

Overall Score:

58 - Very Weak

Legal Framework Score:

72 - Moderate

Actual Implementation Score:

44 - Very Weak

Category 1. Sub-National Civil Society, Public Information and Media

1-1. ⁷³Sub-National Civil Society Organizations

1. Are anti-corruption/good governance CSOs at the sub-national level legally protected?

100

1a. In law, citizens have a right to form civil society organizations (CSOs) focused on anti-corruption or good governance at the sub-national level.

YES | NO

Comments:

The constitution guarantees the right to associate

References:

Liberian Constitution , Chapter III, Article 17

YES: A YES score is earned when freedom to assemble into groups promoting good governance or anti-corruption at the sub-national level is protected by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent group is legally prohibited from organizing at the sub-national level to promote good governance or anti-corruption. These groups may include non-violent separatist groups, political parties or religious groups.

1b. In law, anti-corruption/good governance CSOs at the sub-national level are free to accept funding from any foreign or domestic sources.

YES | NO

Comments:

Legally registered CSO's are not barred by law from receiving domestic and foreign sources

References:

The Liberian Corporation Act of 1976

YES: A YES score is earned if anti-corruption/good governance CSOs at the sub-national level face no legal or regulatory restrictions to raise or accept funds from any foreign or domestic sources. A YES score may still be earned if funds from groups with a history of violence or terrorism (within last ten years) are banned.

NO: A NO score is earned if there any formal legal or regulatory bans on foreign or domestic funding sources for CSOs at the sub-national level focused on anti-corruption or good governance.

1c. In law, anti-corruption/good governance CSOs at the sub-national level are required to disclose their sources of funding.

YES | NO

Comments:

CSO's are require by law to disclose their sources of funding

References:

Liberia Business Corporation Act 1976

Note on sources for sub-national indicator 1c: Before 2007 or 2008 to be more precise, NGOs operated under the old 1976 Business Association or Association Law. But as of 2007/08 this has slightly changed. CSOs can operate under the law of 1976 and would require no registration with the Ministry of Planning, thus requiring no disclosure, but in such case, they will not be considered NGOs by the government, they are or would be considered as Association which can come into being through an act of the legislature (for example groups like Federation of Liberian Youth, Liberia National Student Union or Young Men Christian Association, all enacted by legislation. All of these group still optionally registered with Planning as NGO's and are required to disclose as per the new guidelines, i.e NGO Guidelines) or they can do both, get incorporated by the Ministry of Foreign Affairs and apply for NGO registration. When they apply for an NGO registration, they are require to disclose. Thus depending on the way groups come to being in a county, the answer may be no" or "yes". Most groups in Montserrado or counties closer to the city has access to the ministry of planning. But it is however keen to note that prior to June 1, 2008, no groups were required to disclose as per regulation. Disclosure was arbitrarily required as indicated by ministry of planning re-accreditation form but was never supported by any guidelines or law.

YES: A YES score is earned if anti-corruption/good governance CSOs at the sub-national level are required to publicly disclose their sources of funding.

NO: A NO score is earned if no such public disclosure requirement exists.

2. Are good governance/anti-corruption CSOs at the sub-national level able to operate freely?

83

2a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance CSOs at the sub-national level.

100 | 75 | 50 | 25 | 0

Comments:

There has been no barriers set up by the government.

References:

The Liberian Constitution, Chapter III, Article 17

Mr. Anthony Jallah, Head of Civil Society Organizations, Margibi

100: CSOs focused on promoting good governance or anti-corruption at the sub-national level can freely organize with little to no interaction with the government, other than voluntary registration.

75:

50: CSOs focused on promoting good governance or anti-corruption at the sub-national level must go through formal steps to form, requiring interaction with the sub-national government such as licenses or registration. Formation is possible, though there is some burden on the CSO. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Other than pro-government groups, CSOs focused on promoting good governance or anti-corruption at the sub-national level are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

2b. In practice, anti-corruption/good governance CSOs at the sub-national level actively engage in the political and policymaking process.

100 | 75 | 50 | 25 | 0

References:

Anti-Corruption Bill Lacks Teeth"-Campaigners Tell Lawmakers, Vol. 11 NO. 307 Thursday, September 13, 2007, Daily Observer Newspaper, written by Bill Saygah

Mr. Anthony Jallah, head of the Civil Society Organizations, October 12, 2007, Margibi County

100: Civil society organizations focused on anti-corruption or good governance at the sub-national level are an essential component of the political process. CSOs provide widely valued insights and have political power. Those CSOs play a

leading role in shaping public opinion on political matters.

75:

50: Anti-corruption/good governance CSOs at the sub-national level are active, but may not be relevant to political decisions or the policymaking process at the sub-national level. Those CSOs are willing to articulate opinions on political matters, but have little access to local decision makers. They have some influence over public opinion, but considerably less than political figures.

25:

0: Anti-corruption/good governance CSOs at the sub-national level are effectively prohibited from engaging in the political process. Those CSOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

2c. In practice, no anti-corruption/good governance CSOs at the sub-national level have been shut down by the government for their work on corruption-related issues during the study period.

YES | NO

References:

Mr. Anthony Jallah, Head of Civil Society Organizations, October 12, 2007, Margibi

Article 17, of the 1986 Constitution of Liberia

YES: A YES score is earned if there were no CSOs at the sub-national level shut down by the government or forced to cease operations because of their work on corruption-related issues during the study period.

NO: A NO score is earned if any CSO at the sub-national level has been effectively shut down by the government or forced to cease operations because of its work on corruption-related issues during the study period. The causal relationship between the cessation of operations and the CSO's work may not be explicit, however the burden of proof here is low. If it seems likely that the CSO was forced to cease operations due to its work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3. Are civil society activists at the sub-national level safe when working on corruption issues?

100

3a. In practice, in the past year, no civil society activists at the sub-national level working on corruption issues have been imprisoned.

YES | NO

References:

Mr. Machillary Snoh, County City Mayor, Margibi, November 22, 2007, Margibi

Mr. Anthony Jallah, Civil Society head, November 12, 2007, Margibi, ,

YES: A YES score is earned if there were no CSO activists at the sub-national level imprisoned because of their work covering corruption. YES is a positive score.

NO: A NO score is earned if any activist at the sub-national level was jailed in relation to work covering corruption. The causal relationship between the official charges and the person's work may not be explicit, however the burden of proof here is low. If it seems likely that the person was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. Imprisoned" is defined here as detention by the government lasting more than 24 hours.

3b. In practice, in the past year, no civil society activists working on corruption issues at the sub-national level have been physically harmed.

YES | NO

References:

Mr. Machillary Snoh, County City Mayor, Margibi, November 22, 2007, Margibi

Mr. Anthony Jallah, Civil Society Organizations head, November 12, 2007, Margibi,

YES: A YES score is earned if there were no documented cases of CSO activists covering corruption at the sub-national level being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the activist's work. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period of assault to an activist who covers corruption at the sub-national level. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3c. In practice, in the past year, no civil society activists working on corruption issues at the sub-national level have been killed.

YES | NO

References:

Mr. Machillary Snoh, County City Mayor, Margibi, November 22, 2007, Margibi

Mr. Anthony Jallah, Civil Society Organizations head, November 12, 2007, Margibi,

YES: A YES score is earned if there were no documented cases of CSO activists at the sub-national level being killed because of their work covering corruption in the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period where a person was killed related to a corruption trial, scandal or investigation at the sub-national level. The relationship between a mysterious death and an individual's history may not be clear, however the burden of proof here is low. If it is reasonable that a person was killed in

relation to his or her work on corruption issues at the sub-national level, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

4. Can citizens organize into trade unions at the sub-national level?

100

4a. In law, citizens have a right to organize into trade unions at the sub-national level.

YES | NO

References:

Article 17. of the Liberian 1986 Constitution

YES: A YES score is earned when trade unions are allowed by law to organize at the sub-national level, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent trade union is legally prohibited from organizing at the sub-national level.

4b. In practice, citizens are able to organize into trade unions at the sub-national level.

100 | 75 | 50 | 25 | 0

References:

Mr. Machillary Snoh, County City Mayor, Margibi, November 22, 2007, Margibi

Mr. Anthony Jallah, Civil Society Organizations head, November 12, 2007, Margibi,

Article 17, 1986 Constitution of Liberia

100: Trade unions are common and are an important part to the political process and political discourse at the sub-national level. Trade union organizers have widely understood rights. Trade unions are free from intimidation or violence.

75:

50: Trade unions exist, but are not always relevant to politics or policy debates at the sub-national level. Barriers to organizing trade unions exist, such as intimidation at work, or retribution firings. Trade union organizers have some rights, but these may not be commonly known, or are difficult to defend.

25:

0: Trade unions are rare at the sub-national level. Significant barriers to organization exist, including direct violence. Rights of union organizers are not widely known, or are ineffective in protecting organizers.

1-2. Sub-National Media

5. Are media and free speech at the sub-national level protected?

100

5a. In law, freedom of the media at the sub-national level is guaranteed.

YES | NO

Comments:

Freedom of speech is guaranteed both at the National and Local levels.

References:

Article 15, of the 1986 Liberian Constitution

YES: A YES score is earned if freedom of the press at the sub-national level is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any specific publication relating to government affairs at the sub-national level is legally banned, or any general topic is prohibited from publication. Specific restrictions on media regarding privacy or slander are allowed, but not if these amount to legal censorship of a general topic, such as corruption or defense. A NO score is earned if non-government media is prohibited or restricted.

5b. In law, freedom of speech at the sub-national level is guaranteed.

YES | NO

Comments:

Freedom of speech is guaranteed at the local level, with Constitutional backing

References:

Article 15, of the 1986 Liberian Constitution

YES: A YES score is earned if freedom of individual speech at the sub-national level is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any individual speech at the sub-national level is legally prohibited, regardless of topic. Specific exceptions for speech linked with a criminal act, such as a prohibition on death threats, are allowed. However, any non-specific prohibition earns a NO score.

6. Are citizens able to form print media entities at the sub-national level?

81

6a. In practice, the government does not create barriers to form a print media entity at the sub-national level.

100 | 75 | 50 | 25 | 0

Comments:

There has been no documented reports of this.

References:

Mr. Mchillary Snoh, City Mayor, November 22, 2007, Margibi County
Article 15, Constitution of Liberia, 1986 Constitution

100: Print media entities can freely organize with little to no interaction with the sub-national government. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

75:

50: Formation of print media groups is possible at the sub-national level, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Print media groups are effectively prohibited at the sub-national level, either by official requirements or by unofficial means, such as intimidation or fear.

6b. In law, where a print media license is necessary at the sub-national level, there is an appeal mechanism if a license is denied or revoked.

YES | NO

Comments:

Citizens can seek legal redress through the Courts if their licence is violated.

References:

Liberian Constitution 1986, Article 26, chapter III

YES: A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied print media license, including through the courts, at the sub-national level. A YES score is also earned if no print license is necessary.

NO: A NO score is earned if there is no appeal process for print media licenses at the sub-national level.

6c. In practice, where necessary, citizens can obtain a print media license at the sub-national level within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Perhaps administrative delays, which needs a little bit of wheel greasing in Liberia, to speed things up, but apart from this there has been no reports of unnecessary delays when it comes to the cost of obtaining licences.

References:

Mr. Mchillary Snoh, Mayor, November 22, '07, Margibi County

Mr. Anthony Jallah, Head of the Civil Society Organization, Margibi County

100: Licenses at the sub-national level are not required or licenses can be obtained within two months.

75:

50: Licensing at the sub-national level is required and takes more than two months. Some groups may be delayed up to six months.

25:

0: Licensing at the sub-national level takes close to or more than one year for most groups.

6d. In practice, where necessary, citizens can obtain a print media license at the sub-national level at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

The is not as reasonable as it should be if one has to travel to the capital in order to obtain a print media licence.

References:

Mr. Mchillary Snoh, Mayor, November 22, '07, Margibi County

100: Licenses at the sub-national level are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

75:

50: Licenses at the sub-national level are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses at the sub-national level are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

7. Are citizens able to form broadcast (radio and TV) media entities at the sub-national level?

56

7a. In practice, the local government does not create barriers to form a broadcast (radio and TV) media entity at the sub-national level.

100 | 75 | 50 | 25 | 0

Comments:

Article 15 (d) of the Constitution supports this. There is no barrier from government in any form.

References:

Article 15, (a & b) Liberian Constitution
Mr. Mchillary Snoh, City Mayor, Margibi County, November 22, 07

100: Broadcast media entities can freely organize with little to no interaction with the sub-national government. Media groups have equal access to broadcast bandwidth through a reasonably fair distribution system. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

75:

50: Formation of broadcast media groups is possible at the sub-national level, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur. Division of broadcast bandwidth is widely viewed to be somewhat unfair.

25:

0: Broadcast media groups are effectively prohibited at the sub-national level, either by official requirements or by unofficial means, such as intimidation or fear. This score is appropriate if the division of broadcast bandwidth is widely viewed to be used as a political tool.

7b. In law, where a broadcast (radio and TV) media license is necessary at the sub-national level, there is an appeal mechanism if a license is denied or revoked.

YES | **NO**

Comments:

There is no formal appeal process or mechanism in place for this, not even at the national level. you only appeal through the court system.

References:

Article 26, Liberian Constitution, 1986

YES: A YES score is earned if there is, in law or in accompanying regulations, a formal process at the sub-national level to appeal a denied broadcast media license, including through the courts. A YES score is also earned if no broadcast license is necessary.

NO: A NO score is earned if there is no appeal process at the sub-national level for broadcast media licenses.

7c. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at the sub-national level within a reasonable time period.

100 | **75** | 50 | 25 | 0

Comments:

There have been no barrier to one obtaining a licence at a reasonable time period. One only has to travel to the capitol city in order to obtain one.

References:

Joshua Kpanneh, Field reporter, Margibi County, ELBC , December 3,07
Mr. Anthony Jallah, CSO rep. Margibi County, November 12, 07

100: Licenses at the sub-national level are not required or licenses can be obtained within two months.

75:

50: Licensing at the sub-national level is required and takes more than two months. Some groups may be delayed up to six months.

25:

0: Licensing at the sub-national level takes close to or more than one year for most groups.

7d. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at the sub-national level at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Joshua Kpanneh, Field reporter, Margibi County, ELBC , December 3,07
Mr. Anthony Jallah, CSO rep. Margibi County, November 12, 07

100: Licenses at the sub-national level are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

75:

50: Licenses at the sub-national level are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses at the sub-national level are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

8. Can citizens freely use the Internet?

100

8a. In practice, the sub-national government does not prevent citizens from accessing content published online.

100 | 75 | 50 | 25 | 0

Comments:

Government does not prevent internet users from assessing online content, neither do they have the capacity or technology to so, even if they wanted to.

References:

Mr. Mchillary Snoh, Mayor, November 22, '07, Margibi County

Mr. Anthony Jallah, Head of the Civil Society Organization, Margibi County

100: The sub-national government does not prevent Internet users from accessing online content. While some forms of content may be illegal to download or own (such as child pornography), the government does not manipulate networks to prevent access to this information. This indicator addresses direct government intervention in the transfer of information, not indirect deterrents such as intimidation, surveillance or technical difficulties in countries with poor infrastructure.

75:

50: Internet users are prevented by the sub-national government from reaching online content in some cases. Sub-national government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

25:

0: Internet users are routinely prevented from accessing online content. Sub-national government restrictions are in place at all times for certain topics. Sub-national government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

8b. In practice, the sub-national government does not censor citizens creating content online.

