

Liberia: War Against Corruption Commences

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The Lower House of the Liberian parliament, Tuesday this week, ratified both the African Union (AU) and the United Nations (UN) international conventions against corruption, The Analyst has learnt.

Upon becoming a legal instrument which is ensured by the ratification, both instruments are expected to create enabling environments that will enable the civil society and the media to hold governments to the highest levels of transparency and accountability in the management of public affairs.

The ratification of the two conventions, observers say, will also set the basis for the establishment, by the government of Liberia, of the Anti-Corruption Agency later this year.

Once the agency is up and running, according to them, GEMAP would become irrelevant because corruption, which continues to stand between Liberia and the delivery of international goodwill for the reconstruction of Liberia, would be a thing of the past.

That, though, is when the government buckles down and enacts into law the Code of Conduct for the public sector by the middle of next month and pass into law an anti-corruption legislation by the end of next week.

The UN Convention Against Corruption compels member states to seek a comprehensive and multi-disciplinary approach to prevent and combat corruption while the African Union Convention calls for the setting up of a coordinating mechanism to effectively combat corruption. Both conventions have been sent to the Liberian Senate for concurrence.

The ratification of the convention comes at a time when lawmakers themselves have been accused of bribery and corruption.

Last week, according to media reports, the Managing Director of the Liberia Petroleum Refinery Corporation (LPRC), Harry Greaves, revealed that he had refused to give US \$50,000.00 because he could not justify it to the GEMAP Representative assigned at the LPRC and further alleged that the Senate's Committees on Public Corporations and Ways, Means and Finance cited him after his refusal to give the money.

Corruption in government has been of major concern to the donor community and human rights institutions in Liberia for well over a decade, prompting vigorous interventions, including the Governance Economic Management Assistance Programme or GEMAP.

In 2005, parliamentary investigation found NTGL Speaker George Dweh and three colleagues guilty of embezzling \$92,000 and suspended for time indefinite.

Dweh denied corruption and said the correct procedure had not been followed for suspending the four.

Historically, Liberian officials have been slow to act on corruption and matters that require accountability have not been embraced with open arms.

Last year, the Bryant government and several prominent politicians reacted angrily to an anti-corruption plan drawn up by international donors, branding it a threat to the West African nation's sovereignty.

The Economic Governance and Action Plan (EGAP), which later became GEMAP, was drafted by donors -- including the United Nations, the European Union and the Economic Community of West African States -- to address the "systemic and endemic corruption" which they believe is handicapping Liberia's economic resuscitation after 14 years of civil war.

NTGL Information Minister William Allen said at the time that the transitional government, set up after a 2003 peace deal and charged with shepherding the country to elections on 11 October, had severe reservations about the EGAP proposals, particularly putting key decisions in the hands of foreigners.

"We are not going to agree to the idea of foreigners coming to Liberia to take over statutory responsibilities that Liberians should handle," he said at the time.

In June this year, Liberia's Anti-Corruption Task Force claimed to have uncovered alleged fraud worth nearly US \$1 million at the Ministry of Finance under the former power-sharing transitional government.

In a letter to President Ellen Johnson-Sirleaf, the task force called for a full-scale investigation after discovering several fraudulent vouchers on foreign travel and goods and services that were never supplied to the finance ministry. Former and current employees of the ministry were linked to the scandal.

Additional allegations of corruption have also surfaced in recent times. The General Auditing Bureau recently released a report stating that the former transitional government spent more than US \$11 million for public service vehicles but that 132 of the 552 vehicles purchased could not be traced.

Past and present Liberian governments have not been transparent in revealing findings of audit reports of corrupt officials.

In the Final Report of a 6-man ECOWAS Team, the immediate dismissal of Finance Minister, Lusine Kamara, Commerce Minister, Samuel Wlue, Deputy Finance Minister for Administration, Tugbe Doe, and the Head of Fraud Investigation, Ministry of Finance, Albert Quaye were recommended.

The dismissal recommendation was made in adherence with Section 1 of Executive Order No. 2 of 2003, which states that any official of Government who causes loss of revenue to the Government of Liberia shall "Be removed from office and prosecuted for the offence of felony of the third degree." The Team also recommended that Vice Chairman Wesley M. Johnson should refund to the Government of Liberia the amount of US\$34,050.00 he used with his entourage on a trip to Rhode Island, USA to witness the graduation of his daughter.

The bedrock of both the AU and UN conventions is a plea for government to ensure and provide for the participation of civil society in the monitoring process and consult civil society in the implementation of this convention.

The also requires the state actors to ensure that the media is given access to information in cases of corruption and related offences on condition that the dissemination of such information does not adversely affect the investigation process and the right to a fair trial.

According to the convention, corruption can be prosecuted after the fact, but first and foremost, it requires prevention.

It therefore requires the establishment of anticorruption bodies and enhances transparency in the financing of election campaigns and political parties.

It requires also that once recruited, public servants should be subject to codes of conduct, requirements for financial and other disclosures, and appropriate disciplinary measures.

The UN Convention specifically says transparency and accountability in matters of public finance must also be promoted, and specific requirements are established for the prevention of corruption, in the particularly critical areas of the public sector, such as the judiciary and public procurement.

"Those who use public services must expect a high standard of conduct from their public servants," the UN Convention says.

For these reasons, the Convention calls on countries to promote actively the involvement of non-governmental and community-based organizations, as well as other elements of civil society, and to raise public awareness of corruption and what can be done about it.

The Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law.

The Convention goes beyond previous instruments of this kind, criminalizing not only basic forms of corruption such as bribery and the embezzlement of public funds, but also trading in influence and the concealment and laundering of the proceeds of corruption.

Offences committed in support of corruption, including money-laundering and obstructing justice, are also dealt with. Convention offences also deal with the problematic areas of private-sector corruption.

By ratifying the convention, the Liberian government is agreeing to cooperate with other nations around the world in every aspect of the fight against corruption, including prevention, investigation, and the prosecution of offenders.

Countries are bound by the Convention to render specific forms of mutually legal assistance in gathering and transferring evidence for use in court, to extradite offenders. Countries are also required to undertake measures which will support the tracing, freezing, seizing and confiscating of the proceeds of corruption.

Both conventions recognize and are concerned about the negative effects of corruption and impunity on the political, economic, social and cultural stability of African States and its devastating effects on the economic and social development of the African peoples.

The magnitude of what has to be done by Liberia which has had tough bouts of corruption spanning decades and several administrations prompted many to wonder whether current efforts will pay off in the near future.

A World Bank finding recently suggested that governance constraints, and corruption in particular, is a key determinant of a country's global competitiveness. Both conventions as expected will sail through the Senate with ease, but the key question would be how the Liberian lawmakers and government officials implement what many believe is a key ingredient to a successful nation.

