

U4 Helpdesk Answer

U4 Helpdesk Answer 2020:9

Liberia: Corruption and anti-corruption in the areas of environment, climate change and rule of law

Liberia's rich reserve of natural resources have often done it more harm than good. Corruption scandals in natural resource management involve governmental and international players. The effects of climate change have dire consequences on national development efforts and could potentially increase the current challenges in alleviating poverty. Rule of law enforcement remains weak, resulting in a culture of impunity. While citizens' access to pertinent information and meaningful engagement and participation in key decision-making processes still remains a challenge, citizens' demand for accountability, transparency, and integrity at different levels of society has heightened over the last few years, especially in public services.

27 May 2020

AUTHOR

Kaunain Rahman (TI)

tihelpdesk@transparency.org

REVIEWED BY

Cecilie Wathne (U4)

cecilie.wathne@cmi.no

Anderson Miamen (TI)

tihelpdesk@transparency.org

RELATED U4 MATERIAL

- [Liberia: Overview of corruption and anti-corruption \(2019\)](#)
- [Shadow value chains: Tracing the link between corruption, illicit activity and lootable natural resources from West Africa \(2017\)](#)

Query

Please provide an analysis of corruption and anti-corruption in Liberia in two areas: environment and climate change, and rule of law.

Contents

1. Background
2. Environment and climate change
 - a. Corruption challenges
 - b. Socio-economic implications
 - c. Anti-corruption measures and effectiveness of implementation
 - d. CSOs and other stakeholders
3. Rule of law
 - a. Corruption challenges
 - b. Socio-economic implications
 - c. Anti-corruption measures and effectiveness of implementation
 - d. CSOs and other stakeholders
4. References

Background

Liberia has experienced peace and stability since the civil war ended in 2003, and especially in the last decade. The country has made significant progress in rebuilding government capacity, re-establishing the rule of law, and ensuring the political rights and civil liberties of citizens (Freedom House 2019). The first peaceful transfer of power between leaders since 1944 took place in 2017 when George Manneh Weah succeeded Ellen Johnson Sirleaf.

However, Liberia still faces persistent corruption issues, ineffective enforcement of the rule of law, and economic challenges (Freedom House 2019; Lee-Jones 2019; The Heritage Foundation 2020; World Bank 2020). Allegations of a lack of political

MAIN POINTS

- Despite recent progress, mainly in the passage of key laws and the establishment of integrity institutions, Liberia suffers from endemic corruption, with nepotism, cronyism and political corruption being the main challenges.
- Natural resource management, especially in the mining and forestry sector, has a history of corruption, crime and conflict. Corruption in this sector is also known to perpetuate poverty among citizens, especially in the affected communities.
- The effects of climate change may have disastrous socio-economic impacts as a majority of Liberians are engaged in climate reliant activities for their sustenance.
- While the three branches of government have significant independence, the executive remains dominant. The judiciary suffers from functional deficits and corruption

will in prosecuting corruption, which emerged during Ellen Johnson Sirleaf's time as head of state, continued with the change in government in 2018 (Bertelsmann Stiftung 2018; Lee-Jones 2019).

Transparency International's Corruption Perceptions Index (CPI) 2019 ranks Liberia 137/183 with a score of 28/100 (the lowest recorded for the country since 2012). The Center for Transparency and Accountability in Liberia (CENTAL) notes that, despite the passage of key

anti-corruption legislation and the establishment and strengthening of public integrity institutions, the government's inability to enforce these laws, and address the entrenched culture of impunity, has significantly undermined gains made in strengthening governance, financial management and the rule of law (Genoway Jr 2020).

The Worldwide Governance Indicators (WGI) by the World Bank (2019) accord the following scores in percentile rank¹ to the country:

WGI Indicator	2016	2017	2018
Control of corruption	25.5	27.4	20.2
Government effectiveness	8.7	8.7	8.7
Political stability and absence of violence/terrorism	29.5	31.9	40.0
Regulatory quality	15.9	15.4	14.4
Rule of law	17.3	16.3	16.8
Voice and accountability	42.9	46.3	43.3

Although the basic elements of an anti-corruption legal framework are in place, corruption continues to thrive (Lee-Jones 2019). Nepotism, cronyism, political and petty corruption remain the major corruption challenges (Lee-Jones 2019). Sectors

such as the police, judiciary, tax system, public sector and natural resource management are the ones most affected by corruption (Lee-Jones 2019).

Illegal exploitation of natural resources was one of the economic resources of the fighting parties in the Liberian civil war (Brandolini & Tigani 2006). Given the country's history of corruption, land grabs and poor governance, its natural resources have often done it more harm than good (Global Witness 2020).

More encouragingly, according to Transparency International's Global Corruption Barometer (2019), more people perceive the government as doing a good job of countering corruption (40% in 2019 compared to 18% in 2015), and more people feel that they could make a difference in the fight against corruption (52% in 2019 compared to 43% in 2015) (Pring & Vrushi 2019). However, while 52% of Liberians think that ordinary citizens can make a difference in countering corruption, six out of 10 believe that people risk retaliation if they report incidents of corruption. Also, two-thirds feel that it is not likely that authorities will act if they report corrupt behaviour (Pring and Vrushi 2019).

For a detailed overview of corruption and anti-corruption in Liberia please see [this U4 Helpdesk Answer](#).

¹ Percentile rank indicates the country's rank among all countries covered by the aggregate indicator, with 0 corresponding to lowest rank, and 100 to highest rank (World Bank 2019).