100 | 75 | 50 | 25 | 0

References:

Mchillary Snoh, City Mayor, Margibi County, November 22, 07

Joshua Kpanneh, field reporter, Margibi County, ELBC, December 3, 07

100: The sub-national government never removes online information or disables servers due to their political content. All political speech is protected with limited exceptions, such as legitimate intellectual property restrictions; direct calls to violence; or pornography.

75:

50: In some cases, the sub-national government restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting restricted content, or indirectly through threats or intimidation against the persons posting political content.

25:

0: The sub-national government regularly restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting the restricted content, or indirectly through threats or intimidation against the persons posting political content.

9. Are the media able to report on corruption at the sub-national level?

92

9a. In law, it is legal to report accurate news even if it damages the reputation of a public figure at the sub-national level.

YES | NO

References:

Article 15, a&b Liberian Constitution

YES: A YES score is earned if it is legal to report accurate information on public figures at the sub-national level regardless of damage to their reputations. Public figures are defined broadly, including anyone in a position of responsibility in the sub-national government or civil service; any sub-national political leader; sub-national leaders of civil society groups including

religious groups, trade unions, or NGOs; sub-national leaders or officers of large businesses. A YES score can still be earned if a reckless disregard for the truth (i.e. slander) is prohibited.

NO: A NO score is earned if privacy laws protect any sub-national public figures (as defined in the YES coding) from accurate information.

9b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories at the sub-national level.

100 | 75 | 50 | 25 | 0

References:

Joshua Kpanneh, Field reporter, Margibi County, ELBC , December 3,07
Mr. Anthony Jallah, CSO rep. Margibi County, November 12, 07

100: The sub-national government, its proxies, or media ownership/distribution groups make no attempt to restrict media coverage of corruption-related issues at the sub-national level through unofficial means.

75:

50: The sub-national government, its proxies, or media ownership/distribution groups make some attempts to restrict media coverage of corruption-related issues at the sub-national level through unofficial means, such as restricting access by disfavored media outlets, or other short-term consequences. Violent reprisals against media outlets are rare.

25:

0: The sub-national government, its proxies, or media ownership/distribution groups actively use illegal methods to restrict reporting of corruption-related issues at the sub-national level. This may include harassment, arrests, and threats. Journalists and publishers take a personal risk to report on corruption, and media outlets who commonly report on corruption face long-term consequences or violent reprisals.

9c. In practice, there is no prior government restraint (pre-publication censoring) on publishing corruption-related stories at the sub-national level.

100 | 75 | 50 | 25 | 0

References:

Anthony Jallah, head of CSO, Margibi, November 12,07
Joshua Kpanneh, field reporter, Margibi County, ELBC, December 3, 07

100: The sub-national government never prevents publication of controversial corruption-related materials at the sub-national level.

75:

50: The sub-national government prevents publication of controversial corruption-related material at the sub-national level in cases where there is a strong political incentive to suppress the information. This score is appropriate if in countries where illiteracy is high, the government may allow a free print press but censor broadcast media.

25:

0: The sub-national government regularly censors material prior to publication, especially politically sensitive or damaging corruption-related material at the sub-national level. This score is appropriate even if the government restricts only politically damaging news while allowing favorable coverage.

10. Are the media credible sources of information at the sub-national level?

80

10a. In law, print media companies at the sub-national level are required to disclose their ownership.

YES | NO

Comments:

This disclosure is made during registration of the entity.

References:

Association law of Liberia 1977

YES: A YES score is earned if print media companies at the sub-national level are required by law to disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being disclosed.

10b. In law, broadcast (radio and TV) media companies at the sub-national level are required to disclose their ownership.

YES | NO

References:

Association Law of 1977

Ministry of Information Registration Guidelines

YES: A YES score is earned if broadcast media companies at the sub-national level are required by law to disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain type of entities or agents from being disclosed.

10c. In practice, journalists and editors at the sub-national level adhere to strict, professional practices in their reporting.

100 | 75 | 50 | 25 | 0

References:

Anthony Jallah, head of CSO, Margibi, November 12,07

Joshua Kpanneh, field reporter, Margibi County, ELBC, November 12, 07

100: Editors and journalists at the major sub-national media outlets abide by a strict journalistic code of conduct and are unwilling to alter their coverage of a particular issue, event or person in exchange for money, gifts, or other favors or remuneration.

75:

50: Editors and journalists at the major sub-national media outlets generally avoid altering coverage in exchange for favors but some exceptions have been noted. Not all newsrooms abide by a formal journalistic code of conduct.

25:

0: Editors and journalists are widely known to sell" favorable or unfavorable coverage in exchange for money, gifts, or other remuneration. The major sub-national media outlets do not abide by any formal journalistic code of conduct.

10d. In practice, during the most recent sub-national elections, political parties or independent candidates at the sub-national level received fair media coverage.

100 | 75 | 50 | 25 | 0

References:

Anthony Jallah, head of CSO, Margibi, November 12,07

Joshua Kpanneh, field reporter, Margibi County, ELBC, November 12, 07

100: All political parties and independent candidates at the sub-national level have some access to media outlets. Individual media outlets may have biases, but on balance, the local media coverage reflects the interests of the electorate. Local media groups generally act as disinterested parties in an election. In places where a sub-national government is popular with the public, opposition viewpoints can access the public via media outlets.

75:

50: Major popular media outlets have a persistent bias regarding some parties or independent candidates at the sub-national level. Some major sub-national parties may be partially excluded from media coverage, or draw more negative coverage. Media sectors may have distinct biases, such as newspapers favoring one party, while radio favors another.

25:

0: The mass media, on balance, have clear preferences in election outcomes at the sub-national level and coverage is driven to achieve these goals. Some major parties or independent candidates at the sub-national level are excluded or

consistently negatively portrayed by mass media. Dissenting political opinions are only found on fringe or elite media outlets, such as Web sites.

10e. In practice, political parties and candidates at the sub-national level have equitable access to state-owned media outlets.

100 | 75 | 50 | 25 | 0

References:

Anthony Jallah, head of CSO, Margibi, November 12,07
Joshua Kpanneh, field reporter, Margibi County, ELBC, November 12, 07

100: The government ensures that equal access and fair treatment of election contestants at the sub-national level is provided by all state-owned media outlets, including all electronic and print media. This obligation extends to news reports, editorial comment, and all other content. All parties and candidates at the sub-national level are offered consistent and equivalent rates for campaign advertising on state-owned media outlets.

75:

50: The government generally ensures equal access and fair treatment of all candidates and parties at the sub-national level by state-owned media outlets but some exceptions exist. State-owned media may occasionally discriminate against particular parties or candidates and advertising rates may be confusing or non-transparent.

25:

0: The government uses state-owned media to routinely discriminate against opposition candidates and parties at the sub-national level. Advertising space may be denied to opposition candidates and parties or higher rates may be charged.

11. Are journalists safe when investigating corruption at the sub-national level?

100

11a. In practice, in the past year, no journalists investigating corruption at the sub-national level have been imprisoned.

YES | NO

References:

Anthony Jallah, head of CSO, Margibi, November 12,07
Joshua Kpanneh, field reporter, Margibi County, ELBC, November 12, 07

YES: A YES score is earned if there were no local journalists imprisoned related to work covering corruption at the sub-national level during the study period. A YES score is positive.

NO: A NO score is earned if any journalist was jailed because of his/her work covering corruption at the sub-national level during the study period. The causal relationship between the official charges and the local journalist's work may not be explicit, however the burden of proof here is low. If it seems likely that the journalist was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. Imprisoned" is defined here as detention by the local government lasting more than 24 hours.

11b. In practice, in the past year, no journalists investigating corruption at the sub-national level have been physically harmed.

YES | NO

References:

Anthony Jallah, head of CSO, Margibi, November 12,07
Joshua Kpanneh, field reporter, Margibi County, ELBC, December 3, 07

YES: A YES score is earned if there were no documented cases of journalists being assaulted during the specific study period for their work covering corruption issues at the sub-national level. A YES score is positive.

NO: A NO score is earned if there were any documented cases of assault to a journalist covering corruption at the sub-national level during the study period. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

11c. In practice, in the past year, no journalists investigating corruption at the sub-national level have been killed.

YES | NO

References:

Mchillary Snoh, City Mayor, Margibi County, November 22, 07
Joshua Kpanneh, field reporter, Margibi County, ELBC, December 3, 07

YES: A YES score is earned if there were no documented cases of journalists being killed because of their work covering corruption-related issues at the sub-national level during the study period. A YES score is positive.

NO: A NO score is earned if there were any documented cases where a journalist was killed in relation to his or her work covering corruption-related issues at the sub-national level in the study period. The relationship between a mysterious death and an individual's work may not be clear, however the burden of proof here is low. If it is a reasonable guess that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

12. Do citizens have a legal right of access to information at the sub-national level?

67

12a. In law, citizens have a right of access to government information and basic government records at the sub-national level.

YES | NO

References:

Article 15,b of the Liberian Constitution

YES: A YES score is earned if there is a formal right to access government documents, including constitutional guarantees, at the sub-national level. Exceptions can be made for national security reasons or individual privacy, but they should be limited in scope. All other government documents at the sub-national level should be available upon a public request.

NO: A NO score is earned if there is no such right.

12b. In law, citizens have a right of appeal if access to a basic government record at the sub-national level is denied.

YES | NO

References:

Article 26, Liberian Constitution(1986) version

YES: A YES score is earned if there is a formal process of appeal for rejected information requests at the sub-national level. A YES score can still be earned if the appeals process involves redress through the courts rather than administrative appeal.

NO: A NO score is earned if there is no such formal process.

12c. In law, there is an established institutional mechanism through which citizens can request government records at the sub-national level.

YES | NO

References:

Piercing the Veil of Secrecy” Access to Information Monitoring Report, published by CENTAL/OSIWA, June 2007

YES: A YES score is earned if there is a formal government mechanism/institution through which citizens can access government records at the sub-national level under freedom of information laws. This mechanism could be a local government office (or offices within agencies) or an electronic request system.

NO: A NO score is earned if there is no such formal mechanism or institution.

13. Is the right of access to information at the sub-national level effective?

5

13a. In practice, citizens receive responses to access to information requests at the sub-national level within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Piercing the Veil of Secrecy” Access to Information Monitoring Report, published by CENTAL/OSIWA, June 2007

Anthony Jallah, CSO Head, Margibi County, November 12. 07

100: Records are available on-line, or records can be obtained within two weeks. Records are uniformly available; there are no delays for politically sensitive information. Legitimate exceptions are allowed for sensitive national security-related information.

75:

50: Records take around one to two months to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

25:

0: Records take more than four months to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. National security exemptions may be abused to avoid disclosure of local government information.

13b. In practice, citizens can use the access to information mechanism at the sub-national level at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Mr. Anthony Jallah, CSO Head, Margibi, November 12, 07

Mr. Tennessee Topolie, field reporter, Radio Varitas, December 3, 07

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

13c. In practice, citizens can resolve appeals to access to information requests at the sub-national level within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The appeal process alluded to above really does not exist.

References:

Mr. Anthony Jallah, CSO Head, Margibi, November 12, 07

Mr. Tennessee Topolie, field reporter, Radio Varitas, December 3, 07

100: The agency/entity acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: The agency/entity acts on appeals quickly but with some exceptions. Some appeals may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity does not resolve appeals in a timely fashion quickly. Appeals may be unacknowledged for many months and simple issues may take more than three months to resolve.

13d. In practice, citizens can resolve appeals to information requests at the sub-national level at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Bribes are usually given as wheel greasing in these type of situations.

References:

Mr. Anthony Jallah, CSO Head, Margibi, November 12, 07
Mr. Tennessee Topolie, field reporter, Radio Varitas, December 3, 07

100: In most cases, the appeals mechanism is an affordable option to citizens seeking to challenge an access to information determination.

75:

50: In some cases, the appeals mechanism is not an affordable option to citizens seeking to challenge an access to information determination.

25:

0: The prohibitive cost of utilizing the access to information appeals mechanism prevents citizens from challenging access to information determinations.

13e. In practice, the sub-national government gives reasons for denying an information request.

100 | 75 | 50 | 25 | 0

References:

Mr. Mchillary Snoh, County Mayor, Margibi, November 22, 07
Mr. Tennessee Topolie, field reporter, Radio Varitas, December 3, 07

100: The sub-national government always discloses to the requestor the specific, formal reasons for denying information requests.

75:

50: The sub-national government usually discloses reasons for denying an information request to the requestor, with some exceptions. The reasons may be vague or difficult to obtain.

25:

0: The sub-national government does not regularly give reasons for denying an information request to the requestor.

Category 2. Sub-National Government Accountability

2-1. ⁶⁸Sub-National Executive Accountability

14. In law, can citizens sue the sub-national government for infringement of their civil rights?

14. In law, can citizens sue the sub-national government for infringement of their civil rights?

YES | NO

Comments:

A part of this article states that anyone injured by an act of the government or any person acting under its authority , whether in property, contract, tort or otherwise shall have the right to bring suit for appropriate redress”.

References:

Article 26, Liberia Constitution 1986

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) can receive compensation or redress through the courts for civil rights violations committed by the sub-national government, such as failure to follow due process of law when detaining suspected criminals.

NO: A NO score is earned if any group of citizens is excluded from the right to sue the sub-national government, or no such mechanism exists.

15. Can the chief executives at the sub-national level be held accountable for his/her actions?

81

15a. In practice, chief executives at the sub-national level give reasons for his/her policy decisions.

100 | 75 | 50 | 25 | 0

Comments:

The government has maintained a policy of openness to everyone including the media, when policy or governance decisions are questioned, most times the government comes out with clarity directly, by the President or through the Ministry of Information. Locally, the decisions from the national level filters down to the local level, the executive of the local level which is the Superintendent, (Presidential appointees) takes instruction from the Internal Affairs Minister at the national level or directly from the President. All clarity of governance issues must therefore be forwarded to either one of these persons.

References:

Mr. Machillary Snoh, City Mayor, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: The chief executive and/or cabinet officials at the sub-national level give formal explanations of all policy matters. The chief executive regularly takes critical questions from journalists or an opposition party, usually at least once a month. There is no censoring of such sessions.

75:

50: The chief executive and/or cabinet ministers at the sub-national level give explanations of policy, but not always in a timely or complete way. The chief executive occasionally takes critical questions from journalists or an opposition party, but not in a regular or formalized process. Particular issues of political sensitivity may be censored by government broadcasters.

25:

0: The chief executive and/or cabinet ministers at the sub-national level do not give substantial justifications for policy. Public appearances by the chief executive offer no exposure to critical questions. The sub-national government and government-run media routinely censor such sessions.

15b. In law, the judiciary can review the actions of the chief executive at the sub-national level.

YES | NO

Comments:

The Supreme Courts has the power to review all branches of government, including the Executive, even at the local level.

References:

Article 2, chapter I, Liberian Constitution, 1986

YES: A YES score is earned if there is a formal process by which the judiciary can pass judgments on the legality or constitutionality of actions taken by the chief executive at the sub-national level.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exemptions exist with respect to executive actions that are reviewable (a national security exemption, for example).

15c. In practice, when necessary, the judiciary reviews the actions of the chief executive at the sub-national level.

100 | 75 | 50 | 25 | 0

Comments:

The Supreme Courts has the power to review all branches of government, including the Executive, even at the local level.

References:

Mr. Machillary Snoh, City Mayor, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing sub-national executive actions and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power. It does not need to relay upon the executive to initiate a constitutional or legal review.

75:

50: The judiciary will review sub-national executive actions, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review sub-national executive policy. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power. It must rely on instructions from the executive in order to initiate a legal or constitutional review.

15d. In practice, the sub-national chief executive limits the use of executive orders for establishing new sub-national regulations, policies, or government practices.

