

Overall Score:

**54 - Very Weak**

Legal Framework Score:

**64 - Weak**

Actual Implementation Score:

**43 - Very Weak**

Category I. Civil Society, Public Information and Media

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## I-1. <sup>59</sup>Civil Society Organizations

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### 1. Are anti-corruption/good governance CSOs legally protected?

67

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

**YES** | NO

**Comments:**

Citizens can organize themselves into any groups of their choice, even those that oppose the government in a legal manner, as long as the group's objectives are legal.

**References:**

The Business Association Law of 1977

Article 17 of the Liberian Constitution

**YES:** A YES score is earned when freedom to assemble into groups promoting good governance or anti-corruption 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 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 are free to accept funding from any foreign or domestic sources.

YES | NO

**References:**

NGO Policy Guidelines

Page 19, Form on Disclosure of Sources of Funding and Thematic Areas the Funding is Allocated To

**YES:** A YES score is earned if anti-corruption/good governance CSOs 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 focused on anti-corruption or good governance.

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

YES | NO

**Comments:**

Anti-corruption/good governance CSOs are required to make Disclosures only to the government.

**References:**

NGO Guidelines, 2008, page 19

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

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

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## 2. Are good governance/anti-corruption CSOs able to operate freely?

83

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

**Comments:**

The government does not create barriers to the establishment of anti-corruption organizations, so many new organizations have been sprouting up. For example, The Publish What You Pay Coalition; The Free Expression Coalition; and Actions for Genuine Democratic Alternatives.

**References:**

Malcolm Joseph, Coordinator, Liberia Free Expression Coalition; August 2, 2008, Center for Media Studies and Peace Building, Benson Street, Monrovia, Liberia

**100:** CSOs focused on promoting good governance or anti-corruption 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 must go through formal steps to form, requiring interaction with the state 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 are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

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

**Comments:**

CSOs are making some impact but they are disorganized and reactive, instead being organized and proactive. Many of them lack the capacity to make meaningful follow-up on the issues that concern them. For example, CSO participation in the PRS was not limited by the government but as by the CSOs's inability to be proactive.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 8, 2009, Monrovia, Liberia

Malcolm Joseph, Coordinator, Liberia Free Expression Coalition, September 8, 2009, Monrovia, Liberia

**100:** Civil society organizations focused on anti-corruption or good governance 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 are active, but may not be relevant to political decisions or the policymaking process. Those CSOs are willing to articulate opinions on political matters, but have little access to decision makers. They have some influence over public opinion, but considerably less than political figures.

25:

**0:** Anti-corruption/good governance CSOs 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 have been shut down by the government for their work on corruption-related issues during the study period.

YES | NO

**Comments:**

The government has not shut down any CSO or barred any of them from operating.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 8, 2009, Monrovia, Liberia

Malcolm Joseph, Coordinator, Liberia Free Expression Coalition, September 8, 2009, Monrovia, Liberia

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

**NO:** A NO score is earned if any CSO 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.

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### 3. Are civil society activists safe when working on corruption issues?

67

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

YES | NO

**Comments:**

No activists who were working on corruption issues were imprisoned during the past year.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 8, 2009, Monrovia, Liberia

Malcolm Joseph, Coordinator, Liberia Free Expression Coalition, September 8, 2009, Monrovia, Liberia

**YES:** A YES score is earned if there were no CSO activists imprisoned because of their work covering corruption. YES is a positive score.

**NO:** A NO score is earned if any activist 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 have been physically harmed.

YES | **NO**

**Comments:**

Journalists and those who are interested in following corruption or other abuse of power issues are harassed most of the time by security officers. For example, there is the case of Amos Kollie, who was harassed while he was investigating corruption in the DEA. Security guards refer here to state security.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 8, 2009, Monrovia, Liberia

Malcolm Joseph, Coordinator, Liberia Free Expression Coalition, September 8, 2009, Monrovia, Liberia

**YES:** A YES score is earned if there were no documented cases of CSO activists covering corruption 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. 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 have been killed.

**YES** | NO

**Comments:**

There have been no reports of civil society activists being killed due to their work on corruption.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 8, 2009, Monrovia, Liberia

Malcolm Joseph, Coordinator, Liberia Free Expression Coalition, September 8, 2009, Monrovia, Liberia

**YES:** A YES score is earned if there were no documented cases of CSO activists 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. 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, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

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#### 4. Can citizens organize into trade unions?

100

4a. In law, citizens have a right to organize into trade unions.

**YES** | NO

##### References:

Article 17 of the Liberian Constitution

**YES:** A YES score is earned when trade unions are allowed 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 trade union is legally prohibited by the government from organizing.

4b. In practice, citizens are able to organize into trade unions.

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

##### Comments:

It is easy for groups to form labor unions. There are very many of them here in Liberia, such as ones for motorbike riders, scrap dealers, rubber workers, port workers, etc.

Forming trade unions is one thing, what the trade union does, i.e. the battle it faces for the interest of its members is another. Since the end of the war, there have been so many interest groups and union in the last fifteen years than all of the groups in the entire history of the country combine between the period of 1847 to 1980. So forming unions is easy and citizens can join easily.

##### References:

C. Alfred Thomas, Representative of the Seaman Union to the Labor Congress, September 9, 2009, Monrovia, Liberia

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

**100:** Trade unions are common and are an important part of the political process and political discourse. 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. 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. Significant barriers to organization exist, including direct violence. Rights of union organizers are not widely known, or are ineffective in protecting organizers.

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## I-2. Media

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### 5. Are media and free speech protected?

100

5a. In law, freedom of the media is guaranteed.

**YES** | NO

**References:**

Article 15(B) of the Liberian Constitution

**YES:** A YES score is earned if freedom of the press 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 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 is guaranteed.

**YES** | NO

**References:**

Article 15 (B) of the Liberian Constitution

**YES:** A YES score is earned if freedom of individual speech is guaranteed in law, including to all political parties, religions, and ideologies.

**NO:** A NO score is earned if any individual speech 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.

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## 6. Are citizens able to form print media entities?

75

6a. In practice, the government does not create barriers to form a print media entity.

100 | 75 | 50 | 25 | 0

### References:

Joseph Davis, Researcher, Center for Media Studies and Peace Building, September 9, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 9, 2009, Monrovia, Liberia

**100:** Print media entities can freely organize with little to no interaction with the 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, 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, either by official requirements or by unofficial means, such as intimidation or fear.

6b. In law, where a print media license is necessary, there is an appeals mechanism if a license is denied or revoked.

YES | NO

### Comments:

A specific appeals mechanism regarding the registration for a print media license does not exist, but in the broad sense, as this law suggests, anyone can seek redress on any matter.



**References:**

Article 26 of the Liberian Constitution

**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. 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.

6c. In practice, where necessary, citizens can obtain a print media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Individuals can obtain a print media license in a matter of weeks; in fact, it can take less than two months. The New Broom has been the only organization that has been denied a license, but this is an exceptional case.

**References:**

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 9, 2009, Monrovia, Liberia

**100:** Licenses are not required or licenses can be obtained within two months.

**75:**

**50:** Licensing is required and takes more than two months. Some groups may be delayed up to six months.

**25:**

**0:** Licensing takes close to or more than one year for most groups.

6d. In practice, where necessary, citizens can obtain a print media license at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Acquiring a print media license costs less than 150 dollars.

**References:**

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 9, 2009, Monrovia, Liberia

**100:** Licenses 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 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 are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

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## 7. Are citizens able to form broadcast (radio and TV) media entities?

81

7a. In practice, the government does not create barriers to form a broadcast (radio and TV) media entity.

100 | 75 | 50 | 25 | 0

### Comments:

In September 2009, the Ministry of Information invoked a PRC degree that requires print houses to print only a list of newspaper that the PRC has qualified. When the media community complained and termed the move to be unconstitutional, the Ministry backed down. The Hon. Emmanuel Bowier, former Minister of Information under the Doe regime, clarified that all PRC degrees were null and void following the entry into law of the constitution of 1986.

### References:

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 9, 2009, Monrovia, Liberia

**100:** Broadcast media entities can freely organize with little to no interaction with the 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, 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, 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, there is an appeals mechanism if a license is denied or revoked.

YES | NO

**Comments:**

There is no appeals mechanism for when a broadcast license is denied or revoked in place, but citizens can challenge a denial in court.

**References:**

Article 26 of the Liberian Constitution

**YES:** A YES score is earned if there is, in law or in accompanying regulations, a formal process 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 for broadcast media licenses.

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

100 | 75 | 50 | 25 | 0

**Comments:**

That citizens can obtain a broadcast (radio and TV) media license within a reasonable time period is shown by the multitudes of community radio stations that broadcast from around the country.

**References:**

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 9, 2009, Monrovia, Liberia

**100:** Licenses are not required or licenses can be obtained within two months.

**75:**

**50:** Licensing is required and takes more than two months. Some groups may be delayed up to six months.

**25:**

**0:** Licensing 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 a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

The cost of running or sustaining a station is quite different from the cost of obtaining a license. The two are not the same. TV licenses cost around US\$150.

**References:**

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 9, 2009, Monrovia, Liberia

**100:** Licenses 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 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 are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

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## 8. Can citizens freely use the Internet?

100

8a. In practice, the government does not prevent citizens from accessing content published on-line.

100 | 75 | 50 | 25 | 0

**References:**

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 9, 2009, Monrovia, Liberia

**100:** The 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 government from reaching online content in some cases. 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. Government restrictions are in place at all times for certain topics. 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 government does not censor citizens creating content on-line.

100 | 75 | 50 | 25 | 0

**Comments:**

Bloggers are free to write what ever they want.

**References:**

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 9, 2009, Monrovia, Liberia

**100:** The 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 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 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.

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## 9. Are the media able to report on corruption?

83

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

YES | NO

**References:**

Article 15 (B) of the Liberia Constitution

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

100 | 75 | 50 | 25 | 0

**Comments:**

A recent report regarding the distribution of money in the House of Representatives was brought to light when lawmakers forgot that newsmen were present in the room where the money was passed around. Later, when their presence was noticed, they were ordered out. When New Democrat reported this abuse of power and inadvertently published the wrong photo of another police officer, their office employees were harassed.

At the LBS , a government-owned station, the director general issued a memo sanctioning the broadcast of corruption-related stories, indicating the station is not a court house.

**References:**

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 9, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Nairobi, Kenya, via (chat)

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

**75:**

**50:** The government, its proxies, or media ownership/distribution groups make some attempts to restrict media coverage of corruption-related issues 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 government, its proxies, or media ownership/distribution groups actively use illegal methods to restrict reporting of corruption-related issues. 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.

**References:**

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 9, 2009, Monrovia, Liberia

**100:** The government never prevents publication of controversial corruption-related materials.

**75:**

**50:** The government prevents publication of controversial corruption-related material 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 government regularly censors material prior to publication, especially politically sensitive or damaging corruption-related material. This score is appropriate even if the government restricts only politically damaging news while allowing favorable coverage.

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## 10. Are the media credible sources of information?

70

10a. In law, print media companies are required to publicly disclose their ownership.

**YES** | NO

**Comments:**

Radio stations, newspapers and other media outlets disclose their owners in their publications. However, the ownership disclosure is limited to the companies that run them, not the names of the individuals who own them.

**References:**

Liberian Media Law

**YES:** A YES score is earned if print media companies are required by law to publicly 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 publicly disclosed.

10b. In law, broadcast (radio and TV) media companies are required to publicly disclose their ownership.

YES | NO

**Comments:**

Radio stations, newspapers and other media outlets disclose their owners in their publications. However, the ownership disclosure is limited to the companies that run them, not the names of the individuals who own them.

For example, Truth Radio and Real TV are owned by Renaissance Communications Incorporated; Crystal Radio Station is owned by Infinity Corporation; Veritas is owned by the Catholic Church; Clar TV and Kings' FM is owned by the Royal Communications Network.

**References:**

Liberia Media Law

**YES:** A YES score is earned if broadcast media companies are required by law to publicly 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 publicly disclosed.

10c. In practice, journalists and editors adhere to strict, professional practices in their reporting.

100 | 75 | 50 | 25 | 0

**Comments:**

Journalist are usually in the habit of requesting bribes in order to publish stories. There are many publications that put out stories in an unprofessional manner, but there are others that are strictly professional.

Many people in civil society complain about having journalist ask them to provide something to cover their stories. Sometimes journalist are hired to provide public relations for people who are facing political competition or on trial for some crimes.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 9, 2009, Monrovia, Liberia (Telephone Interview)

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia (Telephone Interview)

**100:** Editors and journalists at the major 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 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 media outlets do not abide by any formal journalistic code of conduct.



10d. In practice, during the most recent election, political parties or independent candidates received fair media coverage.

100 | 75 | 50 | 25 | 0

**Comments:**

What you pay for is what you get. Journalists provide more coverage to major candidates than they do to lesser ones, and request bribes from candidates to give them a strong image in the eyes of the public, even for weak candidates. Most politicians have installed their own media people at a newspaper, radio or TV station to work against their opponents.

**References:**

Alaric Tokpa, Professor of Political Science, University of Liberia, September 9, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 9, 2009; Monrovia, Liberia

Eddie Jarwolo, Executive Director, National Youth Movement for Transparent Elections (Partners for Democratic Development), September 9, 2009; Monrovia, Liberia

**100:** All political parties and independent candidates have some access to media outlets. Individual media outlets may have biases, but on balance, the national media coverage reflects the interests of the electorate. Media groups generally act as disinterested parties in an election. In places where a 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. Some major 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 and coverage is driven to achieve these goals. Some major parties or independent candidates 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 have equitable access to state-owned media outlets.

100 | 75 | 50 | 25 | 0

**Comments:**

Censorship of political opponents did not take place in the last year. Candidates for by-elections were provided access to community stations, but these outlets are not government-owned. There are no government-owned stations in the areas where by-elections were held. However, in Monrovia, both the opposition and the government are given fairly equal access to the state media outlet ELBC. There were no reports of discrimination.

**References:**

Professor Alaric Tokpa, Political Science Department, University of Liberia, September 9, 2009, Monrovia, Liberia

Eddie Jarwolo, Executive Director, NAYMOTE-PADD, September 9, 2009, Monrovia, Liberia

**100:** The government ensures that equal access and fair treatment of election contestants 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 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 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. Advertising space may be denied to opposition candidates and parties or higher rates may be charged.

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## 11. Are journalists safe when investigating corruption?

67

11a. In practice, in the past year, no journalists investigating corruption have been imprisoned.

YES | **NO**

### Comments:

New Democrat Newspaper published an article on June 18, 2008 titled "Two Journalist Detained for Taking photographs" The two journalists were Festus Porque and Othello Garbla.

Also see: "The Triumph of Impunity: Attacks on Freedom of Expression in Liberia 2008," published by the Center for Media Studies and Peace Building.

### References:

Norris Tweah, Deputy Minister of Information, R.L.; September 9, 2009, Monrovia, Liberia

David Baysah, Chairman, Sociology Department, AME University, September 9, 2009, Monrovia, Liberia

Eunice Dahn, Programme Associate, New African Research and Development Agency, September 9, 2009, Buchanan, Grand Bassa County (via telephone)

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia

**YES:** A YES score is earned if there were no journalists imprisoned related to work covering corruption 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 during the study period. The causal relationship between the official charges and the 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 government lasting more than 24 hours.

11b. In practice, in the past year, no journalists investigating corruption have been physically harmed.

YES | NO

**Comments:**

There have been no reports of journalist being harmed due to their investigations of corruption.

**References:**

Norris Tweah, Deputy Minister of Information, R.L.; September 9, 2009, Monrovia, Liberia

David Baysah, Chairman, Sociology Department, AME University, September 9, 2009, Monrovia, Liberia.

Eunice Dahn, Programme Associate, New African Research and Development Agency, September 9, 2009; Buchanan, Grand Bassa County (via telephone)

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia

**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. A YES score is positive.

**NO:** A NO score is earned if there were any documented cases of assault to a journalist covering corruption 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 have been killed.

YES | NO

**Comments:**

There have been no reports of journalists being killed while investigating corruption.

**References:**

Norris Tweah, Deputy Minister of Information, R.L.; September 9, 2009, Monrovia, Liberia

David Baysah, Chairman, Sociology Department, AME University, September 9, 2009, Monrovia, Liberia

Eunice Dahn, Programme Associate, New African Research and Development Agency, September 9, 2009, Buchanan, Grand Bassa County (via telephone)

Peter Quaqua, President, Press Union of Liberia, September 9, 2009, Monrovia

**YES:** A YES score is earned if there were no documented cases of journalists being killed because of their work covering corruption-related issues 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 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.

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82  
I-3. Public Access to Information

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12. Do citizens have a legal right of access to information?

33

12a. In law, citizens have a right of access to government information and basic government records.

YES | NO

**Comments:**

The right of access to government information and basic government records encompasses the right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.

c. In pursuance of this right, there shall be no limitation on the public right to be informed about the government and its functionaries.

**References:**

Article 15 of the Liberian Constitution

**YES:** A YES score is earned if there is a formal right to access government documents, including constitutional guarantees. Exceptions can be made for national security reasons or individual privacy, but they should be limited in scope. All other government documents 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 is denied.

YES | NO

**Comments:**

Access to government information is only guaranteed in the constitution. There is no legislation that indicates how this can be exercised. The Liberian Media Reform Working Group did three draft bills, including one on the freedom of information, but this bill has not been passed. The Free Expression Coalition, a coalition of several organizations: AGENDA, CENTAL, CEMESP, LMC, and LIWOMAC are advocating the passage of this bill into law. The bill is currently in the legislature.

**References:**

There are no such mechanisms.

**YES:** A YES score is earned if there is a formal process of appeal for rejected information requests. 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.

YES | **NO**

**References:**

There are no such mechanisms.

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

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

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### 13. Is the right of access to information effective?

0

13a. In practice, citizens receive responses to access to information requests within a reasonable time period.

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

**References:**

Alaric Tokpa, Professor of Political Science, University of Liberia, September 9, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 9, 2009, Monrovia

Peter Queque, President, Press Union, September 9, 2009, Monrovia, Liberia

**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 government information.

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

100 | 75 | 50 | 25 | 0

**Comments:**

There is no effective mechanism in place for citizens to access government information.

**References:**

Estella Nelson, Executive Director LIWOMAC and Member, Free Expression Coalition, September 9, 2009, Monrovia, Liberia

Alaric Tokpa, Professor Of Political Science, University of Liberia, September 9, 2009, Monrovia, Liberia;

Dan Saryee, Executive Director, Liberia Democratic Institute, September 9, 2009, Monrovia, Liberia

**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, responses to information requests are of high quality.

100 | 75 | 50 | 25 | 0

**References:**

Estella Nelson, Executive Director LIWOMAC and Member, Free Expression Coalition, September 9, 2009, Monrovia, Liberia

Alaric Tokpa, Professor Of Political Science, University of Liberia, September 9, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 9, 2009, Monrovia, Liberia

**100:** Responses to information requests typically address the requestor's questions in full and are not redacted or edited to remove sensitive information.

**75:**

**50:** Information requests are sometimes met with sufficient responses, but responses to information requests may be vague or overly general when sensitive information is sought.

**25:**

**0:** The government rarely or never replies to information requests with meaningful responses. If and when responses are issued, they are so overly general or heavily redacted as to render them useless.

13d. In practice, citizens can resolve appeals to access to information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Estella Nelson, Executive Director LIWOMAC and Member, Free Expression Coalition, September 9, 2009, Monrovia, Liberia

Alaric Tokpa, Professor Of Political Science, University of Liberia, September 9, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 9, 2009, Monrovia, Liberia

**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.

13e. In practice, citizens can resolve appeals to information requests at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Estella Nelson, Executive Director LIWOMAC and Member, Free Expression Coalition, September 9, 2009, Monrovia, Liberia

Alaric Tokpa, Professor Of Political Science, University of Liberia, September 9, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 9, 2009, Monrovia, Liberia

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

**75:**

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

**25:**

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

13f. In practice, the government gives reasons for denying an information request.

100 | 75 | 50 | 25 | 0

**References:**

Estella Nelson, Executive Director LIWOMAC and Member, Free Expression Coalition, September 9, 2009, Monrovia, Liberia

Alaric Tokpa, Professor Of Political Science, University of Liberia, September 9, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 9, 2009, Monrovia, Liberia

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

**75:**

**50:** The 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 government does not regularly give reasons for denying an information request to the requestor.



## II-1. Voting & Citizen Participation

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### 14. Is there a legal framework guaranteeing the right to vote?

100

14a. In law, universal and equal adult suffrage is guaranteed to all citizens.

YES | NO

#### References:

Article 80(C) of the Liberian Constitution

Article 77(B) of the Liberian Constitution

**YES:** A YES score is earned if the right to vote is guaranteed to all citizens of the country (basic age limitations are allowed). A YES score can still be earned if voting procedures are, in practice, inconvenient or unfair.

**NO:** A NO score is earned if suffrage is denied by law to any group of adult citizens for any reason. Citizen is defined broadly, to include all ethnicities, or anyone born in the country. A NO score is earned if homeless or impoverished people are legally prohibited from voting.

14b. In law, there is a legal framework requiring that elections be held at regular intervals.

YES | NO

#### Comments:

Voting for the President, Vice-President, members of the Senate and members of the House of Representatives shall be conducted throughout the Republic on the second Tuesday in October of each election year.

#### References:

Article 83 of the Liberian Constitution

**YES:** A YES score is earned if there is a statutory or other framework enshrined in law that mandates elections at reasonable intervals.

