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Liberia: Overview of corruption and anti-corruption

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Despite high expectations placed on Liberia's new president, his Excellency George Manneh Weah – who came to power through Liberia's first democratic transition of power in more than 70 years – corruption continues to permeate Liberian politics and the public service. Allegations of patronage, nepotism and cronyism plague politics, petty corruption is rife, and judicial independence is weak. Moral and financial support to public integrity institutions is also limited, with the Liberia Anti-Corruption Commission (LACC), Financial Intelligence Unit (FIU) and other public integrity institutions without fully constituted leaderships. While advances have been made in the extractive resources sector, with Liberia making “meaningful progress” to respect the Extractive Industry Transparency Initiative standards, overall challenges remain significant.

Query

Please provide an updated overview of corruption and its effects in Liberia, as well as information about anti-corruption measures, institutions, legal and other frameworks that may be in place. Information about NGOs and other actors and their anti-corruption efforts would also be of interest.

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Introduction

Liberia has enjoyed more than a decade of peace and stability since the second civil war ended in 2003. During this time, the country has made considerable progress rebuilding government capacity, re-establishing the rule of law, and ensuring political rights and civil liberties for citizens. In 2017, there was the first peaceful transfer of power between leaders since 1944. However, Liberia still faces serious corruption issues (Freedom House 2018).

Ellen Johnson Sirleaf came to power in Liberia in January 2006, following decades of war, violence and attempted coups. She became the first elected female head of state in Africa. She has been hailed for her work both at home and abroad, but her legacy in Liberia has been overshadowed by accusations of nepotism and corruption, including appointing three of her sons to top government posts (Aljazeera 2019).

Main points

- Allegations of patronage, nepotism and cronyism have continued in Liberia, despite a change in government, which came with high expectations to fight corruption.
- Low salaries are often cited as the reason for petty corruption in the country, especially across all levels of government.
- Legislative framework has little influence on corrupt practices
- Transparency improvements are significant only in Liberia's natural resources industry.

In Johnson Sirleaf's first term alone, more than 20 government ministers were accused of corruption by the country's independent corruption watchdog, the General Auditing Commission (GAC), but not one of them was prosecuted. Johnson Sirleaf claimed they could not stand trial at the time because the judiciary was too weak. The head of the Liberian Anti-Corruption Commission (LACC) and

the former Minister of Justice complained about a lack of political will to prosecute corruption (BTI 2018).

In her second term, a corruption watchdog, Global Witness, found that 20 of the country's largest logging contracts had been awarded illegally and that the process had been marred by graft. A succession of scandals rocked her administration in her latter years. The latest involved Varney Sherman, a lawyer and former head of the president's political party, who was tried for allegedly paying more than US\$950,000 in bribes on behalf of her client, the British extractive firm Sable Mining, to secure an iron ore concession (Clarke & Azango 2017). However, he was acquitted on 30 July 2019 along with other co-accused, former Speaker Alex Tyler, Chris Onanuga and Executives of Sable Mining (Davis 2019a).

George Weah's election as president of Liberia in January 2018 brought with it high expectations. Despite early signs that he would take on bureaucratic excess and corruption, Weah's first year in office has been hampered by limited resources and controversies over missing money (Donnelly 2019). Within hours of taking over the presidency, Weah issued an ultimatum to outgoing government ministers and civil servants: to return all government equipment, including cars, or face arrest. Weah himself took a pay cut. The National ID registry rolled out biometric cards with an initial focus on government employees in an effort to root out "ghost" employees. Such moves were applauded by the media and the public at large and raised hopes of a change in political culture (Donnelly 2019).

However, his early actions and populist rhetoric are at odds with the realpolitik demands of managing an entrenched political class and a political system designed to defend their privilege. Weah is

surrounded by people linked to past corruption and mismanagement, or with ties to key figures in Liberia's civil war (Donnelly 2019). Weah has also been subject to criticism due to his involvement in the construction of a luxury housing estate and expensive renovations to his private real estate portfolio (Hoiye & Poquie 2019).

In addition, the Liberian economy is in bad shape (Hoiye & Poquie 2019). The Liberian dollar has dropped by a third against the US dollar since Weah took office, and inflation has soared as high as 28% (Clarke & Giahyue 2019). In June 2019, rising public discontent over the economic crisis and alleged corruption under Weah spilled onto the streets, with an unprecedented mass protest dubbed #SavetheState (van Eyssen 2019). In the lead up to the protest, internet providers blocked access to social media platforms, such as WhatsApp, Twitter, Facebook and Instagram (CIVICUS 2019).

Extent of corruption

Corruption has persisted throughout the government in Liberia, and the World Bank's most recent Worldwide Governance Indicators reflects that corruption is still a serious problem (World Bank 2017).

Liberia's score on Transparency International's Corruption Perceptions Index dropped from 37 out of 100 in 2016, to 32 in 2018 (Transparency International 2018). In comparison to 2015, the overall bribery rate dropped from 69% to 53% in 2019. More people felt that the government was doing a good job of fighting corruption (40% in 2019 compared to 18% in 2015), and more people felt that they could make a difference in the fight against corruption (52% in 2019 compared to 43% in 2015) (Pring & Vrushu 2019). Although half of Liberians think that ordinary citizens can make a difference in countering corruption, six out of 10 say

that people risk retaliation if they report incidents of corruption. Two-thirds also say it is not likely that authorities will act if they report corrupt behaviour (The Khana Group 2018; Pring & Vrushi 2019).