Environment and climate change

Corruption challenges

Although having contributed to the national income, Liberia's rich natural resources in the form of timber, iron ore, gold, diamonds and rubber, have frequently done it more harm than good due to its associated history of corruption, land grabs and poor governance (Makor & Miamen 2017; Global Witness 2020).

A report prepared by CENTAL in 2017 cited an entrenched culture of impunity, lack of due diligence and weak enforcement of laws and policies as causes for the undermined productivity of the mining sector. The report's findings are as follows (Makor and Miamen 2017):

- There is extensive corruption, in the forms of collusion, extortion, facilitation payments, bribery, manipulation, abuse of power and vested interest, across the complete mining value chain, especially the licensing and concession granting processes.
- The effective functioning of the sector is negatively affected by wide-ranging complexities in governance. This is due to varying legal and institutional frameworks for mining activities causing delays in processing contracts and licences; unclear application procedures; and multiple actors signing onto concessions.

- Due diligence and scrutiny of mining applications are weak and ineffective. Moreover, there is deliberate disregard for key requirements and limited enforcement of laws and regulations. The legislature and Inter-Ministerial Concession Committee consciously fail to suitably negotiate better deals and award concessions or rectify gaps associated with the licensing process.
- Participation of major stakeholders, especially citizens' involvement, and access to essential information are exceedingly limited, leading to frequent violations of affected mining communities' rights.

Liberia's membership with the Extractives Industries Transparency Initiative (EITI) was suspended in September 2018 due to its failure to publish outstanding reports or to meet key requirements (EITI 2018). However, it avoided being delisted by releasing the tenth and eleventh EITI Reports for Liberia covering the periods 2016/17 and 2017/18 on the last day of the year in 2019 (Front Page Africa 2019).

The 2017/18 report shows a difference of US\$490,521 in government receipts over what was reportedly paid by companies². LEITI is set to investigate discrepancies (Front Page Africa 2019). Other findings of the report include (LEITI 2019):

- inadequate data on exploration activities in the extractive sectors
- lack of information on progress made on infrastructure agreements in the mining sector

² Companies reportedly paid US\$53,110,205, whereas the government agencies declared a receipt of US\$53,600,726 (EITI 2018).

- lack of statistics relating to the artisanal and small-scale mining sector
- lack of production and export data
- beneficial ownership roadmap not implemented
- lack of EITI focal points for government agencies and state-owned enterprises

Corruption scandals in the mining sector include international and national players. US oil giant Exxon knowingly purchased a Liberian oil block (Block 13, believed to be one of the country’s most valuable natural assets), in a deal that was widely believed to be tainted by corruption (Watt 2018). In 2013, the company signed a deal³ to pay US\$120 million to buy the block from Broadway/Peppercoast (BCP), a Liberian-Anglo oil company, using Canadian Overseas Petroleum Ltd. and Canadian Overseas Petroleum (Bermuda) Ltd. (COPL) as an intermediary (Global Witness 2018a). The deal was presumably structured in an attempt to bypass US anti-corruption laws (Global Witness 2018a).

Evidence collected by Global Witness suggests that the deal was surrounded by unusual, large payments. In the month following the sale of the oil block to Exxon and COPL, Liberia’s oil agency paid US\$210,000 to Liberian officials who authorised the deal. One of the recipients of these payments was Robert Sirleaf, who was the oil agency’s chairman and son of then-president Ellen Johnson Sirleaf. Officials state that these large payments – which amounted to 160 percent of a minister’s salary – were “bonuses” authorised by the oil agency’s board of directors (Global Witness 2018a).

While Sirleaf claimed to be working pro-bono, a spokesman for COPL said: “[COPL] and Exxon Mobil carried out their own due diligence exercise and found no evidence to support the allegations and found credible evidence that the allegations of impropriety were entirely false” (Watt 2018).

London based Sable Mining’s attempt to acquire an iron ore concession in the northern part of the country was also marred by alleged bribery, leading to the indictment of its chief executive officer, Andrew Groves, by a grand jury in Liberia (Goodley 2016). Parliament speaker Alex Tyler, chairman of Sirleaf’s Unity Party, Varney Sherman, and deputy minister of lands, mines and energy, Ernest C.B. Jones, were also indicted and accused of using their positions to amend Liberia’s public procurement and concessions law (Giahvue 2016). However, the defendants were acquitted of bribery charges by Judge Peter Gbeneweleh in 2019, with the argument that the prosecution was unable to prove its case beyond a reasonable doubt (Yangian 2019).

The history of Liberia’s forestry sector is also tainted by corruption, crime and conflict (Global Witness 2017). During the country’s 14-year war, logging contracts were given to cronies of then-president Charles Taylor, and revenues from the sale of timber paid for weapons that helped prolong the conflict that claimed an estimated 250,000 lives (Global Witness 2005).

Global Witness (2017) has reported the following corruption challenges of the forestry sector:

- Logging companies illegally hide their owners. Despite a ban on Liberian

³ By 2011, it was common knowledge that the original award of the block to BCP was tainted by bribery. That year, a Liberian government audit report found that Liberia’s oil agency had paid bribes to members of the legislature with the power to ratify oil

licences, resulting in the passage of four contracts, including that particular block (Global Witness 2018a).

politicians owning companies with logging contracts, powerful government officials such as House of Representatives members Alex Tyler, Moses Kollie and Ricks Toweh own logging companies.

- Logging companies owe US\$25 million in unpaid taxes to the cash-strapped treasury. If paid, this would amount to nearly 5% of Liberia's entire budget.
- Companies are illegally manipulating their logging data on a massive scale to conceal the true felling amount of trees.