100 | 75 | 50 | 25 | 0

Comments:

The use of executive orders for establishing new regulation, policies or government practices which follows standards set by the Legislature only takes place at the national level, the local government has not been empowered to make these decisions without the involvement of the national government.

References:

Mr. Machillary Snoh, City Mayor, Margibi County, November 22, 2007
Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: The chief executive at the sub-national level utilizes executive orders only when there is no constitutional or legal requirement for official legislative action or approval. Executive orders are limited in number and narrow in scope.

75:

50: The chief executive at the sub-national level sometimes relies on executive orders to implement policies and regulations opposed by the legislature. Some executive orders are overly broad in scope and are designed to circumvent constitutional or legal requirements for legislative action or approval.

25:

0: The chief executive at the sub-national level routinely abuses executive orders to render the sub-national legislature practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

16. Is the executive leadership at the sub-national level subject to criminal proceedings?

100

16a. In law, the heads of the sub-national government can be prosecuted for crimes they commit.

YES | NO

References:

Article 61& 62 of the Liberian Constitution, 1986

YES: A YES score is earned if the heads of sub-national government can be investigated, charged or prosecuted for criminal allegations. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if the head of sub-national government cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on the heads of local government.

17. In law, the jurisdictional rules for the removal of the executive leadership at the sub-national level are clearly defined.

100

17. In law, the jurisdictional rules for the removal of the executive leadership at the sub-national level are clearly defined.

YES | NO

Comments:

The President appoints, and local officials serves at the pleasure of the President. The president may remove them from office at any time he/she sees fit.

References:

Article 54 of the Liberian Constitution

YES: A YES score is earned if the rules for the removal of the executive leadership at the sub-national level are clearly defined.

NO: A NO score is earned if the rules for the removal of the executive leadership at the sub-national level are unclear or no such legal framework exists.

18. Are there regulations governing conflicts of interest by the executive branch at the sub-national level?

21

18a. In law, the heads of sub-national government are required to file a regular asset disclosure form.

YES | NO

Comments:

The Superintendents and local heads are not require to do this by law. The asset disclosure bill has not been passed.

References:

Not provided for in Law.

YES: A YES score is earned if the heads of sub-national government are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form need not be publicly available to score a YES. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if the head of sub-national government is not required to disclose assets.

18b. In law, there are regulations governing gifts and hospitality offered to members of the executive branch at the sub-national level.

YES | NO

Comments:

The above article states that No person holding Public office shall demand and receive any other perquisites, emoluments or benefits, directly or indirectly, on account of any duty required by government”.

References:

Article 90 of the Liberian Constitution

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality offered to members of the executive branch of government at the sub-national level.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts and hospitality offered to members of the sub-national executive branch. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

18c. In law, there are requirements for the independent auditing of the sub-national executive branch asset disclosure forms.

YES | **NO**

Comments:

There is no provision in our laws for independent auditing of the local executive branch assets disclosure forms.

References:

There is no provision in our laws.

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of sub-national executive branch asset disclosures. The auditing is performed by an impartial third-party. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of sub-national executive branch asset disclosures or if such requirements exist but allow for self-auditing.

18d. In law, there are restrictions on heads of sub-national government and cabinet (or equivalently senior) officials entering the private sector after leaving the government.

YES | **NO**

Comments:

There is no law presently restricting officials from entering the private sector after leaving government, but now a draft code of conduct for civil servants has been adopted , pending passing of the bill. This bill addresses this issue and a pension scheme provided for civil servants.

References:

No provision in the Constitution on the above.

YES: A YES score is earned if there are regulations restricting the ability of heads of sub-national government and cabinet (or equivalently senior) officials to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if no such restrictions exist.

18e. In practice, the regulations restricting post-government private sector employment for heads of sub-national government and cabinet (or equivalently senior) officials are effective.

100 | 75 | 50 | 25 | **0**

Comments:

Does not exist in practice.

References:

Mr. Machillary Snoh, City Mayor, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: The regulations restricting post-government private sector employment for heads of government and cabinet (or equivalently senior) officials at the sub-national level are uniformly enforced. There are no or few cases of those officials taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, heads of government at the sub-national level or cabinet (or equivalently senior) officials are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Heads of government and cabinet (or equivalently senior) officials at the sub-national level routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

18f. In practice, the regulations governing gifts and hospitality offered to members of the sub-national executive branch are effective.

100 | 75 | 50 | 25 | 0

References:

Mr. Machillary Snoh, City Mayor, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: The regulations governing gifts and hospitality to members of the sub-national executive branch are regularly enforced and sufficiently restrict the amounts of gifts and hospitality that can be given. Members of the sub-national executive branch never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to members of the sub-national executive branch are generally applied though exceptions exist. Some sub-national executive officials in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to members of the sub-national executive branch are routinely ignored and unenforced. Members of the sub-national executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

18g. In practice, sub-national executive branch asset disclosures (defined here as sub-national cabinet or equivalently senior officials and above) are audited.

100 | 75 | 50 | 25 | 0

Comments:

This does not exist in practice.

References:

Mr. Machillary Snoh, City Mayor, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: Sub-national executive branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Sub-national executive branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Sub-national executive branch asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

19. Can citizens access the asset disclosure records of the heads of sub-national government?

0

19a. In law, citizens can access the asset disclosure records of the heads of sub-national government.

YES | **NO**

Comments:

citizens are unable to access asset disclosure record for heads of government officials at the local level. There is no standardize information dissemination policy in place.

References:

No provision under the Liberian Law

YES: A YES score is earned if the heads of sub-national government file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for the heads of sub-national government. A NO score is earned if the form is filed, but not available to the public.

19b. In practice, citizens can access the asset disclosure records of the heads of sub-national government within a reasonable time period.

100 | 75 | 50 | 25 | **0**

Comments:

The spot light on these matters is concentrated mainly at the national level, where citizens can view these records when it is in the print media. This is hardly done at the local level.

References:

Mr. Machillary Snoh, City Mayor, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some additional delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

19c. In practice, citizens can access the asset disclosure records of the heads of sub-national government at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Does not exist in practice.

References:

Mr. Machillary Snoh, City Mayor, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

20. In practice, official sub-national government functions are kept separate and distinct from the functions of the ruling political party.

75

20. In practice, official sub-national government functions are kept separate and distinct from the functions of the ruling political party.

Comments:

Though there is some distinction between the State and the ruling political party, In practice, it is somewhat difficult because the government has to implement the party's agenda.

References:

Mr. Machillary Snoh, City Mayor, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: Clear rules are followed distinguishing sub-national government functions from party activities. Sub-national government funds are never used for party activities. The civil service is completely distinct from party bureaucracy.

75:

50: The ruling party is, in principal, separate from the sub-national government, but exceptions to this standard sometimes occur. Examples may be the use of civil servants to organize political rallies, use of government vehicles on campaign trips, or use of government funds for party purposes.

25:

0: The sub-national government bureaucracy is an extension of the ruling party. There are few boundaries between the sub-national government and party activities. Sub-national government funds, equipment and personnel are regularly used to support party activities.

2-2. Sub-National Judicial Accountability

21. Are judges at the sub-national level appointed fairly?

92

21a. In law, there is a transparent procedure for selecting judges at the sub-national level.

YES | NO

Comments:

The President nominates the Judges and then the Senate has the responsibility of confirming them.

References:

Article 54, (c) chapter VI Liberian Constitution, 1986

YES: A YES score is earned if there is a formal process for selecting justices at the sub-national level. This process should be public in the debating and confirmation stages. Sub-national judges are defined as judges who have jurisdiction over a sub-national political unit and have powers that derive from a national or sub-national law or constitution; are nominated/appointed by a national/sub-national governmental body (head of government or legislature); and/or are elected sub-nationally.

NO: A NO score is given if there is no formal process of selection for sub-national judges or the process is conducted without public oversight. Sub-national judges are defined as judges who have jurisdiction over a sub-national political unit and have powers that derive from a national or sub-national law or constitution; are nominated/appointed by a national/sub-national governmental body (head of government or legislature); and/or are elected sub-nationally.

21b. In practice, there are certain professional criteria required for the selection of judges at the sub-national level.

100 | 75 | 50 | 25 | 0

Comments:

In practice and by law, there is a criteria that is adhered to. Nomination to the Supreme Court has been based on professional and practical experience. Candidates must have a good moral character and five years of legal practice in order to become qualify for the position of Supreme Court Judge and the Lower Courts Candidates at least three years of law practice or counsellor of the Supreme Court bar, plus good moral behaviour.

References:

Mr. Peter Howard, Chief magistrate, Margibi County, November 22, 2007
Article 54 c chapter VI, of the Liberian 1986 Constitution

100: Selected judges at the sub-national level have relevant professional qualifications such as formal legal training, experience as a lower court judge or a career as a litigator.

75:

50: Most judges selected at the sub-national level meet these qualifications, with some exceptions.

25:

0: Judges selected at the sub-national level are often unqualified due to lack of training or experience.

21c. In law, there is a confirmation process for judges at the sub-national level (i.e. conducted by a legislative body or an independent body).

YES | NO

Comments:

The Senate confirms Judges.

References:

Article 54 of the Liberian 1986 Constitution

YES: A YES score is earned if there is a formal process establishing a review of judicial nominees at the sub-national level by an agency independent from the body appointing the judges.

NO: A NO score is earned if there is no formal review. A NO score is earned if the review is conducted by a body directed by the body appointing the judges (such as review by the head of police if judges are appointed by the executive).

22. Can members of the sub-national level judiciary be held accountable for their actions?

33

22a. In law, members of the sub-national level judiciary are obliged to give reasons for their decisions.

YES | NO

References:

Judges are required by law to give legal reasons for every decision rendered by them.

Judiciary Reform Act of 2003

YES: A YES score is earned if there is a formal and mandatory process for judges at the sub-national level to explain their decisions.

NO: A NO score is earned if justices at the sub-national level are not required to explain decisions. A NO score is earned if there is a general exemption from explaining some decisions (such as national security).

22b. In practice, members of the sub-national level judiciary give reasons for their decisions.

100 | **75** | 50 | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Magibi County, November 22, 2007

Mr. Anthony Jallah, Head of CSO's, Margibi Coounty, November 12, 2007

100: Judges at the sub-national level are formally required to explain their judgments in detail, establishing a body of precedent. All judges comply with these requirements.

75:

50: Judges at the sub-national level are compelled to give substantial reasons for their decisions, but some exceptions exist. These may include special courts, such as military courts or tribunals.

25:

0: Judges at the sub-national level commonly issue decisions without formal explanations.

22c. In law, there is a disciplinary agency (or equivalent mechanism) for the sub-national level judicial system.

YES | **NO**

Comments:

Misdemeanour's of court officials in the rural areas and the lower courts are referred to the high courts.

References:

Such a disciplinary agency or its equivalent does not exist.

YES: A YES score is earned if there is a disciplinary agency (or equivalent mechanism) for the sub-national level judicial system. A disciplinary agency is defined here as an agency or mechanism specifically mandated to investigate breaches of procedure, abuses of power or other failures of the judiciary.

NO: A NO score is earned if no agency or mechanism is specifically mandated to act as a disciplinary mechanism for the sub-national judiciary.

22d. In law, the judicial disciplinary agency (or equivalent mechanism) at the sub-national level is protected from political interference.

YES | **NO**

References:

No provision for this.

YES: A YES score is earned if there are formal rules establishing that the judicial disciplinary agency (or equivalent mechanism) at the sub-national level is operationally independent from political interference by the executive, legislative and judicial branches.

NO: A NO score is earned if there are no formal rules establishing the independence of the judicial disciplinary agency (or equivalent mechanism) at the sub-national level. A NO score is given if the judicial disciplinary agency or equivalent mechanism function is carried out by an inherently subordinate organization, such as an executive ministry, legislative committee, or by an internal judiciary committee or council that can only act with the approval of judges themselves.

22e. In practice, when necessary, the sub-national judicial disciplinary agency (or equivalent mechanism) initiates investigations.

Comments:

Local government Judicial misconduct is reported to the Circuit court who initiates investigations and come up with appropriate measures.

References:

Mr. Peter Howard, Chief Magistrate, Magibi County, November 22, 2007

Mr. Anthony Jallah, Head of CSO's, Margibi Coounty, November 12, 2007

100: The judicial disciplinary agency (or equivalent mechanism) at the sub-national level aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The judicial disciplinary agency (or equivalent mechanism) is fair in its application of this power.

75:

50: The judicial disciplinary agency (or equivalent mechanism) at the sub-national level will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The judicial disciplinary agency (or equivalent mechanism), though limited in effectiveness, is still fair in its application of power.

25:

0: The judicial disciplinary agency (or equivalent mechanism) at the sub-national level rarely investigates on its own or cooperates in other agencies' investigations, or the judicial disciplinary agency (or equivalent mechanism) is partisan in its application of this power.

22f. In practice, when necessary, the sub-national level judicial disciplinary agency (or equivalent mechanism) imposes penalties on offenders.

References:

Mr. Peter Howard, Chief Magistrate, Magibi County, November 22, 2007

Mr. Anthony Jallah, Head of CSO's, Margibi Coounty, November 12, 2007

100: When rules violations are discovered, the judicial disciplinary agency (or equivalent mechanism) at the sub-national level is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

75:

50: The judicial disciplinary agency (or equivalent mechanism) at the sub-national level enforces rules, but is limited in its effectiveness. The judicial disciplinary agency (or equivalent mechanism) may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

25:

0: The judicial disciplinary agency (or equivalent mechanism) at the sub-national level does not effectively penalize offenders. The judicial disciplinary agency (or equivalent mechanism) may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The judicial disciplinary agency (or equivalent mechanism) may be partisan in its application of power.

63
2-3. Sub-National Budget Processes

23. Can citizens access the sub-national budgetary process?

42

23a. In practice, the sub-national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

100 | 75 | 50 | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Magibi County, November 22, 2007
Mr. Anthony Jallah, Head of CSO's, Margibi Coounty, November 12, 2007

100: Sub-national budget debates are public and records of these proceedings are easily accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official proceedings.

75:

50: There is a formal, transparent process for sub-national budget debates, but major budget modifications may be negotiated in separate, closed sessions. Some items, such as non-secret defense projects, may be negotiated in closed sessions. Authors of individual line items may be difficult to identify.

25:

0: Sub-national budget negotiations are effectively closed to the public. There may be a formal, transparent process, but most real discussion and debate happens in other, closed settings.

23b. In practice, citizens provide input at sub-national budget hearings.

100 | 75 | 50 | 25 | 0

References:

Mr. Machillary Snoh, City Mayor, Magibi County, November 22, 2007
Mr. Anthony Jallah, Head of CSO's, Margibi Coounty, November 12, 2007

100: Citizens, usually acting through CSOs, can provide information or commentary to the sub-national budget debate through a formal process. This information is essential to the process of evaluating sub-national budget priorities.

75:

50: Citizens or CSOs can provide input, but this information is often not relevant to sub-national budget decisions.

25:

0: Citizens or CSOs have no formal access to provide input to the sub-national budget debate.

23c. In practice, citizens can access itemized budget allocations at the sub-national level.

100 | 75 | **50** | 25 | 0

Comments:

Through the government's dialogue with counties on the PRSP as well as county development plan, the meetings are being held in counties to discuss what the county is going to do with development budgetary allocations as well determine the county's agenda for the next 5 years.

References:

Norris L. Tweah, Special Assistant to the Minister of Information and Focal person for the Government of Liberia Communication Strategy on the Poverty Reduction Strategy Paper; November 8, 2007, Monrovia, Liberia

Horace Goodridge; CENTAL Transparency Club Coordinator, Kakata, Margibi County, November 9, 2007

100: Citizens, journalists and CSOs can access itemized lists of sub-national budget allocations. This information is easily available and up to date.