However, according to 2018 Global Corruption Barometer data, almost half of Liberians reported that the level of corruption in the country increased over the year, with the police, National Electoral Commission and National Assembly perceived to be the most corrupt (The Khana Group 2018; Pring & Vrushi 2019). The police rank as the institution that citizens most frequently acknowledge bribing during the previous year.

The Center for Transparency and Accountability in Liberia (CENTAL) noted that the country's attempts to counter corruption experienced a sharp decline under former president Johnson Sirleaf, after failing to address impunity and prosecute her family members and cronies, despite establishing key anti-graft institutions and passing anti-corruption laws and policies. However, the director of CENTAL noted that, since coming into power, President Weah had not honoured key recommendations nor lived up to commitments made to tackle corruption and create an enabling environment for public integrity institutions to perform. According to CENTAL's director, despite few notable positive actions, there is extremely limited progress in addressing corruption in the country (Worzi 2018a).

On the Ibrahim Index, Liberia ranks 23 out of 54 countries, with a score of 51.6 for the year 2018 (Mo Ibrahim Foundation 2018).¹ In the World Justice Project's 2019 report on the Rule of Law, Liberia ranked 97 out of 126 countries with a score of 0.46. In terms of absence of corruption in government, Liberia ranked 110 out of 126

countries with a score of 0.32. Liberia fared better in terms of open government, ranking 70 out of 126 countries with a score of 0.49 (World Justice Report 2019).

Both Freedom House's Freedom Rating and the Economist Intelligence Unit's Democracy Index rank Liberia above the sub-Saharan average and better than many of its neighbours. However, the Democracy Index's extremely low rating for "functioning of government" (0.8 on a 0 to 10 scale) is an indication of the problems below this positive surface. Issues of capacity, corruption and concentration of power continue to hamper the government's ability to effectively respond to the needs and expectations of the people (Delegation of the European Union to Liberia 2018).

Nature of corruption challenges

Political corruption is endemic in Liberia. The Johnson Sirleaf administration was plagued by allegations of nepotism and cronyism, and similar allegations have been made against the Weah administration.

Low salaries are often cited as a reason for petty corruption, particularly in the form of bribery whereby public servants seek to supplement their income. However, the legal framework is also poorly enforced which has contributed to a culture of impunity.

Allegations of grand corruption have also troubled Liberia. The Index of Public Integrity scores budget transparency and administrative burden quite highly, demonstrating that these sectors are quite well developed. However, freedom of the press, trade openness and judicial independence do not fare so well (Mungiu-Pippidi et al. 2017).

¹ The Ibrahim Index of African Governance is a tool that measures and monitors governance performance

in African countries. See further: <http://mo.ibrahim.foundation/>

Nepotism and cronyism

The former president came under severe criticism for appointing and shielding close relatives in key positions (BTI 2018). Similar criticisms have been raised against the current government. Most recently, allegations have been made against the Minister for Internal Affairs, that he has significantly influenced the appointments of senior officials as a means of abating any possible critical views against him (Front Page Africa 2019).

Petty corruption

Low public sector salaries and a lack of decent training create the incentive for corruption (Chêne 2012). In addition, little judicial accountability has exacerbated official corruption and contributed to a culture of impunity (US Department of State 2018).

In 2015, the Global Corruption Barometer survey reported that 69% of people who came into contact with at least one of six key public services—public schools, public healthcare, the police, courts, for official documents or for utilities—having paid a bribe in the past year (Pring 2015). Overall, bribery rates appear to be decreasing. According to the 2019 Global Corruption Barometer survey, among respondents who had contact with relevant public services during the previous year, about half say they paid a bribe at least once to get police assistance (55% compared to 60% in 2015) or household services (48% compared to 56% in 2015). About four in 10 paid a bribe at least once to get medical care (43% compared to 52% in 2015) or to get public school services (40%, compared to 45% in 2015) (The Khana Group 2018; Pring & Vrushi 2019; Pring 2015).

The effects of petty corruption are far-reaching. It has been argued that, during the Ebola crisis in Liberia, petty bribery fuelled distrust in health services, and therefore contributed to the spread of

the disease as patients avoided seeking medical attention from health institutions they did not trust (Chêne 2019).

Rebuilding the state has largely focused on increasing government salaries and improving staff qualifications. When the Weah administration took over, most employees earned little more than US\$20 a month, which virtually forced officials into corruption. Lower ranking officials now receive around \$150 (BTI 2018). However, the Government of Liberia is currently enrolled in a salary harmonising process. All workers under the harmonised process will now be paid more equitably, with people of the same qualification and experience making about the same amount or in the same range. Although this has increased the salary of 14,000 individuals; 10,000 civil servants have received a significant salary deduction (Dodoo 2019).

Political corruption

According to Glencourse and Yealue (2017), legislators are more beholden to their patrons and cronies than to their voters and as a result, Liberian politics suffers from a lack of accountability. There are several high profile cases that illustrate the nature of political corruption in Liberia.

