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Liberia: Civil Society Report
by Center for Security Studies and Development
An input to the UNCAC Implementation Review Mechanism:
Third year of review of UNCAC Chapters II and V

-Executive Summary-

This is the executive summary of a civil society shadow report from March 2022 that reviews Liberia's implementation and enforcement of selected articles of UN Convention against Corruption (UNCAC) Chapters II (Preventive Measures) and V (Asset Recovery). The report was supported by the UNCAC Coalition and is intended as a contribution to the UNCAC peer review process of Liberia covering those two chapters. The full report is available on the UNCAC Coalition's website.¹

While Liberia has made significant progress towards developing normative legal frameworks for the implementation of articles of Chapter II (Preventive Measures) of the United Nations Convention against Corruption (UNCAC), some gaps persist, especially regarding their actual implementation on the ground. The country still has a long way to go to develop an adequate framework to implement articles of Chapter V (Asset Recovery) of the UNCAC.

Assessment of the review process

Has the government disclosed information about the country focal point?	No	The focal point is situated in the Liberia Anti-Corruption Commission (LACC).
Was the review schedule published somewhere?	No	
Was civil society consulted in the preparation of the self-assessment checklist?	Yes	The government contacted anti-corruption and access to information civil society organizations (CSOs) when drafting anti-corruption laws and during the UNCAC review process.
Was the self-assessment checklist published online or made available to civil society?	No	
Did the government agree to a visit to the country?	Yes	

¹ <https://uncaccoalition.org/parallel-report-liberia/>.

Was a country visit undertaken?	Not yet	
Was civil society invited to provide input to the official reviewers?	Yes	The LACC mentioned that civil society groups were invited to provide input but did not name them.
Was the private sector invited to provide input to official examiners?	No	
Has the government committed to publishing the full country report?	Unknown	The government has not published the full country report of the first cycle.

Main findings and Recommendations (R)

Prevention of corruption

A lack of political will to implement anti-corruption laws, a lack of independence of anti-graft institutions and continued impunity for corruption offences are some of the main barriers to effectively fighting corruption in the country. Only three of five envisioned Commissioners of the LACC have been appointed.

R: Occupy existing vacancies in LACC as quickly as possible, increase its financial resources and coordination amongst anti-graft institutions and strengthen the technical capacity of staff.

Public sector employment

The Liberian Constitution and the 2013 Manual of the Civil Service Agency contain strong provisions pertaining to the hiring of public servants based on merit and seniority. In practice, both the incumbent party and its predecessor have been accused of allowing nepotism, sectionalism and political affiliation to be the deciding factors in allotting positions in the administration.

R: Enforce provisions on hiring of public servants and sanction non-compliance and corrupt practices in hiring.

Political financing

Liberia enforced a strict legal framework in 2016 that set clear rules for the funding of political candidates, parties, and campaigns. While the Liberian constitution requires every political party to declare their assets and liabilities to the National Elections Commission on September 1 of each year, this has not been followed in practice.

R: Strictly enforce and monitor the constitutional requirement for every political party to declare their assets and liabilities every year.

Codes of conduct, conflicts of interest and asset declarations

Clear standards of behavior and conduct by public servants and all other members of the executive branch have been defined. Only a very low number of public officials comply with the Code of Conducts' requirements to declare conflicts of interests and assets, and those who do sometimes conceal parts of their assets. No real verification system is in place and there is no legal requirement for the LACC to make asset declarations public, except through a request in court. A proposed bill envisions a stricter oversight system for the LACC and sanctions for non-compliers.

R: Amend and enforce the requirements concerning the declaration of assets by public officials and put in place a strong verification and monitoring system.

Whistleblower protection

Since 2009, there have been different consecutive orders offering minimum protection to whistleblowers, banning retaliation against them. However, this incomprehensive legal protection framework has failed to mitigate whistleblower harassment and disappearances. The Liberian government has recently renewed its pledge to pass the Whistleblower and Witness Protection Act and establish a witness protection unit.