75:

50: Citizens, journalists and CSOs can access itemized lists of sub-national budget allocations but this information may be difficult to access, incomplete or out of date.

25:

0: Citizens cannot access an itemized list of sub-national budget allocations due to secrecy, prohibitive barriers or government inefficiency.

24. Are there transparent regulations governing the transfer of funds from national to sub-national governments?

100

24a. In law, citizens can access the regulations governing the transfer of funds from national to sub-national governments.

YES | NO

References:

This can be done by monitoring legislative proceedings and budgetary allotment printed in the National annual budget.

The Budget Bureau Regulation act.

YES: A YES score is earned if the regulations governing the transfer of funds from national to sub-national governments is, in law, accessible to citizens (individuals, civil society groups, and journalists).

NO: A NO score is earned if there is no general right to access regulations governing the transfer of funds from national to sub-national governments. A NO score is earned if there are exemptions to the general right that are not clearly defined by formal rules.

24b. In law, national governments are required to publicly disclose the transfer of funds to sub-national governments.

YES | NO

References:

There is no laid down clause in law that can be pinpointed exactly in this context, but this can be monitored through the hard copies of the national budget which includes this information.

YES: A YES score is earned if national governments are required to publicly disclose the terms and conditions of the transfer of funds to sub-national governments. This can be done through major media outlets or on a publicly accessible government register or log.

NO: A NO score is earned if there is no requirement for national governments to publicly disclose the terms and conditions of the transfer of funds to sub-national governments.

24c. In law, sub-national governments are required to publicly disclose the receipt of funds from the national government.

YES | NO

References:

Sub-national governments are required to disclose the receipts of funds through policy, but it is not a written law in the constitution.

GEMAP policy paper

YES: A YES score is earned if sub-national governments are required to publicly disclose the receipt of funds from the national government. This can be done through major media outlets or on a publicly accessible government register or log.

NO: A NO score is earned if there is no requirement for sub-national governments to publicly disclose the receipt of funds from the national government.

25. Are the regulations governing the transfer of funds from national to sub-national governments effective?

75

25a. In practice, citizens can access the regulations governing the transfer of funds from national to sub-national governments within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Mr. Mchillary Snoh, County City Mayor, Margibi County, November 22, 2007

Mr. Joshua Kpanneh, field reporter, Margibi County, ELBC, Dec. 3,07

100: Regulations are available on-line, or regulations can be obtained within two days. Regulations are uniformly available; there are no delays for politically sensitive information.

75:

50: Regulations take around two weeks to obtain. Some delays may be experienced.

25:

0: Regulations take more than a month to acquire. In some cases, most regulations may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

25b. In practice, citizens can access the regulations governing the transfer of funds from national to sub-national governments at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Mr. Mchillary Snoh, County City Mayor, Margibi County, November 22, 2007

Mr. Joshua Kpanneh, field reporter, Margibi County, ELBC, Dec. 3,07

100: Access to regulations is free to all citizens, or available for the cost of photocopying. Information can be obtained at little cost, such as by mail, or on-line.

75:

50: Access to regulations impose a financial burden on citizens, journalists or CSOs. Retrieving regulations may require a visit to a specific office, such as a regional or national capital.

25:

0: Accessing regulations imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access these regulations.

25c. In practice, citizens can access records of transfers and receipts of funds from the national government to sub-national governments within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Mr. Mchillary Snoh, County City Mayor, Margibi County, November 22, 2007
Mr. Joshua Kpanneh, field reporter, Margibi County, ELBC, Dec. 3,07

100: Records of transfers and receipts of funds are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

25d. In practice, citizens can access records of transfers and receipts of funds from the national government to sub-national governments at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Mr. Mchillary Snoh, County City Mayor, Margibi County, November 22, 2007
Mr. Joshua Kpanneh, field reporter, Margibi County, ELBC, Dec. 3,07

100: Access to records of transfers and receipts of funds is free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Access to records of transfers and receipts of funds impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Accessing records of transfers and receipts of funds imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access these regulations.

Category 3. Sub-National Administration and Civil Service

3-1. ³⁷Sub-National Civil Service Regulations

26. Are there regulations for the sub-national civil service encompassing, at least, the managerial and professional staff?

50

26a. In law, there are regulations requiring an impartial, independent and fairly managed civil service at the sub-national level.

YES | NO

References:

Chapter x, article 89(a) Liberian Constitution 1986

YES: A YES score is earned if there are specific formal rules establishing that the civil service at the sub-national level carry out its duties independent of political interference.

NO: A NO score is earned if there are no formal rules establishing an independent civil service at the sub-national level.

26b. In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service at the sub-national level.

YES | NO

References:

Chapter II, Articles 5 (c) 6 & 7 Liberian Constitution 1986

YES: A YES score is earned if there are specific formal rules prohibiting nepotism, cronyism, and patronage in the civil service at the sub-national level. These should include competitive recruitment and promotion procedures as well as safeguards against arbitrary disciplinary actions and dismissal.

NO: A NO score is earned if no such regulations exist.

26c. In law, there is an independent redress mechanism for the civil service at the sub-national level.

YES | NO

References:

Chapter III, article 26, Liberian Constitution 1986

YES: A YES score is earned if there is a mechanism to which civil servants and applicants for the civil service at the sub-national level can take grievances regarding civil service management actions. Civil servants are able to appeal the mechanism's decisions to the judiciary.

NO: A NO score is earned if no such mechanism exists.

26d. In law, civil servants at the sub-national level convicted of corruption are prohibited from future government employment.

YES | NO

References:

Chapter XI, Article 90 (a & b) Liberia Constitution 1986

YES: A YES score is earned if there are specific rules prohibiting continued sub-national government employment following a corruption conviction.

NO: A NO score is earned if no such rules exist.

27. Is the law governing the administration and civil service at the sub-national level effective?

28

27a. In practice, civil servants at the sub-national level are protected from political interference.

100 | 75 | 50 | 25 | 0

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and field officer
November 12, 2007
Robertsport, Grand Cape Mount County

100: Civil servants at the sub-national level operate independently of the political process, without incentive or pressure to render favorable treatment or policy decisions on politically sensitive issues. Civil servants at the sub-national level rarely comment on political debates. Individual judgments are rarely praised or criticized by political figures. Civil servants at the sub-national level can bring a case to the courts challenging politically-motivated firings.

75:

50: Civil servants at the sub-national level are typically independent, yet are sometimes influenced in their judgments by negative or positive political or personal incentives. This may include favorable or unfavorable treatment by superiors, public criticism or praise by the sub-national government, or other forms of influence. Civil servants at the sub-national level may bring a case to the judicial system challenging politically-motivated firings but the case may encounter delays or bureaucratic hurdles.

25:

0: Civil servants at the sub-national level are commonly influenced by political or personal matters. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. Civil servants at the sub-national level are unable to find a remedy in the courts for unjustified or politically-motivated firings.

27b. In practice, civil servants at the sub-national level are appointed and evaluated according to professional criteria.

100 | 75 | 50 | 25 | 0

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and field officer
November 12, 2007
Robertsport, Grand Cape Mount County

100: Appointments to the civil service at the sub-national level and their professional evaluations are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments and professional assessments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments and professional assessments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

27c. In practice, civil service management actions (e.g. hiring, firing, promotions) at the sub-national level are not based on nepotism, cronyism, or patronage.

100 | 75 | 50 | **25** | 0

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and field officer
November 12, 2007
Robertsport, Grand Cape Mount County

100: Nepotism (favorable treatment of family members), cronyism (favorable treatment of friends and colleagues), and patronage (favorable treatment of those who reward their superiors) are actively discouraged at all levels of the sub-national civil service. Hirings, firings, and promotions are based on merit and performance.

75:

50: Nepotism, cronyism, and patronage are discouraged, but exceptions exist. Political leaders or senior officials sometimes appoint family members or friends to favorable positions in the sub-national civil service, or lend other favorable treatment.

25:

0: Nepotism, cronyism, and patronage are commonly accepted principles in hiring, firing and promotions of sub-national civil servants.

27d. In practice, civil servants at the sub-national level have clear job descriptions.

100 | 75 | 50 | **25** | 0

References:

Catherine W. Khasus and Marcus Kpahn

100: Civil servants at the sub-national level almost always have formal job descriptions establishing levels of seniority, assigned functions, and compensation. Job descriptions are a reliable means to map positions to both human capital requirements (including the position's authority and responsibilities) and base pay.

75:

50: Civil servants at the sub-national level often have formal job descriptions, but exceptions exist. Some sub-national civil servants may not be part of the formal assignment of duties and compensations. Some job descriptions may not map clearly to pay or responsibilities in some cases.

25:

0: Civil servants at the sub-national level do not have formal roles or job descriptions. If they do, such job descriptions have little or nothing to do with the position's responsibilities, authority, or pay.

27e. In practice, civil servant bonuses at the sub-national level constitute only a small fraction of total pay.

100 | 75 | 50 | 25 | 0

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and field officer
November 12, 2007
Robertsport, Grand Cape Mount County

100: Sub-national civil servant bonuses constitute no more than 10% of total pay and do not represent a major element of take-home pay.

75:

50: Sub-national civil servant bonuses are generally a small percentage of total take-home pay for most local civil servants though exceptions exist where some sub-national civil servants' bonuses represent a significant part of total pay.

25:

0: Most sub-national civil servants receive bonuses that represent a significant amount of total take-home pay. In some cases bonuses represent the majority of total pay to sub-national civil servants.

27f. In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled at the sub-national level.

100 | 75 | 50 | 25 | 0

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and field officer
November 12, 2007
Robertsport, Grand Cape Mount County

100: The sub-national government publishes such a list on a regular basis.

75:

50: The sub-national government publishes such a list but it is often delayed or incomplete. There may be multiple years in between each successive publication.

25:

0: The sub-national government rarely or never publishes such a list, or when it does it is wholly incomplete.

27g. In practice, the independent redress mechanism for the civil service at the sub-national level is effective.

100 | 75 | 50 | 25 | 0

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and field officer
November 12, 2007
Robertsport, Grand Cape Mount County

100: The independent redress mechanism for the civil service at the sub-national level can control the timing and pace of its investigations without any input from the bodies that manage sub-national civil servants on a day-to-day basis.

75:

50: The independent civil service redress mechanism at the sub-national level can generally decide what to investigate and when but is sometimes subject to pressure from the executive or the bodies that manage sub-national civil servants on a day-to-day basis on politically sensitive issues.

25:

0: The civil service redress mechanism at the sub-national level must rely on approval from the executive or the bodies that manage sub-national civil servants on a day-to-day basis before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

27h. In practice, in the past year, the government has paid civil servants at the sub-national level on time.

100 | 75 | 50 | 25 | 0

Comments:

During Taylor’s administration, local civil servant were not paid on time.

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and field officer
November 12, 2007
Robertsport, Grand Cape Mount County

100: In the past year, no sub-national civil servants have been paid late.

75:

50: In the past year, some sub-national civil servants have been paid late.

25:

0: In the past year, sub-national civil servants have frequently been denied due pay.

27i. In practice, civil servants at the sub-national level convicted of corruption are prohibited from future government employment.

100 | 75 | 50 | **25** | 0

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and field officer
November 12, 2007
Robertsport, Grand Cape Mount County

100: A system of formal blacklists and cooling off periods is in place for sub-national civil servants convicted of corruption. All sub-national civil servants are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some civil servants at the sub-national level may not be affected by the system, or the prohibitions are sometimes not effective.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future employment of convicted sub-national civil servants.

28. Are there regulations addressing conflicts of interest for civil servants at the sub-national level?

28a. In law, there are requirements for civil servants at the sub-national level to recuse themselves from policy decisions where their personal interests may be affected.

YES | NO

References:

Liberian constitution: Article 90 a and b

YES: A YES score is earned if there are requirements for civil servants at the sub-national level to recuse themselves from policy decisions where their personal interests, including personal financial interests as well as those of their family and friends, are affected.

NO: A NO score exists if no such requirements exist in regulation or law.

28b. In law, there are restrictions for civil servants at the sub-national level entering the private sector after leaving the government.

YES | NO

References:

It does not exist in law.

YES: A YES score is earned if there are regulations restricting sub-national civil servants' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

28c. In law, there are regulations governing gifts and hospitality offered to civil servants at the sub-national level.

YES | NO

References:

Liberian Constitution: Article 90 a and b

YES: A YES score is earned if there are formal guidelines regarding gifts and hospitality given to civil servants at the sub-national level.

NO: A NO score is earned if there are no such guidelines or regulations.

29. Are the regulations restricting post-government private sector employment for civil servants at the sub-national level effective?

8

29a. In practice, the regulations restricting post-government private sector employment for civil servants at the sub-national level are effective.

100 | 75 | 50 | 25 | 0

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and field officer
November 12, 2007
Robertsport, Grand Cape Mount County

100: The regulations restricting post-government private sector employment for civil servants at the sub-national level are uniformly enforced. There are no or few cases of sub-national civil servants taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, civil servants at the sub-national level are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Civil servants at the sub-national level routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

29b. In practice, the regulations governing gifts and hospitality offered to civil servants at the sub-national level are effective.

100 | 75 | 50 | 25 | 0

References:

Catherine W. Khasus and Marcus Kpahn

100: The regulations governing gifts and hospitality to civil servants at the sub-national level are regularly enforced and sufficiently restrict the amounts of gifts and hospitality that can be given to civil servants. Sub-national civil servants never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to civil servants at the sub-national level are generally applied though exceptions exist. Some sub-national civil servants in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to the sub-national civil service are routinely ignored and unenforced. Sub-national civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

29c. In practice, the requirements for sub-national civil service recusal from policy decisions affecting personal interests are effective.

100 | 75 | 50 | 25 | 0

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and field officer
November 12, 2007
Robertsport, Grand Cape Mount County

100: The requirements that sub-national civil servants recuse themselves from policy decisions where their personal interests are affected are routinely followed by most or all civil servants.

75:

50: The requirements that sub-national civil servants recuse themselves from policy decisions where their personal interests are affected are followed by most sub-national civil servants though exceptions exist. In certain sectors, sub-national civil servants are known to routinely participate in policy decisions where their personal interests are affected.

25:

0: Most sub-national civil servants routinely ignore recusal requirements and continue to participate in policy decisions where their personal interests are affected.

30. Can citizens access the asset disclosure records of senior civil servants at the sub-national level?

0

30a. In law, citizens can access the asset disclosure records of senior-level civil servants at the sub-national level.

YES | **NO**

References:

It does not exist in law

YES: A YES score is earned if laws or regulations guarantee that citizens can access the asset records of senior-level civil servants at the sub-national level.

NO: A NO score is earned if senior-level civil servants at the sub-national level do not file an asset disclosure. A NO score is earned if senior-level civil servants at the sub-national level file an asset disclosure, but it is not available to the public.

30b. In practice, citizens can access the asset disclosure records of senior civil servants at the sub-national level within a reasonable time period.

100 | 75 | 50 | 25 | **0**

References:

Catherine W. Khasus and Marcus Kpahn
County Superintendent and Field Officer
November 12, 2007
Robertsport, Grand Cape Mount County.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

30c. In practice, citizens can access the asset disclosure records of senior civil servants at the sub-national level at a reasonable cost.

References:

Catherine W. Khasus and Marcus Kpahn
 County Superintendent and Field Officer
 November 12, 2007
 Robertsport, Grand Cape Mount County.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

3-2. Sub-National Whistle-blowing Measures

31. Are employees at the sub-national level protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing) ?

0

31a. In law, civil servants at the sub-national level who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | **NO**

References:

There are no such laws in place to protect whistle blowers from negative consequences.

