist of the completion and implementation of all of the following actions by the FDA and other appropriate agencies of Government:

- a. Identify appropriate land areas for establishing a concession system based on land-use planning principles; and
- b. Establish an appropriate chain of custody system that tracks logging operations from the point of enumeration to export; and
- c. Work with the international community to define an appropriate tax system (based on international timber prices) and equitable sharing of the benefits with local communities and institute that system; and
- d. Revise the concession contract to reflect legal requirements and mandated procedures, including without limitation the changes in laws, regulations, chain of custody requirements, and taxation procedures prescribed by these interim measures or otherwise necessary for forest management reform; and
- e. Develop and implement a transparent forest concession allocation procedures based on the Public Procurement and Concession Act of 2005 and that will include a comprehensive debarment and suspension system that would include a debarment list of those who aided and abetted civil disturbances and a suspension list of those who defaulted on their financial obligations; and
- f. Establish procedures for investigating, crafting appropriate remedies, and taking legal action for financial and tax fraud, human rights abuses, economic

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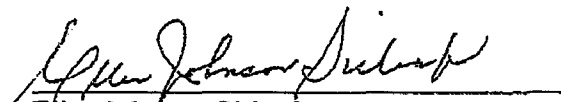


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- g. Elaborate an Environmental Impact Assessment process and implement it for future concession allocations; and
  - h. Advise on implementation of GEMAP in the FDA, by working with established Technical Team under the EGSC; and
  - i. Take measures to institutionalize the participation of communities and civil society in forest management in a transparent manner, including without limitation access to information, mandated public participation, and the right to bring citizens' suits to redress violations of law.
  - j. Conduct a comprehensive review of the forestry laws and regulations to identify on a priority basis what strengthening amendments and additions are needed to implement forest management reforms.
  - k. Propose legislation and pass regulations based on the review conducted under Paragraph 7 (j.), above.
8. All agencies and departments shall cooperate fully with the work of the Forestry Reform Monitoring Committee, including provision of technical assistance and access to information as may be requested.
9. In order to facilitate public access to information utilized or generated by the work of the Forestry Reform Monitoring Committee and on the management of the natural resources sector, all personnel of the government, including ministers, directors and the heads of public agencies and parastatals, *technicians and management staff shall make available and affordable for public inspection and access, information relating to the entire chain of operations of the natural resources industry and shall follow up, act on, and respond in writing to citizens' complaints.*
10. This Executive Order shall take effect on the <sup>1<sup>st</sup></sup> day of February A.D., 2006.

GIVEN UNDER MY HAND AND SEAL  
OF THE REPUBLIC OF LIBERIA, THIS  
DAY OF, A.D. 2006

  
Ellen Johnson-Sirleaf  
PRESIDENT  
REPUBLIC OF LIBERIA