A 2016 Global Witness report revealed that a major British-owned company had succeeded in having a tailor-made provision inserted into the law by bribing a variety of political elites influential with competing factions of the government. The concessions law was a major reform project of the Johnson Sirleaf government (BTI 2018).

In 2018, the Liberian government launched an investigation into the discovery of missing bank notes equal to 5% of its GDP. Kroll's report, entitled "Project Fabre", provides a forensic analysis of the approval for printing additional banknotes, the

awarding of the contract to a Swedish firm called Crane AB, the shipping of the banknotes and the movement of the funds to and from the country's central bank vaults.

Although the investigation dismissed the suggestion that all of the new banknotes are missing, it does reveal significant mismanagement and potential corruption (Finnan 2019). Also, a \$25 million dollars intended to mop-up excess Liberian Dollars with United States Dollars was reportedly mismanaged. A report from the GAC highlighted discrepancies in how the funds were utilised (Bush Chicken 2019). More than five months after release of the GAC report, on instruction of the Ministry of Justice, the LACC is still investigating the matter, with many persons harbouring fears that those implicated might not be prosecuted.

Sectors affected by corruption

Police

The police and criminal justice systems do not enjoy high levels of public trust in Liberia. According to the latest Afrobarometer survey, only 6% of Liberians think “none” of those in the police are corrupt (Afrobarometer 2018). Human Rights Watch's research in Liberia found that “the police force is riddled with corruption and a lack of professionalism and accountability” (Human Rights Watch 2019).

Citizens often accuse the police of extortion and bribery, and most citizens do not know their rights in the justice system or the responsibilities of the police. According to Human Rights Watch (2013), victims of police corruption described police extortion at every stage of a case investigation—from registration of a complaint to transportation to the crime scene, to release from police detention, thus creating the perception among many Liberians

that wealth, not guilt, determines the outcome of a criminal case.

The most prevalent form of police corruption was the solicitation of “on the spot” fines at roadblocks for traffic offences (United States Department of State 2018).

Human Rights Watch (2013) documented numerous cases where police officers entered poor communities at night or simply patrolled a street and engaged in shakedowns. Recently, on 10 April 2018, the Liberian National Police dismissed an officer for tampering with a criminal investigation into the death of a woman. The officer allegedly investigated the case without authority and then detained and extorted money from suspects in the case (United States Department of State 2018).

Liberian police officers face numerous challenges in performing their jobs. They frequently lack the basic but essential tools of policing, such as vehicles or the fuel for them, and even pens and paper for reports. Patrol officers say that their wage does not reflect the long hours they work and is insufficient for meeting their basic needs. This encourages the police to support themselves and their families through extortion and bribe-taking (Human Rights Watch 2013).

In addition, commanding officers also place pressure on their subordinates to make payments up the chain of command. Officers commonly pay their supervisors to obtain promotions, desirable posts, and other perquisites—or just to avoid negative assignments. To raise the necessary cash, police often “hustle” for money on the street rather than reporting to their post. This means the harm on the public is two-fold: on those compelled to pay bribes; and those whose police officers have not reported to their local post (Human Rights Watch 2013).

Success in bringing cases against police officers has been limited. A number of people who had tried to report their case to either a commander or the Professional Standards Division told Human Rights Watch that their complaints went unaddressed. According to Human Rights Watch (2019), many other victims of police abuses said that they were either too afraid to report the violation, or, because of negative past experiences with pursuing police accountability, would no longer report cases to Liberia National Police personnel. In addition, the lack of an oversight body to address issues of police misconduct reinforces citizens' mistrust (Open Government Partnership 2018).

Public sector

According to the Afrobarometer, in 2018, about four in 10 citizens paid a bribe at least once to get medical care (43%), or to get public school services (40%). However, in the 2017 Liberian Civil Servants Survey, 84% of respondents believed that service promotions are merit-based and 63% are confident they will be promoted if they perform well (Coleman et al. 2017). Furthermore, 68% of respondents said that they did not know their supervisor before being recruited (Coleman et al. 2017). Nonetheless, the civil service continues to be heavily influenced by politics and nepotism, with 42% of respondents to one survey believing that their colleagues have political connections (Coleman et al. 2017).

Heightened poverty levels in fragile states provide individuals with incentives for corrupt behaviour. Institutions have low capacity to manage data collection, record keeping, budgetary, public financial management (including procurement) and payroll systems, as well as to enforce existing regulations. In the case of the West African Ebola epidemic, corruption contributed to the disease's

outbreak primarily by weakening public health institutions in the preceding years (Dupuy & Divjak 2015).

Judiciary

The statutory judiciary is formally independent but characterised by severe functional deficits with judges and magistrates reportedly subject to undue influence from the private sector and government officials. Liberia's civil and criminal justice systems score poorly on the World Justice Project's Rule of Law Index (World Justice Project 2019). According to the World Economic Forum, Liberia scored 3.3 for judicial independence (a score of 1 not being independent and 7 entirely independent), placing it 97 out of 137 countries (World Economic Forum 2018).

Some judges accepted bribes to award damages in civil cases while others have reportedly solicited bribes to try cases, grant bail to detainees or acquit defendants in criminal cases. In addition, defence attorneys and prosecutors have reportedly suggested defendants pay bribes to secure favourable decisions from judges, prosecutors and jurors, or to have court staff place cases on the docket for trial (United States Department of State 2018).