YES: A YES score is earned if there are specific laws against recrimination against public sector whistleblowers at the sub-national level. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for public-sector whistleblowers at the sub-national level.

31b. In practice, civil servants at the sub-national level who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | 0

References:

Mr. Anthony Jallah, head of the Civil Society organization, Margibi, November 12, 2007
Mr. Machillary Snoh, City Mayor, Margibi County. November 22, 2007

100: Public sector whistleblowers at the sub-national level can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Public sector whistleblowers at the sub-national level are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Public sector whistleblowers at the sub-national level often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

32. Is there an effective internal mechanism (i.e. phone hotline, e-mail address, local office) where civil servants at the sub-national level can report corruption?

0

32a. In law, there is an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants at the sub-national level can report corruption.

YES | NO

References:

A whistle blower policy is not in our laws.

YES: A YES score is earned if there is a mechanism, or multiple mechanisms for multiple government agencies, through which sub-national civil servants can report cases of graft, misuse of public funds, or corruption.

NO: A NO score is earned if no such mechanism (or equivalent series of mechanisms) exists.

32b. In practice, the internal reporting mechanism for public sector corruption at the sub-national level has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

There is no mechanism of the kind stated above in place.

References:

Mr. Mchillary Snoh, County Mayor, Margibi, November 22, 07
Mr. Tennessee Topolie, field reporter, Radio Varitas, December 3, 07

100: The agency/entity has staff sufficient to fulfill its basic mandate.

75:

50: The agency/entity has limited staff, a fact that hinders its ability to fulfill its basic mandate.

25:

0: The agency/entity has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

32c. In practice, the internal reporting mechanism for public sector corruption at the sub-national level receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

There isn't a mechanism of this nature in place

References:

Mr. Mchillary Snoh, County Mayor, Margibi, November 22, 07
Mr. Tennessee Topolie, field reporter, Radio Varitas, December 3, 07

100: The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

32d. In practice, the internal reporting mechanism for public sector corruption at the sub-national level acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Mr. Mchillary Snoh, County Mayor, Margibi, November 22, 07
Mr. Tennessee Topolie, field reporter, Radio Varitas, December 3, 07

100: The agency/entity acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Simple issues can expect a resolution within a month.

75:

50: The agency/entity acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

32e. In practice, when necessary, the internal reporting mechanism for public sector corruption at the sub-national level initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

Corruption cases at the local level is referred to and handled by the courts, there is no internal reporting mechanism in place that initiates investigations.

References:

Mr. Mchillary Snoh, County Mayor, Margibi, November 22, 07
Mr. Tennessee Topolie, field reporter, Radio Varitas, December 3, 07

100: When irregularities are discovered, the agency/entity is aggressive in investigating the sub-national government or in cooperating with other agencies' investigations.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in its application of power.

0 3-3. Sub-National Procurement

33. Is the public procurement process at the sub-national level effective?

83

33a. In law, there are regulations addressing conflicts of interest for public procurement officials at the sub-national level.

YES | NO

Comments:

This Order have been made into law.

References:

Executive Order no. 1, February 2, 2006, Monrovia, Liberia

YES: A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for sub-national public procurement officials. A YES score is earned if such regulations cover all civil servants at the sub-national level, including procurement officials.

NO: A NO score is earned if no such rules exist.

33b. In law, there is mandatory professional training for public procurement officials at the sub-national level.

YES | NO

Comments:

PPCA creates the Public Procurement and Concession Commission (PPCC), which in its mandate ensures that all public procuring entities personnel are trained to understand and apply the procurement law.

References:

Public Procurement and Commission Act (PPCA), Article 5 (d)

YES: A YES score is earned if public procurement officials at the sub-national level receive regular mandatory training to ensure professional standards in supervising the tendering process.

NO: A NO score is earned if there is no regular required training of public procurement officials at the sub-national level, or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

33c. In practice, the conflicts of interest regulations for public procurement officials at the sub-national level are enforced.

100 | 75 | 50 | 25 | 0

References:

Executive Order no. 1, February 2, 2006, Monrovia, Liberia
Mr. Mchillary Snoh, County city Mayor, Nov. 22, Margibi County

100: Regulations regarding conflicts of interest for procurement officials at the sub-national level are aggressively enforced.

75:

50: Conflict of interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from regulations.

25:

0: Conflict of interest regulations do not exist, or are consistently ineffective.

33d. In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials at the sub-national level.

YES | NO

References:

An Act creating The Public Procurement and Concession Commission” – approved September 8, 2005, Part IX, Section 131, c&d

YES: A YES score is earned if there is a formal mandate to some agency to monitor the assets, incomes and spending habits of public procurement officials at the sub-national level, such as an inspector general, or ombudsman.

NO: A NO score is earned if no such mandate exists.

33e. In law, major procurements at the sub-national level require competitive bidding.

YES | NO

Comments:

All bidders have equal access by means of promoting open competition and fostering participation in procurement proceedings and concessions agreements by qualified suppliers.

References:

An Act creating The Public Procurement and Concession Commission” – approved September 8, 2005, Part I,(d & e)and Part V 46 (1)

YES: A YES score is earned if all major procurements at the sub-national level require competitive bidding.

NO: A NO score is earned if competitive bidding is not required by law or regulation for major procurement at the sub-national level.

33f. In law, strict formal requirements limit the extent of sole sourcing for sub-national procurement.

YES | NO

References:

An Act creating The Public Procurement and Concession Commission” – approved September 8, 2005, Part V, 55 (a -e), 56(1-2) & 57(1)b,c,d,&e

YES: A YES score is earned if sole sourcing at the sub-national level is limited to specific, tightly defined conditions, such as when a supplier is the only source of a skill or technology.

NO: A NO score is earned if there are no prohibitions on sole sourcing at the sub-national level. A NO score is earned if the prohibitions on sole sourcing are general and unspecific.

33g. In law, unsuccessful bidders can instigate an official review of sub-national procurement decisions.

YES | NO

Comments:

Unsuccessful bidders can challenge procurement decisions in a court of law only after review procedures outlined in the Act have been exhausted.

References:

An Act creating The Public Procurement and Concession Commission” – approved September 8, 2005, PART VIII, 26(3)

YES: A YES score is earned if there is a formal appeal process for unsuccessful bidders.

NO: A NO score is earned if no such process exists.

33h. In law, unsuccessful bidders can challenge procurement decisions at the sub-national level in a court of law.

YES | NO

Comments:

Unsuccessful bidders can challenge procurement decision at a law court.

References:

The Public Procurement law, Part VIII, 26 (26)

YES: A YES score is earned if unsuccessful bidders can use the courts to appeal a procurement decision at the sub-national level.

NO: A NO score is earned if no such process exists.

33i. In law, companies guilty of major violations of sub-national procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids at the sub-national level.

YES | NO

References:

An act creating The Public Procurement and concession commission, Part ix, section 131(c&d)

YES: A YES score is earned if there are formal sub-national procurement blacklists, preventing convicted companies from doing business with the sub-national government.

NO: A NO score is earned if no such process exists.

33j. In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids at the sub-national level.

100 | 75 | **50** | 25 | 0

Comments:

This is a little sticky, because most government officials both at the national level and the local level are at most times connected to economic interest.

References:

Public Procurement act, approved September 8, 2005, Part IX, 38 (1-2)a&b

Mr. Mchillary Snoh, City Mayor, Margibi, November 22, 2007

Mr. Anthony Jallah, CSO Head, Margibi, November 12, 2007

100: A system of formal blacklists and cooling off periods is in place for companies convicted of corruption. All companies are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some procurements or companies may not be affected by the system, or the prohibitions are sometimes not effective.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future hiring of blacklisted companies.

34. Can citizens access the sub-national public procurement process?

71

34a. In law, citizens can access public procurement regulations at the sub-national level.

YES | NO

Comments:

The regulations are available online, but at the local level, this is somehow tedious, as citizens have very limited access to internet facilities.

References:

This is possible though the Public Procurement Act does not speak on this directly.

YES: A YES score is earned if sub-national procurement rules are, by law, open to the public. These regulations are defined here as the rules governing the competitive procurement process.

NO: A NO score is earned if sub-national procurement rules are officially secret for any reason or if there are no procurement rules.

34b. In law, the government is required to publicly announce the results of procurement decisions at the sub-national level.

YES | NO

Comments:

At the local level the Procurement Act regulations is not much enforced as it should be, as all eyes are more glued to happenings at the national level. There is not really much follow up made after the initial announcement.

References:

The Public Procurement act, approved September 8, 2005, Part IX, 140

YES: A YES score is earned if the government is required to publicly post or announce the results of the public procurement process at the sub-national level. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the government to publicly announce the results of the public procurement process at the sub-national level.

34c. In practice, citizens can access sub-national public procurement regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The regulations are online, but it is very hard for it to be access via internet at the local level because of its unavailability.

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007

Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information. These records are defined here as the rules governing the competitive procurement process.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

34d. In practice, citizens can access sub-national public procurement regulations at a reasonable cost.

Comments:

Accessing the net in the local area is out of the question, if it is not available then one cannot attach a cost.

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007

Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: Records of regulation are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. These records are defined here as the rules governing the competitive procurement process.

75:

50: Records of regulation impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records of regulation imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

34e. In practice, major public procurements at the sub-national level are effectively advertised.

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007

The PPCC Act, approved September 2005

100: There is a formal process of advertising sub-national public procurements. This may include a sub-national government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

75:

50: There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

25:

0: There is no formal process of advertising major sub-national public procurements or the process is superficial and ineffective.

34f. In practice, citizens can access the results of major public procurement bids at the sub-national level.

100 | 75 | 50 | 25 | 0

Comments:

The information is made public, but most people residing in the local counties does not really monitor or make follow ups on the process.

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007
Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: Records of sub-national public procurement results are publicly available through a formal process.

75:

50: Records of sub-national public procurements are available, but there are exceptions to this practice. Some information may not be available, or some citizens may not be able to access information.

25:

0: This information is not available to the public through an official process.

3-4. Sub-National Property Rights

35. Are there transparent regulations governing land records at the sub-national level?

25

35a. In law, there is a transparent system at the sub-national level to track and update land records.

YES | NO

References:

There is no system of this nature in place at the local level.

YES: A YES score is earned if there is a clear system, in law, that tracks and updates information on land property rights, land titles, and land transactions at the sub-national level. These records are publicly available to all citizens, including those who are subject to customary/tribal property practices.

NO: A NO score is earned if there is no legal framework that tracks and updates information on land property rights, land titles, and land transactions at the sub-national level. A NO score is earned if these records are not available to all citizens, including those who are subject to customary/tribal property practices.

35b. In law, there is an agency or set of agencies that maintains land records and regulations at the sub-national level.

YES | **NO**

Comments:

The state of land records in Liberia is leaves much to be desire after years of war. Land ownership is a controversial issue and a comprehensive reform is under way.

References:

There are no laws or system in place at the local level that tracks and update land records, except at the National Archive Center in Monrovia.

YES: A YES score is earned if there is an agency or set of agencies that maintains and manages land records and regulations at the sub-national level.

NO: A NO score is earned if no such agency or set of agencies exists.

35c. In law, there is mandatory professional training for staff responsible for land records issues at the sub-national level.

YES | **NO**

References:

There are no mandatory training for staff responsible for land records at the local level in Liberia.

YES: A YES score is earned if staff receive regular mandatory training to ensure professional standards in managing land records issues at the sub-national level.

NO: A NO score is earned if there is no required training of staff responsible for managing land records issues at the sub-national level, or if training is sporadic, inconsistent, unrelated to land records and rights processes, or voluntary.

35d. In law, citizens can bring land record disputes at the sub-national level to a court of law.

YES | NO

References:

Article 26, Liberia Constitution, 1986

YES: A YES score is earned if citizens can bring land record disputes at the sub-national level to a court of law.

NO: A NO score is earned if there is no legal right for citizens to bring land record disputes at the sub-national level to a court of law.

36. Are the regulations governing sub-national land records effective?

31

36a. In practice, citizens can access sub-national land records and regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The land records are not kept in any conventional form, it takes weeks to go through the scattered records, since the war nothing much have been done by way of preserving these records. There are no computer record systems. But Margibi is closer to Monrovia so the cost of coming to Monrovia is not as high as other counties.

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007

Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: Sub-national land records and regulations are available on-line, or can be obtained within two days. Regulations and records are uniformly available; there are no delays for politically sensitive information. Sub-national land records and regulations are defined here as the rules governing land records, land titles, and records of transfers of land ownership.

75:

50: Sub-national land records and regulations take around two weeks to obtain. Some delays may be experienced.

25:

0: Sub-national land records and regulations take more than a month to acquire. There may be persistent delays in obtaining politically sensitive regulations or records.

36b. In practice, citizens can access sub-national public land records and regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Usually fees are charged for tracking records, these fees may not be very exorbitant, but are high for the majority. they range from ten to fifty USD, depending on the volume of documents.

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007
Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: Sub-national land records and regulations are free to all citizens, or available for the cost of photocopying. Regulations and records can be obtained at little cost, such as by mail, or on-line. Sub-national land records and regulations are defined here as the rules governing land records, land titles, and records of transfer of land ownership.

75:

50: Obtaining sub-national land records and regulations imposes a financial burden on citizens, journalists or CSOs. Retrieving regulations and records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving sub-national land records and regulations imposes a major financial burden. The costs are prohibitive to most citizens, journalists, or CSOs.

36c. In practice, the agency or entity responsible for maintaining sub-national land records and regulations has sufficient staff and resources.

100 | 75 | 50 | 25 | 0

Comments:

Ministry of Rural Development was merged into Public Works due to resource constraints. And Public works itself does not have sufficient staff to cover the entire country.

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007
Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: The agency or entity responsible for maintaining sub-national land records and regulations has sufficient staff and resources to fulfill its basic mandate.

75:

50: The agency or entity has limited staff and resources, or staff without necessary qualifications and resources to fulfill its basic mandate.

25:

0: The agency or entity has no staff and resources, or such limited staff and resources that the agency or entity is clearly unqualified to fulfill its mandate.

36d. In practice, bringing a land records dispute to court is affordable for the average citizen.

100 | 75 | **50** | 25 | 0

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007

Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: In most cases, bringing a case to court is an affordable option to citizens seeking to resolve land record disputes.

75:

50: In some cases, bringing a dispute to court is not an affordable option to citizens seeking to resolve land record disputes.

25:

0: The prohibitive cost of utilizing the court prevents citizens from resolving land record disputes.

37. Are there transparent regulations governing land development and zoning (defined as the formal approval process to begin construction and land development projects) at the sub-national level?

25

37a. In law, there is a transparent process governing land development and zoning processes at the sub-national level.

YES | **NO**

References:

Does not exist in law.

YES: A YES score is earned if there is a clear system that governs the process by which businesses and individuals can apply for approval to initiate construction or other land enhancement projects at the sub-national level. The process is publicly available to all citizens, including those who are subject to customary/tribal land use practices.

NO: A NO score is earned if the rules governing land development and zoning processes at the sub-national level are unclear, or no such governing framework exists.

37b. In law, there is an agency or set of agencies that regulate land development and zoning processes at the sub-national level.

YES | NO

References:

Does not exist in law.

YES: A YES score is earned if there is an agency or set of agencies that regulates land development and zoning processes at the sub-national level.

NO: A NO score is earned if no such agency or set of agencies exists.

37c. In law, there is mandatory professional training for staff responsible for sub-national land development and zoning.

YES | NO

References:

No provision at local level.

YES: A YES score is earned if staff receive regular mandatory training to ensure professional standards in managing land development and zoning issues at the sub-national level.