International enterprises, such as the Malaysian logging company Samling Global, allegedly hijack community forestry by (Global Witness 2018b):

- grabbing control over community forests before permits have even been granted to communities
- pulling communities into secret pacts by operating with local elites
- using legal loopholes to take advantage of the more vulnerable areas of regulation to maximise their profits

Social-economic implications

Corruption in the management of the environment, natural resources and climate change has real world effects on the lives of Liberians.

A report released by the Sustainable Development Institute (SDI) found that more than 9,000 acres of

traditional and customary land in various districts across the country have been grabbed and converted to private use by Monrovia-based elites. The report also found that more than 40% of the country's land area has been signed away in concessions to logging, mining and agriculture since local people have historically had no formal rights to their land⁴ (Liberian Observer 2019; SDI 2019). Examples of individuals with large plots of land include a female member of the House of Representatives from Bomi County owning about 1,200 acres of land, a senator from the same county possessing approximately 800 acres, someone who is fronting for the same senator who acquired an additional 2,700 acres, and a minister in the current government who owns 1,500 acres (Liberian Observer 2019; SDI 2019).

Land grabs go beyond the denial of justice for ordinary citizens. Such a situation likely means that children and unborn generations of rural dwellers will have nothing to inherit from their parents as the land they sit on no longer belongs to them (Harmon 2019). The threat that land grabs pose to land tenure guarantees, coupled with the country's growing industrial agriculture model, may also significantly undermine food security for local populations (Harmon 2019). Similarly, the capture of community forests by giant logging companies may increase the risk of conflict (Global Witness 2018c).

Despite the 2018 Land Rights Act, which grants communities the opportunity to formalise recognition of their land and forests, the resources

⁴ The historical context of Liberia helps to understand this situation of land rights. The rural population has mostly lived according to the traditional rules of various tribes. There were two kinds of land rights: customary land rights and formally acknowledged land rights. Rural communities used land for farming and raising livestock; they also hunted wildlife and gathered other resources in the forests. They managed disputes among themselves according to their traditional rules. If, however, their interests clashed with members of the country's dominant social strata (often with ties to

urban areas), they lacked deeds and other documents to prove their land ownership. The urban-based elite generally prevailed in disputes. For many decades, Liberia thus had a system of multiple rules which were defined by formal law and various tribal customs (Nouwah & Korleh 2018). However, the Land Rights Act of 2018 led to the classification of various types of land, introducing a section on customary land which is owned as a whole by communities (LLA and IDH 2019).

that rural Liberians depend upon – from water quality and rainfall to agriculture, medicines, building materials, bush-meat, incomes and sacred sites – are still being taken away through corruption (Global Witness 2018b; Harmon 2019).

In the mining sector, undue political influence and interest often endanger the implementation of key regulations/policies, seriously undermining competition, credibility, due diligence and evidenced-based decision making. This can lead to bad concession agreements, reducing economic benefits to the state and society (Makor & Miamen 2017).

Recently, four artisanal miners were killed when a gold mine collapsed in Bong County (Lomax 2020). Although, non-compliance with the legal depths was initially thought to be the cause of the mine collapse, it was later found that heavy rainfall caused the landslide (Lomax 2020). LEITI's (2019) findings state that there is not enough information and regulation surrounding artisanal mining. Six others have died in the same gold mine (Lomax 2020).

Corruption in natural resource and environmental management also has an environmental cost and may also exacerbate the climate change impacts for Liberia (USAID 2017; Global Witness 2018b, Harmon 2018). While Liberia's contribution to global greenhouse gas emissions is limited, the effects of global warming and environmental destruction have dire consequences for the national development effort and could potentially increase the current challenges in alleviating poverty (Harmon 2018).

Extensive illegal forest activities have led to deforestation, forest degradation, economic losses to nations and injustices for forest communities in several countries. Promoting the rule of law is an essential part of promoting forest management and

ensuring justice for forest dependent communities. However, available evidence shows that strong law enforcement activities often fail to address broader systems of illegal activities and can lead to further injustices. Corruption is one reason for these failures (Downs 2013).

Liberians are highly vulnerable to the threats posed by the impact of climate change (Harmon 2018). The country's economy relies heavily on agriculture, fisheries and forestry. Such a dependence on climate-sensitive activities exposes Liberia to climate variability (USAID 2017).

Agricultural activity, which already suffers from land degradation and extreme weather events, is vulnerable to a changing climate given Liberia's dependence on climate-sensitive staple crops, such as rice, and the rising incidence of pests and disease (USAID 2017). With an estimated 70% of the economically active population engaged in agricultural activities, any severity or worsening of climate impact could have serious economic implications (Harmon 2018).

Rising sea levels threaten coastal zones, which is home to the majority of the population, infrastructure and economic activity (USAID 2017). Unprecedented flooding across the country leads to disruptions in energy supply, transportation and agriculture production, with consequences extending to the domains of education, health, water and sanitation, gender and social protection (Harmon 2018).

U4 Anti-Corruption Helpdesk

Anti-corruption measures and effectiveness of implementation

Legal framework

The main environmental protection laws in Liberia are as follows (Client Earth 2019):

- act creating the environment protection agency of the republic of Liberia, 2002
- act creating the environment protection and management law of the republic of Liberia, 2002
- environmental impact assessment procedural guidelines in Liberia, 2006
- regulation on environmental impact assessments in Liberia, 2009

Other laws in natural resource management include the Mining and Mineral Act of 2000 and the Regulations and Guidelines on Mineral Exploration, including statutory bodies and ad-hoc committees⁵ that manage and supervise the sector (Makor & Miamen 2017).

