

Overall Score:

60 - Weak

Legal Framework Score:

70 - Weak

Actual Implementation Score:

48 - Very Weak

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

1-1. ⁸¹Sub-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:

Article 17, Liberian Constitution, chapter III,

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:

There is no law against receiving funding, domestic/outside, by accredited CSO's.

References:

Liberia Business Corporation Act.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 to disclose their source of funding by law to Ministry of Planning and Economic Affairs, but this is not being enforced.

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?

92

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:

The Government does not create barriers to the organization of Anti-Corruptions CSO's at the local level.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, November 25, 2007
Article 17, chapter III, Liberian Constitution.1986

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

Comments:

Civil Society Organizations participated in the Youth Policy Drafting, the NGO Guidelines Drafting, and in the PRSP process both at the national and sub-national levels. Youth Policy meetings or conference was held in Kakata, NGO guidelines meeting was also held in Kakata. And the PRSP process was held nationwide.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, November 25, 2007
Civil Society Mapping Study, Search for Common Ground, 2007

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

Comments:

There has been no such report up to this reporting period.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, November 25, 2007
Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

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

Comments:

There have been no report of this kind up to this reporting period.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, November 25, 2007
Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

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

Comments:

There is no documented case up to this reporting period.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, November 25, 2007
Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

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

Comments:

There has been no documented case up to this reporting period.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, November 25, 2007
Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

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?

88

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

YES | NO

Comments:

To right to associate which entails forming unions and associations is guaranteed by the Constitution, but the awareness of trade unions here is low.

References:

Article 17, chapter III, Liberian Constitution, 1986

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

Comments:

The Constitution guarantees freedom to associate, or be part of a group under Article 17, chapter III.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, November 25, 2007

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 the Media is guaranteed under the article 15 of the Constitution.

References:

Article 15. Chapter III, 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 a Constitutional right of all Liberian Citizens.

References:

Article 15, Chapter III, 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. Lewis Togba, Director of News. ELBC, Monsterrado, December 10, 2007

Mr. Charles Bass, deputy commissioner, Monsterrado, Bentol, December 10, 2007

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:

Article 26, Chap. 3, Liberian Constitution, 1986

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:

Lewis Togba, Director of News, ELBC, Monsterrado, December 3, 2007

Nyeneken B.S. Barcon, County Commissioner, November 30, 2007

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:

Lewis Togba, Director of News, ELBC, Monsterrado, December 3, 2007

Nyeneken B.S. Barcon, County Commissioner, November 30, 2007

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?

88

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:

Lewis Togba, Director of News, ELBC, Monsterrado, December 3, 2007

Nyeneken B.S. Barcon, County Commissioner, November 30, 2007

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:

Lewis Togba, Director of News, ELBC, Monsterrado, December 3, 2007

Nyeneken B.S. Barcon, County Commissioner, November 30, 2007

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

Comments:

Each class of media licence has a fixed price. the groups of people applying are aware of this cost.

References:

Lewis Togba, Director of News, ELBC, Monsterrado, December 3, 2007
Nyeneken B.S. Barcon, County Commissioner, November 30, 2007

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 have the capacity to prevent citizens from accessing the internet, nor is there an intention to do so

References:

Lewis Togba, Director of News, ELBC, Monsterrado, December 3, 2007
 Nyeneken B.S. Barcon, County Commissioner, November 30, 2007

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

Comments:

Government does not have the capacity nor the intention to censor the internet

References:

Norris Tweah, Special Assistant to the Minister of Information, October 22, 2007, Monrovia
 Oscar Bloh, Executive Director, Talking Drum Studios (SFCG), October 22, 2007, Monrovia

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?

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

Comments:

...there shall be no limitation on the public right to be informed about the Government and its functionaries..." The law says

References:

Liberian Media Law
Article 15(c) 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

Comments:

The media does not censor itself concerning corruption related stories, though there are some pro-government stations and papers that might.

References:

Oscar Bloh, Executive Director, Talking Drum Studios (SFCG), October 22, 2007, Monrovia
Lawrence Randall, Executive Director, Liberian Media Center, October 22, 2007, Monrovia

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

Comments:

There is no pre-publication censorship of papers

References:

Oscar Bloh, Executive Director, Talking Drum Studios (SFCG), October 22, 2007, Monrovia
Lawrence Randall, Executive Director, Liberian Media Center, October 22, 2007, Monrovia

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?

85

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

YES | NO

Comments:

There are no media companies at the sub-national level, except for community radios. Yes they disclose their ownership at Sign-on and Sign off, and through out their broadcast.