**NO:** A NO score is earned if no such framework exists.

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### 15. Can all citizens exercise their right to vote?

15a. In practice, all adult citizens can vote.

100 | 75 | 50 | 25 | 0

**References:**

Eddie Jarwolo, Executive Director, NAYMOTE-PADD; September 9, 2009; Monrovia, Liberia

David Baysah, Chairman, sociology Department, AME University, September 9, 2009, Monrovia, Liberia

Peter Queque, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

**100:** Voting is open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers.

**75:**

**50:** Voting is often open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers, with some exceptions.

**25:**

**0:** Voting is not available to some demographics through some form of official or unofficial pressure. Voting may be too dangerous, expensive, or difficult for many people.

15b. In practice, ballots are secret or equivalently protected.

100 | 75 | 50 | 25 | 0

**Comments:**

Due to the level of illiteracy in the country, even with civic education, many people are unable to vote independently; therefore, they rely on others for help, mostly poll workers or a family member. As a result, the ballot is not entirely secret.

**References:**

Eddie Jarwolo, Executive Director, NAYMOTE-PADD; September 9, 2009; Monrovia, Liberia

David Baysah, Chairman, Sociology Department, AME University, September 9, 2009, Monrovia, Liberia

Peter Queque, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

**100:** Ballots are secret, or there is a functional equivalent protection, in all cases.

**75:**

**50:** Ballots are secret, or there is a functional equivalent protection, in most cases. Some exceptions to this practice have occurred. Ballots may be subject to tampering during transport or counting.

**25:**

**0:** Ballot preferences are not secret. Ballots are routinely tampered with during transport and counting.

15c. In practice, elections are held according to a regular schedule.

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

**Comments:**

All by-elections were held on schedule, but elections for local offices are long overdue because of a myriad of reasons such as ghost cities,” lack of funding, boundaries, etc.

**References:**

Eddie Jarwolo, Executive Director, NAYMOTE-PADD; September 9, 2009; Monrovia, Liberia

David Baysah, Chairman, sociology Department, AME University, September 9, 2009, Monrovia, Liberia

Peter Queque, President, Press Union of Liberia, September 9, 2009, Monrovia, Liberia

**100:** Elections are always held according to a regular schedule, or there is a formal democratic process for calling a new election, with deadlines for mandatory elections.

**75:**

**50:** Elections are normally held according to a regular schedule, but there have been recent exceptions. The formal process for calling a new election may be flawed or abused.

**25:**

**0:** Elections are called arbitrarily by the government. There is no functioning schedule or deadline for new elections.

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## 16. Are citizens able to participate equally in the political process?

100

16a. In law, all citizens have a right to form political parties.

**YES** | NO

**Comments:**

Since the essence of democracy is free competition of ideas expressed by political parties and political groups as well as by individuals, parties may freely be established to advocate the political opinions of the people. Laws, regulations, decrees or measures which might have the effect of creating a one-party state shall be declared unconstitutional.

**References:**

Article 77(A) of the Liberian Constitution

**YES:** A YES score is earned if citizens have the right to form political parties without interference from government. A YES score may still be earned if groups or individuals with a history of violence or terrorism (within last ten years) are banned from forming political parties. Non-discriminatory minimal criteria (e.g. minimum age) are also allowed.

**NO:** A NO score is earned if there are any legal or regulatory restrictions or prohibitions barring any types of political parties from being formed.

16b. In law, all citizens have a right to run for political office.

YES | NO

**Comments:**

Citizens of Liberia who meet the following qualifications are eligible to become members of the Legislature:

- a. for the Senate, have attained the age of 30 years and for the House of Representatives, have attained the age of 25 years;
- b. be domiciled in the country or constituency to be represented not less than one year prior to the time of the election and be a taxpayer.

A child born to both non negro parents cannot become a Liberian citizen, thats the law. And if this is the law, then they are not citizens and so cannot claim to be denied of the right to vote. A child born to one negro parent with a non negro parent has the right to decide his or her citizenship at the age of 18. And this child can hold political office, if he or she is qualify for it. For an example, under the administration of Charles Taylor, Monie Captan who is born to Lebanese and Liberia parents became Minister of Foriegn Affairs; Ellie Saliebi became Minister of Finance and later Central Bank Governor. In the 2005 Elections, David Farhat, who is also of Lebanese and Liberian President ran for President.

Not having the access to vote as defined by law cannot be construed denial, especially where this is not even a provision of a legislation that may have been orchestrated by a regime to deny minorities, rather it is a constitutional provision established in the founding priinciples of the republic.

**References:**

Article 30 of the Liberian Constitution

**YES:** A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) have the right under law to run for political office. A YES score may still be earned if individuals with a history of violence, terrorism, or criminality are banned from running for office.

**NO:** A NO score is earned if there are any legal restrictions barring certain individuals or groups from running for political office.

16c. In practice, all citizens are able to form political parties.

100 | 75 | 50 | 25 | 0

**Comments:**

The number of existing registered political parties signifies that all citizens are allowed to form political parties. There are 20 registered political parties. In 2005, 30 parties applied to compete in the elections, but 10 of them were disqualified. During the election campaign, there were 22 Candidates, including 2 independent candidates.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission (NEC), September 10, 2009, Monrovia, Liberia

David Baysah, Chairman, Sociology Department, AME University, September 10, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 10, 2009, Monrovia, Liberia

Peter Queque, President, Press Union of Liberia, September 10, 2009, Monrovia, Liberia

**100:** While there is no guarantee of electoral success, political parties can form freely without opposition.

**75:**

**50:** Some barriers to formation are present, such as burdensome registration requirements that may not be fairly applied. Some parties' political viewpoints may draw pressure from the government, such as surveillance or intimidation. Some political parties or organizations may have extra barriers to getting on a ballot.

**25:**

**0:** Some political parties are effectively barred from forming through some manner of official or unofficial pressure. This may include threats, arrest, or violence from competing parties or other groups.

16d. In practice, all citizens can run for political office.

100 | 75 | 50 | 25 | 0

**Comments:**

The cost of running a campaign is at the discretion of the candidate. If he or she chooses to spend more, its up to the person, prohibitive cost relative to political financing and elections are those costs associated with registration. And this cost would be interpreted as: Does the government charge or require exorbitant or prohibitive costs that prevents opposition candidates from running or registering in the elections to contest? This is not the case.

The number of persons who ran for election to the presidency attests to the fact that all citizens can campaign for political office, although campaign expenses presidency is capped at 2,000,000.

However, other people were able to enter the race and compete with candidates who had more access to resources. In recent by-elections, people from a broad spectrum of life campaigned for office. This means that anyone can campaign at affordable cost.

The recent Montserrado Bye Elections showed that a candidate's chance at the polls is not only a factor of the money he or she spends, i.e. because it is expensive to campaign only those with money will win" Its a false reasoning as far as the recent elections have shown. The cost bore by all candidates to reasonably make an impact on the electorates are both relatively, vis a vis the country's financial and economic conditions modest; and at the same time, they are comparative to candidates. Although some would spend slightly higher than the others.

In 2005, according to political finance records filed at the National Elections Commission, for the position of Representative, some candidate spend as low as 1,500.00(One Thousand Five Hundred United States Dollars), while others spend 5,000.00 dollars and more.

To summarize, a cost is considered prohibitive when it is imposed by the Government as a prerequisite for participation, not when it is up to the discretion of the candidate as to how he or she wants to run his or her campaign. An example of a prohibitive cost

imposed by the government took place in the elections of 1985. In 1984, the year before the elections, the United Peoples Party was denied registration because it could not come up with a registration bond of 50,000.00. The military recognized that Baccus Mathews was popular, and so allowing him in the elections was going to be disastrous for them, and so they induced the Election Commission to impose the registration fee, and when they could not come up with it, they were banned from participating.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission (NEC), September 10, 2009, Monrovia, Liberia

David Baysah, Chariman, Sociology Department, AME University, September 10, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 10, 2009, Monrovia, Liberia

Peter Queque, President, Press Union of Liberia, September 10, 2009, Monrovia, Liberia

**100:** While there is no guarantee of electoral success, anyone can run for office under transparent and equitable guidelines. There is a formal process for access to the ballot which is fairly applied. The costs of running a campaign are reasonable and do not deter candidates from entering a race.

**75:**

**50:** Some barriers exist to getting on the ballot and bureaucratic or regulatory requirements for doing so may be unfairly applied. The costs of running a political campaign are significant and result in dissuading some candidates from running for office. A system of party lists may discourage or prevent independent candidates from running for office.

**25:**

**0:** Citizens can effectively be barred from the ballot through government abuse of official rules and/or unofficial pressure. The costs of running a campaign are extremely high and result in most average citizens being unable to run an effective campaign for office.

16e. In practice, an opposition party is represented in the legislature.

100 | 75 | 50 | 25 | 0

**Comments:**

There are several opposition parties represented in the Legislature, including the Congress for Democratic Change, Liberty Party, APD, the National Democratic Party of Liberia, etc. Their representatives are forceful both in the Senate and the House of Representatives.

**References:**

Worlea Saywah Dunah, Representative (Nimba County), Liberia National Legislature, September 10, 2009, Monrovia, Liberia

David Baysah, Chairman, Sociology Department, AME University, September 10, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 10, 2009, Monrovia  
Zoegar Jaynes, Independent Media Consultant, September 10, 2009, Monrovia, Liberia

**100:** The opposition party always has some influence on the proceedings of the legislature. The opposition party can introduce legislation or bring pending matters to a vote without the consent of the ruling party.

**75:**

**50:** The opposition party has influence on the proceeding of the legislature, but it is limited in scope. The opposition's ability to force votes or publicly debate certain topics may be limited.

**25:**

**0:** The opposition party has only token participation in the legislature's proceedings and cannot advance legislation or force a debate.

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## II-2. Election Integrity

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### 18. Is the election monitoring agency effective?

20

18a. In law, the agency or set of agencies/entities is protected from political interference.

YES | **NO**

**Comments:**

There are not sufficient safeguards in law that protect the Commission from political influence. No security of tenure, non protection from arbitrary removal from office in the form of removal for cause, subject to due process of law; i.e. judges are removed for cause and subject to impeachment proceedings, and they have tenure for life. Commissioners of the Elections Commission serve at the will and pleasure of the President, therefore considering the President of Liberia to be the most politically influential person in Government and political life, the commission is not protected from influence. Reliance on provision in the electoral law that request commissioner to be apolitical and not members of political parties is insufficient and laughable, and cannot form the basis for determination of stamping out political influence.

To be safeguarded from influence, one must be protected by law in the form of security of tenure, autonomy of decisions, autonomy of controlling finances or even pledged finances, prohibition from receiving gifts and perquisites; and authority to make one's own guidelines that are subject to judicial review. The commission fits this profile but stop short at the critical element of tenure security, pledged finances and post-office serving appointment in government as well as private sector.

**References:**

Not sufficient safeguards

**YES:** A YES score is earned only if the agency or set of agencies/entities has some formal organizational independence from the bodies contesting in the election. A YES score is still earned even if the entity is legally separate but in practice staffed by partisans.

**NO:** A NO score is earned if the election monitoring agency or set of agencies/entities is legally tied to bodies contesting the election (i.e. an executive branch agency such as the Interior Ministry, or a committee of the legislature). A NO score is automatically earned if there is no domestic election monitoring agency.

18b. In practice, agency (or set of agencies/entities) appointments are made that support the independence of the agency.

100 | 75 | 50 | 25 | 0

**Comments:**

In 2006, following the appointment of the NEC, the Congress for Democratic Change vehemently opposed the appointment of its Chairman James Fromoyan, who is a former comrade and confidant of the President. The concurrent appointment of Francis Johnson Morris, who administer the elections that brought the president to office, as Minister of Justice, suggests a quid pro quod obligation. These appointments are made at the will and pleasure of the president.

In 1985, the Emmet Harmon Commission, due to political pressure and lack of security, played a key role in helping the Government to rig the elections. The rules and guidelines were made to favor the ruling party and disadvantage the opposition. This is the same trend that continues today. Probably to be considered independent, appointment to commissions such as the anti-corruption commission, the NEC and others, people should follow the procedures used by the TRC, subject to public vetting; eventually, the commissioners would not be angel, but their records would be so exposed and scrutinized that they would be under public pressure, not political pressure to do the right thing.

The recruitment of administrative staff is not subject to public scrutiny, for an example; the Magistrates, Assistant Magistrates, Poll workers. In the process of vote rigging, these people are key elements in the machinery. Poll workers and magistrates should be subject to review in their own counties because their people know them best. Taking people from one part of the country to another to administer elections where no one knows them and can vouch for their independence speaks volume.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission (NEC), September 10, 2009, Monrovia, Liberia

David Baysah, Chariman, Sociology Department, AME University, September 10, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 10, 2009, Monrovia,

**100:** Appointments to the agency or set of agencies/entities 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. However, 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.

18c. In practice, the agency or set of agencies/entities has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

The NEC budget does allow her to be in the position to hire sufficient staff for the conduct of elections. But there is still the need for capacity in following elections integrity issues, for an example, audit or causing to be audited the disclosures and records of political parties and candidates, the monitoring of party and candidates campaigns to ensure that reports and instances of vote buying and misuse of state and administrative resources are punished, and lastly, the use of violence, threats and intimidation are addressed. There are a lot of regulations in law governing conduct that the commission seems incapacitated to address. In the recent Montserrado Bye Elections, there were wide spread reports of ghost polling stations, i.e. voters were lost as to where there stations were. Places officially listed did not exist or voters could not find them, and the ones they could find did not have their



names listed on the register, in others, poll workers arrive late for polling to begin at mid day. Civic education for the Montserrado Bye elections was abysmally poor that the turn out was dismal.

So my judgement of the professionalism of the staff is based on output, not necessarily what kind of academic credentials they may have.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission (NEC), September 10, 2009, Monrovia, Liberia

David Baysah, Chairman, Sociology Department, AME University, September 10, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 10, 2009, Monrovia, Liberia

Peter Queque, President, Press Union of Liberia, September 10, 2009, Monrovia, Liberia

**100:** The agency or set of agencies/entities has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency or set of agencies/entities has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

**25:**

**0:** The agency or set of agencies/entities has no staff, or such a limited staff that is clearly unqualified to fulfill its mandate.

18d. In practice, the agency or set of agencies/entities makes timely, publicly available reports following an election cycle.

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

**Comments:**

The NEC has not fulfilled its mandate to produce reports in a timely manner after an election. In the recent Montserrado Bye Elections, reports of candidates and parties disclosure were not published as required by law. The annual reports of political parties due every september 1 cannot be found.

Civil Society Organizations conduct election monitoring and produce reports. In 2005, there were 121 organizations certificated to monitoring and other election-related work.

Two of these groups stood out as exceptional: The Campaign Monitoring Coalition (CMC) and the work of National Coalition for Election Monitoring. CMC brought complaints against several candidates for vote buying and misuse of state resources. Although no action was taken following several hearings but the public took strong note of these violations.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission (NEC), September 10, 2009, Monrovia, Liberia

David Baysah, Chairman, Sociology Department, AME University, September 10, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 10, 2009, Monrovia, Liberia

Caroline Myers, Independent Researcher on the Liberian Media, September 10, 2009, Monrovia, Liberia

**100:** Reports are released to the public on a predictable schedule, without exceptions.

**75:**

**50:** Reports are released, but may be delayed, difficult to access, or otherwise limited.

**25:**

**0:** The agency or set of agencies/entities makes no public reports, issues reports which are effectively secret, or issues reports of no value.

18e. In practice, when necessary, the agency or set of agencies/entities imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission (NEC), September 10, 2009, Monrovia, Liberia

David Baysah, Chariman, Sociology Department, AME University, September 10, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 10, 2009, Monrovia, Liberia

Caroline Myers, Independent Researcher on the Liberian Media, September 10, 2009, Monrovia, Liberia

**100:** When rules violations are discovered, the agency or set of agencies/entities is aggressive in penalizing offenders and/or in cooperating with other agencies in penalizing offenders.

**75:**

**50:** The agency or set of agencies/entities enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency or set of agencies/entities does not effectively penalize offenders and/or cooperate with other agencies in penalizing offenders. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

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## 19. Are elections systems transparent and effective?

96

19a. In practice, there is a clear and transparent system of voter registration.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission (NEC), September 10, 2009, Monrovia, Liberia

David Baysah, Chairman, Sociology Department, AME University, September 10, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 10, 2009, Monrovia, Liberia

Caroline Myers, Independent Researcher on the Liberian Media, September 10, 2009, Monrovia, Liberia

**100:** There is a transparent system of voter registration that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote.

**75:**

**50:** There is a transparent voter registration system that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote but there are some problems. Voters may have not access to registration lists with sufficient time to correct errors before voting or registration lists may at times be inaccessible.

**25:**

**0:** The system of voter registration is incomplete or does not exist. Government may routinely falsify registration lists to affect voting patterns and limit access to the polls. Double voting and ghost" voting by non-existent voters is common.

19b. In law, election results can be contested through the judicial system.

**YES** | **NO**

**References:**

Complaints Regulations, Section 3.2(B),

<http://www.necliberia.org/content/legaldocs/guidelinesandreg/complaintsnappeals.pdf>

**YES:** A YES score is earned if citizens or political parties can challenge allegedly fraudulent election results through the courts or other judicial mechanisms.

**NO:** A NO score is earned if there is no legal right for citizens or political parties to challenge allegedly fraudulent election results in the courts or other judicial mechanisms.

19c. In practice, election results can be effectively appealed through the judicial system.

**Comments:**

During the 2005 elections many people took the commission to court. One notable case was the complaint brought by Marcus Jones. Jones was denied nomination on the ballot. The Supreme Court ruled that the commission was wrong and ordered that the problem be corrected.

This ruling was made a few days prior to the elections, during the first week of October 2005. The decision meant the commission would have to reprint the ballot. However, there was a negotiated settlement. ECOWAS and the National Transitional Government provided Jones some compensation as relief for the detriment that he suffered.

A complaint mechanism beginning and culminating in the Elections Commission, where an administrative ruling has been handed down for infraction is quite different from an judicial appeal process beginning and culminating in the Supreme Court. These two are not the same. The Commission has sufficient time to hear and rule on cases, perhaps it may not have sufficient capacity, but the issue of time is notwithstanding here. In the event where an administrative ruling is handed down, a candidate or a citizen has sufficient time to challenge this in court. In any case, a candidate may choose and prime his objection in court—this is left with his or her discretion, and no length of time can change this fact. In the event where a candidate brings a case that threatens the electoral calendar, it is left the commission's discretion to make relevant adjustments in its schedule for the elections, especially where the outcome may have a bearing on the polls that it holds. It is also at liberty to pursue an out of court settlement of the issue, assuming it wants to stick to its schedule.

Where an administrative decision can be overturned by the courts, it does not matter whether the commission goes ahead with the implementation of its decision; if the court determine it to be void, it is voided. For an example, in 2005, when the case was brought before the Supreme court for wrongful denial of registration by Marcus Jones, the court ruled in favor of Jones, and in response to this ruling, because the Commission realized it was in a catch 22 situation, it pursue an out of court settlement which still saw the polls going ahead on schedule. This was a political settlement that saw Jones and others make concession.

The complaints are of two nature, administrative and criminal. Under the Liberian law, issues related to certain corruption and fraud have unlimited statute of limitation, therefore cannot be regulated by guidelines for the filing of complaints, and it is left with the discretion of the candidate to chose the timing of his or her case, which when clothed with sufficient merit could jeopardize the holding of the polls, assuming that the outcome has sufficient bearing on the polls.

In 2005, the Commission was caught pants down with the Supreme Court decision, I personally had a meeting with the Commission's Chair, Francis Johnson Morris as soon as the ruling was handed down. And since the CPA schedule was threatened a political settlement was opted for that saw Jones and others traveled to Nigeria to meet with Chief Negotiator Abdul Salam. This schedule was even more flexible because it came out of a negotiated settlement of the conflict reached in Accra, and was not predicated upon constitutional procedures and timetable.

Prolonging the time interval between rounds to allow candidate and citizens to file complaints in this case appears superficial, and when followed on puts the nation in a state of apprehension. In 2005 round one where CDC accuse the process of being fraudulent, it could have pursued it case had it decided to. I dont see the situation where because a candidate or a citizen has a case, the process should be stalled simply because a case has been filed. The decision to stall or continue ultimately rests with the commission. If it feels that its defence is not strong enough to defeat the candidate's case it may take precautionary measure to await the case outcome. But where the case outcome is indeterminate, it becomes preposterous to stall the process simply because a case has been brought, and in order to provide a cushion for cases that has bearing on the process, no length of interval can account for this, because some variables are exogenous to the process.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission, September 10, 2009, Monrovia, Liberia

Blamo Kofa, Instructor of Sociology, AME Zion University, September 10, 2009, Monrovia, Liberia

Eddie Jarwolo, Executive Director, National Youth Movement for Transparent Elections, September 10, 2009

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building; September 12, 2009, Nairobi, Kenya (via internet)

**100:** The electoral appeals mechanism takes cases from both candidates complaining of flaws in the electoral process as well as citizens bringing complaints related to denial of suffrage or registration errors. There is an expedited process for resolving such complaints to avoid delaying a timely announcement of electoral results.

**75:**

**50:** The electoral appeals mechanism takes complaints from both candidates and voters but may not always act on complaints promptly. The appeals mechanism may be abused at times by parties or candidates seeking to delay the announcement of electoral results.