In addition, after more than a decade of activism by communities and civil society organisations, the Land Rights Law of the Republic of Liberia came into force in 2018. The law grants communities claim to ownership of customary land by presenting evidence such as oral testimonies, maps and signed agreements. Its aim is to provide opportunities for more just and equitable land ownership and guarantee the collective community land and resource rights of more than 2 million Liberians (Lee-Jones 2019). However, the law has yet to bring about a major change in practice

(Liberian Observer 2019). If the true spirit of the 2018 community forestry law is to be realised, good governance and anti-corruption measures need to be in place (Global Witness 2018b).

Under Section 90 of the Public Procurement Concession Act, meaningful citizens' engagement and participation in decisions in awarding their lands for concessional activities is required. However, these provisions have not been fully applied in the past (Makor & Miamen 2017).

In 2006, Liberia passed the National Forestry Reform Law, which led to a permanent lifting of the earlier UN timber trade ban on the country (Government of Liberia 2006). Liberia has also entered into a voluntary partnership agreement with the European Union (EU), which is a part of the Forest Law Enforcement, Governance and Trade Plan. The EU enterprise aims to reduce illegal logging by strengthening sustainable and legal forest management, thus improving governance and promoting trade in legally produced timber (Stridsman & Østensen 2017). Norway also signed an agreement with Liberia in 2014 to tackle deforestation for around US\$120 million. The agreement aims to improve forest monitoring and rural communities' capacity for sustainable forest management (Stridsman & Østensen 2017).

For a detailed understanding of general anti-corruption laws in Liberia please refer to the earlier U4 publication [here](#).

⁵ They include the Ministry of Lands, Mines and Energy; the National Investment Commission; the Environmental Protection Agency; the National Bureau of Concession; the Inter-Ministerial

Concession Committee (IMCC); the Presidency; and Legislature (Makor & Miamen 2017).

U4 Anti-Corruption Helpdesk

Institutional framework

The Environmental Protection Agency (EPA) of Liberia is the principal organisation charged with developing the national communication under the United Nations Framework Convention on Climate Change (UNFCCC) and the National Adaptation Programme of Action (NAPA). In consultation with its partners, the EPA's role is to integrate climate change policies across government departments including the Ministry of Agriculture and the Ministry of Land, Mines and Energy. The National Environmental Policy Council shapes priorities for environmental targets and objectives. Lastly, the National Climate Change Steering Committee and Secretariat, established in 2010, are responsible for creating an intergovernmental framework for countering climate change in Liberia (USAID 2017).

The EPA, however, is hampered by low levels of awareness and corruption in government circles (Bertelsmann Stiftung 2020). Recently, executive director Nathaniel Blama was accused of being a signatory or managing partner in Planet Management Services (a private environmental consulting firm), thereby using his office to solicit funds for personal use (Daygbor 2020). The EPA's deputy executive director has responded to these allegations by stressing the independence of the EPA, highlighting that there is a defined criterion developed by the organisation for the issuance of accreditation to environmental consulting firms, and stating that Planet Management Services is not associated with the EPA (Daygbor 2020).

In 2018, a National Policy and Response Strategy on Climate Change was launched. The NPRS provides guidance on integrating climate change issues for development planning processes at the national, county, district and local levels (Harmon 2018). The initiative is supported by UNDP

through the National Adaptation Plans project funded by the Green Climate Fund (Harmon 2018).

The Liberia Extractive Industries Transparency Initiative (LEITI) is part of the EITI, a global standard to promote the open and accountable management of extractive resources. LEITI works through a secretariat guided by a multi-stakeholder arrangement comprising the government, civil society organisations (CSOs) and private companies to improve the governance of the extractive sector in Liberia (LEITI 2019). As mentioned earlier, Liberia avoided being delisted by the EITI in 2019 by submitting its overdue reports in on the final day of the deadline.

CSOs and other stakeholders

A few noteworthy CSOs working in the fields of environment, climate change and corruption are:

- The Publish What You Pay Coalition currently campaigns to promote free, prior and informed consent of local people affected by extraction, and to increase communities' decision-making power over how extractive projects in their locality are managed (Publish What You Pay 2019).
- The Sustainable Development Institute (SDI), founded in 2002, is working to transform and improve natural resource-related decision-making processes in the country. SDI focuses on resource governance, corruption, community benefits and public participation (SDI 2019).
- Green Advocates (the association of environmental lawyers of Liberia) is Liberia's public interest environmental law organisation dedicated to advancing human rights protection and advocacy through sound environmental practices and giving

U4 Anti-Corruption Helpdesk

voice to rural, indigenous and tribal people through advocating for strong environmental laws, working to enforce existing laws and empowering citizens to participate in environmental decision making (Forest Peoples Programme 2019).

Other organisations include the Catholic Justice and Peace Commission, the Center for the Promotion of Democracy, the Women in Peace Building Network and the Liberia Democracy Institute (Publish What You Pay 2019).

A recent Afrobarometer survey shows that just over half of Liberians have heard of climate change. Among those who have, a majority say it is making life worse in Liberia. However, many are not aware of its causes and see no role for average citizens in helping to stop it (Wongbe & Samuel 2018).

Environmental controversies in the country often involve influential business and economic interests, political battles, criminal activities and anti-government insurgents. This can make it difficult for journalists on the ground to investigate and report on such cases. For example, in 2013, the journalist Rodney Sieh disclosed a former agriculture minister's alleged involvement in a corrupt scheme that misused funds earmarked to fight the parasitic, infectious Guinea worm disease. Sieh was sentenced to 5,000 years in prison and fined US\$1.6 million for defamation. He served three months in Liberia's most notorious prison before an international outcry pressured the government into releasing him (Freedman 2018).