Corruption of judges and juries constitutes a major obstacle to fair and transparent trials. Judicial sitting days are effectively few, and absence of judiciary personnel often leads to trial delays (BTI 2018). One judge, although admitting to corrupt practices in the judicial system, blamed its "widespread nature" to "constant delays of judges salaries and other benefits" (Davis 2019b). Corruption is endemic despite salary hikes for judges and magistrates, and the prosecution-to-conviction ratio remains low (BTI 2016).

While the supreme court has made provision through the establishment of the Grievance and

Ethics Committee for the review of unethical conduct of lawyers and has suspended some lawyers from legal practice for up to five years, the public has brought few cases. Complaints of corruption and malpractice involving judges' conduct may be brought to the Judicial Inquiry Commission. However, both the Grievance and Ethics Committee and the Judicial Inquiry Commission lack appropriate guidelines to deliver their mandates effectively (United States Department of State 2018).

In August 2018, the House of Representatives voted to impeach Associate Justice Kabineh Ja'neh on allegations of misconduct and abuse of office. The vote exposed a conflict between the legislative and judicial branches and threatened the authority of the supreme court as a stay order from the supreme court was in place at the time of the vote (Freedom House 2019).

Some rulings by the nation's highest court in recent years point to increased judicial independence and increased willingness to intervene to protect people's rights. However, the supreme court's move to overturn the National Elections Commission's rulings aimed at enforcing the National Code of Conduct Act prompted concern from election observers, some of whom alleged that the court was trying to appease all parties by not fully enforcing the code (Freedom House 2018). Similarly, in October 2017, the supreme court signalled that adjudication of a high-profile bribery case against former house speaker Alex Tyler was not a priority, and that courts would instead focus on election-related cases (Freedom House 2018).

Tax system

Corruption within the tax administration is rampant and particularly problematic when compared to other countries. Perceived corruption among tax authorities is significant, and evidence

suggests these perceptions undermine public commitment to the integrity of the tax system and increase the likelihood of non-compliance (Aiko & Logan 2014).

62% of citizens in Liberia who came in contact with tax services reported having to pay bribes compared to the global average of 15% (Pring 2013). In 2015, 68% of respondents thought tax officials were corrupt (Pring 2015). Alm et al. (2016) demonstrate that corruption-related payments—either voluntarily offered to or extorted by corrupt tax officials—significantly reduce reported sales and firms' tax payments.

Under the Tax Justice Network's Financial Secrecy Index, Liberia had a secrecy score of 83 out of a maximum of 100. Further, in 2019, Liberia was named as one of thirty countries worldwide on the European Commission (EU) Offshore Blacklist (West African Journal Magazine 2019).

Natural resource sector

Liberia is rich with mineral wealth including iron ore, timber, diamonds, rubber and gold; however, natural resource management continues to deal with corruption and governance issues including bribery, facilitation payments and regulatory capture. This results from an entrenched culture of impunity, lack of due diligence and weak enforcement of laws and policies that have undermined productivity of the sector (Makor & Miamen 2017). During the Liberian civil wars, natural resources fuelled conflict, providing funds to the parties involved. Although the UN Security Council imposed a ban on logging and diamond exports, several companies continued to import Liberian natural resources.

Liberia has 4.2 million hectares of forest, covering 43% of its land area (Nepcon 2017). Under the Charles Taylor administration, the forestry sector

was notoriously plagued by corruption and illegal logging. In February 2006 President Sirleaf revoked all existing timber concession contracts which had been widely criticised for being awarded in a corrupt fashion and in 2006 a new National Forestry Reform Law was created. Reforms resulted in the UN Security Council lifting the ban on Liberian timber exports in 2006. A consortium of donor governments and specialised agencies joined efforts to support the Liberian government to implement timber reforms through the Liberia Forest Initiative (Chêne 2012).

The Community Rights Law With Respect to Forest Lands (CRL) that followed, in 2009, was designed to “empower communities to fully engage in the sustainable management of forests of Liberia”. It granted them management rights over forest resources and, if they chose to sub-contract some of their forest to a logging company, it would give them a greater share of the revenues earned from this.

One of the most progressive components of the reform was a law that allowed those communities to take the lead on managing large tracts of remote forests. It established steps by which a community could apply for and obtain a permit that would allow it to make decisions about one of those forest areas, including entering into direct agreements with logging companies if they chose.

But a report released by the international watchdog Global Witness (2018) states that in practice, the law is being “hijacked” by logging companies.

According to the report, a moratorium on large-scale logging concessions — which require timber companies to undertake costly and laborious negotiations with the national government — has prompted those companies to target community forests as a backdoor to lucrative commercial exploitation (Global Witness 2018).

The report states that Liberia currently has 133 pending community forest applications, which would cover a total of 43,000 square kilometres, or 45% of Liberia’s total land mass. It alleges that many of these applications are being secretly driven by logging companies, subverting the law’s intent to provide communities with options that include conservation and the development of other forest-based enterprises (Global Witness 2018).

Logging companies are enlisting local elites and coercing communities into signing secret agreements that grant them logging rights, in return for them financing the process communities are required to follow in order to obtain Authorised Forest Community status. The picture uncovered by Global Witness in this report looks very much like a re-run of the scandal that surrounded Private Use Permits – a system of forestry licences designed for small operators that was hijacked by large logging companies. Over 2.5 million hectares, or 23% of the land area of Liberia, was handed over illegally to loggers through these permits up until their cancellation by presidential decree in 2013 (Global Witness 2018).