**25:**

**0:** The electoral appeals mechanism rarely or never acts on complaints brought by candidates or citizens. Citizens may not be able to bring complaints related to denial of suffrage or voter registration errors.

19d. In practice, the military and security forces remain neutral during elections.

100 | 75 | 50 | 25 | 0

**Comments:**

In the 1997 Elections, the peacekeeping force ECOMOG, out of frustration and the desire to return home, openly supported Taylor at the polls, by encouraging illiterate people to vote for Taylor. They felt that the election of Taylor would be the best guarantee of peace because he was the biggest force. This decision turned out to be wrong, and it did not happen in the Elections of 2005, and it has not happen in subsequent by-elections.

**References:**

Blamo Kofa, Lecturer, Sociology Department, AME Zion University, September 10, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 10, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009, Nairobi, Kenya, via (chat)

**100:** The military, military officers, and other security forces refrain from overtly supporting or opposing political candidates or commenting on elections. The military or security forces refrain from physically interfering with political campaigns, rallies, or voting.

**75:**

**50:** The military, military officers, and security forces may be known to unofficially support or oppose particular candidates or parties. The military or security forces generally refrain from the use of force to support or oppose particular candidates or parties but there are exceptions.

**25:**

**0:** The military or other security forces are an active and explicit player in politics and overtly support or oppose particular candidates or parties. The military or security forces routinely exercise the use of force to support or oppose parties or candidates.

19e. In law, domestic and international election observers are allowed to monitor elections.

YES | NO

**References:**

Section 4.10 of 1986 New Electoral Law

Section 13 of 2004 Electoral Reform Law

<http://www.necliberia.org/content/legaldocs/laws/1986electionlaws.pdf>

<http://www.necliberia.org/content/legaldocs/laws/elereformlaw.pdf>

<http://www.necliberia.org/content/legaldocs/codeofconduct/observerscoc.pdf>

**YES:** A YES score is earned if domestic and international election observers are allowed to monitor the electoral process.

**NO:** A NO score is earned if there are any legal or regulatory prohibitions on the monitoring of the electoral process by domestic or international election observers.

19f. In practice, election observers are able to effectively monitor elections.

100 | 75 | 50 | 25 | 0

**Comments:**

There have been no reports of observers being denied access to polling stations during the recent by- elections held in Rivergee, Rivercess, Margibi and Gbarpolu.

**References:**

Blamo Kofa, Lecturer, Sociology Department, AME Zion University, September 10, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 10, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009, Nairobi, Kenya, via (chat)

**100:** Election observers have unfettered access to polling sites, counting stations, and voters themselves. The government does not interfere with the observers' activities.

**75:**

**50:** Election observers generally have access to polling sites, counting stations, and voters but encounter restrictions in certain areas. The government may impose burdensome regulatory or bureaucratic requirements on observers to discourage their involvement.

**25:**

**0:** Election observers' movements are significantly limited by the government and many polling and counting sites are restricted or barred from observers. The government imposes so many bureaucratic or regulatory burdens on the observers that their mission is rendered ineffective.

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17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

YES | NO

**Comments:**

The National Election Commission oversees elections. However these are purely administrative mandate of administering elections. Actual monitoring of elections is carried out by independent organizations in civil society and the media.

**References:**

New Electoral Law of 2004  
Electoral Law of 1986, section 2.9  
Coonstituion of Liberia, articles 77-84

**YES:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to ensure the integrity of the election process.

**NO:** A NO score is earned if no domestic agency or set of domestic agencies/entities exists that monitors elections. A NO score is earned if elections are only monitored by an agency informally, such as poll booth monitoring by the police, only by international observers, or only by NGOs. A NO score is earned if the domestic election agency or set of domestic agencies simply facilitates the process of voting but is not empowered to report violations or abuses.

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II-3. Political Financing

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20. Are there regulations governing the financing of political parties?

83

20a. In law, there are limits on individual donations to political parties.

YES | NO

**References:**

There is no limitation on the amount of money that anyone can give, only restrictions on who may not give.

**YES:** A YES score is earned if there are any limits in size on individual contributions to political parties. A YES score is also earned if individual contributions are prohibited.

**NO:** A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20b. In law, there are limits on corporate donations to political parties.

YES | NO

**Comments:**

No contribution shall be made, or knowingly received, from anonymous sources, funds belonging to a corporation, a labor organization or a bank.

**References:**

Section 6.1 of the Political Finance Regulations

**YES:** A YES score is earned if there are any limits in size on corporate contributions to political parties. A YES score is earned if corporate contributions are prohibited.

**NO:** A NO score is earned if there are no limits on corporate contributions to political parties. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20c. In law, there are limits on total political party expenditures.

YES | NO

**References:**

Section (20) of the Electoral Reform Law of 2004

<http://www.necliberia.org/content/legaldocs/laws/elereformlaw.pdf>

**YES:** A YES score is earned if there are any limits in size on political party expenditures during the course of an election.

**NO:** A NO score is earned if there are no limits on political party expenditures during an election. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20d. In law, there are requirements for the disclosure of donations to political parties.

YES | NO



**Comments:**

Section 14. Publication of financial reports by the Commission:

(1) The Commission shall make the Candidate Financial Disclosure form of every candidate available for viewing by the members of the public at the Commission Headquarters in Monrovia during normal working hours.

(2) The Commission shall make public the itemization of contributions and expenses furnished by each campaign committee, pursuant to the preceding paragraphs, seven days before each election, and thirty (30) days after each election.

(3) For the purposes of this section, the Commission shall publish in at least two (2) newspapers with greatest circulation and shall make electronically available, a financial summary of each campaign committee's report. The Commission shall make each campaign committee report available to the public, and shall take appropriate actions to ensure that all citizens have easy access, at the office of the Commission during working hours, to all information contained within the reports.

**References:**

Campaign Finance Regulations, Section 20

**YES:** A YES score is earned if there are any requirements mandating the disclosure of financial contributions to political parties.

**NO:** A NO score is earned if there are no requirements mandating the disclosure of contributions to political parties, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

20e. In law, there are requirements for the independent auditing of the finances and expenditures of political parties when financial irregularities are uncovered.

YES | NO

**Comments:**

The Commission shall have the power to retain an independent auditing agency to conduct certified audits of the financial transactions of a campaign committee. A person or organization appointed by the Commission to the Audit Committee or commissioned by the Commission to conduct certified audits shall not be a member of any political party, an appointed accountant or employee of any party, or have been or served in such a capacity during the three years prior to appointment.

**References:**

Campaign Finance Regulations, Section 17(2)

**YES:** A YES score is earned if there is a legal or regulatory requirement for the independent auditing of party finances and expenditures when irregularities are uncovered. The auditing is performed by an impartial third-party.

**NO:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of political parties' finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for parties to self-audit.

20f. In law, there is an agency or entity that monitors the financing of political parties.

YES | NO

**Comments:**

The Duties and Responsibilities of the National Election Commission are:

- 1) To administer and enforce all laws relative to the conduct of Elections in Liberia
- 2) To organize the office of the NEC
- 3) To propose the National Legislature, the repeal of, enactment of, and amendment of legislation
- 4) To give accreditation and registration to political parties and independent candidates
- 5) Conduct Election for all elective public offices;
- 6) Formulate and enforce guidelines pertaining to the conduct of elections

**References:**

Political Finance Regulation

**YES:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of political parties. A YES score is earned even if the agency/entity is ineffective in practice.

**NO:** A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

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## 21. Are there regulations governing the financing of individual political candidates?

80

21a. In law, there are limits on individual donations to political candidates.

YES | NO

**References:**

Limits on individual donations to political candidates does not exist in law.

**YES:** A YES score is earned if there are any limits in size on individual contributions to political candidates. A YES score is also earned if individual contributions are prohibited.

**NO:** A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21b. In law, there are limits on corporate donations to individual political candidates.

YES | NO

**Comments:**

Abuse of state resources:

(1) No contribution shall be made, or knowingly received, from anonymous sources, funds belonging to a corporation, a labor organization or a bank.

**References:**

Section (6) of the Campaign Finance Regulations

**YES:** A YES score is earned if there are any limits in size on corporate contributions to individual political candidates. A YES score is earned if corporate contributions are prohibited.

**NO:** A NO score is earned if there are no limits on corporate contributions to individual political candidates. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21c. In law, there are requirements for the disclosure of donations to individual political candidates.

YES | NO

**Comments:**

The Commission shall make the Candidate Financial Disclosure form of every candidate available for viewing by the members of the public at the Commission Headquarters in Monrovia during normal working hours.

**References:**

Section (14), Campaign Finance Regulations of 2005

**YES:** A YES score is earned if there are any requirements mandating the disclosure of financial contributions to individual political candidates.

**NO:** A NO score is earned if there are no requirements mandating the disclosure of contributions to individual political candidates, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

21d. In law, there are requirements for the independent auditing of the campaign finances of individual political candidates when irregularities are uncovered.

YES | NO

**References:**

Section 17, Campaign Finance Regulations of 2005

**YES:** A YES score is earned if there is a legal or regulatory requirement for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. The auditing is performed by an impartial third-party.

**NO:** A NO score is earned if there are no legal or regulatory requirements for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for candidates to self-audit.

21e. In law, there is an agency or entity that monitors the financing of individual political candidates' campaigns.

YES | NO

**References:**

Political Finance Regulation

**YES:** A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of individual political candidates' campaigns. A YES score is earned even if the agency/entity is ineffective in practice.

**NO:** A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

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## 22. Are the regulations governing the political financing of parties effective?

8

22a. In practice, the limits on individual donations to political parties are effective in regulating an individual's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** Existing limits represent the full extent to which an individual can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign.

**75:**

**50:** Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which individuals can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a political party are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22b. In practice, the limits on corporate donations to political parties are effective in regulating a company's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

**Comments:**

During the 2005 elections, it was difficult to distinguish the use of corporate assets, such as vehicles, as being acts of individual support for a candidate or acts sanctioned by corporate entities. But, judging from the fact that there were no statements from institutions that distanced themselves from this behavior, it was thought by many in the public that the institutions involved were supporting the candidate who were being advertised on their vehicles.

However, the National Elections Commission (NEC) took no action regarding these violations, .

Although the law frowns on corporate support, enforcement and detection of violations is quite difficult. When the CMC brought to the attention of the NEC a probable transfer of 2,000,000 dollars from Mittal Steel to Varney Sherman, a presidential candidate at the time, the NEC did not even seek a court order to investigate it.

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** Existing limits represent the full extent to which a company can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a company can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which companies can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that

advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to political parties are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22c. In practice, the limits on total party expenditures are effective in regulating a political party's ability to fund campaigns or politically-related activities.

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

**Comments:**

Limits on total party expenditures are not effective because it is difficult to trace the money trail on them, especially outside of Monrovia. In 2005, the National Elections Commission (NEC) set the maximum cash expenditure at 250 dollars. Any amount above this threshold was required to be paid by check, but this could not hold because outside of Monrovia, payments were made by cash above the threshold.

There were many other unreported expenditures according to CSO monitors. In the second round of the presidential elections, one of the candidates used a helicopter to campaign in but this was poorly reflected in the reporting.

The NEC is also not also keeping track of how candidates spend their money. The commission depends on the goodwill of the candidates and nothing else.

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** Existing limits represent the full extent to which political parties are able to finance their activities. Limits are reasonably low enough in the context of the total costs of running a party to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a political party can finance its activities. However, exceptions and loopholes exist through which parties can generate revenue or finance their activities beyond the scope of existing regulations. Such loopholes could include taking loans that are outside of the scope of regulations covering direct donations; links to revenue-generating business activities that are beyond the scope of electoral or campaign-related regulations; or accepting in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a party

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of expenditures are made outside of the formal limitation system. Limits are so high that they are meaningless in the context of the overall costs of running a party.

22d. In practice, when necessary, an agency or entity monitoring the financing of political parties independently initiates investigations.

100 | 75 | 50 | 25 | 0

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of political parties, or cooperates well with other agencies that do. The agency is fair in its application of this power.

**75:**

**50:** The agency or entity will start investigations, but often relies on external pressure to set priorities, has limited effectiveness when investigating, or is reluctant to cooperate with other agencies in politically sensitive cases. The agency, though limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The agency or entity rarely investigates on its own, is uncooperative with other agencies, or the agency or entity is partisan in its application of this power.

22e. In practice, when necessary, an agency or entity monitoring the financing of political parties imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or cooperates well with other agencies that impose penalties.

**75:**

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

**25:**

**0:** The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power and may refuse cooperation with other agencies.

22f. In practice, contributions to political parties are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

Contributions to political parties are supposed to be audited but they never are. The National Elections Commission is suppose to have a subcommission to audit the records submitted to them, but since the 2005 Presidential elections, no audit has been carried out, including audits for the records from six by-elections.

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** Political party finances are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities. Auditing includes the auditing of nominally independent financial organizations that act as financial extensions of the party.

**75:**

**50:** Political party finances (as defined) are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions. Contributions to the political party may be sufficiently audited, but the auditing of nominally independent extensions of the party may not be.

**25:**

**0:** Party finances are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

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## 23. Are the regulations governing the political financing of individual candidates effective?

0

23a. In practice, the limits on individual donations to political candidates are effective in regulating an individual's ability to financially support a particular candidate.

100 | 75 | 50 | 25 | 0

**Comments:**

There are no limits on individual donations to political candidates.



**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** Existing limits represent the full extent to which an individual can directly or indirectly financially support a political candidate. Limits are reasonably low enough in the context of the total costs of running a campaign.

**75:**

**50:** Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a particular candidate. However, exceptions and loopholes exist through which individuals can indirectly support particular political candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a particular political candidate are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23b. In practice, the limits on corporate donations to individual candidates are effective in regulating a company's ability to financially support a candidate.

100 | 75 | 50 | 25 | 0

**Comments:**

There are limits on corporate donations to individual candidates but they are unenforceable because there are no mechanisms to monitor compliance.

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** Existing limits represent the full extent to which a company can directly or indirectly financially support an individual candidate. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

**75:**

**50:** Existing limits generally represent the full extent to which a company can directly or indirectly financially support an individual candidate. However, exceptions and loopholes exist through which companies can indirectly support individual candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

**25:**

**0:** Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to individual candidates are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23c. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns independently initiates investigations.

100 | 75 | 50 | 25 | 0

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of individual candidates' campaigns, or cooperates well with other agencies that do. The agency is fair in its application of this power.

**75:**

**50:** The agency or entity will start investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power. It may be reluctant to cooperate with other investigatory agencies.

**25:**

**0:** The agency or entity rarely investigates on its own, or the agency or entity is partisan in its application of this power. It does not cooperate well with other investigatory agencies.

23d. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or in cooperating with other agencies that do.

**75:**

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

**25:**

**0:** The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power or may refuse to cooperate with other agencies.

23e. In practice, the finances of individual candidates' campaigns are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

The National Elections Commission has not commissioned the auditing of any political party records.

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** The finances of individual candidates' campaigns are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities.

**75:**

**50:** The finances of individual candidates' campaigns are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions.

**25:**

**0:** The finances of individual candidates' campaigns are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

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## 24. Can citizens access records related to the financing of political parties?

75

24a. In practice, political parties disclose data relating to financial support and expenditures within a reasonable time period.

**Comments:**

Party are required to disclose disclose data relating to financial support and expenditures by September 1 of every year. In an election year they are to disclose these data twice. But in practice, they have not been following this constitutional mandate.

In 2008, the National Elections Commission made a decision to fine several parties due to their lack of reporting. But this only amounted to a small portion because so many parties have not been filing and publishing these reports, as the law requires them to.

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**100:** Political parties disclose their sources of funding and expenditures at least every quarter.

**75:**

**50:** Political parties disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

**25:**

**0:** Political parties never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

24b. In practice, citizens can access the financial records of political parties within a reasonable time period.

**Comments:**

Once a request is made through a visit to the commission, the financial records of political parties are made available. Disclosures are published, as well.

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**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 two to four weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

24c. In practice, citizens can access the financial records of political parties at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

A requester of the financial records of political parties only has to pay for the photocopying cost.

**References:**

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009; Monrovia, Liberia

**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.

24d. In practice, the publicly available records of political parties' finances are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

The records of political parties' finances that are available at the National Elections Commission contain significant details, such as addresses of individual contributors, followed by signed statements.

The quality of the financial reports is as good as the economic system they have been filed. Companies are not allowed to make financial donation therefore it would not be necessary to trace donations there. as for tax obligations, it is left with the commission to follow up on this because, they would be the one with the legal powers to do so, especially where the candidates do make their submission with a copy of their tax clearances attached as part of the submission.

There are reasonable grounds for reasonable doubts regarding the materiality and the truthfulness of the report, but judging the report within the scope of what is possible and practical, the reports are of reasonable quality. Some of the issues surrounding the report are for example the report can not readily be traced to withdrawals from their bank accounts, but this is not of their

intentional making. There are or were relatively limited banks outside of Monrovia, and payment by check has not become a truly acceptable means of payment, therefore all payments were made in cash, although the political finance regulations required that payment above 250 dollars should be made by check.

**References:**

Blamo Kofa, Lecturer, Sociology Department, AME Zion University, September 13, 2009, Monrovia, Liberia  
D. Maxim Kumeh, Executive Director, Initiative for Positive Change, September 13, 2009; Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 13, 2009, Monrovia, Liberia

**100:** Publicly available records of political parties' finances are complete and detailed, itemizing all significant sources of income and expenditures.

**75:**

**50:** Publicly available records of political parties' finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

**25:**

**0:** Publicly available records of political parties' finances, when available, are so incomplete or overly general as to render them useless in understanding a party's sources of income and its expenditures.

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## 25. Can citizens access records related to the financing of individual candidates' campaigns?

75

25a. In practice, individual political candidates disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Disclosure of data relating to financial support and expenditures are made before elections to the National Elections Commission (NEC) as part of the nomination process. This was recently part of the nomination process for the 2009 Montserrado County senatorial by-elections.

This was reported on the radio program: "This Government Thing" aired on UNMIL Radio, October 21, 2009, by the NEC Political Affairs Officer Joseph Yarsiah. He appeared with AGENDA's Senior Policy Director G. Jasper Cumme III.

**References:**

Blamo Kofa, Lecturer, Department of Sociology, A.M.E Zion University, September 13, 2009, Monrovia, Liberia

Eddie Jarwolo, Executive Director, National Youth Movement for Transparent Elections, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009, Monrovia, Liberia

**100:** Individual candidates disclose their sources of funding and expenditures at least every quarter.

**75:**

**50:** Individual candidates disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

**25:**

**0:** Individual candidates never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

25b. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

The financial records of individual candidates (their campaign revenues and expenditures) are available at the Elections Commission and can be accessed on request. During elections years, such as in 2005, they were published online.

**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME Zion Univeristy, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 14, 2009, Monrovia, Liberia

**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 two to four weeks to obtain. Some delays may be experienced.

**25:**

**0:** Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

25c. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

The financial records of individual candidates (their campaign revenues and expenditures) are only available at the National Elections Commission (NEC) headquarters. Citizens from other parts of the nation who want access to these records would have to come to Monrovia to file their application; thus, the disparity. It would be easier if could they access them at their local NEC offices.

**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME Zion Univeristy, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 14, 2009, Monrovia, Liberia

**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.

25d. In practice, the publicly available records of political candidates' campaign finances are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

To some extent the publicly available records of political candidates' campaign finances are of high quality, except there may be some information that is not disclosed. It is hard to determine what has been left out.

**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME Zion University, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia;

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009, Monrovia, Liberia

**100:** Publicly available records of political candidates' campaign finances are complete and detailed, itemizing all significant sources of income and expenditures.

**75:**

**50:** Publicly available records of political candidates' campaign finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

**25:**

**0:** Publicly available records of political candidates' campaign finances, when available, are so incomplete or overly general as to render them useless in understanding a candidate's sources of income and expenditures.



III-1. ~~45~~ Executive Accountability

27. Can the chief executive be held accountable for his/her actions?

81

27a. In practice, the chief executive gives reasons for his/her policy decisions.

100 | 75 | 50 | 25 | 0

**Comments:**

Some media institutions have complained that they are sometime barred from attending press conferences with the President, although generally all media are welcomed. The president holds a regular press conference every month, and her press secretary holds regular briefings, as well. The president usually explain policy decisions, even though not everyone is yet satisfied.

Some examples of decisions that have been explained: a reduction in the Common External Tariff; reduction in income taxes from 35 to 25 percent; reduction is corporate income taxes from 35 to 25 percent; reduction in the price of the nation's food by 2.1 dollars.

**References:**

Blamo Kofa, Lecturer, Department opf Sociology, AME Zion University, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009, Monrovia, Liberia

**100:** The chief executive and/or cabinet ministers 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 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 do not give substantial justifications for policy. Public appearances by the chief executive offer no exposure to critical questions. The government and government-run media routinely sensor such sessions.

27b. In law, the judiciary can review the actions of the executive.

YES | NO

**Comments:**

The Supreme Court shall be final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases whether emanating from courts of record, courts not of record, administrative agencies, autonomous agencies or any other authority, both as to law and fact except cases involving ambassadors, ministers, or cases in which a country is a party. In all such cases, the Supreme Court shall exercise original jurisdiction. The Legislature shall make no law nor create any exceptions as would deprive the Supreme Court of any of the powers granted herein.

**References:**

Article 66 of the 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 executive.

**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).

27c. In practice, when necessary, the judiciary reviews the actions of the executive.