References:

Liberia Media Law

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

Comments:

We could not access copies of the law but reliable media owners told us that it is required and is part of the Media Law

References:

Liberian Media Law

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

Comments:

The main problems of the media, in general, were identified by the UNDP and others three years ago: While journalistic standards may vary somewhat from one newspaper or radio station to another, the general picture is one of low professional quality. Skills in content output, such as reporting, writing, editing and broadcast production, require improvements from the basics to higher levels of handling complex issues and situations by media. These weaknesses affect all aspects of the profession including management and technical aspects

References:

Liberia Media Sector Mapping, p.10; October 8, 2007, Search for Common Ground
Alphanso Zeon, Former Secretary General, Press Union of Liberia

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

Comments:

The media report fairly, and gave equal access to all candidates during the Gbarpolu Elections

References:

Alphonso Zeon, Former Secretary General, Press Union of Liberia, October 22, 2007
Peaches Suah, CMC Political Finance Monitoring, October 22, 2007
National Chronicle, Heritage, The Inquirer; Thursday, 8 November 2007

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

Comments:

Once a candidate has the money to pay, he will gain access

References:

Lawrence Randall; Executive Director, Liberia Media Center, October 22, 2007
George Williams, Executive Director, Liberia Democracy Watch, October 22, 2007

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

Comments:

No journalists have been incarcerated for views expressed

References:

Lawrence Randall; Executive Director, Liberia Media Center, October 22, 2007
George Williams, Executive Director, Liberia Democracy Watch, October 22, 2007
Liberia Media Sector Mapping, Search for Common Ground, October 8, 2007

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

Comments:

No journalist has been harmed for expressing his/her views

References:

Lawrence Randall; Executive Director, Liberia Media Center, October 22, 2007
George Williams, Executive Director, Liberia Democracy Watch, October 22, 2007
Liberia Media Sector Mapping, Search for Common Ground, October 8, 2007

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

Comments:

No journalist investigating corruption has been killed

References:

Lawrence Randall; Executive Director, Liberia Media Center, October 22, 2007
George Williams, Executive Director, Liberia Democracy Watch, October 22, 2007
Liberia Media Sector Mapping, Search for Common Ground, October 8, 2007

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.

92
1-3. Sub-National Public Access to Information

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

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

YES | NO

Comments:

The above article in the Constitution guarantees to right to knowledge and information including government public information.

References:

Article 15, chapter III, Liberian constitution, 1986

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

Comments:

Every Citizen has the right to seek redress when their rights are violated.

References:

Article 26, chapter III, Liberian Constitution

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

Comments:

Citizens can only seek access to public information through the administration of agencies or institutions but this would be left to

their own discretion as there is no mechanism in law for accessing information. Although it is fair enough to say that the constitution does guarantee unlimited access to information.

References:

Does not exist in law,

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?

45

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

Comments:

Access to Information requesters takes considerable time because either the info. is not available at the sub-national level, you have to travel to the capitol city to get it or you have to meet the right people on the ground before your questions are answered satisfactorily.

References:

Access to Information Project Report, Piecing the veil of secrecy" CENTAL, 2006
Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, October 2007

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

Comments:

The cost depends on the type of information one wants to retrieve. If it is public information it will take not cost much unless research is involved, then you will be asked to pay a fee, which can be negotiated with the researcher..

References:

Access to Information Project Report, Piecing the veil of secrecy” CENTAL, 2006
Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, October 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.

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

References:

Access to Information Project Report, Piecing the veil of secrecy” CENTAL, 2006
Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, October 2007

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:

There is no appeal mechanism. The Study Piercing the Veil of Secrecy found out that one could only recourse to the courts where they were denied of information but this within itself is not a mechanism by International Access to Information Standards.

References:

Access to Information Project Report, Piecing the veil of secrecy" CENTAL, 2006
Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, October 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.

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

100 | 75 | 50 | 25 | 0

Comments:

Usually no reasons are given apart from the information being classified or confidential.

References:

Access to Information Project Report, Piecing the veil of secrecy" CENTAL, 2006
Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, October 2007

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. ⁶⁰ Sub-National Executive Accountability

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

100

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

YES | NO

Comments:

Citizens has the right to sue the government whenever their rights are violated.

References:

Article 26, Chapter III, 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?

69

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

100 | 75 | 50 | 25 | 0

Comments:

When these circumstances arise, local heads call town meetings or forums to clarify things.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, Nov. 25, 2007

Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10, 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:

Judiciary review power is given to the judiciary, so they can review the activities of the Judiciary when Constitutional questions arise.

References:

Article 2, para.2, Chapter I, Liberian Constitution

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

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, Nov. 25, 2007
Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10, 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

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, Nov. 25, 2007
Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10, 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

Comments:

The President can only be prosecuted for misdemeanour's after he/she leaves office, but the Legislature can initiate an investigation and impeach the President and the Vice for Violation of the Constitution, bribery or gross misconduct.

References:

Article 61 & 62, Chapter VI, 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 Superintendents who head the Counties at the Sub- national level are placed there on the President's good faith and serve at her pleasure. Removal is determined by the President.

References:

See 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?

