

Liberia: GRC Presents Anti-Corruption Strategy Policy Paper

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There is no question that there is a lot of goodwill out there for the reconstruction effort of the government of Liberia, but the problem is the goodwill will not be delivered unless the government takes measures to wipe out corruption and punish economic criminals.

In order to remove that obstacle, President Sirleaf recently declared corruption "public enemy No. 1" and announced her administration's resolve to fight it. Now the Governance Reform Commission (GRC) has begun the process, leading to the enactment of a public sector code of conduct and the establishment of a robust anti-corruption agency in response to international conventions. The Analyst Staff has been leafing through the paper that is now before President Sirleaf and the Economic Governance Steering Committee (EGSC).

The government of Liberia has recognized the impact of corruption upon the living standards of the Liberian people and the restraining effect it has upon international goodwill and has resolved to establish an anti-corruption institution.

The establishment of the anti-corruption institution, observers say, now places under threat corruption, which propped by impunity, has been stumbling block to national progress and even a major obstacle to Liberia's relationship with its international partners.

The realization and resolution was contained in the National Anti-Corruption Strategy Policy (NACSP) Paper submitted to the government of Liberia and EGSC, a GEMAP guide and monitoring committee.

"The Government of Liberia recognizes that corruption has contributed substantially to the poor living standards of the majority of the people of Liberia. It also recognizes that corruption is widespread and deeply entrenched in all aspects of the Liberian economy and society, particularly in the public sector where a culture of impunity has become pervasive, despite public outcry. This situation of corruption is retarding national development," the paper noted.

On account of the negative effect corruption has had on society and the threat it posed to the nation's reconstruction effort, according to the paper, the government has proclaimed corruption to be public enemy number one and has resolved to use available resources to tackle it effectively.

Tackling corruption effectively, in the view of the National Anti-Corruption Strategy Policy Paper, which is the outcome of a process of consultation involving a cross section of people representing government ministries and agencies, state-owned enterprises and public corporations, the private sector and civil society organizations, will require two distinct but interrelated categories of measures.

The NACSP Paper said the first of these measures would seek to develop a "National Integrity System" through which corruption would be fought on many fronts.

The second measure, it said, would seek to establish an accountable and effective institutional arrangement through which reports and cases of corruption would be vigorously investigated and prosecuted.

Not only will the integrity system be the conduit for fighting corruption, but it would identify the specific range of institutional preventive measures that will be needed to identify the structural causes of corruption.

"It will identify measures to strengthen public institutions in order to expose and resist corrupt interventions. It will also identify the educational measures that must be taken to generate support and empower the Liberian people in the fight against corruption," the NACSP Paper said.

Besides, NACS would underscore the need to build coalitions and partnerships among the government, civil society, nongovernmental organizations and the international community.

These coalitions, the NACSP Paper said, would work collaboratively to ensure that the people of Liberia actively participate in the formulation and implementation of the National Anti-Corruption Strategy and in performing a valuable oversight function within the strategy.

"Such coalitions and partnerships will also help the people to recognize that supporting the fight against corruption is a national endeavour and will have direct and immediate benefits to the society as a whole," NACSP Paper emphasized.

It said the establishment of a national anti-corruption agency, the second measures of the National Anti-Corruption Strategy, would also emphasize the importance of the deterrent effect of the investigation, prosecution and punishment of corrupt individuals.

Besides the need to ensure that the nation's resources were used transparently and accounted for, the effort towards making corruption a thing of the past is underpinned by the nation's obligation to comply with and conform to the African Union Convention on the Prevention and Combating of Corruption and the UN Convention against Corruption.

Incidentally, Liberia has signed the convention and is in the process of acceding to the African Union Convention on the Prevention and Combating of Corruption and the UN Convention Against Corruption.

Once in place, according to the NACSP Paper, the a national anti-corruption agency would endeavor to carry out comprehensive reforms and strengthen the rules, procedures and systems of governance, financial management, accountability and transparency in all institutions of government. Moreover, it would ensure the enactment and rigorous enforcement of adequate anti- corruption laws that would include pre-conviction and post-conviction sanctions.

The pre-conviction sanctions would include the dismissal and removal from office of public servants at any level who have been shown through investigations to be involved either in acts of corruption or to have acted in a manner that is connected to corrupt practices.

Besides dismissals, blacklisting from public contracts of individuals and private companies and acts of "naming and shaming", among other measures, would be taken as deterrence against corruption.

These pre-prosecution sanctions will include administrative, regulatory, financial and economic measures that comply with the fundamental legal principles and rules of Liberia.

"In pre-prosecution instances, persons appointed to high political office must understand that they are appointed because they have the trust of the appointing authority and that where they have lost that trust (by involving themselves in corrupt practices or their semblances) they will be removed from office," the NACSP Paper said.

It emphasized that hiring and dismissal of public servants at any level would not be considered a judicial matter but a political act, and the question of whether or not a public servant has

broken the law would be irrelevant since the trust reposed in that public servant would have disappeared.

Of course this aspect of the anti-corruption measures would work effectively and promote credibility in the eyes of the public and set good examples only if the appointing authority demonstrated the will to remove the offending person from office, the NACSP paper noted.

State parties are required under Article 20 of the AU Convention to establish anti-corruption agencies at the time a state deposits its instrument of ratification, which would communicate directly with other national authorities with power to make and receive requests for international assistance and cooperation.

But while efforts were being made to establish the anti-corruption agency, according to the NACSP Paper, there was need to identify and understand the causes and factors that exacerbate corruption (especially the causes of poverty) and address the question of capacity, processes and remuneration for the key government institutions of accountability that will reinforce all anti-corruption measures.

As part of its public outreach program, according to the NACSP Paper, a sensitization process would be developed that would include training of trainers' courses and workshops, involvement of young people, especially students, as well as faith-based institutions.

Meanwhile, according to the NACSP Paper, the draft Code of Conduct for Public Servants passed to President Sirleaf recently for approval by the cabinet is expected to be enacted into law by the National Legislature by September 15 this year.

The NACSP is the first of its kind proffered by the government of Liberia in a drive to eradicate corruption, prompting observers to believe that there now appears to be political will on the part of the state to minimize corruption.

"But we need to watch and see. There had been propositions for fighting corruption and there had even been executive committees on corruption. Those committees and other measures such as "drawing sword against corruption" adopted by President Tolbert only served as eye service measures," recalled Philip V. Kerkulah of Momoh Town West on Bushrod Island.

He said each successive regime since Tubman declared its own version of anti-corruption drive and slogan but that the drives and slogans were no more than public relations gimmicks, which the government and some public officials ignored in their perpetration of economic violence against the people.

"No administration has declared corruption admissible, and yet corruption remains so strong that it has come to be identified with the appalling standard of living of the Liberian people, besides being the basis for the refusal of the international community to remit resources to Liberia without precondition," agreed Patrick M. Quaih of Paynesville.

Analysts say whether Kerkulah and Quaih make any sense in their assessment of the situation nor not, the departure point is, the issue of corruption this time is driven by international obligations.

This, they said, constitutes even greater imperative.