R: Enact a law that protects Whistleblowers and Witnesses of Acts of Corruption.

Public procurement

The Public Procurement and Concession Act of 2010 established a solid legal framework on procurement. However, power cuts and insufficient funding have prevented a vibrant monitoring system from being established until today, making public procurement data hard to access publicly. The government plans to establish an e-procurement platform which will be linked to the revenue portal of the Liberian Revenue Authority and the Liberian Business Registry. The concessions Commission and Bureau have intensified efforts to enhance the role of the media and the civil society in monitoring public procurement.

R: Implement a publicly accessible e-procurement system which includes timely information and documents on all stages of the procurement cycle.

Public finances

The General Auditing Commission (GAC) has uncovered unlawful transactions within government institutions, but does not have the prosecutorial powers to follow up, and limited impact in its recommendations for action. Other restrictions to the Commission's work are its lack of independence from the Ministry of Finance, insufficient funds and inadequate technical equipment to effectively conduct its work.

R: Grant the GAC more autonomy in formulating its budget and execute all audits without interference accordingly, making it legally binding to implement their recommendations.

Access to Information and Civil Society Participation

Liberia's Freedom of Information Act (FOIA) ranks 10th best on the Global Right to Information Rating.² However, individuals hardly request information and the government lacks the will and technical capacity to respond to the requests it receives. Liberia's Independent Information Commissioner has limited funding and lacks professional staff. The sanctions also do not seem to be implemented in practice.

Different anti-corruption bodies have reached out to civil society, allowing them to contribute to their daily work or join forces to eradicate corruption. Nevertheless, journalists critical of the Liberian government have experienced physical attacks in 2020 and 2021.

R: Raise public awareness about the right to request access to public records and the channels to report incidents of corruption. Protect civic space.

² <https://www.rti-rating.org/country-data/>.

Independence of the Judiciary

Paying bribes to secure a favorable verdict seems to remain a common approach, with acting Senators being involved in high-level corruption investigations by the US Treasury Department. The judiciary has also been accused of low levels of efficiency which is partly due to the presidential power to appoint judges of subordinate courts and other officials in the judiciary.

R: Allot sufficient funding to the judicial branch to counter judges and court staff exchanging court verdicts for bribery.

Private sector transparency

The country's lax monitoring regulations have rendered Liberia an important tax haven. A Beneficial Ownership Registry is yet to be established in Liberia, but the government has committed to creating one within its 2020-2022 Action Plan. Similarly, the Liberia Extractive Industries Transparency Initiative (LEITI) has expressed its plan to launch a Beneficial Ownership Registry for the extractive sector by the end of 2022.

R: Create a beneficial owner registry for companies which contains timely information in open data and is accessible to the public.

Anti-money laundering

Liberia's porous borders, its cash-based system that uses two currencies (both USD and Liberian Dollars), authorities' weak oversight of financial flows, poor infrastructure, corruption, political interference and major flaws in law enforcement render the country prone to money laundering and terrorist financing. Liberia's Central Bank is fiercely criticized for failing to enforce AML requirements and there is a lack of systematic financial investigations and secured financial crimes convictions. The Financial Intelligence Unit (FIU) grapples with severe funding constraints, and the technical capacity to collect, mine, store and proceed financial intelligence data.

R: Equip the FIU with the necessary financial and technical clout to become Liberia's leading agency in asset recovery.

Asset recovery

A legal framework barely exists and the creation of the Liberia's Asset Investigation, Restitution and Recovery Team in 2019 is only a small step in the right direction. The President's proposed bill contains some promising provisions to improve the asset recovery regime in the country, such as the creation of a Property Manager and the establishment of a Recovered Assets Fund which can be used to compensate victims of criminal conduct.

R: Implement legal and practical measures to enhance the recovery of stolen assets, ideally in collaboration with other countries.