18

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

YES | **NO**

References:

Does not exist in law, but the present Govt' has done it, only at the National level though.

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 in the Constitution addresses this issue thoroughly.

References:

Article 90, a&b, of the Liberian Constitution, 1986

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:

During the past Presidential elections, campaign finance regulations required that all contestants disclosed their assets, which should have been audited by the Elections Commission, but wasn't.

References:

Does not exist in Law, there are no requirements.

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:

However, there is a Draft Code for Public Officials that has this restriction, it has been adopted by the House but not yet passed.

References:

Does not exist in law.

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:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, Nov. 25, 2007

Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10, 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

Comments:

This is not in practice yet, there is no regulation at the local level. Though in law there is an Article 90, that makes some reference to this, it is not being enforced.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, Nov. 25, 2007
Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10, 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:

Does not exist in practice.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, Nov. 25, 2007

Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10, 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:

There is no record to this effect, especially at the local level.

References:

Does not exist in 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:

Does not exist in practice.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, Nov. 25, 2007

Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10, 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:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, Nov. 25, 2007

Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10, 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.

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

100 | 75 | 50 | 25 | 0

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:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, Nov. 25, 2007
Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10, 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:

Liberia Constitution: Article 54(c) Chapter VI

Article 54, Chapter VI, of the Liberian Constitution

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. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, October 2007

The Liberian Constitution, article 54 c, chap. VI

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 Constitution mandates that Judges be confirm by the Senate.

References:

Article 54, Chapter VI, Liberian Constitution 1986

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?

29

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

YES | NO

Comments:

Judges are require to summarize the arguments of both parties and state the reason(s) or why one party has won based on certain precedents or based on the gravity of the evidence adduce before the court.

References:

Criminal Procedure Law of Liberia
Civil Procedure Law of Liberia

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

Comments:

They do this by calling town meetings, forums, etc. to enlighten the people about what decisions they have taken and what prompted them to do so.

References:

Lawrence Randall, Liberia Anti-corruption working group, Monsterrado, Nov. 25, 2007
Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10, 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:

Does not exist in Law

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**

Comments:

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

References:

Does not exist in Law.

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.

100 | 75 | 50 | 25 | 0

Comments:

This agency does not exist.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, October 2007
Aloysius Toe, Executive Director, FOHRD, November 25, 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.

100 | 75 | 50 | 25 | 0

Comments:

Judges are investigated within the bureaucracy of the Judiciary. The court administrator or a designee of the chief justice does this.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, October 2007
Aloysius Toe, Director, FOHRD, Monsterrado, November 25, 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.

60
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:

Local Official comment:
Mr. Charles Bass, Assistant Superintendent for Montserrado County
Place: Bentol
Date: Oct. 4, 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

Comments:

The county superintendent calls periodic budget hearing and citizens can make input.

References:

Local Official Comment:

Mr. Charles Bass, Dupty Superintendent

Place: Bentol

Date: Oct. 4, 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

References:

Mr. Charles Bass, Dupty Superintendent

Place: Bentol

Date: Oct. 4, 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?

67

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

YES | NO

References:

Liberian constitution Article 15

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:

Liberian Constitution: Article 38

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**

Comments:

Nowadays local government publicly disclosed funds received from National government. Even if they don't every citizen is able to access the budgetary allotment for each county through the media.

References:

Does not exist in law, but it is a policy.

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?

50

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:

Local Official Comment:

Mr. Charles Bass, Dupty Superintendent

Place: Bentol

Date: Oct. 4, 2007

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:

Local Official
Mr. Charles Bass
Place: Bentol
Date: Oct. 4, 2007

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:

Local Official
Mr. Charles Bass, Deputy Superintendent
Place: Bentol
Date: Oct. 4, 2007

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:

Local Official Comment:

Mr. Charles Bass, Dupty Superintendent

Place: Bentol

Date: Oct. 4, 2007

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. ³⁶Sub-National Civil Service Regulations

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

0

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

YES | **NO**

Comments:

there is no regulation that enforces this. The civil service at the the level filter down from the national level. What is meant by that is if it profound at the national level than its worse at the local level where there is little or no oversight.

References:

Does not exist in law.

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**

Comments:

The new Civil Servant reform strategy addresses this problem within the service.

References:

There are no laws in place for this.

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**

Comments:

There is no independent redress system mechanism in place, except the Courts.

References:

Article 26 of the Liberian Constitution

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**

Comments:

There are regulations that are being put in place by the new civil service reform strategy that encompasses anti-corruption initiatives. this will soon be forwarded to the Legislature to be passed into law, but right now it is not really being enforced.

References:

does not exist in law.

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?