Rule of law

Corruption challenges

In the World Justice Project's 2020 report on the rule of law, Liberia ranked 98 out of 128⁶ countries with a score of 0.45. In terms of the absence of corruption in government, Liberia ranked 112 out of 128 countries with a score of 0.32. The country's open government, ranking was a much better: 75 out of 128 countries with a score of 0.47 (World Justice Report 2020).

While the three branches of government have been able to establish substantial autonomy in the post-civil war period, the executive remains dominant (Bertelsmann Stiftung 2020). Despite this degree of autonomy, the three branches are strongly influenced by corrupt practices, leading to an undermining of the rule of law (Freedom House 2019; Lee-Jones 2019; Bertelsmann Stiftung 2020).

Parliamentary decisions are known to be affected by corruption. Political horse-trading and a lack of expertise in parliament constitute other obstacles to rational policy formulation (Bertelsmann Stiftung 2020).

The executive branch is riddled with nepotism, clientelism and patronage, severely undermining justice by interfering with legal procedures and by providing shelter for selected indicted corrupt individuals (Myers 2017).

Former president Sirleaf appointed three of her sons to high-level governance positions: Charles Sirleaf (deputy governor of the Central Bank), Robert Sirleaf (senior advisor and chairman of the

⁶ 1 being the best, 128 being the worst.

state-owned National Oil Company of Liberia, NOCAL); and Fombah Sirleaf (head of the National Security Agency) (Myers 2017). Each of them has faced allegations of corruption and abuse of office.

Robert Sirleaf was allegedly involved in the aforementioned Exxon oil block scandal while Fombah Sirleaf was accused of receiving bribes from the UK mining company Sable (Global Witness 2016). In 2014, Justice Minister Christina Tah resigned from her office on grounds that she had been prevented by the president from investigating these allegations of fraud and corruption (Myer 2017).

Charles Sirleaf is associated with the disappearance of 15.5 billion Liberian dollars (US\$104 million) of freshly minted currency (Saigal 2019). In 2018, local media reported that, between 2016 and 2017, shipping containers filled with newly printed Liberian dollars from Swedish banknote manufacturer Crane AB disappeared from Liberia's entry ports. The Central Bank of Liberia denied the allegations, stating that the money was stored in vaults across the city. It was later found by investigative agencies that only L\$5bn of the total L\$15.5bn was printed and distributed in line with Liberian law. The Central Bank had not received any legislative approval for the remainder of the cash, but entered into another contract with Crane who proceeded to print and deliver the money to Liberia anyway. It was also found that an excess of L\$2.6bn was printed in addition to what was initially disclosed. There is still little information on what happened to this excess. Euler Bropleh, a Liberian national and founder and managing director of VestedWorld, a private equity firm that invests across Africa, opines that "the most likely answer is that it is in the pockets of self-interested individuals" (Saigal 2019). Although an independent examination found that no money was

missing, it signalled "concerns regarding the overall accuracy and completeness of the Central Bank's internal record" (Al Jazeera 2019).

Liberia has two legal systems, a statutory and a state-created customary one. In the case of the latter, judicial and executive powers are invested in the same authorities. The president is at the top of the hierarchy, with town chiefs at the bottom, and there is no separation of powers for much of the rural population (Bertelsmann Stiftung 2020).

The main challenges for the statutory justice department are: petty corruption, backlogs, lack of qualified personnel, poor infrastructure, weak administration and insufficient funding (Myers 2017; Freedom House 2019; Bertelsmann Stiftung 2020). Rampant corruption of judges and juries (used in circuit courts trials) creates significant obstacles to fair and transparent trials (Bertelsmann Stiftung 2020).

Although the right to due process under the law is secured by the constitution, it is poorly upheld (Freedom House 2019). In 2018, the House of Representatives voted to impeach Associate Justice Kabineh Ja'neh on charges of misconduct and abuse of office concerning his rulings. The impeachment took place despite a stay order from the supreme court, which was issued so it could examine Ja'neh's objection to irregularities in the House procedures against him, violating his right to due process. This scenario further exposes the conflict between the legislative and judicial branches and threats to the authority of the supreme court in Liberia (Freedom House 2019). Observers have also opined this to be an attempt to strengthen executive control over the judiciary (Bertelsmann Stiftung 2020). Ja'neh had been a supporter of the losing parties in the 2017 election dispute against the incumbent powers

U4 Anti-Corruption Helpdesk

(Bertelsmann Stiftung 2020). He has taken the matter to Economic Community of West African States (ECOWAS) court (Dodoo 2019).

Some judicial officials and prosecutors appear to be subject to pressure, and the outcomes of some trials seem predetermined (US Department of State 2019). In the widely publicised corruption and bribery trial of Senator Varney Sherman (accused in the sable mining scandal), supreme court justice Joseph Nagbe chose to attend hearings during the defendant's testimony. His presence resulted in presiding Judge Peter Gbeneweleh halting proceedings and holding a private meeting with the justice in his chambers. Justice Nagbe, a former senator, had previously co-chaired the Senate Judiciary Committee with defendant Sherman before being confirmed as a supreme court justice by the same committee. Many observers viewed Nagbe's visit as an attempt to influence the judgment (US Department of State 2019).

Lack of political will and a culture of impunity are considered to be the main issues that undermine the rule of law (Myers 2019). While some blame economic hardship, in the form of delayed and meagre salaries for government officials, others opine that the endemic nature of corruption needs to be redressed (Davis 2019; Myers 2017).