NO: A NO score is earned if there is no required training of staff responsible for managing land development and zoning issues at the sub-national level, or if training is sporadic, inconsistent, unrelated to zoning or land development processes, or voluntary.

37d. In law, citizens can bring land development or zoning disputes at the sub-national level to a court of law.

YES | NO

References:

Article 21 of the Constitution of Liberia speaks on this issue.

YES: A YES score is earned if citizens can bring land development or zoning disputes at the sub-national level to a court of law.

NO: A NO score is earned if there is no legal right for citizens to bring land development or zoning disputes at the sub-national level to a court of law.

38. Are the regulations governing land development and zoning processes effective?

19

38a. In practice, citizens can apply for sub-national land development and zoning approvals within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007

Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: Requests for sub-national land development and zoning approvals are available on-line, or can be obtained within two days. The process for submitting land development or zoning applications is uniformly available; there are no delays for politically sensitive projects.

75:

50: Requests for sub-national land development and zoning approvals take around two weeks to submit. Some delays may be experienced.

25:

0: Requests for sub-national land development and zoning approvals take more than a month to submit. There may be persistent delays for politically sensitive requests.

38b. In practice, citizens can apply for sub-national land development and zoning approvals at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Because of the time and cost involved and the lack of information about the process, citizens do not bother to apply for these permits, except for large constructions

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007

Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: Applications for sub-national land development and zoning approvals can be obtained at little cost, such as by mail, or on-line, and/or for a small administrative fee.

75:

50: Applications for sub-national land development and zoning regulation impose a financial burden on citizens and businesses. Applications may require a visit to a specific office, such as a regional or national capital.

25:

0: Applications for sub-national land development and zoning approvals impose a major financial burden on citizens and businesses.

38c. In practice, the agency or entity responsible for managing the sub-national land development and zoning process has sufficient staff and resources.

100 | 75 | 50 | 25 | 0

Comments:

Because of insufficiency of resources the Ministry of Rural Development was closed down and merged into Public Works which has its own problem with resources too. Many people do not bother to apply for permits or go ahead for land development, except large constructions.

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007
Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: The agency or entity responsible for managing the sub-national land development and zoning process has sufficient staff and resources to fulfill its basic mandate.

75:

50: The agency or entity has limited staff and resources, or staff without necessary qualifications and resources to fulfill its basic mandate.

25:

0: The agency or entity has no staff and resources, or such limited staff and resources that the agency or entity is clearly unqualified to fulfill its mandate.

38d. In practice, bringing a zoning or land development dispute to court is affordable for the average citizen.

100 | 75 | 50 | 25 | 0

References:

Mr. Machillary Snoh, City Mayor, Magibi, November 22, 2007
Mr. Joshua Kpanneh, field reporter, ELBC, margibi County, Dec. 3, 2007

100: In most cases, bringing a case to court is an affordable option to citizens seeking to resolve zoning or land development disputes.

75:

50: In some cases, bringing a dispute to court is not an affordable option to citizens seeking to resolve zoning or land development disputes.

25:

0: The prohibitive cost of utilizing the court prevents citizens from resolving zoning or land development disputes.

39. Are there transparent regulations governing the compensation of citizens forcibly displaced from their property by the sub-national government or by conflict/natural disaster?

100

39a. In law, citizens can bring property displacement disputes to a court of law.

YES | NO

References:

Article 21 discusses this issue.

YES: A YES score is earned if there are laws that allow citizens forcibly displaced from their property access to a court of law to adjudicate their cases.

NO: A NO score is earned if there are no laws that allow citizens forcibly displaced from their property access to a court of law to adjudicate their cases.

39b. In law, citizens have the right to appeal decisions by a court of law adjudicating on restitution and redistribution of property.

YES | NO

Comments:

The above article states that anyone injured by an act of the government or any person acting under its authority, whether in property, contract, tort, or otherwise, shall have the right to bring suit for appropriate redress.

References:

Article 26, Liberian Constitution, 1986

YES: A YES score is earned if citizens can challenge decisions by a court of law adjudicating on restitution and redistribution of property.

NO: A NO score is earned if there is no legal right for citizens to challenge decisions by a court of law adjudicating on restitution and redistribution of property.

39c. In law, courts of law recognize both formal and customary property ownership systems when adjudicating the property restitution and redistribution cases.

YES | NO

Comments:

The above law ensures that both statutory and customary laws are taken into account when these type of cases are being adjudicated in a court of law.

References:

Article 23, b, Liberian Constitution, 1986

YES: A YES score is earned if courts of law recognize both formal and customary property ownership systems when adjudicating property restitution and redistribution cases. Customary property ownership systems include community-held land rights structured by tribal customs. Formal land tenure systems include individualized land or property ownership that is legally enforceable through contracts as well as land use rights administered and secured through a formal registration system. A YES score can be earned if there are judicial officials trained in or familiar with customary tenure systems.

NO: A NO score is earned if the courts of law only recognize formal, not customary, property ownership systems when adjudicating property restitution and redistribution cases.

40. In practice, are the regulations governing the property ownership restitution and redistribution process effective?

45

40a. In practice, citizens forcibly displaced from their property have access to a court of law to adjudicate their cases at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Score Criteria, 50, has aptly described what obtains here.

References:

Article 26, Liberian Constitution, 1986
Mr. Mchillary Snoh, City Mayor, Margibi County, November 22, 2007
Mr. Anthony Jallah, CSO Head, Margibi, November 12, 2007

100: Courtrooms are always accessible to citizens seeking restitution and redistribution of property ownership at low cost, either through sub-national and rural courthouses or through a system of traveling magistrates.

75:

50: Courts or equivalent mechanisms are available to most citizens seeking restitution and redistribution of property ownership. Some citizens may be unable to reach a courtroom due to high travel costs and/or location.

25:

0: Courts or equivalent mechanisms are unavailable to the majority of citizens seeking restitution and redistribution of property ownership because of the significant financial burden.

40b. In practice, citizens forcibly displaced from their property can access a court of law to adjudicate their cases within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

The law has a provision for acquiring redress, but the fact remains that the locality should be taken into consideration, especially the provinces where courts of law exist only in the big towns. Locally these types of cases are judged by town chiefs or JPCs. So actually the cost involved is affordable for them. So many people prefer out of court settlement. There are no instances where people were resettled because of a court ruling.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, November 22, 2007
Mr. Joshua Kpanneh, Field reporter, ELBC, Dec.3, 2007

100: The court of law acts on cases quickly. While some backlog is expected and inevitable, cases are acknowledged promptly and cases move steadily towards resolution.

75:

50: The court of law acts on cases quickly but with some exceptions. Some cases may not be acknowledged, and simple cases may take more than two months to resolve.

25:

0: The court of law does not resolve cases in a timely fashion quickly. Cases may be unacknowledged for many months and simple cases may take more than three months to resolve.

40c. In practice, citizens can appeal decisions by a court of law adjudicating their cases of property restitution and redistribution within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Within a reasonable time period, can only be achieved by having the case judged locally, but if one wants to take it to the courts in the big towns, one has to take into account the time one takes to get there usually on foot as they are limited roads, and the few that exist are usually in bad conditions, especially during the rains. There are also limited staff who are competent and a huge number of cases on the dock resulting from this.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, November 22, 2007
Mr. Joshua Kpanneh, Field reporter, ELBC, Dec.3, 2007

100: The court of law acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: The court of law acts on appeals quickly but with some exceptions. Some appeals may not be acknowledged and simple cases may take years to resolve.

25:

0: The court of law does not resolve appeals in a timely fashion quickly. Appeals may go unacknowledged for months or years and simple cases may never be resolved.

40d. In practice, citizens can appeal decisions by a court of law adjudicating their cases of property restitution and redistribution at a reasonable cost.

100 | 75 | 50 | **25** | 0

Comments:

All depends on the type and nature of the case. On issue of land the process and headaches involved as far as the supreme court are so annoying that people prefer out of court settlement

References:

Mr. Peter Howard, Chief Magistrate, Margibi, November 22, 2007
Mr. Anthony Jallah, CSO Head, Margibi, November 12, 2007

100: In most cases, the appeals mechanism is an affordable option to citizens seeking to challenge an access to information determination.

75:

50: In some cases, the appeals mechanism is not an affordable option to citizens seeking to challenge an access to information determination.

25:

0: The prohibitive cost of utilizing the access to information appeals mechanism prevents citizens from challenging access to information determinations.

40e. In practice, courts of law recognize both formal/contractual and customary property ownership systems when adjudicating the restitution and redistribution of property to citizens forcibly displaced.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, November 22, 2007
 Mr. Anthony Jallah, CSO Head, Margibi, November 12, 2007

100: Courts of law always recognize both formal/contractual and customary property ownership systems when adjudicating on restitution and redistribution of property.

75:

50: Courts of law generally recognize both formal/contractual and customary property ownership systems, but with some exceptions. Citizens who live under customary land or property ownership systems may only occasionally have recourse to formal judicial systems, or courts be biased against customary systems.

25:

0: Courts of law rarely recognize both formal/contractual and customary property ownership systems. Citizens who live under customary property ownership systems frequently have recourse to formal judicial systems only. The courts are routinely biased against customary property ownership systems.

Category 4. Sub-National Oversight and Regulation

4-1. ⁷⁰Sub-National Audit Institution

41. In law, is there an audit institution, auditor general or equivalent agency covering the entire public sector at the sub-national level?

100

41. In law, is there an audit institution, auditor general or equivalent agency covering the entire public sector at the sub-national level?

YES | NO

Comments:

The Commission is responsible for all auditing nationwide

References:

General Auditing Commission Act of 2005

YES: A YES score is earned if there is a specific agency whose primary mandate is to audit and track the movement of money through the sub-national government. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

NO: A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the sub-national executive.

42. Is the audit institution covering the entire public sector at the sub-national level effective?

59

42a. In law, the audit institution is protected from political interference.

YES | NO

Comments:

The AG determines and plan his program, he cannot be removed except for cause, aand he has a security of tenure.

References:

General Auditing Commission Acto of 2005

YES: A YES score is earned only if the agency has some formal organizational independence from the national and/or sub-national government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government agency.

42b. In practice, the head of the sub-national audit agency is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

Comments:

The AG has a five years security of tenure.

References:

Emmanuel Munyenneh, Technical Resource Coordinator, Governance Commission, via e-mail, 12 December 2007
Roosevelt Sackor, Liberia Anti-Corruption Working Group, 11 December 2007, Monrovia, Liberia

100: The director of the agency serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director of the agency serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director of the agency can be removed at the will of political leadership.

42c. In practice, the sub-national audit agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

The AG gave a test to select his staff. This caused a row which is now in the Supreme Court because the dismissed staff took the AG Complaint to the Senate that asked him to reinstate them but he refused, and was fine for contempt. But he took the Senate to the Supreme Court for interfering in his work.

References:

Emmanuel Munyenneh, Technical Resource Coordinator, Governance Commission, via e-mail, 12 December 2007
Roosevelt Sackor, Liberia Anti-Corruption Working Group, 11 December 2007, Monrovia, Liberia

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

42d. In practice, sub-national audit agency appointments support the independence of the agency.

100 | 75 | 50 | 25 | 0

Comments:

There is no sub-national agency, the General Auditing Agency is responsible, although it lacks funding to fully conduct audits for all counties.

References:

Emmanuel Munyenneh, Technical Resource Coordinator, Governance Commission, via e-mail, 12 December 2007
Roosevelt Sackor, Liberia Anti-Corruption Working Group, 11 December 2007, Monrovia, Liberia

100: Appointments to the agency are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

42e. In practice, the sub-national audit agency receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

There is no sub-national but the national has receive funding and it has planned audits on the need basis.

References:

Emmanuel Munyenneh, Technical Resource Coordinator, Governance Commission, via e-mail, 12 December 2007
Roosevelt Sackor, Liberia Anti-Corruption Working Group, 11 December 2007, Monrovia, Liberia

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

42f. In practice, the sub-national audit agency makes regular public reports.

100 | 75 | 50 | 25 | 0

Comments:

There no sub-national, but the national commission has not conducted and released any audits reports, it has just been formed.

References:

Emmanuel Munyenneh, Technical Resource Coordinator, Governance Commission, via e-mail, 12 December 2007

100: The agency makes regular, publicly available, substantial reports to the sub-national legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency makes publicly available reports to the sub-national legislature and/or to the public directly that are sometimes delayed or incomplete.

25:

0: The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

42g. In practice, the sub-national government acts on the findings of the audit agency.

100 | 75 | 50 | 25 | 0

Comments:

No reports have been released.

References:

Emmanuel Munyenneh, Technical Resource Coordinator, Governance Commission, via e-mail, 12 December 2007
Roosevelt Sackor, Liberia Anti-Corruption Working Group, 11 December 2007, Monrovia, Liberia

100: Audit agency reports are taken seriously, with negative findings drawing prompt corrective action by the sub-national government.

75:

50: In most cases, audit agency reports are acted on by the sub-national government, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Audit reports are often ignored, or given superficial attention by the sub-national government. Audit reports do not lead to policy changes.

42h. In practice, the sub-national audit agency is able to initiate its own investigations.

100 | 75 | 50 | 25 | 0

Comments:

The GAC has its own work plan and it does not need the acquiescence of any functionary of government to conduct audits

References:

Steve Kowo, Technical Assistant, General Audit Commission, December 8, 2007, Monrovia
Roosevelt Sackor, Liberia Anti-Corruption Working Group, 11 December 2007, Monrovia, Liberia

100: The audit institution can control the timing and pace of its investigations without any input from the sub-national or national executive or legislature.

75:

50: The audit institution can generally decide what to investigate, and when, but is subject to pressure from the sub-national or national executive or legislature on politically sensitive issues.

25:

0: The audit institution must rely on approval from the sub-national or national executive or legislature before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

43. Can citizens access reports of the sub-national audit institution?

33

43a. In law, citizens can access reports of the sub-national audit agency.

YES | NO

Comments:

no reports done yet

References:

Article 15 of the constitution guarantees access to government information, but there is no specific legislation on how this can be exercised

YES: A YES score is earned if all auditor reports covering the sub-national level are available to the general public.

NO: A NO score is earned if any auditor reports covering the sub-national level are not publicly available. This may include reports made exclusively to the sub-national legislature or the executive, which those bodies may choose not to distribute.

43b. In practice, citizens can access sub-national audit reports within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

There are no audit reports yet, but even if there were it may have been difficult to access them

References:

Emmanuel Munyenneh, Technical Resource Coordinator, Governance Commission, via e-mail, 12 December 2007
Roosevelt Sackor, Liberia Anti-Corruption Working Group, 11 December 2007, Monrovia, Liberia

100: Reports are available on-line, or records can be obtained within two days. Reports are uniformly available; there are no delays for politically sensitive information.

75:

50: Reports take around two weeks to obtain. Some delays may be experienced.

25:

0: Reports take more than a month to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

43c. In practice, citizens can access the sub-national audit reports at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Accessing government information can be costly unofficially, there is no official system in place where citizens can pay to access information

References:

Emmanuel Munyenneh, Technical Resource Coordinator, Governance Commission, via e-mail, 12 December 2007
Roosevelt Sackor, Liberia Anti-Corruption Working Group, 11 December 2007, Monrovia, Liberia

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

4-2. Sub-National Business Licensing and Regulation

44. Are there transparent sub-national business regulatory requirements for basic health, environmental, and safety standards?

100

44a. In law, basic sub-national business regulatory requirements for meeting public health standards are transparent and publicly available.

YES | NO

Comments:

The law is not always adhered to when it comes to this.

References:

Business facilities must operate in compliance with environmental laws, approval and controls found in government regulation, Ministry of Commerce.