100 | 75 | 50 | 25 | 0

**Comments:**

The judiciary makes decisions but there are challenges to their enforcement: In one case where the Supreme Court made a decision concerning the location of the president's State of the Nation address, the executive did not heed the court's judgment.

The Supreme Court has reviewed the actions of both the Legislature and the Executive. The only difference here is that a case has to be brought to the court, unlike certain jurisdiction where on its own recognizance the court may declare a law or action unconstitutional on its own review. The cases where the actions of the Executive have been reviewed, the outcomes has been unpredictable, and there are so many on them:

- (1) Ministry of Justice Vs the alleged Nigerian drug lord for 500,000 seizure. Outcome, the businessman won the case
- (2) Ministry of Justice Vs Gyude Bryant et al Bryant won the case
- (3) John Morlu Vs Legislature John Morlu won the case
- (4) Liberty Party vs Executive Mansion, Executive mansion won
- (5) Edwin Snowe vs Ministry of Justice Edwin Snowe won

The courts have capacity constraints but in terms of handing down fair ruling at the Supreme Court level, it has always been consistent with law or preceden

**References:**

Blamo Kofa, Lecturer, Department opf Sociology, AME Zion University, September 13, 2009, Monrovia, Liberia

**100:** When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing 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 rely upon the executive to initiate a constitutional or legal review.

**75:**

**50:** The judiciary will review 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 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.

27d. In practice, the chief executive limits the use of executive orders for establishing new regulations, policies, or government practices.

100 | 75 | 50 | 25 | 0

**Comments:**

Since coming to office in 2005, 22 executive orders have been issued, an average of 4 per year. These orders have been issued on occasions where there is no legislation on a particular issue. Even though some of them have exhausted their useful life, there is still no legislation regarding them. An executive order on prolonging the life of the governance commission when it was still the Governance Reform Commission angered some lawmakers.

These orders are not necessarily to by-pass the legislative process, rather temporary measures to create favorable condition while the legislative process is exhausted.

In post conflict where the system is broken and there is a need for quick wins and dividends of peace, executive actions can be crucial to stability, especially where used for the right reasons and conditions, as opposed to painstaking prolonged legislative processes that mired with political bickering.

**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME Zion University, September 13, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 13, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 13, 2009, Monrovia, Liberia

**100:** The chief executive 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 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 routinely abuses executive orders to render the legislature practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

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## 28. Is the executive leadership subject to criminal proceedings?

50

28a. In law, the heads of state and government can be prosecuted for crimes they commit.

YES | **NO**

### Comments:

The President shall be immune from any suits, actions or proceedings, judicial or otherwise, and from arrest, detention or other actions on account of any act done by him while President of Liberia pursuant to any provision of this Constitution or any other laws of the Republic. The President shall not, however, be immune from prosecution upon removal from office for the commission of any criminal act done while President.

### References:

Article 61 of the Liberian Constitution

**YES:** A YES score is earned if the heads of state and 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 either the head of state or 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 state or government.

28b. In law, ministerial-level officials can be prosecuted for crimes they commit.

**YES** | NO

### References:

Article 26 of the Liberian Constitution

**YES:** A YES score is earned if ministerial-level officials, or their equivalents, can all be investigated, charged or prosecuted for criminal allegations.

**NO:** A NO score is earned if any ministerial-level official, or equivalent official, cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on ministerial-level officials.

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## 29. Are there regulations governing conflicts of interest by the executive branch?

29a. In law, the heads of state and government are required to file a regular asset disclosure form.

YES | NO

**References:**

Liberia Anti-Corruption Commission Act

**YES:** A YES score is earned if the heads of state and 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 either the head of state or government is not required to disclose assets.

29b. In law, ministerial-level officials are required to file a regular asset disclosure form.

YES | NO

**References:**

Liberia Anti-Corruption Commission Act

**YES:** A YES score is earned if ministerial-level officials, or their equivalents, are all required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets.

**NO:** A NO score is earned if ministers are not required to disclose assets. A NO score is earned if some ministers must disclose assets, but other ministers are not required.

29c. In law, there are regulations governing gifts and hospitality offered to members of the executive branch.

YES | NO

**Comments:**

A code of conduct for public officials is yet to be passed.

**References:**

Regulations governing gifts and hospitality offered to members of the executive branch do not exist in law.

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

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

29d. In law, there are requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government).

YES | **NO**

**Comments:**

The law generally requires disclosure and gives the anti-corruption commission the power to set up a mechanism; unfortunately, the commission's mechanism does not include independent auditing.

**References:**

Requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government) do not exist in law.

**YES:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of 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 executive branch asset disclosures or if such requirements exist but allow for self-auditing.

29e. In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.

YES | **NO**

**Comments:**

Efforts to have this requirement enshrined in law was considered unnecessary during the last public hearing on the code of conduct bill. The Senior Policy Director of AGENDA raised the issue but this was not accepted. It was considered too harsh and unreasonable, given the fact that the money paid to people in government was too small to subject them to such restrictions. Councilor Negbalee Warner was the legal adviser to the Governance Commission on the issue, and in fact he drew up the act.

**References:**

Restrictions on heads of state and government and ministers entering the private sector after leaving the government do not exist in law.

**YES:** A YES score is earned if there are regulations restricting the ability of heads of state/government and ministers 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.

29f. In practice, the regulations restricting post-government private sector employment for heads of state and government and ministers are effective.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 14, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 14, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 14, 2009, Monrovia, Liberia

**100:** The regulations restricting post-government private sector employment for heads of state/government and ministers are uniformly enforced. There are no cases 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 state/government or ministers 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 state/government or ministers 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. A zero score is also earned if heads of state and government or minister are allowed to hold private sector jobs while in office.

29g. In practice, the regulations governing gifts and hospitality offered to members of the executive branch are effective.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 14, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 14, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 14, 2009, Monrovia, Liberia

**100:** The regulations governing gifts and hospitality to members of the executive branch are regularly enforced. Members of the 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 executive branch are generally applied though exceptions exist. Some ministers 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 executive branch are routinely ignored and unenforced. Ministers and other members of the executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

29h. In practice, executive branch asset disclosures (defined here as ministers and above) are audited.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 14, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 14, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 14, 2009, Monrovia, Liberia

**100:** Executive branch asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** 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:** 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.

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**30. Can citizens access the asset disclosure records of the heads of state and government?**

0

30a. In law, citizens can access the asset disclosure records of the heads of state and government.

YES | NO

**Comments:**

Political finance regulations, which also contains disclosure requirements, provide for disclosures to be published, but the context of the question does not relate to those records that are available through the National Elections Commission (NEC).



**References:**

Citizen access to the asset disclosure records of the heads of state and government does not exist in law.

**YES:** A YES score is earned if the heads of state and 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 either the head of state or government. A NO score is earned if the form is filed, but not available to the public.

30b. In practice, citizens can access the asset disclosure records of the heads of state and government within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 14, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 14, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 14, 2009, Monrovia, Liberia

**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.

30c. In practice, citizens can access the asset disclosure records of the heads of state and government at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 14, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 14, 2009, Monrovia, Liberia

**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.

30d. In practice, the asset disclosure records of the heads of state and government are of high quality.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 14, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 14, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 14, 2009, Monrovia, Liberia

**100:** The asset disclosure records of the heads of state and government are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the heads of state and government contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the heads of state and government are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

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## 26. In law, can citizens sue the government for infringement of their civil rights?

100

26. In law, can citizens sue the government for infringement of their civil rights?

YES | NO

**References:**

Article 26 of the Liberian Constitution

**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 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 government, or no such mechanism exists.

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31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

25

31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

100 | 75 | 50 | 25 | 0

**Comments:**

Its difficult to find the dividing line that keeps official government functions separate and distinct from the functions of the ruling political party because the General Services Agency has not put in place an effective assets management system that tracks government assets well.

Most people in government use public resources for their private ventures; therefore, using them for political campaigns cannot be a difficult venture, either.

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 14, 2009, Monrovia, Liberia

Dan Saryee, Executive Director, Liberia Democratic Institute, September 14, 2009, Monrovia, Liberia

Zoegar Jaynes, Independent Media Consultant, September 14, 2009, Monrovia, Liberia

**100:** Clear rules are followed distinguishing state functions from party activities. 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 state, 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 government bureaucracy is an extension of the ruling party. There are few boundaries between government and party activities. Government funds, equipment and personnel are regularly used to support party activities.

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## III-2. Legislative Accountability

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32. Can members of the legislature be held accountable for their actions?

92

32a. In law, the judiciary can review laws passed by the legislature.

YES | NO

**References:**

Article 65 of the Liberian Constitution

**YES:** A YES score is earned if there is a formal process by which the judiciary or constitutional courts can pass judgments on the legality or constitutionality of laws passed by the legislature.

**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 exceptions exist exempting certain legislative actions from being reviewed (a national security exemption, for example).

32b. In practice, when necessary, the judiciary reviews laws passed by the legislature.

100 | 75 | 50 | 25 | 0

**Comments:**

The judiciary only reviews a law when a party (not a political party but a party litigant) brings a suit about the law's constitutionality or its legality. The court itself cannot raise the issue. Usually, the law is challenged when someone believes it to be unconstitutional and so seeks redress against it.

**References:**

<http://www.frontpageafrica.com/newsmanager/anmviewer.asp?a=9853&z=2>, "Senators Threaten Lawsuit Over New Electoral Threshold in Liberia," 09/15/09,- Samwar S. Fallah, sfallah@FrontPageAfrica

Alaric Togba, Professor, Political Science Department, University of Liberia, September 13, 2009, Monrovia, Liberia

**100:** When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing laws passed and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power.

**75:**

**50:** The judiciary will review laws passed, 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 laws passed. 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.

32c. In law, are members of the national legislature subject to criminal proceedings?

**YES** | **NO**

**Comments:**

No member of the Senate or House of Representatives shall be arrested, detained, prosecuted or tried as a result of opinions expressed or votes cast in the exercise of the functions of his office. Members shall be privileged from arrest while attending, going to or returning from sessions of the Legislature, except for treason, felony or breach of the peace. All official acts done or performed and all statement made in the Chambers of the Legislature shall be privileged, and no Legislator shall be held accountable or punished therefor.

**References:**

Article 42 of the Liberian Constitution, <http://www.necliberia.org/content/legaldocs/laws/theconstitution.pdf>

**YES:** A YES score is earned if all members of the legislature can, in law, be investigated and prosecuted for criminal allegations.

**NO:** A NO score is earned if any member of the legislature cannot, in law, be investigated and prosecuted for criminal proceedings. A NO score is also earned if the legislative branch itself controls whether investigative or prosecutorial immunity can be lifted on members of the legislature.

---

**33. Are there regulations governing conflicts of interest by members of the national legislature?**

14

33a. In law, members of the national legislature are required to file an asset disclosure form.

YES | NO

**Comments:**

While canvassing for office, and before their nominations are accepted, members of the national legislature have to file an asset disclosure form. During office, they are to file them with the Liberia Anti-Corruption Commission (LACC), but it is still unclear how that works because the mechanism has not been fully laid out. They are only now being called upon to file these disclosures because the LACC act requires them to.

**References:**

Campaign Finance Regulations

Liberia Anti-Corruption Commission Act

<http://www.necliberia.org/content/legaldocs/guidelinesandreg/campaignfinanreg.pdf>

**YES:** A YES score is earned if all members of the legislature are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**NO:** A NO score is earned if any member of the legislature is not required to disclose assets.

33b. In law, there are restrictions for national legislators entering the private sector after leaving the government.

YES | NO

**References:**

Restrictions on national legislators entering the private sector after leaving the government do not exist in law.

**YES:** A YES score is earned if there are regulations restricting national legislators' 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.

33c. In law, there are regulations governing gifts and hospitality offered to members of the national legislature.

YES | NO

**Comments:**

This is a crucial issue because the amount of money and gifts offered to legislators when they have important assignments and bills to consider is enormous. Although these gifts are distributed surreptitiously, it is an open secret that they are being bribed. There is no legislation on lobbies, gifts and hospitality.

**References:**

Regulations governing gifts and hospitality offered to members of the national legislature do not exist in law.

**YES:** A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the legislature.

**NO:** A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the legislature. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

33d. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national legislature.

YES | **NO**

**Comments:**

The law is vague about what procedures the Liberia Anti-Corruption Commission should put in place. It only says that asset disclosures should be made to the commission. The mechanism that the commission has set up does not include independent auditing.

**References:**

Requirements for the independent auditing of the asset disclosure forms of members of the national legislature do not exist in law.

**YES:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of legislative branch asset disclosures. The auditing is performed by an impartial third-party.

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

33e. In practice, the regulations restricting post-government private sector employment for national legislators are effective.

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

**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME University, September 14, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, Actions for Genuine Democratic Alternatives, September 14, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 14, 2009, Monrovia, Liberia

**100:** The regulations restricting post-government private sector employment for national legislators are uniformly enforced. There are no cases or few cases of legislators 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, legislators 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. Legislators 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. A zero score is also earned if legislators are allowed to hold private sector positions while in office.

33f. In practice, the regulations governing gifts and hospitality offered to national legislators are effective.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME University, September 14, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, Actions for Genuine Democratic Alternatives, September 14, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 14, 2009, Monrovia, Liberia

**100:** The regulations governing gifts and hospitality to national legislators are regularly enforced. Legislators never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to national legislators are generally applied though exceptions exist. Some legislators 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 are rarely or never enforced. Legislators 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.

33g. In practice, national legislative branch asset disclosures are audited.

100 | 75 | 50 | 25 | 0

**Comments:**

The legislature would not even cooperate with the auditor general in the audit of their financial records. Therefore, the question is how would they even allow independent auditing of their assets, especially when the law does not require them to.



**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME University, September 14, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, Actions for Genuine Democratic Alternatives, September 14, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 14, 2009, Monrovia, Liberia

**100:** Legislative branch asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** Legislative 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:** The regulations are rarely or never enforced. Legislators 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.

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### 34. Can citizens access the asset disclosure records of members of the national legislature?

56

34a. In law, citizens can access the asset disclosure records of members of the national legislature.

**YES** | NO

**Comments:**

The Anti-Corruption Commission law requires members of the legislature to disclose their assets to the Liberia Anti-Corruption Commission. The commission recently published a report, in early October, on those who have complied and those who have not. It also states that citizens can apply to gain access to these records. This statement has yet to be tested.

**References:**

Campaign Finance Regulations, <http://www.necliberia.org/content/legaldocs/guidelinesandreg/campaignfinanreg.pdf>

**YES:** A YES score is earned if members of the national legislature 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 members of the national legislature. A NO score is earned if the form is filed, but not available to the public.

34b. In practice, citizens can access legislative asset disclosure records within a reasonable time period.

**Comments:**

Citizens can access disclosures made to the National Elections Commission (NEC) in reasonable time. However, these records are not available at the NEC local offices that are located in the counties.

Asset disclosures for non-election purposes are made to the Liberia Anti-Corruption Commission (LACC), but so far they have not been released to the public yet; nor have the procedures for accessing these documents been published by the LACC.

**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME University, September 14, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, Actions for Genuine Democratic Alternatives, September 14, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 14, 2009, Monrovia, Liberia

**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.

34c. In practice, citizens can access legislative asset disclosure records at a reasonable cost.

**Comments:**

Asset disclosure for members of the legislature are two-folds: They are submitted before they take office, and then again while they are in office.

The disclosures they submit before taking office are overseen by the National Elections Commission (NEC), and are apparently used to assess the candidates economic status (e.g., are they a property owner and tax payer). These records are available at the NEC.

However, those that are submitted to the Liberia Anti-Corruption Commission have not been made public yet. Therefore, it is safe to say that accessing these particular records may be costly.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission, September 22, 2009, Monrovia, Liberia

Blamo Kofa, Lecturer, Department of Sociology, AME Zion University, September 22, 2009, Monrovia, Liberia

D. Maxim Kumeh, Executive Director, Initiatives for Positive Change, September 21, 2009, Monrovia, Liberia

**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.

34d. In practice, the asset disclosure records of members of the national legislature are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

Asset disclosure records contain sources of income (cash and non-cash assets), liabilities and investments (if any). However, these disclosure are believed to be largely understated, and, during the campaigns, there are some funds received that are not disclosed; income earned is also not disclosed.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission, September 22, 2009, Monrovia, Liberia

Blamo Kofa, Lecturer, Department of Sociology, AME Zion University, September 22, 2009, Monrovia, Liberia

D. Maxim Kumeh, Executive Director, Initiatives for Positive Change, September 21, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 21, 2009, Monrovia, Liberia

**100:** The asset disclosure records of members of the national legislature are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the members of the national legislature contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the members of the national legislature are overly general, lack any meaningful detail, and do not provide clear accounting of the individuals' sources of income, investments, and other financial assets.

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35. Can citizens access legislative processes and documents?

35a. In law, citizens can access records of legislative processes and documents.

YES | **NO**

**Comments:**

However, citizens can attend legislative hearings. Even so, records for legislative hearings are not accessible to citizens, even when they request them.

**References:**

Regulations allowing citizens to access records of legislative processes and documents do not exist in law.

**YES:** A YES score is earned if there is a general legal right to access records of legislative proceedings including voting records. A YES score can still be given if there are formal rules for specific exemptions to the right to disclosure (special secret sessions related to national security).

**NO:** A NO score is earned if there is no general right to access documents recording legislative proceedings. A NO score is earned if there are exemptions to the general right that are not clearly defined by formal rules.

35b. In practice, citizens can access records of legislative processes and documents within a reasonable time period.

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

**Comments:**

Citizens cannot access records of legislative processes and documents.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission, September 22, 2009, Monrovia, Liberia

Blamo Kofa, Lecturer, Department of Sociology, AME Zion University, September 22, 2009, Monrovia, Liberia

D. Maxim Kumeh, Executive Director, Initiatives for Positive Change, September 21, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 21, 2009, Monrovia, Liberia

**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.

35c. In practice, citizens can access records of legislative processes and documents at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Citizens cannot access access records of legislative processes and documents.

**References:**

Joseph Yarsiah, Training Officer, National Elections Commission, September 22, 2009, Monrovia, Liberia

Blamo Kofa, Lecturer, Department of Sociology, AME Zion University, September 22, 2009, Monrovia, Liberia

D. Maxim Kumeh, Executive Director, Initiatives for Positive Change, September 21, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 21, 2009, Monrovia, Liberia

**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.

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43  
III-3. Judicial Accountability

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36. Are judges appointed fairly?

67

36a. In law, there is a transparent procedure for selecting national-level judges.

YES | NO

**Comments:**

Sub-national judges are appointed by the president, and they serve at his-or-her will and pleasure.

**References:**

A transparent procedure for selecting national-level judges does not exist in law

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

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

36b. In practice, professional criteria are followed in selecting national-level judges.

100 | 75 | 50 | 25 | 0

**Comments:**

The Bar Association and organizations such as the Trial Judges Association keep engaged in the process to ensure that standards of fairness, professionalism and ethics are applied in the selection and appointment of national-level judges. The constitution clearly lays out the criteria for those qualifications for any national judicial post.

**References:**

T. Negbalee Warner; Lawyer, Twe & Associates, Monrovia, Liberia, September 19, 2009

Gator Tate, Intern, American Bar Association, Louis Arthur Grimes School of Law; October 19, 2009, Monrovia, Liberia

His Honor James N. Kumeh, former Traffic Court Judge, and Member Trial Judges Association of Liberia; September 22, 2009, Monrovia, Liberia

P. Oxford Brown, Executive Director, Media Link, September 25, 2009, Monrovia, Liberia

**100:** National-level judges selected have relevant professional qualifications such as formal legal training, experience as a lower court judge or a career as a litigator.

**75:**

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

**25:**

**0:** National-level judges are often unqualified due to lack of training or experience.

36c. In law, there is a confirmation process for national-level judges (i.e. conducted by the legislature or an independent body).

YES | NO

**References:**

Article 54(c) of the Liberian Constitution

**YES:** A YES score is earned if there is a formal process establishing a review of national-level judicial nominees by an agency or entity 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 the same body that appoints the judges (such as the Prime Minister approving judicial nominees put forward by the Minister of Justice, both of whom are part of the executive).

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### 37. Can members of the judiciary be held accountable for their actions?

42

37a. In law, members of the national-level judiciary are obliged to give reasons for their decisions.

YES | NO

**Comments:**

All judges are required to state the supporting law or precedent that supports their judgment.

**References:**

Criminal Procedure Law

Civil Procedure Law

Court Rules

**YES:** A YES score is earned if there is a formal and mandatory process for judges to explain their decisions.

**NO:** A NO score is earned if justices 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).

37b. In practice, members of the national-level judiciary give reasons for their decisions.

**Comments:**

All of the judgments by national-level judiciary are based on precedents and law. These can be found in the Liberia Law Reports (LLR). The LLR was a project started by Cornell University in 1956. It ran until the 1980s when the military came to power. No Liberian group has since picked up this task, but Cornell intends to restart it soon.

**References:**

Gator Tate, Legal Intern, Louise Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Center for Media Studies and Peace Building, Executive Director, September 25, 2009, Monrovia, Liberia

**100:** Judges are formally required to explain their judgments in detail, establishing a body of precedent. All judges comply with these requirements.

**75:**

**50:** Judges 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 commonly issue decisions without formal explanations.

37c. In law, there is a disciplinary agency (or equivalent mechanism) for the national-level judicial system.

YES | **NO**

**Comments:**

The formation of a judicial or law commission is being discussed, but whether this will come to fruition still remains unclear. It is envisioned that such a commission or body might be able to take action outside of the official chain of command, but, as of yet, the system of disciplinary action is still under the judiciary and administered by its authorities.