Many individuals accused of crimes spend more time in pretrial detention than the time they would serve for a guilty sentence (Freedom House 2019; US Department of State 2019). Moreover, those who can afford it may bribe judges to rule in their favour (Bertelsmann Stiftung 2020). Arbitrary arrests by law enforcement agents continue to be reported (Freedom House 2019).

The police force is viewed as corrupt and lacks adequate resources for carrying out its role (Freedom House 2019).

Socio-economic implications

The rule of law is vital for a stable democracy, social justice and domestic peace. The confidence that citizens have in state institutions and their representatives, along with good governance and anti-corruption efforts, are dependent on the effective implementation of the rule of law (Kosmehl 2020). In the Liberia, selective implementation of the rule of law combined with the corrosive effects of corruption have severe effects. Trust in state institutions is very low, with personal trust in its officials being scarce (Bertelsmann Stiftung 2020). This lack of trust goes a long way, impeding the effective functioning of CSOs, further limiting opportunities to mobilise the population living in poverty to call for action to address issues (Bertelsmann Stiftung 2020).

The failure to enforce the rule of law, lack of transparency, weak judicial systems and the de-facto impunity of those in power hinders socio-economic development in the country. It discourages investment, diverts public resources from crucial areas such as healthcare and education towards personal aggrandisement, and denies people their due share of goods and services (Myers 2017).

The culture of impunity is so strong that allegations of corruption often appear to not affect the reputation of officials. For instance, the current ruling party pursued an alliance with the former house speaker shortly after he was accused of having accepted bribes from a mining company and fell out of favour with the then president in 2016 (Bertelsmann Stiftung 2020).

In 2019, thousands protested against rising prices and corruption (Al Jazeera 2019). Before the protests began, the government blocked social media and messaging services (Maclean & Booley 2019). The minister of information, cultural affairs

U4 Anti-Corruption Helpdesk

and tourism confirmed that the government had requested the disruption to internet access due to unspecified national security concerns (US Department of State 2019). There were also reports of intimidation by government officials threatening legal action and filing civil lawsuits to censor protected internet-based speech (US Department of State 2019). Blaming his political rivals for the agitation, President Weah, refused to “negotiate” with protestors (Parley 2019).

Anti-corruption measures and implementation effectiveness

Legislative framework

The constitution is the supreme law of the land in the Republic of Liberia. According to Article 2 of the constitution, all laws and decisions by state institutions must strictly conform to the constitution.

Transparency and accountability mechanisms operate through asset disclosure, freedom of information, press freedom and anti-corruption laws. For a detailed overview of Liberia’s anti-corruption legislative framework please refer [here](#).

While some solid integrity frameworks and institutions exist, many struggle with effective enforcement due to issues such as bribery, nepotism, low salaries and lack of capacity. Enforcement is also criticised for being biased and mostly targeting out-of-favour politicians (Stridsman & Østensen 2017).

The Freedom of Information (FOI) Act is seldom used, and government responsiveness to requests is usually slow. There is also a lack of uniformity in the enforcement of transparency guidelines for public procurement processes (Freedom House 2019). A

lack of political will has stalled the passage of the Whistleblower Protection Act (Lee-Jones 2019).

In 2018, new public officials, mostly from the executive branch, failed to declare their assets as required by law. The president only declared his assets six months after assuming office. The Liberia Anti-Corruption Commission (LACC), which manages asset declarations, is not obligated to disclose the submissions of members of the executive branch. All efforts by civil society and media to gain access to President Weah’s declaration have thus far failed (Freedom House 2019).

Institutional framework

Liberia has established several formal anti-corruption and integrity institutions such as the LACC, the General Auditing Commission (GAC), and the Public Procurement and Concession Commission (PPCC) (Lee-Jones 2019). While many institutions are committed to strengthening the rule of law and countering corruption, they lack the resources and capacity to function effectively (Freedom House 2019). For example, in 2018, anti-corruption agencies experienced severe budget cuts (Lee-Jones 2019).

Established in 2008, the LACC has the mandate to investigate, prosecute and prevent acts of corruption by public officials in Liberia. However, the LACC lacks direct power to prosecute cases of corruption and must refer cases to the Ministry of Justice (LACC 2020). There was “internal wrangling” in the corruption commission in 2019 with the head of LACC accusing the Weah government of hampering the country’s anti-corruption body by holding back funding and threatening to remove its tenured head (Finnan 2019).

In 2018, President Weah submitted a bill to the legislature that would remove tenure security from

U4 Anti-Corruption Helpdesk

all positions in the executive branch; the measure would effectively abolish tenure protections for those in a number of bodies whose mandates include safeguarding against corruption, including but not limited to the LACC, PPCC, GAC and the Governance Commission (Freedom House 2019). The measure would have effectively allowed the president to appoint and fire employees at these agencies at his will (Copson 2019; Freedom House 2019). While the bill secured approval in the House, the Senate rejected it in 2019 (Copson 2019).

The LACC was initially excluded from the investigation into the major financial scandal involving the disappearance of about L\$15.5 billion brought into the country by the Central Bank of Liberia. It was made part of the investigative committee after public outcries (Freedom House 2019).

The National Elections Commission (NEC) is an autonomous body established to regulate and implement all plans, guidelines, policies, and laws related to elections. The independence of Liberia's NEC is mandated by law, and political parties expressed confidence in its impartiality during the 2017 election campaign. However, in reality, it struggles to enforce electoral laws due to its limited capacity (Freedom House 2019). The provisions of the 2014 National Code of Conduct Act lays out rules pertaining to government officials seeking to run for elected office and includes measures directed at avoiding conflicts of interest.