33

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

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

Comments:

Most of the County Officials at the local level are Presidential appointees, they are not elected democratically by the people, most of the Civil servants that work along with them are their associates that did not pass through a competitive process, like testing. Presently the new reform has addressed this issue. This makes the appointees feel more obligated to the President and not free from political influence.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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

Comments:

There is an aptitude test that all civil servants must take, this applies to the local level also. Also when the President appoints she does that from professional and academic criteria.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007
Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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

Comments:

The long overdue reform of the Civil service has cause these vices to thrive, especially at the local level, but the new strategy addresses these concerns fully and has mechanisms in place for this, ie. bosses will not be allowed to carry their under staff with them when taking over a new post, there is a regulation in the code of conduct against this act.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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

Comments:

This is one of the pitfalls found in the Civil Service, there are no clear job descriptions, thereby causing over lapping of functions, this was also addressed in the reform strategy.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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

Comments:

There is no policy in place for this, Civil Servants do not get bonuses at the end of the year.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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

Comments:

This has not been practised.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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

Comments:

There is no independent mechanism meant for only civil servants. The only redress system available now to them is the court of Law.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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:

The Ellen-led government is doing her best to pay civil servants on time, both at the local and national levels.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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

Comments:

This has not really been practised in the past, especially at the local level, The Ellen-led government has said she will have zero tolerance when it comes to corruption, and this is one of the things she is trying to put in place, but for now all eyes are on the national level. Also, the government needs to introduce the biometric system to be able to enforce such principles

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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?

67

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

Comments:

It is highly questionable whether this is enforceable in practice. It is yet to be seen. This law requires Ministers on the Inter-Ministerial Committee or any civil servant working for them to disclose their interest and recuse themselves from the decision making process where they have an interest.

References:

Public Procurement and Concession Commission Act, Sub-Part 2 – Scope, Application and Disqualified Private Sector Entities count 84

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**

Comments:

There is no restriction against this, because there is not even an effective pension scheme in place that guarantees a civil servant a good living after he/she retires from the service. The new reform strategy addresses this issue as well.

References:

This law does not exist.

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

Comments:

Though this law exist, it has not been enforced, esp. at the local level.

References:

Article 90, Chapter XI, a & b, of the Liberian Constitution, 1986

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

Comments:

There are no regulation restricting this.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007
Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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

Comments:

Although, there is a law to that effect, to be specific, article 90 a&b, at the local level, it has become a culture to give gifts to Superintendents and Commissioners, ie. the gifts given are mostly in kind and not cash, mostly palm produce

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

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

Comments:

There are no regulation of this kind. At the local level. policy decisions that comes from the national level are most times implemented without getting public view.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 2007

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:

This 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**

Comments:

This is not practice here. These records are only available doing elections time, after that, no one shows interest. At the local level it does not exist.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 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 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.

Comments:

This is not in practice.

References:

Aloysius Toe, Director, FOHRD, Monsterrado, Nov. 25, 2007

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec. 10, 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.

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**

Comments:

This act is before the Legislature, pending passing.

References:

Does not exist in law

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

Comments:

Law has been adopted by the Legislature but not passed yet. So as yet, there is no protection for these people.

References:

Mr. Charles Bass, deputy superintendent, Bentol, Monsterrado, Dec. 10, 2007

Lawrence Randall, Liberia Anti-Corruption Working Group, Coordinator, Monsterrado, Nov.25, 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

Comments:

There is no such mechanism in place at the local level.

References:

Does not exist in law

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:

Not in existence.

References:

Mr. Charles Bass, deputy superintendent, Bentol, Monsterrado, Dec. 10, 2007

Lawrence Randall, Liberia Anti-Corruption Working Group, Coordinator, Monsterrado, Nov.25, 2007

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 is no such internal reporting mechanism in existence at the local level.

References:

Mr. Charles Bass, deputy superintendent, Bentol, Monsterrado, Dec. 10, 2007

Lawrence Randall, Liberia Anti-Corruption Working Group, Coordinator, Monsterrado, Nov.25, 2007

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

Comments:

This does not exist in practice.

References:

Mr. Charles Bass, deputy superintendent, Bentol, Monsterrado, Dec. 10, 2007

Lawrence Randall, Liberia Anti-Corruption Working Group, Coordinator, Monsterrado, Nov.25, 2007

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:

There is no such mechanism in place for this at the local level.

References:

Mr. Charles Bass, deputy superintendent, Bentol, Monsterrado, Dec. 10, 2007

Lawrence Randall, Liberia Anti-Corruption Working Group, Coordinator, Monsterrado, Nov.25, 2007

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?

80

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

YES | **NO**

References:

The Public procurement act creating the commission, Section 131

And in law, Article 90, (a) Chapter XI

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

Comments:

This system is still in its embryonic stage, lots of errors will be made and corrected before an effective system evolves.

References:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 2007

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:

Does not exist in law

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

References:

The Procurement act creating the commission, section 122

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

Comments:

The sole source procurement method should be permitted only when there is no response to bidding.

References:

The public procurement act creating the commission.

