



Hon. Moses D. Wogbeh
Managing Director
Forestry Development Authority
Mount Barclay, Paynesville
Monrovia, Liberia

Sustainable Development Institute/ FoE Liberia

August 8, 2011

Dear Hon. Wogbeh:

The Sustainable Development Institute (SDI) wishes to thank you for the June 8, 2011, response reference SDI May 31, 2011, letter of inquiry regarding the PUPs that have been issued so far. We also acknowledge receipt of the contract documents for the three Private Use Permits (PUPs) and take note of the acknowledgement our contribution to improving governance in the natural resource sector, including forestry and mining.

The letter and the accompanying documents together raise other issues and questions that need further clarification.

1. Pre-qualification for entities wishing to log under Private Use Permit: See the following sections of the National Forestry Reform Law...

Section 5.2 on Basic Qualifications states:

a. The Authority shall establish standard qualifications for Persons wishing to obtain permission to conduct commercial forest Operations.

(i) For competitive bidding processes under Sections 5.3 and 5.4 of this Law, the Authority may specify the standard qualifications in the form of pre- qualification requirements adopted in accord with the laws governing public concessions.

(ii) For Forest Use Permits under Section 5.5 of this Law, the Authority shall specify the standard qualifications in the Regulation governing the permit.

(iii) For Private Use Permits under Section 5.6 of this Law, the Authority shall specify the standard qualifications by Regulation.

Did the FDA fulfill the requirements of the law under Section 5.2a(iii) cited above? If yes, kindly provide us with a copy of the regulation and the accompanying Board Resolution adopting it.

2. **Land Management Plan:** Section 5.6d states “the Authority shall attest to a Private Use Permit only if all of the following conditions are satisfied:

*(v) The applicant has prepared a **five-year land management plan** satisfactory to the Authority and has **complied with all legal requirements for environmental impact assessment.**”*

Can you confirm that FDA has approved their five-year land management plans? If yes, kindly provide us a copy of their land management plan.

Also, can you confirm that they have fulfilled the requirements for environmental impact assessments (EIA)? If yes, please provide us with a copy of their EIA.

We note that although the NFRL specifically notes that the applicant must prepare a land management plan and receive approval (from FDA) in order for the FDA to be able to legally attest to a PUP, Section 8 of the contracts (Pre-felling Date) only requires an initial annual operation plan in fulfilment of the pre-felling requirement; this does not only significantly lower the standards on pre-felling requirements, it directly contravenes the law.

In addition to concerns about possible breaches of the legal provisions cited above, we would like to point out that the arbitrary manner in which the FDA has chosen to allocate PUPs to selected individuals and communities with Deeds to their forestlands runs contrary to the government’s commitment to good forest governance when it initialled the Voluntary Partnership Agreement (VPA) in May 2011. For example, the government in 2008 ‘took over’ forestlands claimed by the people of Bokomu and Gou Nwolaila and allocated same under FMC A, TSC A-6 and TSC A-7. Although these communities made numerous public requests to the government, specifically to the President and FDA at different community meetings in Bopolu City, Gbarpolu County, the government went ahead and allocated their land under these contracts. Also, while these communities were being denied their right to exercise control over their forestland, FDA was already in discussions with Mrs. Mary F. Kpoto for a Private Use Permit for land claimed under similar title in Lofa and subsequently issued her a PUP.

We look forward to hearing from you and receiving copies of the supporting documents.

Sincerely yours,



Jonathan W. Yiah
Coordinator