In 2018, the Land Rights Law of the Republic of Liberia entered into force after more than a decade of activism by communities and civil society organisations. Under the law, communities can claim ownership of customary land by presenting evidence such as oral testimonies, maps, and signed agreements. It provides opportunities to ensure more just and equitable land ownership and guarantee the collective community land and resource rights of more than two million Liberians.

The legal framework for community forestry in Liberia is in many ways exemplary and progressive. But a combination of factors are undermining it in practice, and Liberia’s rainforests are at risk of becoming a free-for-all by those with the money,

resources and will to exploit local people and their homes for profit. There is evidence that throughout the application process, from boundary demarcation to the election and appointment of community governance structures, and on to forest management planning, logging companies and intermediaries – brokers, elites, and front companies – are co-opting and compromising legal safeguards (Global Witness 2018).

After the civil war ended in 2003, implementation of the Extractive Industry Transparency Initiative (EITI) became an integral part of the wider governance reforms promoted by international aid and development agencies (Sovacool & Andrews 2015). Liberia's EITI covers the mining and timber sector as well as agriculture and the nascent oil and gas sectors. Liberia has been an EITI member since 2009 and is making "meaningful progress" with EITI standards. In 2018, despite requesting an extension of the reporting deadline, Liberia was suspended for missing the deadline. Liberia published its EITI report on 7 January 2019.

Liberia has also been a member of the Kimberly Process since 2007 and reported a value of US\$32.5 million from the rough diamond sector in 2015.

The EITI process is enshrined in the Liberian law since 2009. Pursuant to the 2009 Liberian Extractive Industry Transparency Initiative (LEITI) Act, all contracts in Liberia are public and posted on the LEITI website. Liberia's EITI disclosures, including public access to contracts, enabled civil society monitoring that led to the exposure of corruption around the issuing of logging permits in community-claimed forests. Ultimately, this led to the conviction of the head of the forestry authority and his deputies on charges of economic sabotage.

Although Liberia has good requirements for resource governance, implementation is poor (National Resource Governance Institute 2017).

More often than not, relevant government institutions lack the capacity to regulate and monitor the various laws, regulations, and agreements it has enacted. In other cases, political will is missing (Kaba et al 2019).

In 2016, a grand jury indicted top government officials on charges of bribery for conspiring to amend key laws to enable a London-listed company, Sable Mining SBLM.L, to get rights to one of the world's richest iron ore deposits (Giahvue 2016). Leaked documents alleged that over US\$950,000 was used to pay off top government officials and their relatives (Global Witness). However, after the end of a month-long trial, Judge Gbeneweleh ruled that the prosecution had not proven its case beyond a reasonable doubt (Yangian 2019).

According to the National Resource Governance Institute, Liberia scored 59 out of 100 for value realisation, which measures governance of licensing, taxation and local impact. However, Liberia scores poorly in revenue management, national budgeting and the enabling environment, which is attributable to government ineffectiveness (National Resource Governance Institute 2017).

Lastly, for failure to publish outstanding reports and meeting key requirements, Liberia's membership with the Extractives Industries Transparency Initiative was suspended in September 2018 (EITI 2018). In addition, Liberia faces expulsion from the EITI process by December 2019 if it cannot implement concrete measures to meet up with her outstanding obligations (Frontpage Africa 2019).

Legislative framework

The Liberian legislative framework calls for integrity in government service and enumerates multiple offences related to corrupt acts by

officials, including making false statements, tampering with public records, obstruction of justice, bribery, intimidation and abuse of office.

There are criminal penalties in the Penal Code for economic sabotage, mismanagement of public funds and bribery. The Code of Conduct Law prescribes guidelines for public officials and civil servants against corrupt practices. However, the Code of Conduct does not provide explicit criminal penalties for official corruption and does not extend to family members of officials, or to their political parties. The Liberia Anti-Corruption Act 2008 instituted an anti-corruption policy and a comprehensive strategy that outlines the preventative, educational and enforcement measures to be taken to combat corruption in Liberia. The Act also specifically provides for the establishment of an independent Anti-Corruption Commission to investigate and prosecute cases of corruption.

Although the basic elements of an anti-corruption legal framework are in place, corruption is rife. The written laws of Liberia are not fully implemented by government, and officials often engage in corrupt practices with impunity (United States Department of State 2018).

In terms of international commitments, Liberia participates in the Extractive Industry Transparency Initiative (EITI) – although its membership is currently suspended – and is a signatory to the Economic Committee of West African States Protocol on the Fight against Corruption, the African Union Convention on Preventing and Combating Corruption (AUCPCC), and the UN Convention against Corruption (UNCAC).

Freedom of Information Act

In 2010, Liberia passed the Freedom of Information Act, establishing that each public agency and government ministry must have a Public Information Officer to handle access to information requests from the public. In addition, persons denied information or dissatisfied with a response can seek an appeal from the information commissioner or request an internal or judicial review (Open Government Partnership 2018). However, Liberia's Freedom of Information Act is rarely used, and government responsiveness to requests tends to be slow (Freedom House 2018).