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

References:

The Procurement act creating the commission.

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

References:

The Public Procurement law Part VIII 26(3)

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

Comments:

Such companies are banned from participating in future bids at the local level.

References:

The Public procurement act creating the commission

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 system is still in its embryonic stage, lots of errors will be made and corrected before an effective system evolves.

References:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 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?

83

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

YES | NO

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:

This information is made public when procurement value exceeds 20,000

References:

The Public Procurement act creating the commission.

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

References:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 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.

100 | 75 | 50 | 25 | 0

References:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007
Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 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.

100 | 75 | 50 | 25 | 0

Comments:

Information of this nature is made available for public consumption through the e-media and newspapers.

References:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007
Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 2007

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.

Comments:

Information of this nature is made available for public consumption through the e-media and newspapers.

References:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 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

Comments:

The state of land records in Liberia leaves much to be desired 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 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**

Comments:

There is no provision for the above in our laws, land records may be issued at the local level, but it is not kept there.

References:

Does not exist in Law

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

Comments:

The above article assures citizens the right of redress (when their rights have been violated)in a court of competent jurisdiction.

References:

Article 26, of the Liberian 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?

25

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

100 | 75 | 50 | 25 | 0

References:

Emmanuel Munyenneh, Technical Resource Assistant, Governance Commission, via internet, November 25, 2007
Dan Sayeh, Executive Director, Liberia Democracy Institute

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.

Comments:

There is no mechanism or facility in place to store records at the local government, records are stored at the national level, so people from the rural areas has to travel to the capitol city to access their land records. Sometimes, due to bad road condition, it takes quite a while to get to the city.

References:

Dan Saryeh, Director, LDI, November 7, 2007, Monrovia, Liberia

Harry Tarnue, Records Department, National Archives Center, November 7, 2007, via phone

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.

Comments:

The recent downsizing of government employees has affected every department in the government sector.

References:

Johnson Willabo; Geology department, University of Liberia, November 7, 2007, Monrovia, Liberia

Dan Saryeh, Director, LDI, November 7, 2007, Monrovia, Liberia

Harry Tarnue, Records Department, National Archives Center, November 7, 2007, via phone

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

Comments:

This depends on the nature of the case in relations to the person's monthly income.

References:

Johnson Willabo; Geology department, University of Liberia, November 7, 2007, Monrovia, Liberia
Dan Saryeh, Director, LDI, November 7, 2007, Monrovia, Liberia
Harry Tarnue, Records Department, National Archives Center, November 7, 2007, via phone

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:

Does not exist in law.

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, Liberian Constitution, 1986

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

Comments:

This is not practised here. It does not exist in law.

References:

Johnson Willabo; Geology department, University of Liberia, November 7, 2007, Monrovia, Liberia
Harry Tarnue, Records Department, National Archives Center, November 7, 2007, via phone

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:

Does not exist in law and practice.

References:

Johnson Willabo; Geology department, University of Liberia, November 7, 2007, Monrovia, Liberia

100: Applications for sub-national land development and zoning approvals are 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:

The recent downsizing has compounded the work load in the different government departments due to inadequate staffing.

References:

Johnson Willabo; Geology department, University of Liberia, November 7, 2007, Monrovia, Liberia
Dan Saryeh, Director, LDI, November 7, 2007, Monrovia, Liberia

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

Comments:

This depends on the nature of the case in relations to the person's salary intake. ie. Professional people with good jobs in the

private sector can afford to take up such cases, but not Civil servants who are being paid 55 usd monthly, except they have another source of income.

References:

Dan Saryeh, Director, LDI, November 7, 2007, Monrovia, Liberia

Harry Tarnue, Records Department, National Archives Center, November 7, 2007, via phone

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

Comments:

The above article assures citizens the right of redress (when their rights have been violated) in a court of competent jurisdiction.

References:

ARTICLE 26, of the Liberian Constitution, 1986

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 assures citizens the right of redress (when their rights have been violated) in a court of competent jurisdiction.

References:

Article 26, of the 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

References:

Article 23(b) Chapter III, of the 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

References:

Johnson Willabo; Geology department, University of Liberia, November 7, 2007, Monrovia, Liberia
Harry Tarnue, Records Department, National Archives Center, November 7, 2007, via phone

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:

This depends on the nature of the case. Sometimes involves a lot of wheel greasing to speed up the paper work.

References:

Johnson Willabo; Geology department, University of Liberia, November 7, 2007, Monrovia, Liberia
Harry Tarnue, Records Department, National Archives Center, November 7, 2007, via phone

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

References:

Dan Saryeh, Director, LDI, November 7, 2007, Monrovia, Liberia

Harry Tarnue, Records Department, National Archives Center, November 7, 2007, via phone

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:

The appeal mechanism is not always affordable to every class of citizens in the society, high Social stratification plays a major role in our class system. What may seem reasonable to one group may be unaffordable to the next group.