The court administrator or the chief justice takes disciplinary action against judges and legal practitioners for misconduct. If anyone is dissatisfied with the way a case is being handled, a report can be filed with the court administrator, and the judge in question would be summoned to appear. He or she may likely be taken off the case if found they are found to be wanting.

**References:**

Article 75

Court Rules

**YES:** A YES score is earned if there is a disciplinary agency (or equivalent mechanism) for the 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. A YES score can still be earned if the judicial disciplinary agency (or mechanism) is internal to the judiciary.



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

37d. In law, the judicial disciplinary agency (or equivalent mechanism) is protected from political interference.

YES | **NO**

**Comments:**

The Chief Justice or the administrator cannot be politically influenced to take action or refrain from taking action against a person in the judiciary.

**References:**

Article 75 of the Liberian Constitution

Court Rules

**YES:** A YES score is earned if there are formal rules establishing that the judicial disciplinary agency (or equivalent mechanism) is protected from political interference by the executive and legislative branches.

**NO:** A NO score is earned if there are no formal rules establishing the independence of the judicial disciplinary agency (or equivalent mechanism). A NO score is given if the judicial disciplinary agency or equivalent mechanism function is carried out by an executive ministry or legislative committee.

37e. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) initiates investigations.

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

**Comments:**

There is no independent agency that conducts judicial investigations, but some level of administrative investigations do take place. They do not operate under external pressure, but do have far-reaching powers to punish wrongdoers in the judiciary, when it comes to the attention of the Chief Justice or the court. However, corruption could influence their decisions.

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

**100:** The judicial disciplinary agency (or equivalent mechanism) 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) 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) 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.

37f. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

There is no judiciary disciplinary agency, but it is quite possible that disciplinary action could be taken against an official when it is clear that wrongdoing has taken place. It is, however, important to note that this would not happen most of the time. Chances of punishment are half good and half bad. Corruption could interfere in how a matter between a judicial officer and a complainant is handled.

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

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

**75:**

**50:** The judicial disciplinary agency (or equivalent mechanism) 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) 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.

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## 38. Are there regulations governing conflicts of interest for the national-level judiciary?

14

38a. In law, members of the national-level judiciary are required to file an asset disclosure form.

YES | NO

**Comments:**

All government or public officials are required to file an asset disclosure form.

**References:**

Liberia Anti-Corruption Commission Act

**YES:** A YES score is earned if all members of the national-level judiciary are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**NO:** A NO score is earned if any member of the national-level judiciary is not required to publicly disclose assets.

38b. In law, there are regulations governing gifts and hospitality offered to members of the national-level judiciary.

YES | NO

**Comments:**

Article 90 (c) of the Liberian Constitution requires the legislature to pass a law governing a code of conduct, but the law has not been passed.

**References:**

Regulations governing gifts and hospitality offered to members of the national-level judiciary do not exist in law

**YES:** A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the national-level judiciary.

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

38c. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national-level judiciary.

YES | NO

**References:**

Requirements for the independent auditing of the asset disclosure forms of members of the national-level judiciary do not exist explicitly in law.

**YES:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of national-level judiciary asset disclosures. The auditing is performed by an impartial third-party.

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

38d. In law, there are restrictions for national-level judges entering the private sector after leaving the government.

YES | **NO**

**References:**

Restrictions for national-level judges entering the private sector after leaving the government do not exist explicitly in law.

**YES:** A YES score is earned if there are regulations restricting national-level judges' 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.

38e. In practice, the regulations restricting post-government private sector employment for national-level judges are effective.

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

**Comments:**

Members of the government are free to take up any post-government post in the private sector.

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

**100:** The regulations restricting post-government private sector employment for national-level judges are uniformly enforced. There are no cases or few cases of judges 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 cases, judges 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. Judges 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. A zero score is also earned if judges are allowed to hold private sector jobs while serving on the bench.

38f. In practice, the regulations governing gifts and hospitality offered to members of the national-level judiciary are effective.

100 | 75 | 50 | 25 | 0

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

**100:** The regulations governing gifts and hospitality to members of the national-level judiciary are regularly enforced. Judges never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to members of the national-level judiciary are generally applied though exceptions exist. Some judges 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 are rarely or never enforced. Judges 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.

38g. In practice, national-level judiciary asset disclosures are audited.

100 | 75 | 50 | 25 | 0

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

**100:** National-level judiciary asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** National-level judiciary 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:** The regulations are rarely or never enforced. Judges 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.

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### 39. Can citizens access the asset disclosure records of members of the national-level judiciary?

0

39a. In law, citizens can access the asset disclosure records of members of the national-level judiciary.

YES | **NO**

#### References:

Permission allowing citizens to access the asset disclosure records of members of the national-level judiciary does not exist in law.

**YES:** A YES score is earned if members of the national-level judiciary 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 members of the national-level judiciary. A NO score is earned if the form is filed, but not available to the public.

39b. In practice, citizens can access judicial asset disclosure records within a reasonable time period.

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

#### References:

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

**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.

39c. In practice, citizens can access judicial asset disclosure records at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

**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.

39d. In practice, the asset disclosure records of the national-level judiciary are of high quality.

100 | 75 | 50 | 25 | 0

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

**100:** The asset disclosure records of the national-level judiciary are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of the national-level judiciary contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of the national-level judiciary are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

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## III-4. Budget Processes

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40. Can the legislature provide input to the national budget?

67

40a. In law, the legislature can amend the budget.

YES | NO

**References:**

Article 34 of the Liberian Constitution

**YES:** A YES score is earned if the legislature has the power to add or remove items to the national government budget.

**NO:** A NO score is earned if the legislature can only approve but not change details of the budget. A NO score is earned if the legislature has no input into the budget process.

40b. In practice, significant public expenditures require legislative approval.

100 | 75 | 50 | 25 | 0

**Comments:**

IBP country score for 2009-2010 is not available and 2008-2009 score is not up-to-date, because the data was collected long before the survey was released.



Significant public expenditures are often not audited due to several factors, however, since 2006, genuine efforts have been made to audit key agencies of government, and to date the GAC has conducted several audits, some of them have not been audited for over 25 years.

All public expenditures require legislative approval, except for government subsidies to some public institutions that have not had to receive thorough scrutiny in the legislature. Among these institutions are: The National Port Authority; The Liberia Petroleum Refinery Corporation; The Liberia Water and Sewer Corporation, and a host of others.

The General Auditing Commission has recently (October 2009) requested that these agencies present proof that their budgets have been approved by the president, since, in fact, the president appoints their boards. The exercise is currently scheduled to go ahead.

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

Aloysius Toe, Executive Director, FOHRD, September 25, 2009, Monrovia, Liberia

OBI report 2008: see [www.freeagenda.org](http://www.freeagenda.org)

**100:** All significant government expenditures (defined as any project costing more than 1% of the total national budget), must be approved by the legislature. This includes defense and secret programs, which may be debated in closed hearings.

**75:**

**50:** Most significant government expenditures (as defined) are approved by the legislature, but some exceptions to this rule exist. This may include defense programs, an executive's personal budget, or other expenses.

**25:**

**0:** The legislature does not have the power to approve or disapprove large portions of the government budget, or the legislature does not exercise this power in a meaningful way.

40c. In practice, the legislature has sufficient capacity to monitor the budget process and provide input or changes.

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

**Comments:**

The legislature has sufficient capacity to monitor the budget process and provide input or changes, but they neglect to give oversight serious attention.

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

**100:** Legislators benefit from a sufficient and qualified staff as well as adequate financial and physical resources. Lack of capacity is never a reason why legislators cannot carry out their duties effectively.

**75:**

**50:** Legislators have some staff and financial resources but are limited by a shortfall of resources to adequately perform all of their budgetary oversight functions. Legislators are occasionally overwhelmed by the volume of work to be performed.

**25:**

**0:** Legislators have little to no staff and virtually no financial resources with which to perform their budgetary oversight role. Lack of resources is a regular and systemic problem that cripples the performance of the legislature.

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## 41. Can citizens access the national budgetary process?

42

41a. In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

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

### Comments:

As of now, the 2009-2010 budget, which was approved in July 2009, has not been published, although there are expenditures being made by the government. Citizens are not able to debate thoroughly the pre-budget statement or the executive budget proposal because these documents are not released in a timely fashion to the public.

### References:

[http://www.freeagenda.org/pdf%20documents/cs\\_liberia.pdf](http://www.freeagenda.org/pdf%20documents/cs_liberia.pdf)

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

Aloysius Toe, Executive Director, FOHRD, September 25, 2009, Monrovia, Liberia

**100:** 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 budget debate, 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:** 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.

41b. In practice, citizens provide input at budget hearings.

100 | 75 | 50 | 25 | 0

**Comments:**

The media do attend the hearings and anyone may watch them from the galleries. But constituencies or communities do not make presentations or provide official input into the budget. From the time the macro-economic fiscal framework is made by the executive, the process is shielded from input until the legislative stage where some experts” are invited. These people are largely former government officials and high-profile business people. CSOs have not made any inputs into the budget process, apart from watching and critiquing the process and some of the allocations.

Budget documents are generated, but they are not released to the public in a timely manner that allows meaningful debate and participation. The pre-budget statement is presented to the legislature along with the executive budget proposal, instead of presenting the statement at least one month prior to the presentation of the executive budget proposal. This happens hastily, five weeks before the commencement of the new budget year. Since the 2009-2010 budget was approved, the document has not been published for public consumption.

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

Aloysius Toe, Executive Director, FOHRD, September 25, 2009, Monrovia, Liberia

OBI report 2008: see [www.freeagenda.org](http://www.freeagenda.org)

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

**75:**

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

**25:**

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

41c. In practice, citizens can access itemized budget allocations.

100 | 75 | 50 | 25 | 0

**Comments:**

The information regarding budget allocations is not further disaggregated in terms of geographic location where a program will take place.

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

Aloysius Toe, Executive Director, FOHRD, September 25, 2009, Monrovia, Liberia

OBI report 2008: see [www.freeagenda.org](http://www.freeagenda.org)

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

**75:**

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

**25:**

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

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### 43. Is the legislative committee overseeing the expenditure of public funds effective?

33

43a. In practice, department heads regularly submit reports to this committee.

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

**Comments:**

Reports are submitted only to the Ministry of Finance.

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

Aloysius Toe, Executive Director, FOHRD, September 25, 2009, Monrovia, Liberia

OBI report 2008: see [www.freeagenda.org](http://www.freeagenda.org)

**100:** Heads of ministry- or cabinet-level agencies submit regular, formal reports of expenses to a budget oversight committee.

**75:**

**50:** Agency heads submit reports to a budget oversight committee, but these reports are flawed in some way. The reports may be inconsistently delivered, or lacking important details.

**25:**

**0:** There is no budget oversight committee or equivalent, or heads of agencies do not submit meaningful reports to the agency.

43b. In practice, the committee acts in a non-partisan manner with members of opposition parties serving on the committee in an equitable fashion.

100 | 75 | 50 | 25 | 0

**Comments:**

The Committee on Ways Means and Finance that oversees public accounts has a representative from each county. It may be dominated by one party, but party affiliation is not the considered in its constitution. This means that a party may have an advantage because it has more representation from winning many seats in the House, but in terms of how the committee operates, party loyalty is not given much consideration.

The committee operates independently of party, especially when it calls to account senior members of a party for their actions. The committee may be compromised because of the brown envelope syndrome," where major decisions are compromised due to alleged bribery. There have been many times where members of the House have made allegations of bribery. Party influence is at a minimum here.

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

Aloysius Toe, Executive Director, FOHRD, September 25, 2009, Monrovia, Liberia

OBI report 2008: see [www.freeagenda.org](http://www.freeagenda.org)

**100:** The committee is comprised of legislators from both the ruling party (or parties) and opposition parties in a roughly equitable distribution. All members of the committee — including opposition party members — are able to fully participate in the activities of the committee and influence the committee's work to roughly the same extent as any other member of the committee.

**75:**

**50:** The committee is comprised of legislators from both the ruling party (or parties) and opposition parties although the ruling party has a disproportionate share of committee seats. The chairperson of the committee may be overly influential and curb other members' ability to shape the committee's activities.

**25:**

**0:** The committee is dominated by legislators of the ruling party and/or the committee chairperson. Opposition legislators serving on the committee have in practice no way to influence the work of the committee.

43c. In practice, when necessary, this committee initiates independent investigations into financial irregularities.

100 | 75 | 50 | 25 | 0

**Comments:**

They are mainly focused on budgetary allocations, and weak on investigations, as any and all investigations that have been initiated in the Legislature have ended in failure.

For example: Following the NASSCORP audit, the company was cleared of wrongdoing and it was widely rumored that money changed hands. Later, when a hearing was called regarding Lebanese businessman George Haddad, involving some former government officials on the LIMINCO Iron Ore case, Haddad was cleared of wrongdoing. At that point, the Executive stepped in and said they were not a court whose job was to clear people of criminal charges. They responded that if Haddad was not be cleared, then they would revive the NASSCORP case. This prompted many to speculate that the Executive had some complicity in the irregularities raised during the NASSCORP audit by the Auditor General.

**References:**

Gator Tate, Legal Intern, Louis Arthur Grimes School of Law, University of Liberia, September 25, 2009, Monrovia, Liberia

Mike Marvey, Programme Manager, NAYMOTE-PADD, September 25, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 25, 2009, Monrovia, Liberia

Aloysius Toe, Executive Director, FOHRD, September 25, 2009, Monrovia, Liberia

OBI report 2008: see [www.freeagenda.org](http://www.freeagenda.org)

**100:** When irregularities are discovered, the committee is aggressive in investigating the government.

**75:**

**50:** The committee starts investigations, but is limited in its effectiveness. The committee may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The committee does not effectively investigate financial irregularities. The committee may start investigations but not complete them, or may fail to detect offenders. The committee may be partisan in its application of power.

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42. In law, is there a separate legislative committee which provides oversight of public funds?

100

42. In law, is there a separate legislative committee which provides oversight of public funds?

YES | NO

**Comments:**

This committee has 15 members and each county is represented.

**References:**

Standing Committee on Ways, Means and Finance in Both Houses; supported by Legislative Rules.

**YES:** A YES score is earned if there is a dedicated legislative committee (or equivalent group located in the legislature) that oversees the expenditure of public funds.

**NO:** A NO score is earned if no such body exists within the legislature. A NO score is earned if there is a body executing this function but it is not part of the legislature (such as a separate supreme audit institution).

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Category IV. Administration and Civil Service

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IV-1. <sup>24</sup> Civil Service Regulations

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

50

44a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

YES | NO

**References:**

Civil Service Act 1973

**YES:** A YES score is earned if there are specific formal rules establishing that the civil service 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.

44b. In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service.

YES | NO

**References:**

Regulations to prevent nepotism, cronyism, and patronage within the civil service do not exist in law.

**YES:** A YES score is earned if there are specific formal rules prohibiting nepotism, cronyism, and patronage in the civil service. 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.

44c. In law, there is an independent redress mechanism for the civil service.

YES | NO

**References:**

Article 89 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 can take grievances regarding civil service management actions. The mechanism should be independent of their supervisors but can still be located within the government agency or entity (such as a special commission or board). Civil servants are able to appeal the mechanism's decisions to the judiciary.

**NO:** A NO score is earned if no such mechanism exists, or if the only recourse civil servants have is directly through the courts.

44d. In law, civil servants convicted of corruption are prohibited from future government employment.

YES | NO

**References:**

Regulations prohibiting civil servants from future government employment do not exist in law.

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

**NO:** A NO score is earned if no such rules exist or if the ban is not a lifetime ban.

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45. Is the law governing the administration and civil service effective?



45a. In practice, civil servants are protected from political interference.

100 | 75 | 50 | 25 | 0

**Comments:**

Recently, the chairman of the board of directors of the National Port Authority, a government of Liberia institution, threatened to fire any civil servant who discloses income about the senior management or any information that the public should know about the way the port is run under the guise of protecting corporate information.

The civil service bureaucracy employs people with close party ties, who, by nature of their connections, receive promotions, allowances and other amenities. Those who do not, but find themselves in positions of trust, are pressured to join the ruling party or lose their position, as there may be numerous ruling party members who are looking for employment and livelihood.

**References:**

David K. Baysah, Chair, Sociology Department, AME University, September 28, 2009, Monrovia, Liberia

Lancedell Mathews, Chair, Civil Society Advisory Committee, October 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, October 28, 2009, Monrovia, Liberia

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

**75:**

**50:** Civil servants 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 government, or other forms of influence. Civil servants 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 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 are unable to find a remedy in the courts for unjustified or politically-motivated firings.

45b. In practice, civil servants are appointed and evaluated according to professional criteria.

100 | 75 | 50 | 25 | 0

**Comments:**

Party influence and favoritism are high determinants a civil servant's level of influence and compensation.

**References:**

David Baysah, Chair, Sociology Dept, AME University, September 28, 2009, Monrovia, Liberia

**100:** Appointments to the civil service 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.

45c. In practice, civil service management actions (e.g. hiring, firing, promotions) are not based on nepotism, cronyism, or patronage.

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

**Comments:**

Due to party loyalty or recommendation, a civil servant could earn more and have more influence in a department than those civil servants who are even more qualified.

**References:**

Smaller Government, Better Service—Civil Service Reform Strategy 2008-2011; June 2008

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**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 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 member or friends to favorable positions in the civil service, or lend other favorable treatment.

**25:**

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

45d. In practice, civil servants have clear job descriptions.

**Comments:**

Description of jobs and mandates of agencies are part of a bigger ongoing reform launched by the Civil Service Agency (CSA). In 2004, the Governance Reform Commission, now the Governance Commission, began the process, realigning the functions of all agencies and ministries.

As of now, the CSA is implementing civil service reform, with technical assistance from a UK-based firm, Adam Smith, and funding from DfID.

**References:**

Smaller Government, Better Service—Civil Service Reform Strategy 2008-2011; June 2008; see pages 24-29

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** Civil servants almost always have formal job descriptions establishing levels of seniority, assigned functions, and compensation. Job descriptions are a reliable representation of positions in terms of a person's authority, responsibility and base pay.

**75:**

**50:** Civil servants often have formal job descriptions, but exceptions exist. Some 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 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.

45e. In practice, civil servant bonuses constitute only a small fraction of total pay.

**References:**

Smaller Government, Better Service—Civil Service Reform Strategy 2008-2011; June 2008, p. 23-29

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

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

**75:**

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

**25:**

**0:** Most 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 civil servants.

45f. In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled.

100 | 75 | 50 | 25 | 0

**Comments:**

Such a list of authorized civil service positions along with the number of positions actually filled has never been published.

**References:**

Smaller Government, Better Service—Civil Service Reform Strategy 2008-2011, June 2008

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** The government publishes such a list on a regular basis.

**75:**

**50:** The 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 government rarely or never publishes such a list, or when it does it is wholly incomplete.

45g. In practice, the independent redress mechanism for the civil service is effective.

100 | 75 | 50 | 25 | 0

**Comments:**

There is no independent redress mechanism for the civil service.

**References:**

Smaller Government, Better Service—Civil Service Reform Strategy 2008-2011; June 2008

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

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

**75:**

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

**25:**

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

45h. In practice, in the past year, the government has paid civil servants on time.

100 | 75 | 50 | 25 | 0

**Comments:**

Civil servants have been paid on time since the start of the new administration.

**References:**

Smaller Government, Better Service—Civil Service Reform Strategy 2008-2011; June 2008

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** In the past year, no civil servants have been paid late.

**75:**

**50:** In the past year, some civil servants have been paid late.

**25:**

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

45i. In practice, civil servants convicted of corruption are prohibited from future government employment.

100 | 75 | 50 | 25 | 0

**References:**

Smaller Government, Better Service—Civil Service Reform Strategy 2008-2011; June 2008

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** A system of formal blacklists and cooling off periods is in place for civil servants convicted of corruption. All 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 may not be affected by the system, or the prohibitions are sometimes not effective. Some bans are only temporary.

**25:**

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

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46. Are there regulations addressing conflicts of interest for civil servants?

28

46a. In law, senior members of the civil service are required to file an asset disclosure form.

YES | NO

**References:**

Liberia Anti-Corruption Commission Act

**YES:** A YES score is earned if senior members of the civil service are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

**NO:** A NO score is earned if any senior member of the civil service is not required to disclose assets.

46b. In law, there are requirements for civil servants to recuse themselves from policy decisions where their personal interests may be affected.

YES | NO

**Comments:**

This procurement act is only the act that contains a conflict-of-interest regime.

**References:**

Procurement Act of 2005

**YES:** A YES score is earned if there are requirements for civil servants 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.

46c. In law, there are restrictions for civil servants entering the private sector after leaving the government.

YES | NO

**References:**

Restrictions for civil servants entering the private sector after leaving the government do not exist in law.

**YES:** A YES score is earned if there are regulations restricting 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.

46d. In law, there are regulations governing gifts and hospitality offered to civil servants.

YES | NO

**Comments:**

The Code of Conduct for Public Servants has not been codified into law.

**References:**

Regulations governing gifts and hospitality offered to civil servants do not exist in law.

**YES:** A YES score is earned if there are formal guidelines regarding gifts and hospitality given to civil servants.

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

46e. In law, there are requirements for the independent auditing of the asset disclosure forms of senior members of the civil service.

YES | **NO**

**References:**

Requirements for the independent auditing of the asset disclosure forms of senior members of the civil service do not exist in law.