According to the report from the Carter Foundation, although the implementation of the Freedom of Information Act in Liberia still faces serious challenges, one key positive aspect is the appointment of information officers in the different agencies. Prior to the implementation of this commitment, no public information officers were in place.

The Independent Information Commission has established an online platform, InfoLib, to enable citizens to request information. As of September 2019, 107 requests had been made, but most remained unresolved. The InfoLib tracking system reveals that the government lacks the capacity to respond to requests in a timely manner (Open Government Partnership 2018).

While the Act includes provisions on proactive dissemination of information by government agencies, this aspect is yet to be fully achieved. Furthermore, interlocutors have raised concerns about the abuse of the exemptions in the Act. Even though things are opening up, there still appears to be an entrenched level of secrecy (Human Rights Council 2018).

Asset disclosure

The National Code of Conduct for All Public Officials and Employees of the Government of the Republic of Liberia requires all public officials to declare assets. Senior political appointees must declare their assets to the LACC before taking office and upon leaving, and there are administrative sanctions for non-compliance. Financial disclosures are not made public unless the official making the declaration chooses to release them (United States Department of State 2018).

In 2018, many new public officials, including most in the executive branch, failed to declare their assets as required by law; and the president only declared his assets six months after assuming office. According to the 2018 LACC Asset Declaration Report, the following public officials submitted declarations: 92 public officials from the executive branch representing 20%, 333 officials from the judicial branch representing 88% of all the senior officials in the judiciary; and there were no declarations from the legislative branch.

The LACC is not obligated to disclose those submitted by members of the executive branch, and all efforts by civil society and media to gain access to Weah's declaration have failed (Freedom House 2019).

Whistleblower Protection Act

Passage of a Whistleblower Protection Act has stalled, with a lack of political will by the legislature cited as the reason for its stagnation (Open Government Partnership 2018).

Kamara Abdullah Kamara Act of Press Freedom

On 7 February 2019, the Liberian Senate passed the Kamara Abdullah Kamara Act of Press Freedom, repealing sections of the penal code on criminal

libel against the president, sedition and criminal malevolence. Named after the deceased former president of the Press Union of Liberia and veteran journalist Kamara Abdullah Kamara, the law aims to promote free speech, expression, independence and the safety of the Liberian press (Monrovia Times 2018). Media stakeholders including the Center for Media Studies and Peacebuilding (CEMESP) and the Media Foundation for West Africa, lauded the passage of the Act and called for its practical implementation (Center for Media Studies & Peacebuilding 2019).

Anti-corruption institutions

Liberia has established several formal integrity institutions, including the GAC; a Liberia Revenue Authority; the Public Procurement and Concession Commission (PPCC); the Liberia Extractive Industries Transparency Initiative; and the LACC.

Anti-corruption and governance institutions such as the LACC, the GAC, and the PPCC remain severely underfunded, have capacity constraints to perform their functions and are not independent (IMF 2019; Freedom House 2018).

In response to a report from the Judiciary Committee, in November 2018, the House of Representatives voted to remove the tenured positions from the LACC, PPCC and other anti-corruption agencies (Front Page Africa 2018). Only tenured positions at the GAC, the Central Bank of Liberia, and the National Elections Commission were recommended as exceptions. The Chairman of the House's Judiciary Committee stated that the move was due to a constitutional conflict created by the tenured positions and previous legislatures improperly passing those tenured positions. The basis for this is Constitutional. The Committee found that the tenured positions limit the power of the presidency under Article 56 of the Constitution. The passage of the bill would have meant that

tenured officials would only serve at the will and pleasure of the president, as provided for by Article 56 of the 1986 constitution.

Further underscoring this move was reportedly a belief that tenured personnel in the government would likely impede, obstruct or materially or adversely affect the development agenda of the President (Front Page Africa 2018).

State organisations with a tenured chairperson aim to remove any potential political interference. The director of CENTAL stated that “removing tenure from the Liberia Anti-Corruption Commission, Public Procurement and Concession Commission and other public integrity institutions will not only make them vulnerable to manipulation by the presidency and other higher-ups in government, but also worsen the country’s disappointing fight against corruption...this will have serious implications for the country’s reputation and government’s professed commitment to robustly tackle corruption and other financial and economic crimes in the country.” Removal of tenure will allow the president to appoint and fire employees at these agencies at his will. However, in May 2019, the plenary of the Liberian Senate rejected the bill (Copson 2019).

In addition, anti-corruption agencies experienced severe budget cuts in 2018. The LACC was also initially excluded from an investigation into a major financial scandal involving the disappearance of about L\$16 billion (US\$100 million) brought into the country by the Central Bank of Liberia and was only invited to the investigative committee after public outcry (Freedom House 2019).

Liberia Anti-Corruption Commission

The LACC was established in 2008 with the mandate to investigate and prosecute acts of

corruption, as well as educate the public about the ills of corruption and the benefits of its eradication. However, the LACC lacks direct power to prosecute cases of corruption and must refer cases to the Ministry of Justice (LACC 2018). The commission is comprised of five commissioners, one of whom is the executive chairperson and chief executive officer of the commission. The secretariat is made up of four programme divisions: education and prevention division; investigation and enforcement division; legal and prosecution division; and administration division. According to the 2017/18 Annual Report, six staff of the Enforcement Division whose salaries were paid by the United Nations Development Program ended, and efforts being made to cover these salaries through the Commission’s budget—a sum of \$ 2,379,049 USD for the 2017/18 financial year (LACC 2018).