References:

Dan Saryeh, Director, LDI, November 7, 2007, Monrovia, Liberia

Harry Tarnue, Records Department, National Archives Center, November 7, 2007, via phone

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.

100 | 75 | 50 | 25 | 0

References:

Dan Saryeh, Director, LDI, November 7, 2007, Monrovia, Liberia

Harry Tarnue, Records Department, National Archives Center, November 7, 2007, via phone

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. ⁶⁰Sub-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:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 2007

References:

General auditing commission act

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?

47

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

YES | NO

Comments:

The members have security of tenure, autonomy and can only be removed when engaged in gross misconduct.

References:

The General Auditing Commission Act, 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 auditor general has jurisdiction over the local level and is protected by law in that capacity.

References:

Mr. Benjamin Tarnue, Executive Secretary, National coalition of civil society organization of Liberia, Monrovia, November 20, 2007
Francois Junius, Forensic Audit Manager, General Auditing Commission, November 22, 2007, Monrovia

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 GAC has professional full time staff, but the staff is inadequate to conduct audits in every county presently, if the government decides to undertake that, more professional people will have to be recruited.

References:

Mr. Benjamin Tarnue, Executive Secretary, National coalition of civil society organization of Liberia, Monrovia, November 20, 2007
Francois Junius, Forensic Audit Manager, General Auditing Commission, November 22, 2007, Monrovia

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:

The Auditor General in a bid to ensure quality staff gave a test to all of the staff he met at the Commission. Those who failed the test were down-sized. The aggrieved employees took up the case with the Senate. The Senate summoned the AG and asked him to reinstate the employees but he refused. He was charged for contempt and ordered to pay a fine of 5000 Liberian dollars, less than 100 USD. He refused and took the senate to the Supreme Court. He said he was avoiding political influence and also trying to ensure he gets quality staff.

References:

Mr. Benjamin Tarnue, Executive Secretary, National coalition of civil society organization of Liberia, Monrovia, November 20, 2007
Francois Junius, Forensic Audit Manager, General Auditing Commission, November 22, 2007, Monrovia
Observer, New Democrat, The News, Public Agenda, The Informer and The Inquirer; 31 October 2007 Supreme Court Hears Auditor General and Senate Case”

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 inadequate funding to cover the auditing cost for all the counties, the government does not have the potential right now.

References:

Mr. Benjamin Tarnue, Executive Secretary, National coalition of civil society organization of Liberia, Monrovia, November 20, 2007
Francois Junius, Forensic Audit Manager, General Auditing Commission, November 22, 2007, Monrovia

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 has been no audit reports from the local government as yet.

References:

Mr. Benjamin Tarnue, Executive Secretary, National coalition of civil society organization of Liberia, Monrovia, November 20, 2007
Francois Junius, Forensic Audit Manager, General Auditing Commission, November 22, 2007, Monrovia

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:

There have been no audit reports from the sub-national government as of this reporting period.

References:

Mr. Benjamin Tarnue, Executive Secretary, National coalition of civil society organization of Liberia, Monrovia, November 20, 2007
Francois Junius, Forensic Audit Manager, General Auditing Commission, November 22, 2007, Monrovia

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.

Comments:

GAC may be able to conduct audits at the local level, but to do that more staff would be needed and a lot of other incentives that is not really the government's priority right now.

References:

Mr. Benjamin Tarnue, Executive Secretary, National coalition of civil society organization of Liberia, Monrovia, November 20, 2007
 Francois Junius, Forensic Audit Manager, General Auditing Commission, November 22, 2007, Monrovia

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:

By Law, Citizens have the right to access any Government document which contains Public information.

References:

Article 15, Liberian Constitution, 1986

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 is no mechanism or internal structure in place for this.

References:

Aloysius Toe, Executive Director, Foundation for Human Rights and Democracy, November 22, 2007, Monrovia, Liberia
Francois Junius, Forensic Audit Manager, General Auditing Commission, November 22, 2007, Monrovia

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:

There is no mechanism in place at the local level to access reports of this nature, if there were any.

References:

Aloysius Toe, Executive Director, Foundation for Human Rights and Democracy, November 22, 2007, Monrovia, Liberia
Francois Junius, Forensic Audit Manager, General Auditing Commission, November 22, 2007, Monrovia

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 Business Corporation act of Liberia, 2002 addresses public health standards of businesses nationally and locally.

References:

Business Corporation act 2002.

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:

Environmental standards are addresses in the Business Corporation Act

References:

Business Corporation act, 2002

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

Comments:

The Ministry of Health and the Environmental Protection Agency have the responsibility to regulate public safety standards in small businesses.

References:

Public Health Law of 1976
Environmental Protection Agency Act

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 guidelines are clear but s/times the inspectors uses discretion.

