

27 November 2023

English only

Tenth session

Atlanta, United States of America,
11–15 December 2023

**Statement submitted by UNCAC Coalition, a
non-governmental organization not in consultative status
with the Economic and Social Council***

The following document is being circulated in accordance with paragraph 1 (i) of resolution 4/6 of the Conference of the States Parties to the United Nations Convention against Corruption and rule 17, paragraph 3 (b), of the rules of procedure for the Conference.

* The present document is processed in the form in which it was received.



**Liberia: Civil Society Report
by Center for Security Studies and Development (CENSSAD)**

An input to the UNCAC Implementation Review Mechanism:
Third year of review of UNCAC Chapters II and V

14 November 2023

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

While Liberia has made significant progress towards developing normative legal frameworks for the implementation of articles of Chapter II of the UNCAC, some gaps persist, especially regarding implementation and enforcement in practice. There is a long way to go to develop an adequate framework for implementing Chapter V of the UNCAC.

Assessment of the Review Process

| | | |
|--|-----|---|
| Has the government disclosed information about the country focal point? | No | The government has not published information; however, the focal point is in the Liberian Anti-Corruption Commission (LACC). |
| Was the review schedule published somewhere? | No | – |
| Was civil society consulted in the preparation of the self-assessment checklist? | Yes | Two interview respondents from civil society said the government contacted CSOs when drafting anti-corruption laws and during the UNCAC review process. |
| Was the self-assessment checklist published online or | No | – |

¹ The parallel report was published on the UNCAC Coalition website in March 2022: <https://uncaccoalition.org/parallel-report-liberia/>. During the course of 2022, the UNCAC Coalition supported CENSSAD in conducting follow-up activities based on specific recommendation resulting from its parallel report. Find more information here: <https://uncaccoalition.org/follow-up-activities-liberia/>.

| | | |
|--|----------------------|---|
| made available to civil society? | | |
| Did the government agree to a visit to the country? | Yes | According to the LACC, the government agreed to a country visit. |
| Was a country visit undertaken? | No | – |
| Was civil society invited to provide input to the official reviewers? | Yes | The LACC mentioned that civil society groups were invited, but did not name them. |
| Was the private sector invited to provide input to official examiners? | No | – |
| Has the government committed to publishing the full country report? | Unknown ² | – |

Main Findings and Recommendations (R)

Public Sector Employment

The Constitution and the 2013 Manual of the Civil Service Agency contain provisions for the hiring of public servants according to merit and seniority. In practice, however, the incumbent party and its predecessor have been accused of nepotism, sectionalism and political affiliation when allotting positions in the administration.

R: Ensure merit-based hiring. Test candidates nominated by the President to serve as head of one of Liberia's anti-graft institutions for integrity, capacity, experience, and qualification.

Political Financing

There is a legal framework with clear rules for political financing. Whilst the Constitution requires all political parties to declare their assets to the National Elections Commission annually, this is not followed in practice. Although all elections since 2003 were assessed as largely fair and free, a trend has emerged where political candidates pay voters to travel to different regions of the country to cast their ballot several times.

R: Enforce strict sanctions for non-compliance with reporting of political finances. Ensure the publications of reports.

Codes of Conduct, Conflicts of Interest and Asset Declarations

² Liberia signed the UNCAC Coalition's Transparency Pledge after the publication of this report, in August 2023, committing to the publication of both the self-assessment checklist and full country report, <https://uncaccoalition.org/liberia-signs-the-uncac-review-transparency-pledge/>.

The National Code of Conduct defines clear codes of conduct for public servants and the executive, including a provision requiring appointed officials who intend to run for office to quit their job at least two years before elections are held (three years in the case of tenured elections). Few public officials comply with conflict of interest and asset declaration requirements, and sometimes conceal information. There is no real verification system or legal requirement for the LACC to make asset declarations public, except when a party requests access to a declaration through court. A proposed bill envisions a stricter oversight system for the LACC and sanctions for non-compliers.

R: Make asset declarations submitted by public officials available for public inspection. Create an Ombudsman to monitor the implementation of the Code of Conduct for Public Officials and impose sanctions in case of non-compliance.

Whistle-blower Protection

Since 2009, there have been different consecutive orders offering minimum protection to whistle-blowers. However, this incomprehensive legal protection framework has failed to mitigate harassment and some whistle-blowers have disappeared under mysterious circumstances. The government recently renewed its pledge to pass the Whistle-blower and Witness Protection Act and establish a witness protection unit.