The NEC attempted to enforce the code of conduct for the first time in the 2017 elections. However, in two cases where the NEC had disqualified high-profile candidates for failing to meet the code of conduct's eligibility requirements, the supreme court reversed the NEC's rulings. Also, the NEC failed to implement a provision of the election law

stipulating that parties must field candidates in at least half of all constituencies. Eleven political parties did not meet this requirement but were permitted to run. The NEC also struggled to complete voter lists (Freedom House 2019).

Due to the dysfunctionality of the judicial system it is often futile to seek redress against the actions of the state or its officials (Bertelsmann Stiftung 2020). Corruption and malpractice complaints involving judges' conduct may be brought to the Judicial Inquiry Commission. The Grievance and Ethics Committee was established by the supreme court to review the unethical conduct of lawyers. However, the public has brought very few cases as both of these bodies lack appropriate guidelines to deliver their mandates effectively and are perceived as opaque and subject to influence (US Department of State 2019).

CSOs and other stakeholders

Consisting of over 1,500 formal organisations registered under the umbrella of the National Civil Society Council of Liberia, civil society in Liberia is diverse according to the 2018 EU Country Roadmap for Engagement with Civil Society in Liberia. The EU report (2018) notes that while CSOs enjoy a relatively favourable enabling environment, which supports the ongoing state building process, the legal framework in which they operate is fragmented as laws are managed by different ministries. A few noteworthy CSOs working for anti-corruption activities and helping advocate for effective implementation of rule of law are:

- Founded in May 2004, CENTAL is Transparency International's chapter in Liberia. The organisation works to counter corruption at all levels by building a culture

U4 Anti-Corruption Helpdesk

of integrity among all people and institutions in the country to improve responsible and accountable politics and reduce poverty. In 2018, CENTAL, in collaboration with the Liberia Media Development programme, created a web portal on the national budget to make it accessible to citizens so they could track public funds for accountability (Worzi 2018).

- Liberia Freedom of Information Coalition was established by nine CSOs working to promote transparency and accountability, good governance and participatory democracy, human rights and rule of law, freedom of expression and media development. Through collaborative actions with the media, the Liberia Freedom of Information Coalition drafted and campaigned for the passage of the freedom of information (FOI) law. It also helps make a freedom of information request in Liberia and publishes all requests online (Lee-Jones 2019).
- InfoLib is a website that helps people request information from the Liberian government and publicly accountable bodies. It is run by iLab Liberia and the Liberia FOI Coalition. It also publishes all requests online (InfoLib 2020).
- Catholic Relief Services and the YMCA implemented the Connect for Peace programme to promote alternative dispute resolution as a method of mediating conflicts outside the formal justice system, training approximately 176 people across the country (US Department of State 2019).

Although the new press freedom law has decriminalised defamation of the president, sedition and malevolence, there have been many verbal and

physical attacks on media personnel. In response, the Press Union of Liberia wrote an open letter to the UN secretary-general voicing alarm about the rapid rise in official intolerance for independent journalism and dissent. The entire staff of Frontpage Africa, an investigative media outlet, was briefly arrested in April 2018, and the publisher was threatened by a government minister with imprisonment after a report questioning government spending. The problems continued in 2019 with a series of anonymous attacks on radio stations critical of the government and cases of police violence against journalists (RSF 2020).

Thus, it comes as no surprise that some journalists and media directors practice self-censorship to avoid harassment and to maintain advertising revenue from the government, the largest advertiser in the country. There have also been several reports of politicians and government agencies offering “transportation fees” to journalists to secure coverage of events (US Department of State 2019).

U4 Anti-Corruption Helpdesk

References

- Al Jazeera. 2020. [Liberia: Thousands protest price hikes and corruption](#).
- Bertelsmann Stiftung. 2018. [BTI 2018 country report – Liberia](#).
- Bertelsmann Stiftung. 2020. [BTI 2020 country report - Liberia](#).
- Brandolini, G. and Tigani, M. 2006. Liberia environmental profile.
- ClientEarth. 2019. [Liberia law database](#).
- Copson, T., 2019. [Liberia: Senate rejects tenure bill](#). All Africa.
- Davis, A., 2020. Liberia: [Widespread corruption in judiciary due to delayed salaries](#). All Africa.
- Daygbor, E., 2020. [Liberia: EPA boss entangles in scandal](#). All Africa.
- Dodoo, L., 2019. [Liberia: Ousted supreme court justice Kabineh Ja'Neh takes "unfair" impeachment case to ECOWAS court](#). Front Page Africa.
- Downs, F., 2013. [Rule of law and environmental justice in the forests: The challenge of 'strong law enforcement' in corrupt conditions](#).
- Extractive Industries Transparency Initiative (EITI). 2018. [EITI board suspends Liberia for not publishing EITI report on time](#).
- Finnan, D., 2019. [Liberia's anti-corruption agency has 'dented credibility', says information minister](#). RFI.
- Forest Peoples Programme. 2019. [Green advocates](#).
- Freedman, E., 2018. [Why covering the environment is one of the most dangerous beats in journalism](#). The Conversation.
- Front Page Africa. 2019. [Liberia releases EITI report on last day of the year to avert delisting](#).
- Genoway Jr., E., 2020. [Liberia fast declining in corruption fight – Center For Transparency And Accountability](#). Front Page Africa.
- Giahyue, J., 2016. [Liberia indicts sable mining chief executive over alleged bribery scandal](#). U.S. Reuters.
- Global Witness. 2005. [Timber, Taylor, soldier, spy](#).
- Global Witness. 2016. [Global Witness exposes bribes to top Liberian officials by UK mining company and Varney Sherman](#).
- Global Witness. 2017. [Liberia: Holding the line](#).
- Global Witness. 2018a. [Catch me if you can: Exxon complicit in corrupt Liberian oil sector](#).
- Global Witness. 2018b. [Community forestry is being hijacked by global logging companies in Liberia, increasing risk of future conflict](#).
- Global Witness. 2018c. [Power to the people? How companies are exploiting community forestry in Liberia](#).
- Global Witness. 2020. [Corruption and conflict in Liberia](#).
- Golub, S., 2020. [Using legal empowerment to curb corruption and advance accountability](#). U4 Anti-Corruption Resource Centre.
- Goodley, S., 2016. [Top Liberian politician arrested in corruption scandal](#). The Guardian.