References:

Ministry of commerce guidelines

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?

50

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:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 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?

31

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.

Comments:

Most inspections are carried out with the intention to extort money from those that are delinquent, they are really not carried out in an even handed manner. Some focused primarily on big businesses and leave the smaller one alone, although they might not be in compliance.

References:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 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.

Comments:

Most times inspections are carried out with the intention to extort money from delinquents. There is no official report about this but when one talk to the people, common business people, they tell you stories about these things.

References:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007

Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 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:

The intent of these inspectors is to extort money from people who are delinquent in meeting up with their obligations. They put the inspections main object aside and concentrate on what they can get from the businesses for themselves, for example the Inspection of commercial taxis for road safety and worthiness, police only collect the inspection fees and leave those taxis to go even they are not road worthy. One only has to look in the streets to see.

References:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 2007
Lewis Togba, News Director, ELBC Radio Station, Monsterrado, Dec. 10, 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

Comments:

Enforcement is weak. Enforcement may only occur on high profile cases with certain types of businesses, and sometime, observers think that it may be for other reasons, probably to protect another business. This enforcement is not in the hands of local government for the case of Montserrado, where the capital Monrovia is. It is in the hands of the National Government.

References:

Nyeneken B.S. Barcon, County Commissioner, Monsterrado, November 30, 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.

Category 5. Sub-National Anti-Corruption and Rule of Law

5-1. ⁶³Sub-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**

Comments:

Presently, CENTAL in collaboration with the Governance Commission and Osiwa, is undertaking a project jointly which sensitizes citizens and raise public awareness in the Counties/Sub- national level about the ills of corruption. This project promotes the National Anti-Corruption Strategy”.

References:

There is no legal scope for this but it has now an acceptable policy that joint private-public anti-corruption campaigns are carried out by public as well as CSO's .

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.

100

48. In practice, joint private-public anti-corruption campaigns are carried out at the sub-national level.

100 | 75 | 50 | 25 | 0

Comments:

Presently, CENTAL in collaboration with the Governance Commission and Osiwa, is undertaking a project jointly which sensitizes citizens and raise public awareness in the Counties/Sub- national level about the ills of corruption. This project promotes the National Anti-Corruption Strategy”.

References:

Lawrence Randall, Anti-Corruption working group, Monsterrado, Nov. 25, 2007
Emmanuel Munyenneh, Governance Commission, Monsterrado, Dec 15,2007

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?

49a. In law, there is a general right of appeal.

YES | NO

Comments:

This is a general redress for any citizens that feels victimized by a Public Servant, government official or citizen, he can get redress in a Court of law.

References:

Article 26, Chapter III, Liberian Constitution, 1986

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:

This depends on the availability of manpower in this area at the local level, most times there are shortage of staff due to the low salary structure, but this is being address under judicial reforms initiated by the present government.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007

Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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

Comments:

This depends on the type and nature of the case.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007
Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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

Comments:

Judgements in the Criminal system of the Local level usually follow written law when cases are adjudicated in a competent court of jurisdiction, but the law may vary when it comes to customary courts which depends mostly on personal past experiences and common sense.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007
Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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?

100

51. In practice, are judicial decisions at the sub-national level enforced by the government?

100 | 75 | 50 | 25 | 0

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007

Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 2007

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:

The above article assures the independence of the Judiciary both at the national and local level.

References:

Article 65, chapter III, 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

Comments:

There has been no documented case, though it sometimes happen at the local level, where there is not much oversight in these matters.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007

Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 2007

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 system for distributing cases, cases are held based on jurisdiction and the sitting Judge.

References:

ARTICLE 21 (f) Chapter III, Liberian Constitution, 1986

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 moved by an impeachment from the Legislature, when that Judge has been violating the trust reposed in him/her, ie. bribery, treason, etc.or gross breach of duty, inability to perform the functions of their office or misdemeanour's.

References:

Article 71, Chapter VII, 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 documented case.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007
Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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 have been no documented case of this happening.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007
Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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?

82

54a. In practice, judicial decisions are not affected by racial, ethnic, and religious bias.

100 | 75 | 50 | 25 | 0

Comments:

Sometimes a case might be investigated or not investigated because of complexity of the police or because the person involved does not have higher standing in the society. But there is no religious or tribal bias seen so far. The bias may be class bias as shown in the story carried in the analyst. And such would continue from the police up to the courts.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007
Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 2007
http://www.analystliberia.com/tonnes_of_marijuana_cocaine_heroin_discovered_jan04_07.html#obe

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:

There have been no contrary report up to this reporting date. Sometimes one has to take into account the high chauvinistic attitude of men towards women in the rural areas and also their culture of submissiveness to their menfolk, which prohibits them most times from speaking up for their rights on gender issues.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007
Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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:

There has been no violation of this law, but in the local areas, quality service is not always guaranteed.