Liberia Business ACT of 2006

YES: A YES score is earned if basic regulatory requirements for meeting sub-national public health standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

44b. In law, basic sub-national business regulatory requirements for meeting public environmental standards are transparent and publicly available.

YES | NO

Comments:

Sometimes the law does not always take precedent.

References:

Business facilities must operate in compliance with environmental laws, approval and controls found in government regulation, Ministry of Commerce.

Liberia Business act of 2006

YES: A YES score is earned if basic regulatory requirements for meeting sub-national public environmental standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

44c. In law, basic business regulatory requirements for meeting public safety standards are transparent and publicly available.

YES | NO

References:

yes, the Ministry of Commerce has their regulation that all businesses must subscribe to, which includes public safety measures.

YES: A YES score is earned if basic regulatory requirements for meeting sub-national public safety standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

44d. In law, there are clear laws to remediate business regulatory violations at the sub-national level.

YES | NO

Comments:

The regulatory laws at the sub-national level falls under the umbrella of the business corporation act.

References:

The business corporation act 2002.

YES: A YES score is earned if there is an established legal framework that governs the appropriate steps necessary to remediate business regulatory violations at the sub-national level, such as health, safety, and environmental violations.

NO: A NO score is earned if no such legal framework exists.

46. Are businesses at the sub-national level protected by insolvency and bankruptcy laws?

75

46a. In law, businesses at the sub-national level are protected by insolvency and bankruptcy laws.

YES | NO

References:
Liberia Business Law

YES: A YES score is earned if there are legal protections for insolvent and bankrupt businesses at the sub-national level.

NO: A NO score is earned if no such laws exist to protect insolvent and bankrupt businesses and their employees.

46b. In practice, insolvency and bankruptcy laws are effectively enforced at the sub-national level.

100 | 75 | **50** | 25 | 0

References:

Mr. Machillary Snoh, City Mayor, Margibi, November 22, 2007

Mr. Tennessee Topolue, Radio Veritas, field reporter, margibi, Dec. 3, 2007

100: Insolvency and bankruptcy laws are enforced in such a way as to ensure comprehensive compliance at the sub-national level. Businesses that are not financially solvent can declare bankruptcy and are afforded basic protections. Employers almost always notify their employees that the business is insolvent or filing for bankruptcy.

75:

50: Insolvency and bankruptcy laws are generally carried out in an even-handed way though exceptions exist. Some businesses experience difficulties declaring bankruptcy. Employees are not always notified by their employer that the business is insolvent or filing for bankruptcy.

25:

0: Insolvency and bankruptcy laws are routinely enforced at the sub-national level in an ad hoc, arbitrary fashion. Businesses that are financially insolvent frequently face difficulties declaring bankruptcy protection. Furthermore, employees are rarely if ever notified by their employer that the business is insolvent or filing for bankruptcy.

45. Does the sub-national government effectively enforce basic health, environmental, and safety standards on businesses at the sub-national level?

50

45a. In practice, business inspections by government officials to ensure public health standards are being met at the sub-national level are carried out in a uniform and even-handed manner.

100 | 75 | **50** | 25 | 0

Comments:

Business inspections are not concluded in a uniform manner.

References:

Mr. Machillary Snoh, City Mayor, Margibi, November 22, 2007

Mr. Tennessee Topolue, Radio Veritas, field reporter, margibi, Dec. 3, 2007

100: Business inspections by the government to ensure that public health standards at the sub-national level are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public health standards at the sub-national level are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public health standards at the sub-national level are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

45b. In practice, business inspections by government officials to ensure public environmental standards are being met at the sub-national level are carried out in a uniform and even-handed manner.

100 | 75 | **50** | 25 | 0

References:

Mr. Machillary Snoh, City Mayor, Margibi, November 22, 2007

Mr. Tennessee Topolue, Radio Veritas, field reporter, margibi, Dec. 3, 2007

100: Business inspections by the government to ensure that public environmental standards at the sub-national level are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public environmental standards at the sub-national level are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public environmental standards at the sub-national level are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

45c. In practice, business inspections by government officials to ensure public safety standards are being met at the sub-national level are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

There is no uniform manner in which these inspections are carried out.

References:

Mr. Machillary Snoh, City Mayor, Margibi, November 22, 2007

Mr. Tennessee Topolue, Radio Veritas, field reporter, margibi, Dec. 3, 2007

100: Business inspections by the government to ensure that public safety standards at the sub-national level are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public safety standards at the sub-national level are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public safety standards at the sub-national level are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

45d. In practice, the laws governing the process for remediating business regulatory violations are enforced.

100 | 75 | 50 | 25 | 0

References:

Mr. Machillary Snoh, City Mayor, Margibi, November 22, 2007

Mr. Tennessee Topolue, Radio Veritas, field reporter, margibi, Dec. 3, 2007

100: The sub-national government always abides by a transparent set of rules for enforcing the remediation process for business regulatory violations.

75:

50: The sub-national government usually abides by a transparent set of rules for enforcing the remediation process for business regulatory violations, with some exceptions. The law is not always enforced uniformly, and the sub-national government may grant preferential treatment for politically connected businesses.

25:

0: The sub-national government rarely or never abides by a transparent set of rules for enforcing the remediation process for business regulatory violations. The sub-national government routinely favors politically connected businesses by offering favorable treatment and discriminates against other businesses who are not politically connected.

5-1. ⁴⁴ Sub-National Anti-Corruption Law

47. Is there legal scope for joint private-public anti-corruption campaigns at the sub-national level?

0

47. Is there legal scope for joint private-public anti-corruption campaigns at the sub-national level?

YES | **NO**

References:

There is no legal scope for this joint anti-corruption campaign at the local level.

YES: A YES score is earned if there are formal rules that allow for public-private partnerships to curb corruption at the sub-national level. The legal framework allows for cooperation amongst private businesses, civil society, and government institutions in anti-corruption campaigns.

NO: A NO score is earned if there is no such legal guarantee for public-private anti-corruption campaigns.

48. In practice, joint private-public anti-corruption campaigns are carried out at the sub-national level.

0

48. In practice, joint private-public anti-corruption campaigns are carried out at the sub-national level.

100 | 75 | 50 | 25 | **0**

Comments:

There is no legal scope for this joint anti-corruption campaign at the local level, if it is ever done, it is done mostly within the confines of the private sector.

References:

Mr. Anthony Jallah, head of CSO's Margibi, November 12, 07

Mr. Mchillary Snoh, Mayor, Margibi, November 22, 07

100: Partnerships among private businesses, civil society, and government institutions play a key role in anti-corruption reform at the sub-national level. They develop a broad coalition to monitor and foster public awareness of corruption through various forms of advocacy. Partners include journalists, NGO representatives, academics, government officials, local leaders, and lawyers, all of whom remain independent from political interference.

75:

50: Partnerships among private businesses, civil society, and government institutions play a role in anti-corruption reform at the sub-national level, but there are some problems. The system of coordination among partners is occasionally weak, leading to incoherent goals and sporadic initiatives that are difficult to sustain. The process of selecting partners is sometimes unclear, and may involve individuals who are subject to political interference.

25:

0: Partnerships among private businesses, civil society, and government institutions play little if any role in anti-corruption reform at the sub-national level. If a coalition does exist, the system of coordination among partners is often very weak, leading to incoherent goals and initiatives that rarely get off the ground. The process of selecting partners is frequently unclear, and involves individuals who are subject to political interference.

5-2. Sub-National Rule of Law

49. Is there an appeals mechanism for challenging criminal judgments at the sub-national level?

67

49a. In law, there is a general right of appeal.

YES

NO

Comments:

The constitution guarantees the right to appeal, on the Sub-national level appeals are taken from traditional forums of justice such as Chief to Paramount Chief and then perhaps finally to the normal courts within the Judiciary till it reaches the Supreme Court which is the final arbiter.

References:

Article 2 of the Liberian Constitution

YES: A YES score is earned if there is a formal process of appeal for challenging criminal judgments at the sub-national level.

NO: A NO score is earned if there is no such process.

49b. In practice, sub-national appeals are resolved within a reasonable time period.

100 | 75 | **50** | 25 | 0

Comments:

Appeals are handled in record time but some drag on for years.

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007

Mr. Anthony Jallah, CSO Head, Margibi County, November 12, 2007

100: Appeals are acted upon quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: Appeals are generally acted upon quickly but with some exceptions. Some appeals may not be acknowledged, and simple cases may take years to resolve.

25:

0: Most appeals are not resolved in a timely fashion. Appeals may go unacknowledged for months or years and simple cases may never be resolved.

49c. In practice, citizens can use the sub-national appeals mechanism at a reasonable cost.

100 | 75 | **50** | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007

Mr. Anthony Jallah, CSO Head, Margibi County, November 12, 2007

100: In most cases, the appeals mechanism is an affordable option to citizens seeking to challenge criminal judgments.

75:

50: In some cases, the appeals mechanism is not an affordable option to citizens seeking to challenge criminal judgments.

25:

0: The prohibitive cost of utilizing the appeals mechanism prevents citizens from challenging criminal judgments.

50. In practice, do judgments in the criminal system at the sub-national level follow written law?

75

50. In practice, do judgments in the criminal system at the sub-national level follow written law?

100 | 75 | 50 | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007
Mr. Anthony Jallah, CSO Head, Margibi County, November 12, 2007

100: Judgments in the criminal system at the sub-national level are made according to established legal code and conduct. There are no exceptional cases in which individuals are treated by a separate process. Political interference, bribery, cronyism or other flaws are rarely factors in judicial outcomes.

75:

50: Judgments in the criminal system usually follow the protocols of written law. There are sometimes exceptions when political concerns, corruption or other flaws in the system decide outcomes.

25:

0: Judgments in the criminal system are often decided by factors other than written law. Bribery and corruption in the criminal judicial process are common elements affecting decisions.

51. In practice, are judicial decisions at the sub-national level enforced by the government?

75

51. In practice, are judicial decisions at the sub-national level enforced by the government?

100 | 75 | 50 | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007
Mr. Anthony Jallah, CSO Head, Margibi, November 12, 2007
Article 75, Liberian Constitution, 1986

100: Judicial decisions at the sub-national level are enforced quickly regardless of what is being decided or who is appearing before the court. Failure to comply brings penalties enforced by the government.

75:

50: Judicial decisions at the sub-national level are generally enforced by the government, with some exceptions. Certain areas of law may be ignored, or certain parties appearing before the courts may evade or delay enforcement.

25:

0: Judicial decisions at the sub-national level are often ignored. The government lacks the will or capacity to consistently enforce these decisions.

52. Is the judiciary able to act independently?

69

52a. In law, the independence of the sub-national judiciary is guaranteed.

YES | NO

Comments:

In the above article it states that judgement of the Supreme Court and subordinate courts shall be final and binding and shall not be subject to review by any other branch of government.

References:

Article 65, Liberian Constitution, 1986

YES: A YES score is earned if there are formal rules establishing that the sub-national judiciary is independent from political interference by the executive and legislative branches. Independence includes financial issues (drafting, allocation, and managing the budget of the courts).

NO: A NO score is earned if there are no formal rules establishing an independent judiciary at the sub-national level.

52b. In practice, judges at the sub-national level are protected from political interference.

100 | 75 | 50 | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007

Mr. Anthony Jallah, CSO Head, Margibi, November 12, 2007

Article 65, Liberian Constitution, 1986

100: Sub-national judges operate independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Sub-national judges never comment on political debates. Individual judgments are rarely praised or criticized by political figures.

75:

50: Sub-national judges are typically independent, yet are sometimes influenced in their judgments by negative or positive political incentives. This may include favorable or unfavorable treatment by the government or public criticism. Some sub-national judges may be demoted or relocated in retaliation for unfavorable decisions.

25:

0: Sub-national judges are commonly influenced by politics and personal biases or incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include demotion, pay cuts, relocation, threats or harassment.

52c. In law, there is a transparent and objective system for distributing cases to judges at the sub-national level.

YES | **NO**

Comments:

There is no selective way of assigning cases to judges in Liberia, as every case is tried before a competent court of jurisdiction. The Judge sitting as per term is the one who is responsible to take on a case, if his term ends without the consummation of the case, he will have to provide reasons why cases he started were not completed. Any case began at the start of the term must be completed by the judge before the term ends. THE CHIEF JUSTICE ASSIGNS JUDGES TO THE DIFFERENT COURTS. THE PRESIDENT APPOINTS REGIONAL JUDGES AND COMMISSIONS THEM.

References:

Does not exist in law.

YES: A YES score is earned if there is an objective system that is transparent to the public that equitably or randomly assigns cases to individual judges at the sub-national level. The sub-national executive branch does not control this process.

NO: A NO score is earned if the case assignment system is non-transparent or subjective where judges themselves have influence over which cases they adjudicate at the sub-national level. A NO score is also earned if the sub-national executive branch controls this process.

52d. In law, judges at the sub-national level are protected from removal without relevant justification.

YES | NO

Comments:

Judges can only be removed through impeachment by national legislators in the cases stated in the above article.

References:

Article VII, Article 71, 73 Liberian Constitution, 1986

YES: A YES score is earned if there are specific, formal rules for removal of a justice at the sub-national level. Removal must be related to abuse of power or other offenses related to job performance.

NO: A NO score is earned if justices at the sub-national level can be removed without justification, or for purely political reasons. A NO score is earned if the removal process is not transparent, or not based on written rules.

53. Are judges at the sub-national level safe when adjudicating corruption cases?

100

53a. In practice, in the last year, no judges at the sub-national level have been physically harmed because of adjudicating corruption cases.

YES | NO

Comments:

There have been no reports of judges been assaulted because of corruption cases.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, November 22, 2007
Mr. Anthony Jallah. CSO Head, Margibi, November 12, 2007
Jashua Kpanneh, field reporter, ELBC, Margibi, Dec. 3, 2007

YES: A YES score is earned if there were no documented cases of judges at the sub-national level being assaulted because of their involvement in a corruption case during the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases of assault to a judge at the sub-national level related to his/her participation in a corruption trial. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

53b. In practice, in the last year, no judges at the sub-national level have been killed because of adjudicating corruption cases.

YES | NO

Comments:

There has been no such report.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, November 22, 2007
Mr. Anthony Jallah. CSO Head, Margibi, November 12, 2007
Jashua Kpanneh, field reporter, ELBC, Margibi, Dec. 3, 2007

YES: A YES score is earned if there were no documented cases of judges at the sub-national level being killed related to their involvement in a corruption case during the study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases where a judge at the sub-national level was killed because of his/her participation in a corruption trial. The relationship between a mysterious death and a judge's involvement in a case may not be clear, however the burden of proof here is low. If it is a reasonable assumption that a judge was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

54. Do citizens have equal access to the formal justice system at the sub-national level?

64

54a. In practice, judicial decisions are not affected by racial, ethnic, and religious bias.

100 | 75 | 50 | 25 | 0

Comments:

Judicial decisions are sometimes affected greatly by customary practices in cases adjudicated in the provinces. Most residents are traditionalist when it comes to religion and sometimes the tribe that is in majority in the area usually gets the upper hand in most decisions. Courts of laws are mostly not found in the hinterland, only in the big towns, so many village dwellers do not want to take time to travel to the big towns that will take days before they reach there amidst bad road conditions on a case that will take time to adjudicate, they prefer having a village or town chief judge a case according to their personal whims.

References:

Mr. Mchillary Snoh, City Mayor, Margibi County, November 22, 2007
Mr. Anthony Jallah, CSO Head, Margibi, November 12, 2007

100: Judicial decisions at the sub-national level are not affected by racial, ethnic, or religious bias.