**YES:** A YES score is earned if there is a legal or regulatory requirement for independent auditing of civil service asset disclosures. The auditing is performed by an impartial third-party.

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

46f. In practice, the regulations restricting post-government private sector employment for civil servants are effective.

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

**References:**

Smaller Government, Better Service-Civil Service Reform Strategy 2008-2011; June 2008, p. 37-42

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** The regulations restricting post-government private sector employment for civil servants are uniformly enforced. There are no cases or few cases of 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 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 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.

46g. In practice, the regulations governing gifts and hospitality offered to civil servants are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

There are no regulations regarding gifts and hospitality that are offered to civil servants.

**References:**

Smaller Government, Better Service-Civil Service Reform Strategy 2008-2011, June 2008

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** The regulations governing gifts and hospitality to civil servants are regularly enforced. Civil servants never or rarely accept gifts or hospitality above what is allowed.

**75:**

**50:** The regulations governing gifts and hospitality to civil servants are generally applied though exceptions exist. Some 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 civil service are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

46h. In practice, the requirements for civil service recusal from policy decisions affecting personal interests are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

In many agencies and ministries, people are awarded decision making responsibility on the basis of what is called in the Liberian parlance, who knows you." It is most likely that in decisions that involve the interests of one of the decision makers, someone who has contact within the system with that particular person will most probably influence the decision in the favor of someone who he knows.

**References:**

Smaller Government, Better Service-Civil Service Reform Strategy 2008-2011, June 2008

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

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

**25:**

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

46i. In practice, civil service asset disclosures are audited.

100 | 75 | 50 | 25 | 0

**References:**

Smaller Government, Better Service-Civil Service Reform Strategy 2008-2011, June 2008

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** Civil service asset disclosures are regularly audited using generally accepted auditing practices.

**75:**

**50:** Civil service 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:** Civil service 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.

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47. Can citizens access the asset disclosure records of senior civil servants?

0

47a. In law, citizens can access the asset disclosure records of senior civil servants.

YES | **NO**

**References:**

Article 15 of the Liberian Constitution

**YES:** A YES score is earned if laws or regulations guarantee that citizens can access the asset records of senior civil servants.

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

47b. In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.

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

**Comments:**

Citizens do not have access to asset disclosure records of senior civil servants.

**References:**

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**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.

47c. In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**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.

47d. In practice, the asset disclosure records of senior civil servants are of high quality.

100 | 75 | 50 | 25 | 0

**Comments:**

The asset disclosure records of senior civil servants have not been disclosed.

**References:**

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** The asset disclosure records of senior civil servants are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

**75:**

**50:** The asset disclosure records of senior civil servants contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

**25:**

**0:** The asset disclosure records of senior civil servants are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

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## IV-2. Whistle-blowing Measures

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48. Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?

0

48a. In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | **NO**

**Comments:**

A whistle-blower protection law has not been enacted by the national legislature.

**References:**

Protection for civil servants who report cases of corruption, graft, abuse of power, or abuse of resources does not exist in law.

**YES:** A YES score is earned if there are specific laws against recrimination against public sector whistleblowers. 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.

48b. In practice, civil servants 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:**

People who report corruption have been fired, marginalized and persecuted.

**References:**

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** Public sector whistleblowers 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 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 often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

48c. In law, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | **NO**

**Comments:**

Persons who report corruption do so at their own risk.

**References:**

Protection for private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources does not exist in law.

**YES:** A YES score is earned if there are specific laws against recrimination against private sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

**NO:** A NO score is earned if there are no legal protections for private-sector whistleblowers.

48d. In practice, private sector employees 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:**

People who report corruption do so at their own risk.

**References:**

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** Private sector whistleblowers 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:** Private sector whistleblowers 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:** Private sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

---

50. In practice, is the internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption effective?

0

50a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

There is no internal reporting mechanism for reporting corruption.

**References:**

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**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.

50b. In practice, the internal reporting mechanism for public sector corruption receives regular funding.

100 | 75 | 50 | 25 | 0

**References:**

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**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.

50c. In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**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. Citizens with 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.

50d. In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.

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

**References:**

David Baysah, Chair, Sociology Dept. AME University, September 28, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 28, 2009, Monrovia, Liberia

**100:** When irregularities are discovered, the agency/entity is aggressive in investigating the 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.

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49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

0

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

YES | **NO**

**References:**

An internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption does not exist in law.

**YES:** A YES score is earned if there is a mechanism, or multiple mechanisms for multiple national government agencies, through which 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.

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## 0 IV-3. Procurement

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### 51. Is the public procurement process effective?

70

51a. In law, there are regulations addressing conflicts of interest for public procurement officials.

**YES** | NO

**References:**

Count 13 (1&2) Public Procurement Act of 2005

**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 public procurement officials. A YES score is earned if such regulations cover all civil servants, including procurement officials.

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

51b. In law, there is mandatory professional training for public procurement officials.

**YES** | NO

**Comments:**

Procurement units are designed and mandated to employ trained staff.

**References:**

Public Procurement Act of 2005, p. 26

**YES:** A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process. A YES score is earned if such training is mandated for portions of the

broader civil service, to include procurement officials.

**NO:** A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

51c. In practice, the conflicts of interest regulations for public procurement officials are enforced.

100 | 75 | 50 | 25 | 0

**Comments:**

The AG report indicates that the Procurement laws are not being enforced. It was recommended that several companies' contracts be canceled, but these contracts remain in force. It is widely believed that in the issuance of these licenses for mineral exploration, a lot of backdoor dealings occurred, as was shown in the way in which officials behaved when their interests were at stake.

**References:**

AG Report on Audit of the Ministry of Lands, Mines and Energy. See [www.gacliberia.com](http://www.gacliberia.com)

Jonathan Yiah; Program Officer, Sustainable Development Initiative, September 29, 2009, Monrovia, Liberia

D. Blamo Kofa, Lecturer, Sociology Department, AME Zion University, September 29, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 29, 2009, Monrovia, Liberia

Peter Queque, President, Press Union of Liberia, September 28, 2009; Monrovia, Liberia

**100:** Regulations regarding conflicts of interest for procurement officials 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.

51d. In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.

YES | NO

**Comments:**

There is no mechanism that tracks illicit enrichment by public procurement officials.

**References:**

A mechanism that monitors the assets, incomes and spending habits of public procurement officials 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, such as an inspector general, or ombudsman.

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

51e. In law, major procurements require competitive bidding.

**YES** | NO

**Comments:**

The threshold for competitive bidding is set at US\$10,000.

**References:**

Public Procurement and Concessions Act of 2005

[www.mofliberia.org](http://www.mofliberia.org), see Act & Rules

**YES:** A YES score is earned if all major procurements (defined as those greater than 0.5% of GDP) require competitive bidding.

**NO:** A NO score is earned if competitive bidding is not required by law or regulation for major procurement (greater than 0.5% OF GDP).

51f. In law, strict formal requirements limit the extent of sole sourcing.

**YES** | NO

**References:**

Public Procurement and Concession Act, Count 101 Sole Source

[www.mofliberia.org](http://www.mofliberia.org), see Act and Rules

**YES:** A YES score is earned if sole sourcing 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. A NO score is earned if the prohibitions on sole sourcing are general and unspecific.

51g. In law, unsuccessful bidders can instigate an official review of procurement decisions.

YES | NO

**References:**

Public Procurement and Concession Act, Count 125, Right to Review

www.mofliberia.org, see Acts and Rules

**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.

51h. In law, unsuccessful bidders can challenge procurement decisions in a court of law.

YES | NO

**Comments:**

Rules Applicable To Review Proceedings:

128. (1) Where the complaint emanates from a bidder or is made in connection with any bid proceedings, the head of the Entity or the Commission shall notify all bidders of the complaint and a copy of the decision of the head of the entity or the Commission shall be furnished to all bidders not later than five (5) days of the issue of the decision.

(2) A summary of the decision may be made available to the general public by or in consultation with the Commission.

(3) The decision of the Complaints, Appeals and Review Panel shall be final and may be appealed only in a Court of competent jurisdiction.

**References:**

Public Procurement and Concession Act of 2005; Section 128(3), p.78

This also happens in practice: See the following news article culled from The News Newspaper, Monday, September 28, 2009:

Few days after the Liberian Senate passed concessions for four logging companies despite warnings not to do so, there are reports that aggrieved logging companies have taken their complaints to the Supreme Court of Liberia, praying for a Writ of Prohibition against the Liberian government through the FDA and the Liberian Senate.

The aggrieved companies appealed to the high court to stop further actions in the final award of contracts or undo what has already been done.

According to a Writ of Prohibition, the companies said the court option became imperative following the deliberate refusal of the Liberian Senate to halt all ratification proceedings for contracts that were still being hotly contested and whose awards were being overruled by the Public Procurement Concession Commission (PPCC) based on challenges from aggrieved companies questioning the strange procedures used by the by the Forestry Development Authority (FDA) and Inter-ministerial Concession Commission (IMCC) in the selection process.

The aggrieved companies UNITIMBER, Southeast and Atlantic Resources said after the ruling of the PPCC reversing the award of Forest Management Contract to the International Consultative Capital (ICC) and then issuing a Stay Order on the award of contract to Euro-Logging, lawyers representing their legal interests immediately filed formal letters of protest to the Liberian Senate with attached documents from the PPCC calling on the august body to suspend the ratifications of the controversial contracts, but their appeals fell on deaf ears.

The crisis began after acting FDA Managing Director Kederick Johnson ignored a stay order placed on the negotiations and signings of forest management contracts by the PPCC as a result of complaints filed by aggrieved logging companies contesting the awards process.

Information gathered revealed that despite the PPCC's Stay Order, Mr. Johnson proceeded with the negotiations and awarded areas F & K to Euro-Logging and International Consultative Capital respectively and thereafter misled the President in signing the disputed contracts under the pretext that there were no material challenges to the award process.

Our information also added that based on such misrepresentation, lies and deception, the Liberian leader approved the controversial contracts and later forwarded them to the Senate for ratification.

However, a member of the Senate Committee on Forestry and Agriculture who claimed to have participated in the closed doors ratification proceedings, speaking on condition of anonymity, told this paper that the senate acknowledged receipt of complaints from UNITIMBER, Southeast and Atlantic Resources Limited calling for a suspension of the ratification proceedings but noted that the august body refused on grounds that the PPCC did not write the senate about its reversal order.

The letters we got came from law firms and not from the PPCC; we're not honoring complaints from law firms," our source quoted members of the senate committee as saying.

According to FDA sources, Southeast is complaining that despite the reversal by the PPCC of the award of forest management contract to the International Consultative Capital (ICC), followed by a formal letter of protest to the Liberian senate with attached ruling of the PPCC by one of its senior counsels, the Liberian Senate brazenly downplayed all of the concerns raised and proceeded to ratify which lawyers for the aggrieved party called a nonexistent contract.

Lawyers for the aggrieved parties said following the PPCC's ruling, overturning the award of Forest Management Contract to ICC, the Liberian Senate, technically by operations of law, had no contract before it to ratify in favor of ICC for area K.

Our FDA sources indicated that the letter of protest alerted the Liberian Senate that once the PPCC which is the regulatory body over the FDA/IMCC with a quasi-judicial review authority had investigated and described the award process as flawed and then overruled whatever decision that was made by the FDA/IMCC, there was no longer a contract for the Liberian Senate to ratify as a matter of law.

The petition against the government will prohibit any further awards of contracts or to undo what they believed has been illegally done by both the Liberian government through the FDA/IMCC and the Senate.

When the acting FDA boss Johnson was contacted by mobile phone, he told our reporter that he could not comment because he was in a family meeting. Instead, he suggested that the reporter meets him at his office today.

Mr. Johnson said journalists have been calling him on the same issue but he suggested that they meet him at his office today during which he would be in a position to talk.

**YES:** A YES score is earned if unsuccessful bidders can use the courts to appeal a procurement decision.

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

51i. In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

**YES** | **NO**

**Comments:**

Debarment of Bidders and Suppliers:

44. (1) The Commission may subject to the conclusion of its investigations exclude a bidder from participation in public procurement for a minimum period of one year and a maximum period of six (6) years after

(a) Consultation with the affected Procuring Entity to consider all the facts of the case;

(b) Reasonable notice to the bidder or supplier involved of the cause of the proposed actions; and

(c) Reasonable opportunity to the bidder or supplier to respond to the proposed action.

(2) A potential bidder shall only be debarred from participation in procurement on the following grounds:

(a) Provision of false information supplied in the process of submitting a bid;

(b) Collusion between the bidder and another bidder or a bidder and a public officer concerning the formulation of any part of the bidding documents or supply of information in the bid proceedings;

(c) Connivance to interfere with the participation of competing bidders;

(d) Misconduct relating to the submission of bids, including corruption, collusion, price fixing, a pattern of underpricing of bids, breach of confidentiality, and any other Public Procurement and Concessions Act 36 misconduct implied under this Act or under any part of this Act;

(e) Non-performance of contractual obligations under a contract deemed serious enough to warrant debarment, provided that the non-performance was not due to circumstances beyond the control of the supplier;

(f) Conviction of a criminal offence relating to obtaining or attempting to obtain a contract or subcontract;

(g) Non-settlement of tax obligations after assessment by the National Revenue Authority or the evasion of tax by any means; or

(h) Conviction of a crime related to business or professional activities.

(3) Nothing in this section shall derogate from the powers of the Complaints, Appeals and Review Panel under Section 10 of this Act.

**References:**

Public Procurement and Concession Act, Count 44

**YES:** A YES score is earned if there are formal procurement blacklists, designed to prevent convicted companies from doing business with the government.

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

51j. In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

100 | 75 | 50 | 25 | 0

**Comments:**

There has been so far no blacklisting released by the PPCC. If one was released it would be on their website.

No Company has been sanctioned, even in the face of warnings that some of the companies that have bid specifically for forest concessions have violated laws and done despicable things elsewhere. An example is Global Witness's warning to the Liberian President and the FDA not to do business with Samling Group, which is backing several companies here that are fronting for them.

**References:**

Procurement Commission Annual Report <http://www.ppcc.gov.lr/document/Revised%20Draft%20Annual%20Report%202008-1.doc>

Summary Monitoring Report; <http://www.ppcc.gov.lr/content.php?sub=PPCC> First Summary Monitoring Report

Blamo Kofa, Lecturer, AME Zion University, December 19, 2009, Monrovia, Liberia;

D. Maxim Kumeh, Executive Director, Initiatives for Postive Change, December 19, 2009, Monrovia, Liberia

Zoegar James, Media Consultant, Center for Media Studies and Peace Building, December 20, 2009.

**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.

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## 52. Can citizens access the public procurement process?

71

52a. In law, citizens can access public procurement regulations.

**YES** | NO

**References:**

Public Procurement and Concession Act, Count 140, p. 84

**YES:** A YES score is earned if 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 procurement rules are officially secret for any reason or if there are no procurement rules.

52b. In law, the government is required to publicly announce the results of procurement decisions.



YES | NO

**References:**

Public Procurement and Concession Act of 2005, p.32, Count 37

**YES:** A YES score is earned if the government is required to publicly post or announce the results of the public procurement process. 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.

52c. In practice, citizens can access public procurement regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

The regulations and guidelines concerning bids are usually published in the newspapers.

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**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.

52d. In practice, citizens can access public procurement regulations at a reasonable cost.

**Comments:**

Newspapers are only available in Monrovia, the capital city. Those people who live outside Monrovia do not have ready access unless they pay transportation costs to come to Monrovia and make a request, which would increase the cost. The PPCC has also not developed a website yet.

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**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. These records are defined here as the rules governing the competitive procurement process.

**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.

52e. In practice, major public procurements are effectively advertised.

**Comments:**

Major public procurements are advertised in all newspapers and sometimes also published on the Executive Mansion website, [www.emansion.gov.lr](http://www.emansion.gov.lr); or on the Ministry of Finance, website: [www.mofliberia.org](http://www.mofliberia.org). Also, depending on the agency involved with the procurement, it might appear on their website, as well.

The drawback is that not all citizens have equal access to websites due to the skewed availability of the necessary infrastructure between rural and urban Liberia.

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** There is a formal process of advertising public procurements. This may include a 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 public procurements or the process is superficial and ineffective.

52f. In practice, citizens can access the results of major public procurement bids.

100 | 75 | 50 | 25 | 0

**Comments:**

The results announcing who has won the public procurement bid is announced on the radio, but it difficult, if not impossible, for someone to apply for and receive copies of documents that indicate how the decision was made or arrived at.

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** Records of public procurement results are publicly available through a formal process.

**75:**

**50:** Records of 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.

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## IV-4. Privatization

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### 53. Is the privatization process effective?

0

53a. In law, all businesses are eligible to compete for privatized state assets.

YES | **NO**

**Comments:**

No state assets have ever been privatized. Only management contracts have been given out

**References:**

Regulations making businesses eligible to compete for privatized state assets does not exist in law.

**YES:** A YES score is earned if all businesses are equally eligible to compete for privatized assets. A YES score is still earned if the government did not privatize any state-owned assets during the study period.

**NO:** A NO score is earned if any group of businesses (other than those blacklisted due to corruption charges) is excluded by law.

53b. In law, there are regulations addressing conflicts of interest for government officials involved in privatization.

YES | **NO**

**References:**

Regulations addressing conflicts of interest for government officials involved in privatization do not exist in law.

**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 privatization officials. A YES score is earned if such regulations cover all civil servants, including privatization officials.

**NO:** A NO score is earned if there are no such formal regulations.

53c. In practice, conflicts of interest regulations for government officials involved in privatization are enforced.

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

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** Regulations regarding conflicts of interest for privatization officials 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 the regulations.

**25:**

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

---

## 54. Can citizens access the terms and conditions of privatization bids?

0

54a. In law, citizens can access privatization regulations.

YES | **NO**

### References:

Citizens' ability to access privatization regulations does not exist in law.

**YES:** A YES score is earned if privatization rules (defined here as the rules governing the competitive privatization process) are, by law, open to the public. Even if privatization is infrequent or rare, the most recent privatization should be used as the basis for scoring this indicator.

**NO:** A NO score is earned if privatization rules are officially secret for any reason or if there are no privatization rules.

54b. In practice, privatizations are effectively advertised.

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

### Comments:

No state company has ever been privatized.

### References:

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** There is a formal process of advertising privatizations. This may include a 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 privatizations 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 privatizations or the process is superficial and ineffective.

54c. In law, the government is required to publicly announce the results of privatization decisions.

YES | **NO**

**References:**

Regulations that require the government to publicly announce the results of privatization decisions do not exist in law.

**YES:** A YES score is earned if the government is required to publicly post or announce the results of the privatization process. 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 privatization process.

54d. In practice, citizens can access privatization regulations within a reasonable time period.

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

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** Records (defined here as the rules governing the competitive privatization process) 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.

54e. In practice, citizens can access privatization regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** Records (defined here as the rules governing the competitive privatization process) 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.

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Category V. Oversight and Regulation

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V-1. <sup>51</sup>National Ombudsman

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56. Is the national ombudsman effective?

0

56a. In law, the ombudsman is protected from political interference.

YES | NO

**References:**

The ombudsman does not exist in law.

**YES:** A YES score is earned only if the agency (or set of agencies) has some formal organizational independence from the 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 ministry or agency, such as the Department of Interior or the Justice Department.

56b. In practice, the ombudsman is protected from political interference.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** This agency (or set of agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

**75:**

**50:** This agency (or set of agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include public criticism or praise by the government. The ombudsman may not be provided with some information needed to carry out its investigations.

**25:**

**0:** This agency (or set of agencies) is commonly influenced by political or personal incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The ombudsman cannot compel the government to reveal sensitive information.

56c. In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0



**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** The director of the ombudsman (or directors of multiple agencies) 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 ombudsman (or directors of multiple agencies) 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 ombudsman (or directors of multiple agencies) can be removed at the will of political leadership.

56d. In practice, the ombudsman agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** The ombudsman agency (or agencies) has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The ombudsman agency (or agencies) has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

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

56e. In practice, agency appointments support the independence of the ombudsman agency (or agencies).

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**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.

**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.

56f. In practice, the ombudsman agency (or agencies) receives regular funding.

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** The agency (or agencies) 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 (or agencies) 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 functions.

56g. In practice, the ombudsman agency (or agencies) makes publicly available reports.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** The agency (or agencies) makes regular, publicly available, substantial reports either to the legislature or directly to the public outlining the full scope of its work.

**75:**

**50:** The agency (or agencies) makes publicly available reports to the legislature and/or directly to the public that are sometimes delayed or incomplete.

**25:**

**0:** The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

56h. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** The agency aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The agency is fair in its application of this power.

**75:**

**50:** The agency will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power.

**25:**

**0:** The agency rarely investigates on its own or cooperates in other agencies' investigations, or the agency is partisan in its application of this power.

56i. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** When rules violations are discovered, the agency is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

**75:**

**50:** The agency enforces rules, but is limited in its effectiveness. The agency 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 agency does not effectively penalize offenders. The agency 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 agency may be partisan in its application of power.

56j. In practice, the government acts on the findings of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** Ombudsman's reports are taken seriously, with negative findings drawing prompt corrective action.

**75:**

**50:** In most cases, ombudsman's reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

**25:**

**0:** Ombudsman's reports are often ignored, or given superficial attention. Ombudsman's reports do not lead to policy changes.

56k. In practice, the ombudsman agency (or agencies) acts on citizen complaints within a reasonable time period.

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

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** The agency (or agencies) acts on 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 (or agencies) 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 (or agencies) 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.