References:

Article 21, (i) 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:

Legal Counsel are provided for those who cannot afford it by the government, but the quality of service is sometimes dubious, due to limited manpower and inexperienced consuls.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007

Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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:

It is within their capacity depending on the type and nature of the case.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007
Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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 retail business can afford a law suit depending on the nature and type of case.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007
Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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:

All Citizens have access to a justice system, either a customary or Statutory system depending on your geographic location.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007
Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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?

88

55a. In law, there is a clear jurisdictional relationship between the formal and customary justice system.

YES | NO

Comments:

The above article makes it clear that there is a jurisdictional relationship between the formal and customary justice system, when it states that "The Courts shall apply both statutory and customary laws in accordance with the standards enacted by the Legislature".

References:

Article 65, Chapter VII

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:

Article 65 of the Liberian Constitution addresses this issue.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007

Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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:

People may be occasionally discriminated against depending on the tribal court that they go to, but this is not the norm. Most often than not cases people are not discriminated against.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007

Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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:

There has been no report of violations of this practice up to this reporting period from the local level.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007

Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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:

This option is available to all citizens that resides within a village, town or rural city.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007

Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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:

Civil Society acts as watch dogs in the society. They raise awareness and advocate issues that adversely affect the society. Groups like Justice and Peace Commission, Liberia National Law Enforcement Association and Foundation for International Dignity have been called upon by the government to mediate in crises or issues between citizens and govt. For example, LINLEA was called upon to serve on a panel of investigators when the Timbers Union accused the police of killing one of their members during a street protest.

References:

Mr. Charles Bass, Deputy Superintendent, Bentol, Monsterrado, Dec.10,2007

Mr. Lawrence Randall, Liberia Anti-Corruption Working Group, Nov. 25, 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.

83
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

Comments:

Often appointments are made due to party or personal connections which overshadow professionalism

References:

Cecil B. Griffiths, Professor of Criminal Justice, AMEZU, November 7, 2007, Monrovia, Liberia

Roosevelt Sackor, Program Officer, Center for Criminal Justice and Law Education, November 7, 2007, Monrovia

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 police does not have a sub-regional budget, everything is planned centrally, and then what's allocated nationally can be deployed in different places from time to time based on need. I would say that they dont have enough resources to carry on their duties, including vehicles, guns and even uniforms

References:

Cecil B. Griffiths, Professor of Criminal Justice, AMEZU, November 7, 2007, Monrovia, Liberia

Roosevelt Sackor, Program Officer, Center for Criminal Justice and Law Education, November 7, 2007, Monrovia

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

Comments:

There is insufficient manpower in the local areas to carry out the mandate of law enforcement.

References:

Cecil B. Griffiths, Professor of Criminal Justice, AMEZU, November 7, 2007, Monrovia, Liberia

Roosevelt Sackor, Program Officer, Center for Criminal Justice and Law Education, November 7, 2007, Monrovia

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:

The local law enforcement does not have enough oversight, as should be, so sometimes things tend to get out of hand when it comes to influence from County officials etc.

References:

Cecil B. Griffiths, Professor of Criminal Justice, AMEZU, November 7, 2007, Monrovia, Liberia

Roosevelt Sackor, Program Officer, Center for Criminal Justice and Law Education, November 7, 2007, Monrovia

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

Comments:

All citizens has access to law enforcement regardless of their background or affiliation.

References:

Cecil B. Griffiths, Professor of Criminal Justice, AMEZU, November 7, 2007, Monrovia, Liberia

Roosevelt Sackor, Program Officer, Center for Criminal Justice and Law Education, November 7, 2007, Monrovia

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

Comments:

As the above article indicates, anyone injured by the 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". This also applies to law enforcement.

References:

Article 26, Chapter III, of the Liberian Constitution.

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:

Cecil B. Griffiths, Professor of Criminal Justice, AMEZU, November 7, 2007, Monrovia, Liberia

Roosevelt Sackor, Program Officer, Center for Criminal Justice and Law Education, November 7, 2007, Monrovia

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

Comments:

There is no agency of this nature in existence.

References:

Does not exist in 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

Comments:

There is no such agency in existence.

References:

Cecil B. Griffiths, Professor of Criminal Justice, AMEZU, November 7, 2007, Monrovia, Liberia

Roosevelt Sackor, Program Officer, Center for Criminal Justice and Law Education, November 7, 2007, Monrovia

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

Comments:

The above article guarantees redress for aggrieved citizens

References:

Article 26, Chapter III, 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

Comments:

They are not exempted, Article 26, chapter III, of the Liberian Constitution addresses this.

References:

Cecil B. Griffiths, Professor of Criminal Justice, AMEZU, November 7, 2007, Monrovia, Liberia
Roosevelt Sackor, Program Officer, Center for Criminal Justice and Law Education, November 7, 2007, Monrovia
Article 26, Chapter III,
Liberian Constitution.1986

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.