U4 Anti-Corruption Helpdesk

- Government of Liberia. 2006. [An act adopting the national forestry reform law of 2006](#). Monrovia: Government Of Liberia.
- Harmon, W., 2018. [Liberia remains vulnerable to climate change](#). Liberian Observer.
- Harmon, W., 2019. [Liberia: Report implicates gov't officials in massive land grabs](#). Farmlandgrab.org.
- InfoLib. 2020. [Make and browse right to know \(RTI\) requests](#).
- Justesen, M. and Bjørnskov, C., 2014. Exploiting the poor: Bureaucratic corruption and poverty in Africa.
- Kabbah, H., 2019. [A guide to the Liberian legal system and legal research](#). Hauser Global Law School Program.
- Kosmehl, M., 2020. [Rule of law and fighting corruption](#). Bertelsmann Stiftung.
- Lee-Jones, K., 2019. [Liberia: Overview of corruption and anti-corruption](#). Transparency International.
- Liberia Extractive Industries Transparency Initiative (LEITI). 2019. [EITI report for the years ended 30 June 2017 and 30 June 2018](#).
- Liberia Extractive Industries Transparency Initiative. 2019. [About LEITI](#).
- Liberian Observer. 2019. [Sad stories of land grabs in Liberia: Why will monkey not do what monkey sees?](#)
- Lomax, S., 2020. [Liberia: Four feared dead in Jackson village gold mine collapse in Bong County](#). Front Page Africa.
- Maclean, R. and Boley, T., 2019. [Protests in Liberia over George Weah's failure to tackle corruption](#). The Guardian.
- Makor, R. and Miamen, A., 2017. [Concession transparency: Mapping corruption risks in the mining sector of Liberia](#). Center for Transparency and Accountability in Liberia (CENTAL).
- Myers, N., 2017. [Liberia: The high level of corruption in both the executive and judiciary branches of government serves as an impediment to socioeconomic development](#).
- Nouwah, S. and Korleh, R., 2018. [Local communities' land rights were recently enshrined in law in Liberia](#).
- Parley, W., 2019. [Liberia: Weah defiant](#). All Africa.
- Pring, C. and Vrushi, J., 2019. [Global Corruption Barometer Africa 2019: Citizens' views and experiences of corruption](#). Transparency International.
- Publish What You Pay. 2019. [Liberia: Publish what you pay](#).
- Reporters Without Borders (RSF). 2020. [Liberia: Surge in attacks on critical journalists and media](#).
- Saigal, K., 2019. [Where are Liberia's missing millions?](#) BBC News.
- Stridsman, M. and Østensen, Å., 2017. [Shadow Value Chains: Tracing the link between corruption, illicit activity and lootable natural resources from West Africa](#). U4.no.
- Sustainable Development Institute. 2019. [About us](#).
- The Heritage Foundation. 2020. [2020 Index Of Economic Freedom: Liberia](#).

U4 Anti-Corruption Helpdesk

Transparency International. 2020. [Corruptions Perceptions Index 2019 for Liberia](#).

United States Agency International Development (USAID). 2017. [Climate change risk profile Liberia](#).

US Department of State. 2019. [human rights report: Liberia](#).

Watt, H., 2018. ExxonMobil. The Guardian.

Wongbe, T. and Samuel, M., 2018. [Climate change making life worse in Liberia, but only half of citizens have heard of it](#). Afrobarometer.

World Bank. 2019. [Worldwide Governance Indicators](#).

World Bank. 2020. [Liberia overview](#).

World Justice Project. 2020. [WJP Rule Of Law Index](#).

Worzi, A., 2018. [CENTAL launches web portal on national budget](#). Liberian Observer.

Yangian, K., 2019. [Liberia: Sable mining indictees acquitted of bribery allegation](#). Front Page Africa.

DISCLAIMER

All views in this text are the author(s)' and may differ from the U4 partner agencies' policies.

PARTNER AGENCIES

DFAT (Australia), GIZ/BMZ (Germany), Global Affairs Canada, Ministry for Foreign Affairs of Finland, Danida (Denmark), Sida (Sweden), SDC (Switzerland), Norad (Norway), UK Aid/DFID.

ABOUT U4

The U4 anti-corruption helpdesk is a free research service exclusively for staff from U4 partner agencies. This service is a collaboration between U4 and Transparency International (TI) in Berlin, Germany. Researchers at TI run the helpdesk.

The U4 Anti-Corruption Resource Centre shares research and evidence to help international development actors get sustainable results. The centre is part of Chr. Michelsen Institute (CMI) in Bergen, Norway – a research institute on global development and human rights.

www.U4.no

U4@cmi.no

KEYWORDS

Liberia – environment and climate change – rule of law

OPEN ACCESS

We apply a Creative Commons licence to our publications: CC BY-NC-ND 4.0.