---

## 57. Can citizens access the reports of the ombudsman?

**0**

57a. In law, citizens can access reports of the ombudsman(s).

YES | **NO**

**References:**

The ombudsman does not exist in law.

**YES:** A YES score is earned if all ombudsman reports are publicly available.

**NO:** A NO score is earned if any ombudsman reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute the reports.

57b. In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** Reports 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:** 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 records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

57c. In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, AME Zion University, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

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

**75:**

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

**25:**

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

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55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

0

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

YES

NO

**References:**

A national ombudsman to cover the private sector does not exist in law.

**YES:** A YES score is earned if there is a specific agency or set of agencies whose primary mandate is to investigate the actions of government on the behalf of common citizens. This agency or set of agencies should be specifically charged with seeking out and documenting abuses of power.

**NO:** A NO score is earned if no such agency or set of agencies exists, or that function is a secondary concern of a larger body, such as the legislature.

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## V-2. Supreme Audit Institution

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59. Is the supreme audit institution effective?

84

59a. In law, the supreme audit institution is protected from political interference.

YES

NO

**References:**

General Auditing Commission Act of 2005

**YES:** A YES score is earned only if the agency has some formal organizational independence from the 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 ministry or agency, such as the Department of Interior or the Justice Department.

59b. In practice, the head of the audit agency is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

**Comments:**

The head of the General Audit Commission is in practice protected from removal.

**References:**

David Baysah, Chair, Department of Sociology, AME University, September 30, 2009, Monrovia, Liberia

Ernest Maximore, Public Relations Officer, GAC, September 19, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

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

**75:**

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

**25:**

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

59c. In practice, the audit agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

The commission is not able to mobilize resources in the budget process to hire all the staffing it needs, but those that it has are professional and full time. Some of the commission's funds come from donors, basically the EU, and where there is a need for some expertise, it is brought from outside into the country.



**References:**

David Baysah, Chair, Department of Sociology, AME University, September 30, 2009, Monrovia, Liberia

Ernest Maximore, Public Relations Officer, GAC, September 19, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

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

**75:**

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

**25:**

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

59d. In practice, audit agency appointments support the independence of the agency.

100 | 75 | 50 | 25 | 0

**Comments:**

The General Audit Commission appoints professional staff that are independent and trained.

**References:**

David Baysah, Chair, Department of Sociology, AME University, September 30, 2009, Monrovia, Liberia

Ernest Maximore, Public Relations Officer, GAC, September 19, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

Supreme Court Decision on GAC recruitment Process: [http://www.gacliberia.com/documents/court\\_descision.pdf](http://www.gacliberia.com/documents/court_descision.pdf)

**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.

59e. In practice, the audit agency receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

The commission has been budgeted for since it came into existence in 2005.

**References:**

See: Budget Proposal 2009-2010: <http://www.mofliberia.org/FY2009-2010%20DRAFT%20BUDGET.pdf>

Also See: Supreme Court Decision: [http://www.gacliberia.com/documents/court\\_descision.pdf](http://www.gacliberia.com/documents/court_descision.pdf)

David Baysah, Chair, Department of Sociology, AME University, September 30, 2009, Monrovia, Liberia

Ernest Maximore, Public Relations Officer, GAC, September 19, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

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

**75:**

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

**25:**

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

59f. In practice, the audit agency makes regular public reports.

100 | 75 | 50 | 25 | 0

**References:**

See: [http://www.gacliberia.com/index.php?option=com\\_content&view=article&id=128:gac-steps-up-outreach-](http://www.gacliberia.com/index.php?option=com_content&view=article&id=128:gac-steps-up-outreach-)

David Baysah, Chair, Department of Sociology, AME University, September 30, 2009, Monrovia, Liberia

Ernest Maximore, Public Relations Officer, GAC, September 19, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

**75:**

**50:** The agency makes publicly available reports to the 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.

59g. In practice, the government acts on the findings of the audit agency.

100 | 75 | 50 | 25 | 0

**Comments:**

The government has not taken any known action nor documented the actions that have been taken in response to the General Audit Commission (GAC) reports. The executive branch and the audit agency have collaborated to address issues relative to the conduct of the audits, including political pressure and will ensure compliance and cooperation from agencies who are the subject of a probe. But lack of enforcement has been a shortcoming and the GAC itself has complained.

**References:**

[http://www.gacliberia.com/index.php?option=com\\_content&view=article&id=128:gac-steps-up-outreach-](http://www.gacliberia.com/index.php?option=com_content&view=article&id=128:gac-steps-up-outreach-)

David Baysah, Chair, Department of Sociology, AME University, September 30, 2009, Monrovia, Liberia

Ernest Maximore, Public Relations Officer, GAC, September 19, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** Audit agency reports are taken seriously, with negative findings drawing prompt corrective action.

**75:**

**50:** In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

**25:**

**0:** Audit reports are often ignored, or given superficial attention. Audit reports do not lead to policy changes.

59h. In practice, the audit agency is able to initiate its own investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

The SAI also cooperates with the executive on the conduct of audits. For example, the HIPC audits of different line ministries. The audit of LPRC is currently under way in the wake of Harry Greaves' dismissal.

Investigations are initiated by the General Audit Commission (GAC), and are also based on requests from the executive, but ultimately the GAC has the final say in who it audits and why.

**References:**

David Baysah, Chair, Department of Sociology, AME University, September 30, 2009, Monrovia, Liberia

Ernest Maximore, Public Relations Officer, GAC, September 19, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

**100:** The supreme audit institution can control the timing and pace of its investigations without any input from the executive or legislature.

**75:**

**50:** The supreme audit institution can generally decide what to investigate, and when, but is subject to pressure from the executive or legislature on politically sensitive issues.

**25:**

**0:** The supreme audit institution must rely on approval from the executive or legislature before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

---

60. Can citizens access reports of the supreme audit institution?

100

60a. In law, citizens can access reports of the audit agency.

YES | NO

**References:**

Article 15 of the Liberian Constitution

**YES:** A YES score is earned if all supreme auditor reports are available to the general public.

**NO:** A NO score is earned if any auditor reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

60b. In practice, citizens can access audit reports within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

The reports are available on the General Audit Commission (GAC) website, In addition, the GAC distributes the reports publicly,

and people can get copies on request. They give out both manual and electronic copies and perform field outreach.

**References:**

David Baysah, Chair, Department of Sociology, AME University, September 30, 2009, Monrovia, Liberia

Ernest Maximore, Public Relations Officer, GAC, September 19, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

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

**75:**

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

**25:**

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

60c. In practice, citizens can access the audit reports at a reasonable cost.

100 | 75 | 50 | 25 | 0

**Comments:**

Audit reports are distributed free of charge.

**References:**

David Baysah, Chair, Department of Sociology, AME University, September 30, 2009, Monrovia, Liberia

Ernest Maximore, Public Relations Officer, GAC, September 19, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

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

**75:**

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

**25:**

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

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58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

YES | NO

**References:**

Article 89 of the Liberian Constitution

General Auditing Commission of 2005

**YES:** A YES score is earned if there is a specific agency whose primary mandate is to audit and track the movement of money through the 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 executive.

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95  
V-3. Taxes and Customs

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62. Is the tax collection agency effective?

100

62a. In practice, the tax collection agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

**Comments:**

That the tax collection agency has a professional, full-time staff is evident by the continuous increase of projections of tax revenues.

**References:**

Simeon S. Kormon, Large Taxpayer Unit, Ministry of Finance, September 7, 2009., Monrovia, Liberia

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**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.

62b. In practice, the tax agency receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

Apart from the budget, the tax agency is receiving a more than 10 million grant from the World Bank and the African Development Bank in fiscal 2009/2010 for Financial Management Reform.

**References:**

See National Budget 2009-2010, [www.mofliberia.org](http://www.mofliberia.org)

Simeon S. Kormon, Large Taxpayer Unit, Ministry of Finance, September 7, 2009., Monrovia, Liberia

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**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.

## 65. Is the customs and excise agency effective?

88

65a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

### Comments:

Part of Customs and Excise has been given to the private sector through management contract; BIVAC, a french Company conducts inspections, and with minor incidents of error, there has been satisfactory performance and improved revenue collection, despite this customs at land border crossing has been a problem, in terms of corruption and harassment. In spite of this, there has been several efforts at training, improvement of equipment, and improvement of working conditions for the Bureau of Customs and Excise.

### References:

Government Official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**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.

65b. In practice, the customs and excise agency receives regular funding.

100 | 75 | 50 | 25 | 0

### References:

See National Budget draft, 2009-2010, [www.mofliberia.org](http://www.mofliberia.org)

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia



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

**75:**

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

**25:**

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

---

### 61. In law, is there a national tax collection agency?

100

61. In law, is there a national tax collection agency?

YES | NO

#### References:

<http://www.mofliberia.org/revenues/>, see page 4, the term: 'Ministry

**YES:** A YES score is earned if there is a national agency formally mandated to collect taxes.

**NO:** A NO score is earned if that function is spread over several agencies, or does not exist. A NO score is earned if national government ministries can collect taxes independently.

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### 63. In practice, are tax laws enforced uniformly and without discrimination?

50

63. In practice, are tax laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

#### Comments:

See News Newspaper Wednesday, September 30, 2009 Edition: Corruption In Disguise at NPA

A Liberian professional accountant, Eric Filor Nagbe, has written President Ellen Johnson-Sirleaf drawing her attention to what he calls Corruption in Disguise at the National Port Authority (NPA).

Apparently acting as a whistle blower, Mr. Nagbe writes:

Old Road, Sinkor  
Monrovia, Liberia

September 28, 2009

H.E. Madam Ellen Johnson Sirleaf  
President of the Republic of Liberia

Dear Madam President:

As you had planned to sometimes ago, I write to openly request that you privatize the National Port Authority (NPA) as expeditiously as possible.

My request comes in awake of my observations of what is known as Corruption in Disguise.

Madam President, as you are cognizant, the National Port Authority's Freeport of Monrovia is the only gateway to our nation's economy. You have to act faster in order to save our economy before it sinks.

Let me bring a few facts to your attention:

Since the George Tubman Administration, the following top managerial staff structure had been put into place. All of these were subject to statutory tax deduction as per the Revenue Code published by the Ministry of Finance and the National Social Security & Welfare Corporation; despite the fact that the MD at the time was recruited from the US.

Quite recently, Madam President, in spite of the financial crises faced by the port, the Board has approved a new salary structure for the new Management Team as follows:

Of the new US\$12,000.00, it has also been approved that US\$4,000.00 of the MD's Salary and US\$1,500.00 of the DMD – A & O's and Comptroller's salaries will not be taxed because these are considered incidental components of their Salaries because she was recruited from the US. My question is, is she any different from George Tubman who was recruited from the US also? Madam President, this is considered invasion of tax. Additionally, these increments are to be retroactive from May of 2009 when they got into office. This means that they are to receive a retro pay of some US\$34,011.16. Do these people really have Liberia at heart??????????????

Whilst there is also an experienced and active Port Manager, they have declared the position vacant simply because they intend to bring their own port manager as they did initially with the Comptroller Position.

Sometimes ago, there was an ISPS training for LSP Securities and Maritime Securities in which the facilitators were brought in from outside the country. This training cost the Port US\$80,000. Now, there is another ISPS Training given to one of the Board Chairman's closest friend which amounts to another US\$90,000.00 and is being held right in the conference room of the doc office in the same Port.

Since May 2009, when the MD took office, she has made four (4) non-Port related international travels to the US.

Madam President, all of these are all indications that these people are enriching themselves at the expense of the poor suffering masses of the country who voted you into office in order to have you do all of the good things you continue to do.

The National Port Authority is not contributing anything to the Nation's Budget. In 2007, the Port only contributed US\$250,000.00 to the Budget when Madam Antoinette Sayeh was here.

If that's the case, then there should be no reason why the Port should operate. It is not a private company. It is owned by the GOL. If they cannot improve, there should be a discontinued operation in that line; rather than allowing port users paying their taxes and other individuals enriching themselves.

Amidst all of these personal greed, there is no plan to raise the salaries of the ordinary working force. Sooner or later, you might pay a visit to the port again for another strike action by aggrieved workers.

Madam President, you might want to know how I got all of these details, but I have worked at the Port for a little close to 2 years during which I served as Assistant GEMAP Comptroller.

Please Madam President, in my own opinion, I think I can reason with you when it comes to your decision about the privatization of the Port. Let's give this port to a private firm to operate it and then we can realize some revenue to contribute to the nation's budget. And if you must act on that, it has to be expedited so that your good name will not be tarnished.

Regards!

Respectfully yours,

Eric Filor Nagbe  
Concerned Liberian

**References:**

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**100:** Tax laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.

**75:**

**50:** Tax laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.

**25:**

**0:** Tax law is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.

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## 64. In law, is there a national customs and excise agency?

100

64. In law, is there a national customs and excise agency?

YES | NO

**References:**

Section 1700 Revenue Code of 2000, page 154,

[www.mofliberia.org](http://www.mofliberia.org), see Acts and Rules

**YES:** A YES score is earned if there is an agency formally mandated to collect excises and inspect customs.

**NO:** A NO score is earned if that function is spread over several agencies, or does not exist.

---

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

50

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

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

**Comments:**

People with high connections in the government bringing goods into the country and evade taxes with impunity. When it comes to paying taxes, those who have the right connections do not pay as much and they are not penalized. The implementation of the tax laws and regulations often puts more pressure on ordinary businesspeople and individuals.

**References:**

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**100:** Customs and excise laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade customs than another.

**75:**

**50:** Customs and excise laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade customs requirements.

**25:**

**0:** Customs and excise laws are unequally applied. Some groups of citizens are consistently more or less likely to evade customs and excise laws than others.

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## V-4. State-Owned Enterprises

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68. Is the agency, series of agencies, or equivalent mechanism overseeing state-owned companies effective?

68a. In law, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies is protected from political interference.

YES | **NO**

**Comments:**

Because of there is no protection from political interference for agencies overseeing state-owned companies, state-owned enterprises are still overstaffed with political loyalists.

**References:**

Protection from political interference for agencies overseeing state-owned companies does not exist in law.

**YES:** A YES score is earned only if the agency, series of agencies, or equivalent mechanism has some formal operational independence from the 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, series of agencies, or equivalent mechanism is a subordinate part of any government ministry or agency.

68b. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies has a professional, full-time staff.

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

**Comments:**

The budget for the State-Owned Enterprise Bureau for 2008-2009 was 60,000 dollars. This hinders its ability to hire a trained professional staff.

**References:**

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**100:** The agency, series of agencies, or equivalent mechanism has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism has limited staff that hinders its ability to fulfill its basic mandate.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

68c. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies receives regular funding.

100 | 75 | 50 | 25 | 0

**Comments:**

The agencies overseeing state-owned companies receive regular funding, but it is not adequate to oversee 16 of them.

**References:**

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**100:** The agency, series of agencies, or equivalent mechanism 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, series of agencies, or equivalent mechanism 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 functions.

68d. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies independently initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

The agencies overseeing state-owned companies have not instituted any investigations.

**References:**

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**100:** When irregularities are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in investigating and/or in cooperating with other investigative bodies.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism starts investigations, but is limited in its effectiveness or in its cooperation with other investigative agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism does not effectively investigate financial irregularities or cooperate with other investigative agencies. The agency, series of agencies, or equivalent mechanism may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

68e. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

**Comments:**

The agencies overseeing state-owned companies have not imposed penalties on anyone.

**References:**

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**100:** When rules violations are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in penalizing offenders and/or in cooperating with other agencies that impose penalties.

**75:**

**50:** The agency, series of agencies, or equivalent mechanism enforces rules, but is limited in its effectiveness or reluctant to cooperate with other agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

**25:**

**0:** The agency, series of agencies, or equivalent mechanism does not effectively penalize offenders or refuses to cooperate with other agencies that enforce penalties. The agency, series of agencies, or equivalent mechanism may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency, series of agencies, or equivalent mechanism may be partisan in its application of power.

## 69. Can citizens access the financial records of state-owned companies?

30

69a. In law, citizens can access the financial records of state-owned companies.

**YES** | NO

### References:

Article 15 of the Liberian Constitution

**YES:** A YES score is earned if the financial information of all state-owned companies is required by law to be public. State-owned companies are defined as companies owned in whole or in part by the government.

**NO:** A NO score is earned if any category of state-owned company is exempt from this rule, or no such rules exist.

69b. In practice, the financial records of state-owned companies are regularly updated.

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

### Comments:

The public has no trust in the financial records of these agencies because, despite the fact that some of them are making a profit, they do not contribute to the national budget (e.g. NPA).

### References:

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**100:** State-owned companies always publicly disclose financial data, which is generally accurate and up to date.

**75:**

**50:** State-owned companies disclose financial data, but it is flawed. Some companies may misstate financial data, file the information behind schedule, or not publicly disclose certain data.

**25:**



**0:** Financial data is not publicly available, or is consistently superficial or otherwise of no value.

69c. In practice, the financial records of state-owned companies are audited according to international accounting standards.

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

**Comments:**

Some state-owned enterprises are audited, but others have not been audited for over twenty years!

**References:**

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**100:** Financial records of all state-owned companies are regularly audited by a trained third party auditor using accepted international standards.

**75:**

**50:** Financial records of state-owned companies are regularly audited, but exceptions may exist. Some companies may use flawed or deceptive accounting procedures, or some companies may be exempted from this requirement.

**25:**

**0:** State-owned companies are not audited, or the audits have no functional value. The auditors may collude with the companies in providing misleading or false information to the public.

69d. In practice, citizens can access the financial records of state-owned companies within a reasonable time period.

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

**References:**

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**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.

69e. In practice, citizens can access the financial records of state-owned companies at a reasonable cost.

100 | 75 | 50 | 25 | 0

**References:**

Government official, anonymous

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**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.

---

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

100

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

YES | NO

**References:**

Bureau of State Enterprises was established by Decree #8 of the Interim National Assembly in 1985.

**YES:** A YES score is earned if there is an agency, series of agencies, or equivalent mechanism tasked with overseeing the conduct and performance of state-owned companies on behalf of the public. A YES score can be earned if several government agencies or ministries oversee different state-owned enterprises. State-owned companies are defined as companies owned in whole or in part by the government.

**NO:** A NO score is earned if this function does not exist, or if some state-owned companies are free from government oversight.

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50  
V-5. Business Licensing and Regulation

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70. Are business licenses available to all citizens?

63

70a. In law, anyone may apply for a business license.

YES | NO

**Comments:**

There are exceptions to who can apply for a business license; there are 26 business licenses set aside for Liberians only.

**References:**

1973 Investment Act

**YES:** A YES score is earned if no particular group or category of citizens is excluded from applying for a business license, when required. A YES score is also earned if basic business licenses are not required.

**NO:** A NO score is earned if any group of citizens are categorically excluded from applying for a business license, when required

70b. In law, a complaint mechanism exists if a business license request is denied.

YES | **NO**

**Comments:**

However, a citizen may seek redress through the courts when their request for a business license is denied.

**References:**

A complaint mechanism for when a business license request is denied does not exist in law.

**YES:** A YES score is earned if there is a formal process for appealing a rejected license.

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

70c. In practice, citizens can obtain any necessary business license (i.e. for a small import business) within a reasonable time period.

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

**References:**

Doing Business Survey 2008-2009, See <http://www.doingbusiness.org/EconomyRankings/>

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**100:** Licenses are not required, or licenses can be obtained within roughly one week.

**75:**

**50:** Licensing is required and takes around one month. Some groups may be delayed up to a three months

**25:**

**0:** Licensing takes more than three months for most groups. Some groups may wait six months to one year to get necessary licenses.

70d. In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

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

**References:**

<http://www.doingbusiness.org/EconomyRankings/>

Prof. Geegbae A. Geegbae, Chairman, Department of Economics, University of Liberia, September 30, 2009, Monrovia, Liberia

Shine Williams, Program Officer, Center for Transparency and Accountability in Liberia, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009

**100:** Licenses are not required, or licenses are free. Licenses can be obtained at little cost to the organization, such as by mail, or on-line.

**75:**

**50:** Licenses 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 are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

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## 71. Are there transparent business regulatory requirements for basic health, environmental, and safety standards?

0

71a. In law, basic business regulatory requirements for meeting public health standards are transparent and publicly available.

YES | **NO**

**Comments:**

Basic business regulatory requirements for meeting public health standards do exist, but they cannot be accessed by the public in newspapers, on websites in libraries or at the request of anyone. Businesses that need these regulations have to request them. They are more likely to get them than any member of the public.

**References:**

Basic business regulatory requirements for meeting public health standards are not available to the public.

**YES:** A YES score is earned if basic regulatory requirements for meeting 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.

71b. In law, basic business regulatory requirements for meeting public environmental standards are transparent and publicly available.

YES | **NO**

**Comments:**

There probably is a public safety law but the law is not available to the public through public media like the Internet, in Libraries or in newspapers. Business people could apply for and probably will receive a copy.

**References:**

Basic business regulatory requirements for meeting public health standards are not publicly available.

**YES:** A YES score is earned if basic regulatory requirements for meeting 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.

71c. In law, basic business regulatory requirements for meeting public safety standards are transparent and publicly available.

YES | **NO**

**Comments:**

Basic business regulatory requirements for meeting public health standards are probably in law, but they are not now available for review. The public does not have access to them through the available public media. Business owners could ask for and receive them. They are not stated on the Ministry's website, which is now under construction.

**References:**

Basic business regulatory requirements for meeting public health standards are not publicly available.