The LACC received 33 complaints of corruption cases during 2017/18 financial year, down from 38 in the previous reporting period. Of these, the Commission successfully investigated and 13 cases, three of which were closed due to the lack of sufficient evidence to prosecute. The balance of the remaining cases were to be carried forward to the next reporting period (LACC 2018).

The head of the commission has accused the Weah government of undermining measures to counter corruption (Porkpa 2019). On the other side, the effectiveness of the LACC has been called into question. For example, as of 2017, since its inception in 2008, the work of the LACC has led to only two prosecutions for graft despite abundant evidence of large-scale corruption across many sectors (Glencourse & Yealue 2017). A lack of funding, political interference and lack of genuine enforcement powers are invoked (Funaki & Glencourse 2014).

Public Procurement and Concession Commission

The PPCC's mandate is to implement the public procurement and concessions reform programme of Liberia and regulate public procurement and tender processes across government. The PPCC is the successor of the Contracts and Monopolies Commission which exercised oversight responsibility of all contract and concession agreements entered into by government during the tenure of the National Transitional Government of Liberia (14 October 2003 to 16 January 2006) (Public Procurement and Concessions Commission 2019). The PPCC approves all agreements, including investment agreements, to which the Liberian government is a party or which affects assets owned by the Liberian government. It is also empowered to promulgate regulations on the process governing various types of agreements.

Liberia has taken important steps to reform its procurement system. However, transparency guidelines for public procurement processes are not fully enforced (Freedom House 2018). There are also serious implementation challenges due to a severe lack of professional workforce and infrastructure in both the public and the private sector, and there have been reports of procurement rules being flouted by public officials or procuring entities (Export.gov 2019).

Liberia has one commercial court, with limited capacity, and the laws relating to contracts and procurements can be inconsistent and poorly enforced (US Department of State 2017). The PPCC regulate public procurement and tender processes across government. There are laws, regulations and institutions to counter public sector corruption including conflict-of-interest in awarding government procurement contracts. However, the PPCC has challenges in regulating tenders as procurement entities largely fail to

follow procedures outlined in the PPCC Act. In addition, the Ministry of Internal Affairs—which is responsible for overseeing county spending—lacks capacity to monitor counties' performance in executing their projects. As a result, some projects have been constructed to poor standards, construction has been abandoned, and procurement rules have been violated (IMF 2016).

The disclosure of procurement data is not standard practice and capacity gaps persist. Information that is available is fragmented through different information channels (websites and newspapers), published in closed formats, released in untimely manner, and incomplete. The government also faces challenges for evaluating the implementation of procurement contracts. Civil society organisations (CSOs), media, and citizens lack the necessary technical capacity to understand data on procurement to ensure effective monitoring. There is a lack of funding to conduct efficient monitoring and evaluation of public procurement processes, the lack of a web-based systems and internet connectivity has undermined capacity growth. Despite these challenges, the PPCC website along with an e-procurement platform, launched in July 2016, remain Liberia's main sources of public procurement data (Development Gateway 2017).

National Elections Commission

The National Elections Commission (NEC) is an independent body established to administer and enforce all plans, guidelines, policies and laws relative to the conduct of elections. The independence of Liberia's NEC is mandated by law, and political parties expressed confidence in its impartiality during the 2017 election campaign. However, its capacity is limited, and it struggles to enforce electoral laws (Freedom House 2018). The most recent election, held in 2017, was commended by domestic and international observers, who

assessed the poll as generally peaceful and credible, while also noting difficulties, including long queues at polling places and challenges related to voter identification (Freedom House 2018).

A run-off between Weah and Boakai, the top two finishers in the first round of polling, was delayed when third-place finisher Charles Brumskine challenged the first-round results on grounds of fraud. The supreme court found that his fraud claim was not supported by evidence, and the run-off was held several weeks later than scheduled, in late December (Freedom House 2018).

The 2017 elections were the first to apply the provisions of the 2014 National Code of Conduct Act, which laid out rules applying to government officials seeking to run for elected office, and included measures aimed at avoiding conflicts of interest. The NEC attempted to enforce the provisions of the code of conduct during the elections. However, the supreme court reversed the NEC's rulings in two instances where the NEC had disqualified high-profile candidates for failing to meet the code of conduct's eligibility requirements. Separately, the NEC failed to enforce a provision of the election law stipulating that parties must field candidates in at least half of all constituencies. Eleven political parties did not meet this requirement but were permitted to run. The NEC also struggled to complete voter lists (Freedom House 2018).

Other actors

Civil society

Liberia has an active and vibrant civil society and hosts an extraordinarily large number of civil society organisations (CSOs): by government estimates nearly 1,000 in a country of only 3.7 million. The constitution provides for the right of association, and the government is largely credited for respecting

this right (United States Department of State 2010). Citizens can organise themselves into any groups of their choice, even those that oppose the government in a legal manner, as long as the group's objectives are legal. As a good practice, CSOs are consulted on a regular basis when it comes to drafting laws and regulations. Institutionally, CSOs are members of the government appointed committee for the Liberian Extractive Industries Transparency Initiative (LEITI) (BTI 2018).