R: Enact a law that protects Whistle-blowers and Witnesses of Acts of Corruption. Create national platforms to advocate for and facilitate whistle-blowing.

Public Procurement

The Public Procurement and Concession Commission (PPCC) has been commended for its work, despite limited resources. Although a rudimentary e-procurement platform exists, power cuts and insufficient funding present a challenge. Due to these constraints, the PPCC reviews a low share of contracts and has not published its Annual Compliance Monitoring Reports since 2018. The government plans to establish an e-procurement platform which will be linked to other online platforms to strengthen inter-anti-graft institutional cooperation. The PPCC and National Bureau of Concessions recently organized workshops to facilitate information dissemination and hold regular meetings with CSOs to enhance the role of the media and civil society in monitoring public procurement.

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

Public Finances

The 2009 Public Finance Management Act establishes rules and regulations that government institutions must adhere to when spending and transferring public funds. The General Auditing Commission (GAC) conducts around 35-70 audits every year and publishes reports online, though not in a timely manner. The Commission has uncovered instances of unlawful transactions of government institutions, but lacks prosecutorial follow-up powers. It also lacks independence from the Ministry of Finance, has insufficient funds and inadequate technical equipment to work effectively. Other auditing bodies suffer from similar restrictions. In 2020, the government announced its ambition to audit 99% of all government bodies, linked with

investments in the GAC's and Internal Audit Agency's human resources and technical capacity.

R: Ensure frequent and timely audits of all public institutions.

Access to Information and Participation of Society

The Freedom of Information Act grants individuals the right to file requests orally, in writing or by e-mail. However, individuals rarely request information and the government lacks the will and technical capacity to respond. Liberia's Independent Information Commissioner faces limited funding and staff shortages. It set up InfoLIB,³ a non-governmental online platform, in 2016; however, it is rarely used, with a slow to non-existent response rate.

CSOs actively contribute to policy-making. Anti-corruption bodies have reached out to civil society, allowing them to contribute to their work or join forces in fighting corruption. However, an increasing number of journalists critical of the government experienced attacks in 2020 and 2021,⁴ which may disincentivize some civil society and media representatives to investigate and unveil corrupt practices.

R: Raise awareness among the general public about their rights to request access to public records and the channels to report corruption. Strengthen the role of civil society, private sector actors and media in the fight against corruption.

Independence of the Judiciary

Liberia's judiciary is influenced by private and government actors. Bribery for favorable verdicts remains commonplace, and the judiciary is inefficient. With recent budget cuts, judges sued the government in front of the Supreme Court. While the judicial branch presents the highest number of submitted asset declarations, there is no efficient monitoring system.

R: Allot sufficient funding to the judicial branch. Grant the public and media insight into how courts process corruption allegations to establish trust in the judiciary.

Private Sector Transparency

Lay monitoring regulations have rendered Liberia a tax haven. A Beneficial Ownership Registry is yet to be established, but the government has committed to creating one. The Liberia Extractive Industries Transparency Initiative (LEITI) has expressed its confidence to launch a Beneficial Ownership Registry for the extractive sector by the end of 2022.⁵

R: Attach high priority to the establishment of a beneficial ownership registry to finally eradicate Liberia's secrecy system.

Anti-Money Laundering

While the legal framework on anti-money laundering and terrorist financing seems robust, in practice Liberia remains prone to both. Liberia's Central Bank fails to enforce AML

³ <https://infolib.org.lr/help/about>.

⁴ <https://rsf.org/en/liberia>.

⁵ Open Government Partnership, Liberia – Action Plan 2020-2022, https://www.opengovpartnership.org/wp-content/uploads/2021/01/Liberia_Action-Plan_2020-2022.pdf.

requirements and there is a lack of systematic financial investigations and secured financial crimes convictions. The FIU grapples with funding constraints and technical capacity to process financial intelligence. The proposed bill on AML seeks to address flaws in the existing AML Act.

R: Ensure the FIU has sufficient financial and human capacity to effectively do its work. Enhance Liberia's role in international endeavors to eradicate corruption, money laundering and terrorist financing.

Asset Recovery

Asset recovery plays a marginal role in Liberia's legal anti-corruption and anti-money laundering framework. While the creation of the Asset Investigation, Restitution and Recovery Team's (AIRRET) initial investigations looked promising, the Chairman of the institution resigned due to a lack of political will to recover assets. The President's proposed bill contains promising improvements towards the asset recovery regime, such as the establishment of a Recovered Assets Fund which can be used to compensate victims of criminal conduct.

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