**YES:** A YES score is earned if basic regulatory requirements for meeting 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.

---

## 72. Does government effectively enforce basic health, environmental, and safety standards on businesses?

25

72a. In practice, business inspections by government officials to ensure public health standards are being met are carried out in a uniform and even-handed manner.

**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME Zion University, September 30, 2009, Monrovia, Liberia

Jonathan Yiah, Program Officer, SDI, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 28, 2009, Monrovia, Liberia

**100:** Business inspections by the government to ensure that public health standards 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 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 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.

72b. In practice, business inspections by government officials to ensure public environmental standards are being met are carried out in a uniform and even-handed manner.

**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME Zion University, September 30, 2009, Monrovia, Liberia

Jonathan Yiah, Program Officer, SDI, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 28, 2009, Monrovia, Liberia

**100:** Business inspections by the government to ensure that public environmental standards 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 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 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.

72c. In practice, business inspections by government officials to ensure public safety standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

**References:**

Blamo Kofa, Lecturer, Department of Sociology, AME Zion University, September 30, 2009, Monrovia, Liberia

Jonathan Yiah, Program Officer, SDI, September 28, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 28, 2009, Monrovia, Liberia

**100:** Business inspections by the government to ensure that public safety standards 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 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 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.

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Category VI. Anti-Corruption and Rule of Law

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VI-1. <sup>71</sup>Anti-Corruption Law

---

73. Is there legislation criminalizing corruption?

100

73a. In law, attempted corruption is illegal.



YES | NO

**References:**

Liberia Penal Code

United Nations Convention Against Corruption

AU Convention Against Corruption and Other Related Crimes

**YES:** A YES score is earned if corruption laws include attempted acts.

**NO:** A NO score is earned if this is not illegal.

73b. In law, extortion is illegal.

YES | NO

**References:**

Liberia Penal Code

United Nations Convention Against Corruption

AU Convention Against Corruption and Other Related Crimes

**YES:** A YES score is earned if corruption laws include extortion. Extortion is defined as demanding favorable treatment (such as a bribe) to withhold a punishment.

**NO:** A NO score is earned if this is not illegal.

73c. In law, offering a bribe (i.e. active corruption) is illegal.

YES | NO

**References:**

Liberia Penal Code

United Nations Convention Against Corruption

AU Convention Against Corruption and Other Related Crimes

**YES:** A YES score is earned if offering a bribe is illegal.

**NO:** A NO score is earned if this is not illegal.

73d. In law, receiving a bribe (i.e. passive corruption) is illegal.

**YES** | NO

**References:**

Liberia Penal Code

United Nations Convention Against Corruption

AU Convention Against Corruption and Other Related Crimes

**YES:** A YES score is earned if receiving a bribe is illegal.

**NO:** A NO score is earned if this is not illegal.

73e. In law, bribing a foreign official is illegal.

**YES** | NO

**References:**

Liberia Penal Code

United Nations Convention Against Corruption

AU Convention Against Corruption and Other Related Crimes

**YES:** A YES score is earned if bribing a foreign official is illegal.

**NO:** A NO score is earned if this is not illegal.

73f. In law, using public resources for private gain is illegal.

YES | NO

**Comments:**

The use of public resources for private gain is covered in the penal code under misapplication of entrusted property.

**References:**

Liberia Penal Code

United Nations Convention Against Corruption

AU Convention Against Corruption and Other Related Crimes

**YES:** A YES score is earned if using public resources for private gain is illegal.

**NO:** A NO score is earned if this is not illegal.

73g. In law, using confidential state information for private gain is illegal.

YES | NO

**References:**

Liberia Penal Code

United Nations Convention Against Corruption

AU Convention Against Corruption and Other Related Crimes

Public Procurement Act of 2005

**YES:** A YES score is earned if using confidential state information for private gain is illegal.

**NO:** A NO score is earned if this is not illegal.

73h. In law, money laundering is illegal.

YES | NO

**Comments:**

Money laundering is covered under the new amendment of the penal code.

**References:**

Liberia Penal Code

United Nations Convention Against Corruption

AU Convention Against Corruption and Other Related Crimes

**YES:** A YES score is earned if money laundering is illegal. Money laundering is defined as concealing the origin of funds to hide wrongdoing or avoid confiscation.

**NO:** A NO score is earned if this is not illegal.

73i. In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

**YES** | NO

**References:**

Liberia Penal Code

**YES:** A YES score is earned if organized crime is illegal.

**NO:** A NO score is earned if this is not illegal.

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## VI-2. Anti-Corruption Agency

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75. Is the anti-corruption agency effective?

53

75a. In law, the anti-corruption agency (or agencies) is protected from political interference.

**YES** | NO

**References:**

Section 13.1 Liberia Anti-Corruption Commission Act of 2005

**YES:** A YES score is earned only if the agency (or agencies) has some formal organizational or operational independence from the government. A YES score is earned even if the agency/agencies is legally separate but in practice staffed by partisans.

**NO:** A NO score is earned if the agency (or agencies) is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department, in such a way that limits its operational independence.

75b. In practice, the anti-corruption agency (or agencies) is protected from political interference.

100 | 75 | 50 | 25 | 0

**Comments:**

The anti-corruption agency is not pursuing critical bills and not dealing with issues such as Knucklesgate.” This is a very politically sensitive issue.

When the anti-corruption commission came into being, the President appointed it without seeking the input of CSOs, as had been earlier agreed and inserted in a bill. Somewhere between the Legislature and the president’s office, the emphatic line in the bill “shall consult civil Society” was changed to “may consult.”

The public perceives that the person who was appointed as chairman of the commission is too close to the political establishment to be shielded from political pressure.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, CEMESP, September 30, 2009, Monrovia, Liberia

Charles Smith, Programme Manager, AGENDA, September 30, 2009, Monrovia, Liberia

**100:** This agency (or agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

**75:**

**50:** This agency (or agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government, political appointments, or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

**25:**

**0:** This agency (or agencies) is commonly influenced by political or personal incentives. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The agency (or agencies) cannot compel the government to reveal sensitive information.

75c. In practice, the head of the anti-corruption agency (or agencies) is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

**Comments:**

Although no head of the anti-corruption agency has been removed without relevant justification, the act puts the commissioners at the mercy of the president, who can remove them for gross misconduct. Their position would be more secure if they could only be removed following their conviction in a court of law, but the president may remove them without a conviction, based on his or her own judgment.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** The director(s) cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

**75:**

**50:** The director(s) can in some cases be removed through a combination of official or unofficial pressure.

**25:**

**0:** The director(s) can be removed at the will of political leadership.

75d. In practice, appointments to the anti-corruption agency (or agencies) are based on professional criteria.

100 | 75 | 50 | 25 | 0

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** Appointments to the agency (or agencies) 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 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 arising from personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

75e. In practice, the anti-corruption agency (or agencies) has a professional, full-time staff.

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

**Comments:**

Manpower low in investigative division, around 6, most have not received basic law enforcement training, let alone advanced specialized training. The Division has only one vehicle, and faces logistical problem, no advanced equipment to use in order to enhance work

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** The agency (or agencies) has staff sufficient to fulfill its basic mandate.

**75:**

**50:** The agency (or agencies) has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

**25:**

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

75f. In practice, the anti-corruption agency (or agencies) receives regular funding.

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

**Comments:**

The Commission has a stream of funding from the national budget, but it is insufficient to meet its needs, the investigation department or division is understaffed, with only 6 persons, equipment is wanting as well as expertise.

The Commission however receives nominal support from donors, notably UNDP, but this is also not substantial, when the Commission was proposed, it had budgetary allocation of 150,000 in the 2007-2008 budget, in the 2008-2009 budget, it only had 300,000 dollars.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** The agency (or agencies) 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 (or agencies) 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:** The agency's funding sources are unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

75g. In practice, the anti-corruption agency (or agencies) makes regular public reports.

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

**Comments:**

The only public report that the the anti-corruption agency has released recently came out about a day or so ago. It concerns four cases that they have completed but does not cover the full scope of their work.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** The agency (or agencies) makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

**75:**

**50:** The agency (or agencies) makes publicly available reports to the legislature that are sometimes delayed or incomplete.

**25:**

**0:** The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.



75h. In practice, the anti-corruption agency (or agencies) has sufficient powers to carry out its mandate.

100 | 75 | 50 | 25 | 0

**Comments:**

The anti-corruption agency can only investigate and turn over evidence to the Ministry of Justice for Prosecution. The public sees this as a serious drawback.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** The agency (or agencies) has powers to gather information, including politically sensitive information. The agency (or agencies) can question suspects, order arrests and bring suspects to trial (or rely on related agencies or law enforcement authorities to perform such functions).

**75:**

**50:** The agency (or agencies) has most of the powers needed to carry out its mandate with some exceptions.

**25:**

**0:** The agency (or agencies) lacks significant powers which limit its effectiveness.

75i. In practice, when necessary, the anti-corruption agency (or agencies) independently initiates investigations.

100 | 75 | 50 | 25 | 0

**Comments:**

The score is chosen not because the anti-corruption agency does not want to investigate, but because they are not aggressive toward high-profile cases of irregularities about which the public is angry.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** When irregularities are discovered, the agency (or agencies) is aggressive in investigating the government or in cooperating with other investigative agencies.

**75:**

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

**25:**

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

---

## 76. Can citizens access the anti-corruption agency?

38

76a. In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.

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

### Comments:

The anti-corruption agency has not publicly announced a mechanism for receiving complaints. They have, however, been carrying out investigations on some of the information they receive. There have been general calls for them to immediately take over some cases that have received the public's attention, but the agency leaves it to other agencies of government to take action.

### References:

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** The agency (or agencies) acts on 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 (or agencies) 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 (or agencies) 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.

76b. In practice, citizens can complain to the anti-corruption agency (or agencies) without fear of recrimination.

100 | 75 | 50 | 25 | 0

**Comments:**

People may publicly speak up about corruption or draw attention to a particular issue, but they do not make formal complaints. The the anti-corruption commission itself has not provided that option to the public. The commission handles their own official cases.

See: The News Newspaper, Wednesday, September 30, 2009 edition.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** Whistleblowers 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:** Whistleblowers 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:** Whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

---

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

100

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

YES | NO

**References:**

Liberia Anti-Corruption Commission Act of 2008

**YES:** A YES score is earned if an agency is specifically mandated to address corruption. A YES score is earned if there are several agencies or entities with specific roles in fighting corruption, including special prosecutorial entities.

**NO:** A NO score is earned if no agency (or group of agencies/entities) is specifically mandated to prevent or prosecute corruption.

---

63  
VI-3. Rule of Law

---

77. Is there an appeals mechanism for challenging criminal judgments?

58

77a. In law, there is a general right of appeal.

YES | NO

**References:**

Article 20(b) of the Liberian Constitution

**YES:** A YES score is earned if there is a formal process of appeal for challenging criminal judgments.

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

77b. In practice, appeals are resolved within a reasonable time period.

100 | 75 | 50 | 25 | 0

**Comments:**

Appeals are resolved faster when they involve high-profile cases; other appeals take forever to resolve.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**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.

77c. In practice, citizens can use the appeals mechanism at a reasonable cost.

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

**Comments:**

By Liberian standards, court cases are always very expensive for ordinary people. This is the reason why people avoid the courts and try seeking other means of resolving their differences.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees are not a barrier to appeals.

**75:**

**50:** In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees present somewhat of a barrier to pursuing appeal.

**25:**

**0:** The prohibitive cost of utilizing the appeals mechanism prevents middle class citizens from challenging criminal judgments. Attorney fees greatly discourage the use of the appeals process.

---

78. In practice, do judgments in the criminal system follow written law?

75

78. In practice, do judgments in the criminal system follow written law?

100 | 75 | 50 | 25 | 0

**Comments:**

Whether judgments in the criminal system follow written law depends on what type of case it is and where it is being heard. Cases heard in formal courts do follow written law, but those held in the countryside, for example, in some towns and villages, most likely do not, such as the Town Chief Court. These individuals are not part of the justice system yet they do preside over cases among their people, and they pass judgments.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** Judgments in the criminal system 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.

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79. In practice, are judicial decisions enforced by the state?

50

79. In practice, are judicial decisions enforced by the state?

100 | 75 | 50 | 25 | 0

**Comments:**

Enforcement of judicial decisions depends on the nature of the case and the parties involved.

**References:**

Dan Saryee, Executive Director, Liberia Democratic Institute, September 30, 2009, Monrovia, Liberia

Shine Williams Program Officer, CENTAL, September 30, 2009, Monrovia, Liberia

Alaric Tokpa, Lecturer, Political Science, University of Liberia, September 29, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** Judicial decisions are enforced quickly regardless of what is being decided or who is appearing before the court. Failure to comply brings penalties enforced by the state.

**75:**

**50:** Judicial decisions are generally enforced by the state, 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 are often ignored. The state lacks the will or capacity to consistently enforce these decisions.

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## 80. Is the judiciary able to act independently?

69

80a. In law, the independence of the judiciary is guaranteed.

YES | NO

**References:**

Article 73 of the Liberian Constitution

**YES:** A YES score is earned if there are formal rules establishing that the 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.

80b. In practice, national-level judges are protected from political interference.

100 | 75 | 50 | 25 | 0

**Comments:**

The national-level judges are not entirely free from political pressure, but as of now, they seem to be asserting themselves. The

government has lost all its anti-corruption cases, and in retaliation it has changed its prosecution team, but not the judges.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** National-level judges operate independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Judges never comment on political debates. Individual judgments are rarely praised or criticized by political figures.

**75:**

**50:** National-level 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 judges may be demoted or relocated in retaliation for unfavorable decisions.

**25:**

**0:** National-level 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.

80c. In law, there is a transparent and objective system for distributing cases to national-level judges.

YES | **NO**

**References:**

A transparent and objective system for distributing cases to national-level judges does not exist in law.

**YES:** A YES score is earned if there is an objective system that is transparent to the public that equitably or randomly assigns cases to individual judges. The 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. A NO score is also earned if the executive branch controls this process.

80d. In law, national-level judges are protected from removal without relevant justification.

**YES** | NO



**References:**

Article 71 of the Liberian Constitution

**YES:** A YES score is earned if there are specific, formal rules for removal of a justice. Removal must be related to abuse of power or other offenses related to job performance.

**NO:** A NO score is earned if justices 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.

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81. Are judges safe when adjudicating corruption cases?

100

81a. In practice, in the last year, no judges have been physically harmed because of adjudicating corruption cases.

YES | NO

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**YES:** A YES score is earned if there were no documented cases of judges 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 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.

81b. In practice, in the last year, no judges have been killed because of adjudicating corruption cases.

YES | NO

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**YES:** A YES score is earned if there were no documented cases of judges 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 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.

## 82. Do citizens have equal access to the justice system?

57

82a. In practice, judicial decisions are not affected by racial or ethnic bias.

100 | 75 | 50 | 25 | 0

### Comments:

If there is any external pressure to influence judicial decisions, it would be brought by the parties in terms of bribes.

### References:

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** Judicial decisions are not affected by racial or ethnic bias.

**75:**

**50:** Judicial decisions are generally not affected by racial or ethnic bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

**25:**

**0:** Judicial decisions are regularly distorted by racial or ethnic bias. Some groups consistently receive favorable or unfavorable treatment by the courts.

82b. In practice, women have full access to the judicial system.

100 | 75 | 50 | 25 | 0

### Comments:

Women have access to the judicial system, but this cannot be said to be true throughout the country, because there are some cultures where a woman may be discouraged from bringing a case against a man.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** Women enjoy full and equal status in the eyes of the 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 justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

**75:**

**50:** Women generally have use of the 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 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 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 justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

82c. In law, the state provides legal counsel for defendants in criminal cases who cannot afford it.

YES | NO

**Comments:**

The right to counsel and the rights of counsel shall be inviolable. There shall be no interference with the lawyer-client relationship. In all trials, hearings, interrogatories and other proceedings where a person ins accused of a criminal offense, the accused shall have the right to counsel of his choice; and where the accused is unable to secure such representation, the Republic shall make available legal aid services to ensure the protection of his rights.

**References:**

Article 21 of the Liberia Constitution

**YES:** A YES score is earned if the 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 government to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

82d. In practice, the state provides adequate legal counsel for defendants in criminal cases who cannot afford it.

100 | 75 | 50 | 25 | 0

**Comments:**

The state does provide legal counsel but still demand money as compensation. Otherwise criminal defendants receive no defense, and, more often than not, they lose their case.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** State-provided legal aid is basic, but well-trained and effective in representing the rights of impoverished defendants.

**75:**

**50:** 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:** State-provided legal aid is unavailable to most impoverished defendants. State legal aid/public defenders may be consistently incompetent or unwilling to fairly represent all defendants.

82e. In practice, citizens earning the median yearly income can afford to bring a legal suit.

100 | 75 | 50 | 25 | 0

**Comments:**

Court cases are very expensive, so many people shy away from bringing a legal suit.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** In most cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. Attorney fees do not represent a major cost to citizens.

**75:**

**50:** In some cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

**25:**

**0:** The cost of engaging the legal system prevents middle class citizens from filing suits. Attorney fees are high enough to discourage most citizens from bringing a case.

82f. In practice, a typical small retail business can afford to bring a legal suit.

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

**Comments:**

Lawyers fees are very high, and as is the cost of processing documents in the court, when compared to the income of the people. For example, it is questionable whether a man who earns 75 dollars a month could afford to bring a court case when the processing of an affidavit would cost him ten dollars every time he filed one.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** In most cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. Attorneys fees do not represent a major cost to small businesses.

**75:**

**50:** In some cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

**25:**

**0:** The cost of engaging the legal system prevents small businesses from filing suits. Attorney fees are high enough to discourage most small businesses from bringing a case.

82g. In practice, all citizens have access to a court of law, regardless of geographic location.

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

**Comments:**

There are places in Liberia where there are no courts or correction facilities. However there exist some form of dispute resolution mechanism in the form of the different chiefs' compounds palava initiatives: Town, clan, Paramount, District Commissioner, and then in the county seat a circuit court and magisterial court. Citizens access to justice is not 100 percent accross the country but efforts have been made to have it improved, i.e. the appointment and assignmentt of public defenders, and the commissioning of justices of the Peace by the President. There may not be a formal court House structure but what exists give some form of access to justice.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** Courtrooms are always accessible to citizens at low cost, either through rural courthouses or through a system of traveling magistrates.

**75:**

**50:** Courts are available to most citizens. Some citizens may be unable to reach a courtroom at low cost due to location.

**25:**

**0:** Courts are unavailable to some regions without significant travel on the part of citizens.

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## VI-4. Law Enforcement

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### 83. Is the law enforcement agency (i.e. the police) effective?

50

83a. In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.

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

**Comments:**

Appointments to the law enforcement agency (or agencies) are made according to professional criteria, but not in all cases. Some of those appointed have clear and close party links or some unexplained connection with the executive. While there may be others who are more qualified, they are glossed over. The recent appointment of Mike Amblard as Police Director exemplifies this problem.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

Cecil B. Griffiths, President, Liberia national Law Enforcement Association, September 30, 2009

**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.

83b. In practice, the law enforcement agency (or agencies) has a budget sufficient to carry out its mandate.

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

**Comments:**

The budget for the Ministry of Justice must be shared by its many sub-agencies.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

Also, see FY Budget Proposal 2009-2010, [www.mofliberia.org](http://www.mofliberia.org)

**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.

83c. In practice, the law enforcement agency is protected from political interference.

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

**Comments:**

Law enforcement agencies are subject to heavy political influence, and, therefore, they sometimes bend the law to discriminate against individuals who are not as powerful.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**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 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.

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## 84. Can law enforcement officials be held accountable for their actions?

54

84a. In law, there is an independent mechanism for citizens to complain about police action.

YES | **NO**

**References:**

An independent mechanism for citizens to complain about police action does not exist in law.

**YES:** A YES score is earned if there is a formal process or mechanism by which citizens can complain about police actions. 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

84b. In practice, the independent law enforcement complaint reporting mechanism responds to citizen's complaints within a reasonable time period.



100 | 75 | 50 | 25 | 0

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**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.

84c. In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials.

YES | NO

**References:**

Liberia Anti-Corruption Commission Act of 2008

**YES:** A YES score is earned if there is an agency/entity specifically mandated to investigate corruption-related activity within law enforcement. 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.

84d. In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials.

**Comments:**

Law enforcement officials can be held accountable, but only by the institutions that they work for. Many police officers have been dismissed and prosecuted for disorderly conduct and criminal behavior. The latest case involves an officer who killed a civilian in Paynesville over a dispute regarding a piece of land.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

Cecil B. Griffiths, President, Liberia national Law Enforcement Association, September 30, 2009

**100:** When irregularities are discovered, the agency/entity is aggressive in investigating government law enforcement officials 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.

84e. In law, law enforcement officials are not immune from criminal proceedings.

**YES** | NO

**References:**

Article 26 of the Liberian Constitution

**YES:** A YES score is earned if law enforcement officers 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.

84f. In practice, law enforcement officials are not immune from criminal proceedings.

**References:**

Gator Tate, Intern, Louise Arthur Grimes School of Law, September 30, 2009, Monrovia, Liberia

Cllr. Negbalee Warner, Civil Activist, September 30, 2009, Monrovia, Liberia

Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building, September 30, 2009, Monrovia, Liberia

**100:** Law enforcement officers are subject to criminal investigation for official misconduct. No crimes are exempt from prosecution.

**75:**

**50:** Law enforcement 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 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.

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