CSOs in Montserrado face a key vulnerability in their funding streams. Whereas their counterparts in other counties have developed more diverse sources of income, those in Monrovia and its environs have had access to international donors during the post-conflict period and therefore have not developed alternative funding streams.

Capacity limitations are common across all CSOs. In addition, the poor condition of roads in many parts of Liberia makes it difficult for CSOs to access the rural areas that are often most in need of assistance (West Africa Civil Society Institute 2014).

There have also been reports of civil society campaigners in the hinterland having been harassed and intimidated by government officials, in particular in connection with land rights protests against oil palm companies (BTI 2018). In addition, due to Liberia's civil war past, Liberians often lack trust which can impede effective functioning of civil society organizations (BTI 2018).

Civil society organisations include the Publish What You Pay Coalition; the Centre for Transparency and Accountability in Liberia (CENTAL); the Liberia Freedom of Information Coalition; and Actions for Genuine Democratic Alternatives (Global Integrity 2009).

Publish What You Pay Liberia was launched in August 2006. The organisation supports EITI

implementation and dissemination of data from EITI reports. The coalition currently campaigns to promote free, prior and informed consent of local people affected by extraction, and to increase communities' decision-making power over how extractive projects in their locality are managed (Publish What You Pay 2019).

CENTAL is Transparency International's chapter in Liberia, founded in May 2004. The organisation works to counter corruption at all levels by building a culture of integrity among all people and institutions in the country, to improve responsible and accountable politics and reduce poverty. In 2018, CENTAL, in collaboration with the Liberia Media Development programme, launched a web portal on the national budget to make the budget accessible to citizens so they could track public funds for accountability (Worzi 2018b).

The Liberia Freedom of Information Coalition was established by nine civil society organisations works to promote transparency and accountability, good governance and participatory democracy, human rights and rule of law, freedom of expression and media development. Through collaborative actions with the media, the Liberia Freedom of Information Coalition drafted and campaigned for the passage of the Freedom of Information law (InfoLib 2019).

InfoLib is a website that helps people request information from the Liberian Government and publicly accountable bodies run by iLab Liberia and the Liberia FOI Coalition (Open Government Partnership 2019).

To overcome the lack of citizens' access to the internet, the project makes use of an existing network of regional offices and training centres, set up by the Carter Centre and the Liberia FOI Coalition. In each of these hubs, staff have been trained up to submit and receive requests on behalf

of citizens. iLab Liberia has also spent time training the country's Public Information Officers, on the use of technology to make responding to requests easier (MySociety, undated).

According to the infolib website, 107 requests have been made, the majority of these requests are unresolved with many of them classified as 'long overdue'. According to the Carter Center, public officials – especially at the county level – are ignoring requests for public information. In many instances these situations involve requests for information related to public finance expenditures, which should be available automatically without official approval. In addition, the citizens of Liberia are not using exercising their right to information as the number of requests remains low (Carter Center 2016; Development Gateway 2017).

Civil society was actively involved in the recent electoral process. Two civil society networks undertook comprehensive domestic election observation, contributing to the transparency of the electoral process. The National Democratic Institute fielded a comprehensive international observation mission, and also provided technical and financial support to the Elections Coordinating Committee—a nonpartisan network of CSOs that monitors, documents, and reports on election issues to promote transparency and accountability in Liberia and strengthen the democratic process.

Over the legislative reforms process, there were many outstanding successes in delivering messages on the Land Rights Act and promoting customary land rights to the people. Both the government and CSOs were instrumental in taking the law to key stakeholders and the Liberian citizens, including holding a series of small and large-scale forums, broadcasting radio programs, using phone (text messaging) and social media outlets, and creating and disseminating educational materials (Kaba et

al 2019). CSOs were also instrumental in the Forestry Concessions Review which resulted in the lifting of sanctions on the Liberian forestry sector (Dix et al 2012).

April 2018, Tyron Brown, a reporter, camera operator and video editor for a local radio and television channel, was found dead in the capital Monrovia (Amnesty International 2018).

Media

The media environment in Liberia has expanded rapidly. There are a large number of radio stations and newspapers (Human Rights Council 2018). Liberia's constitution provides for freedom of speech and the press, but these rights are often restricted in practice (Freedom House 2019). Liberia has long been criticised for its onerous criminal and civil libel laws, which authorities have invoked to harass and intimidate journalists.

According to the Press Union of Liberia, laws prohibiting criminal libel against the president, sedition and criminal malevolence as well as high fines associated with civil suits were sometimes used to curtail freedom of expression and intimidate the press (United States Department of State 2018). Journalists and media houses in Liberia suffered large fines, arbitrary closures or long custodial sentences for publishing information deemed defamatory. For example, in 2013, Rodney Sieh, the managing editor of the Frontpage Africa newspaper, was sentenced to 5,000 years in prison (Media Foundation for West Africa 2019). However, in early 2019, the Kamara Abdullah Kamara Act of Press Freedom was passed, repealing these laws.

Self-censorship is reportedly widespread, and some media outlets avoided addressing subjects like government corruption both due to fear of legal sanction and to retain government advertising revenue (United States Department of State 2018).

Further, according to Amnesty International, Liberia is a country where threats against journalists prevail. According to reports, on 16

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