75:

50: Judicial decisions at the sub-national level are generally not affected by racial, ethnic, or religious bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

25:

0: Judicial decisions at the sub-national level are regularly distorted by racial, ethnic, or religious bias. Some groups consistently receive favorable or unfavorable treatment by the courts.

54b. In practice, women have full access to the formal sub-national judicial system.

100 | 75 | 50 | 25 | 0

Comments:

Though there has not been any reports of women being discriminated against in Provincial parts, In our setting, women have always been considered the weaker sex and not given all the rights they should.

References:

Mr. Mchillary Snoh, City Mayor, Margibi County, November 22, 2007
Mr. Anthony Jallah, CSO Head, Margibi, November 12, 2007

100: Women enjoy full and equal status in the eyes of the sub-national courts. There are no exceptions or practices in which women are treated differently by the judicial system. For this indicator, discrimination against women should reflect specific biases that confront women in the sub-national justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

75:

50: Women generally have use of the sub-national judicial system, with some exceptions. In some cases, women may be limited in their access to courts, or gender biases may affect court outcomes. For this indicator, discrimination against women should reflect specific biases that confront women in the sub-national justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

25:

0: Women generally have less access to the sub-national courts than men. Court decisions are commonly distorted by gender bias. Women may have to go through intermediaries to interact with the court, or are unable to present evidence. For this indicator, discrimination against women should reflect specific biases that confront women in the sub-national justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

54c. In law, the sub-national government provides legal counsel for defendants in criminal cases who cannot afford it.

YES | NO

Comments:

The law provides legal counsel for defendants in criminal cases who cannot afford it, but in the local areas quality is often questionable.

References:

Article 21 (c), chapter III

YES: A YES score is earned if the sub-national government is required by law to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

NO: A NO score is earned if there is no legal requirement for the sub-national government to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

54d. In practice, the sub-national government provides adequate legal counsel for defendants in criminal cases who cannot afford it.

100 | **75** | 50 | 25 | 0

Comments:

The law provides for that. Article 21, c

References:

Mr. Peter Howard, Chief Magistrate, Margibi, Nov. 22, 2007
Mr. Anthony Jallah, CSO Head, Margibi, Nov. 12, 2007

100: Sub-national state-provided legal aid is basic, but well-trained and effective in representing the rights of impoverished defendants.

75:

50: Sub-national state-provided legal aid is available, but flawed. Legal aid may be unavailable to some impoverished defendants. Legal aid/public defenders may be sometimes unable or unwilling to competently represent all defendants.

25:

0: Sub-national state-provided legal aid is unavailable to most impoverished defendants. Sub-national state legal aid/public defenders may be consistently incompetent or unwilling to fairly represent all defendants.

54e. In practice, citizens earning the median yearly income can afford to bring a legal suit.

100 | 75 | 50 | **25** | 0

Comments:

Affordability depends on the type and level of case, most times the cost is prohibitive.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, Nov. 22, 2007
Mr. Anthony Jallah, CSO Head, Margibi, Nov. 12, 2007

100: In most cases, the sub-national legal system is an affordable option to citizens seeking to redress a grievance.

75:

50: In some cases, the sub-national legal system is an affordable option to citizens seeking to redress a grievance. In other cases, the cost is prohibitive.

25:

0: The cost of engaging the sub-national legal system prevents citizens from filing suits.

54f. In practice, a typical small retail business can afford to bring a legal suit.

100 | **75** | 50 | 25 | 0

Comments:

A small business can afford to do so depending on the nature of the case.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, Nov. 22, 2007

Mr. Anthony Jallah, CSO Head, Margibi, Nov. 12, 2007

100: In most cases, the sub-national legal system is an affordable option to a small retail business seeking to redress a grievance.

75:

50: In some cases, the sub-national legal system is an affordable option to a small retail business seeking to redress a grievance. In other cases, the cost is prohibitive.

25:

0: The cost of engaging the sub-national legal system prevents small businesses from filing suits.

54g. In practice, all citizens have access to a court of law at the sub-national level, regardless of geographic location.

100 | 75 | **50** | 25 | 0

Comments:

Courtrooms are available only in the big towns but not easily accessible to all the surrounding villages.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, November 22, 2007

Mr. Anthony Jallah, CSO Head, Margibi, November 12, 2007

100: Courtrooms at the sub-national level are always accessible to citizens at low cost, either through rural courthouses or through a system of traveling magistrates.

75:

50: Courts at the sub-national level are available to most citizens. Some citizens may be unable to reach a courtroom at low cost due to location.

25:

0: Courts at the sub-national level are unavailable to some regions without significant travel on the part of citizens.

55. Do all citizens have access to the customary justice system?

75

55a. In law, there is a clear jurisdictional relationship between the formal and customary justice system.

YES | NO

Comments:

The Courts shall apply both statutory and customary laws in accordance with the standards enacted by the Legislature.

References:

Article 65, Liberian Constitution

YES: A YES score is earned if there is a clear legal framework coordinating the formal and customary justice system. Coordinating responsibilities include clarifying which system handles particular cases (i.e. criminal, civil) and which organizational body should play a mediating role between the two systems when necessary.

NO: A NO score is earned if there is an unclear or no legal framework for the coordination of the formal and customary justice system. The coordination of responsibilities between judicial systems is vague or non-existent.

55b. In practice, there is a clear jurisdictional relationship between the formal and customary justice system.

100 | 75 | 50 | 25 | 0

Comments:

The Constitution makes that provision.

References:

Article 65, Liberian Constitution

Mr. Peter Howard, Chief Magistrate, Margibi, Nov. 22, 2007

Mr. Joshua Kpanneh, Field reporter, ELBC, Dec. 3, 2007

100: Formal and customary justice system processes are carried out in such a way as to ensure comprehensive compliance with the legal framework that coordinates the two justice systems.

75:

50: Formal and customary justice system processes are generally carried out in such a way as to ensure comprehensive compliance with the legal framework that coordinates the two justice systems, though exceptions exist. Occasionally, the coordination of responsibilities is unclear and confusing or cases may be brought before the wrong system.

25:

0: Formal and customary justice system processes are rarely if ever carried out in such a way as to ensure comprehensive compliance with the legal framework that coordinates the two justice systems. Citizens may have limited or no access to one system or the other, and cases are routinely duplicated in both systems or brought before the wrong system.

55c. In practice, judicial decisions in the customary justice system are not affected by racial, ethnic, and religious bias.

100 | 75 | 50 | 25 | 0

Comments:

The customary judicial systems, especially cases judged by the village chiefs etc. are sometimes marred by their personal beliefs or alignment.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, Nov. 22, 2007
Mr. Joshua Kpanneh, Field reporter, ELBC, Dec. 3, 2007

100: Customary judicial decisions are rarely affected by racial, ethnic, and religious bias.

75:

50: Decisions rendered by the customary justice system are generally not affected by racial, ethnic, and religious bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

25:

0: Customary judicial decisions are regularly distorted by racial, ethnic, and religious bias. Some groups consistently receive favorable or unfavorable treatment.

55d. In practice, women have full access to the customary justice system.

100 | 75 | 50 | 25 | 0

Comments:

In Liberia, women are just beginning to fight and utilize their rights, most of which has been marginalized by our society for a long time, but mostly its women who are educated tend to enjoy these rights, their counterparts in the interior part of the country still hold on traditional beliefs. Having a woman President has been a big step forward. This in some ways impacted the judicial process in local areas.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, Nov. 22, 2007
Mr. Joshua Kpanneh, Field reporter, ELBC, Dec. 3, 2007

100: Women enjoy full and equal status in the customary justice system. There are no exceptions or practices in which women are treated differently by the customary judicial system. For this indicator, discrimination against women should reflect specific biases that confront women in the customary justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

75:

50: Women generally have use of the customary judicial system, with some exceptions. In some cases, women may be limited in their access to the customary justice system, or gender biases may affect customary judicial outcomes. For this indicator, discrimination against women should reflect specific biases that confront women in the customary justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

25:

0: Women generally always have less access to the customary justice system than men. Customary judicial decisions are commonly distorted by gender bias. Women may have to go through intermediaries to interact with the customary justice system, or are unable to present evidence. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

55e. In practice, all citizens have access to the customary justice system regardless of geographic location.

100 | 75 | 50 | 25 | 0

Comments:

yes, this right, most Villages have their local courts.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, Nov. 22, 2007
Mr. Joshua Kpanneh, Field reporter, ELBC, Dec. 3, 2007

100: The customary judicial system is always accessible to citizens at low cost through informal community institutions such as assemblies and forums.

75:

50: The customary justice system is available to most citizens. Some citizens may be unable to reach a local community institution at low cost due to location.

25:

0: Customary judicial institutions are unavailable to some regions without significant travel on the part of citizens.

55f. In practice, there are civil society organizations that mediate between citizens and the formal justice system at the sub-national level.

100 | 75 | 50 | 25 | 0

Comments:

When necessary, CSO'S play their role of watchdogs in the society. Organizations like Catholic Justice and Peace Commission, (JPC), Center for Justice and Peace Studies, Liberia National Law Enforcement Association and a host of others play key roles.

References:

Mr. Peter Howard, Chief Magistrate, Margibi, Nov. 22, 2007
Mr. Anthony Jallah, CSO Head, Margibi, Nov. 12, 2007

100: CSOs serve as mediators between the community and the formal justice system if customary law fails to resolve disputes satisfactorily. CSOs are independent from the state, sub-national government, and other factions. These organizations are staffed by local authorities with experience in traditional dispute resolution.

75:

50: CSOs are occasionally available to mediate between the community and the formal justice system. In some cases, the state, sub-national government, and other factions have influence on the CSOs. These organizations have few personnel with local authority and expertise in traditional dispute resolution.

25:

0: CSOs are rarely available to mediate between the community and the formal justice system. These organizations are frequently influenced by the state, sub-national government, and other factions. CSO personnel are often unqualified due to a lack of authority and expertise in traditional dispute resolution.

75 5-3. Sub-National Law Enforcement

56. Is the law enforcement agency (i.e. the police) effective on the sub-national level?

55

56a. In practice, appointments to the law enforcement agency (or agencies) acting on the sub-national level are made according to professional criteria.

100 | 75 | 50 | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

56b. In practice, the law enforcement agency (or agencies) acting on the sub-national level has a budget sufficient to carry out its mandate.

100 | 75 | 50 | 25 | 0

Comments:

The budget is decided at the national level for the local level and then handed over, those at the local level has little or no impact on decisions taken for the local budget.

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: The agency (or agencies) has a budget sufficient to fulfill its basic mandate.

75:

50: The agency (or agencies) has limited budget, generally considered somewhat insufficient to fulfill its basic mandate.

25:

0: The agency (or agencies) has no budget or an obviously insufficient budget that hinders the agency's ability to fulfill its mandate.

56c. In practice, the law enforcement agency (or agencies) acting on the sub-national level has sufficient manpower to carry out its mandate.

100 | 75 | 50 | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: The agency (or agencies) acting on the sub-national level has sufficient manpower to fulfill its basic mandate.

75:

50: The agency (or agencies) has somewhat insufficient manpower to fulfill its basic mandate.

25:

0: The agency (or agencies) has no manpower or obviously insufficient manpower that hinders the agency's ability to fulfill its mandate.

56d. In practice, the law enforcement agency acting on the sub-national level is protected from political interference.

100 | 75 | 50 | 25 | 0

Comments:

Law enforcement agency acting on the local level is not fully protected from political interference.

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007

Mr. Anthony Jallah, Civil Society head, Margibi County, November 12, 2007

100: The agency (or agencies) operates independently of the political process and has operational independence from the government. All laws can be enforced regardless of the status of suspects or the sensitivity of the investigation.

75:

50: The agency (or agencies) is typically independent, yet is sometimes influenced in its investigations or enforcement actions by negative or positive political incentives. This may include favorable or unfavorable public criticism by the sub-national government or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

25:

0: The investigative and enforcement work of the agency (or agencies) is commonly influenced by political actors or the government. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power by the government.

56e. In practice, all citizens regardless of their race, ethnicity, and religion have equal access to the law enforcement agency acting on the sub-national level.

100 | 75 | 50 | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007

Mr. Anthony Jallah, CSO head, Margibi County, November 12, 2007

100: Access to the agency is not affected by racial, ethnic, and religious bias.

75:

50: Access to the agency is generally not affected by racial, ethnic, and religious bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment

25:

0: Access to the agency is regularly distorted by racial, ethnic, and religious bias. Some groups consistently receive favorable or unfavorable treatment by the law enforcement system.

57. Can law enforcement officials acting on the sub-national level be held accountable for their actions?

58

57a. In law, there is an independent mechanism for citizens to complain about police action on the sub-national level.

YES | NO

References:

Article 26, Chapter III, of the Liberian Constitution covers both national and sub-national levels. This also applies to law enforcement.

YES: A YES score is earned if there is a formal process or mechanism by which citizens can complain about police actions on the sub-national level. A YES score is earned if a broader mechanism such as the national ombudsman, human rights commission, or anti-corruption agency has jurisdiction over the police.

NO: A NO score is earned if there is no such mechanism

57b. In practice, the independent law enforcement complaint reporting mechanism responds to citizen's complaints on the sub-national level within a reasonable time period.

100 | **75** | 50 | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007

Mr. Anthony Jallah, CSO head, Margibi County, November 12, 2007

100: The agency/entity responds to complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency/entity responds to complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take three to six months to resolve. Serious abuses are not investigated with any urgency.

57c. In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials on the sub-national level.

YES | **NO**

References:

There is no provision in the Liberian Constitution that makes provision for an agency/entity to investigate and prosecute corruption committed by law enforcement officials at the local level. Options open to local citizens are either to report the offence at the County law enforcement headquarters or take the matter to the court of law.

YES: A YES score is earned if there is an agency/entity specifically mandated to investigate corruption-related activity within the law enforcement acting on the sub-national level. This agency/entity may be internal to the police department (provided it has a degree of independence, such as an internal affairs unit) or part of a broader national mechanism such as the national ombudsman, human rights commission, or anti-corruption agency.

NO: A NO score is earned if no such agency/entity exists.

57d. In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials on the sub-national level.

100 | 75 | 50 | 25 | **0**

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007
Mr. Anthony Jallah, CSO head, Margibi County, November 12, 2007

100: When irregularities are discovered, the agency/entity is aggressive in investigating government law enforcement officials acting on the sub-national level or in cooperating with other investigative agencies.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate or does not cooperate with other investigative agencies. The agency may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

57e. In law, national law enforcement officials acting on the sub-national level are not immune from criminal proceedings.

YES | NO

References:

Article 15, Liberian Constitution, 1986

YES: A YES score is earned if law enforcement officers acting on the sub-national level are fully accountable for their actions under the law and can be investigated and prosecuted for their actions.

NO: A NO score is earned if law enforcement enjoys any special protection from criminal investigation or prosecution.

57f. In practice, law enforcement officials acting on the sub-national level are not immune from criminal proceedings.

100 | 75 | 50 | 25 | 0

References:

Mr. Peter Howard, Chief Magistrate, Margibi County, November 22, 2007

Mr. Anthony Jallah, CSO head, Margibi County, November 12, 2007

100: Law enforcement officers acting on the sub-national level are subject to criminal investigation for official misconduct. No crimes are exempt from prosecution.

75:

50: Law enforcement acting on the sub-national level is generally subject to criminal investigation but exceptions may exist where criminal actions are overlooked by the police or prosecutors. Some crimes may be exempt from prosecution, such as actions taken in the line of duty.

25:

0: Law enforcement acting on the sub-national level enjoys a general protection from most criminal investigation. This may be due to a formal immunity or an informal understanding that the law enforcement community protects itself.