



REPUBLIC OF LIBERIA

AN ACT OF THE LEGISLATURE

TO ESTABLISH

THE

GOVERNANCE COMMISSION  
(GC)

August 2007

## AN ACT ESTABLISHING THE GOVERNANCE COMMISSION

### PART I PRELIMINARY

#### SECTION 1.1 PREAMBLE

**Whereas**, Chapter 10, Article 89-“Autonomous Public Commissions”- of the Constitution of Liberia, which came into force on January 6, 1986 empowers the Legislature to enact statutes for the creation of agencies as may be necessary for the effective operation of Government;

**Whereas**, Liberia has witnessed repeated breakdowns in governance structures, systems and institutions due to civil crisis, military coups and wars, which in turn resulted, in part, from a system of poor governance, lack of participation and inequities in resource distribution, contested values and consequent limited sense of national identity; of community and of nationhood;

**Whereas**, an enabling system of good governance that promotes and sustains transparency, accountability, rule of law, standards of ethics and political inclusion is a *sine qua non* for escaping the conflict trap and harnessing the national resources for the common good of Liberia and Liberians; and

**Whereas**, in order to achieve and maintain a holistic system of good governance that is inclusive, participatory and just, and which promotes national oneness, sound public sector management, efficient and fair allocation and use of resources, and a culture of honesty and integrity, it is necessary to establish and maintain an autonomous agency/commission dedicated to the pursuit of such desired goals;

**NOW, THEREFORE, IT IS HEREBY ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA, IN LEGISLATURE ASSEMBLED:**

#### SECTION 1.2 SHORT TITLE

This Act may be cited as the **Governance Commission Act of 2007**.

### SECTION 1.3 DEFINITIONS

In this Act, unless the context otherwise requires, the following words and phrases shall have the meaning(s) ascribed to them in this Section.

**1.3.1 The Commission:** The Governance Commission.

**1.3.2 Good Governance:** A system of governance that is inclusive, participatory, just and accountable, which encompasses a merit-based and transparent system of public administration and management of public institutions and national resources. It includes the adoption/adaptation of internationally accepted best practices in corporate governance, the honorable discharge of public duties without any expectation of personal reward over and beyond that to which a public servant is lawfully entitled, and the meaningful involvement of every citizen, irrespective of backgrounds, in the formulation, implementation and/or monitoring of national policies.

**1.3.3 Mandate Areas:** Mandate areas shall include but not be limited to: (1) Political and Legal Reforms; (2) Public Sector Reforms; (3) Civic Education, National Identity and National Visioning; (4) National Integrity System; and (5) Monitoring, Evaluation, Research and Publication.

**1.3.4 Political and Legal Reforms:** This refers to a two-pronged approach in:

- (a) Reaffirming and strengthening the democratic ideals that inspired the establishment of the Liberian state, and underpin our democratic system of government, and
- (b) Reviewing and proposing for amendment, and adaptation of existing laws as well as introducing new laws in a manner that enhances the body polity and promotes national unity and development. This includes revisiting the ideals, mission and constitution of Liberia, and undertaking, amongst others, land reforms, security sector reforms and judicial reforms.

**1.3.5 Public Sector Reforms:**

This means the formulation and development of appropriate policies to promote and ensure effective management of public agencies, corporations and ministries, by redefinition of institutional mandates, structures, operational procedures as well as the recruitment, compensation and training of staff; ensuring an accountable, equitable and transparent allocation and utilization of national resources; and ensuring the development of a national public integrity system.

**1.3.6 Civic Education:**

To formulate policies that will help with civic education processes with a view to strengthening a sense of common community, national identity and nationhood and educating Liberians in the broad areas of good governance as defined herein; including espousing equal rights and opportunities, especially for vulnerable groups such as women, children, and the handicapped and rural dwellers. It includes sensitizing individuals, organizations and communities about the principles of good governance, the benefits offered by good governance; and the role and responsibility of each individual, organization and community in the promotion of good governance.

**1.3.7 Civil Society Engagement:**

Refers to the establishment and development of a formal policy to engage and foster civil society's participation in governance through regular consultations, interactions and policy interventions that enable CSOs to effectively demand and participate in good governance and serve as watch dog agencies.

**1.3.8 Monitoring,  
Evaluation,  
Research and  
Publication:**

This is a mandate area that refers to the programmatic collection, organization, and dissemination of relevant information about the content and impact of adopted and/or on-going reform measures and general practices of good governance in both the public and private sectors, along with the production of reports of studies and researches commissioned to identify ways and means of addressing practical constraints in the implementation of good governance, the consolidation of peace, ensuring security and promoting national identity.

**1.3.9 Code of Conduct:** The Code of Conduct for Liberian Public Servants approved and/or amended by the Legislature.

**1.3.10 Stakeholders:** Include but not limited to the Liberian people, the three branches of government, trade, business, and professional organizations, civil society organizations, faith-based organizations, non-governmental organizations, other public interest groups of Liberians and development partners.

**1.3.11 CSO:** The acronym for Civil Society Organizations.

**1.3.12 FBO** The acronym for Faith-Based Organizations.

**1.3.13 NGO:** The acronym for Non-governmental Organizations.

**1.3.14 CPA:** The Comprehensive Peace Agreement signed August 18, 2003 between the warring factions, the Government of Liberia and Civic Organizations in Ghana.

**1.3.15 Public Service:** This refers to the entire spectrum of services rendered through government agencies and public institutions.

**1.3.16 Accountability:** To explain and be responsible for one's action and/or decision.

**1.3.17 Founding Ideals:** The affirmation of democracy, equality, liberty and justice as enshrined in the Declaration of Independence of Liberia.

## **PART II ESTABLISHMENT OF THE COMMISSION**

### **SECTION 2.1 GOVERNANCE COMMISSION**

There is hereby established an autonomous public commission to be known as the Governance Commission, hereinafter referred to as the "Commission", which shall have the mandates and exercise the duties, functions and powers it has been granted by this Act.

### **SECTION 2.2 INDEPENDENCE**

The Commission shall be an independent body of the Government. It shall be financially autonomous, operationally independent, and generally free of undue influence from any source, in pursuit of its mandate. It shall however, on a quarterly basis submit financial statements to the Legislature and the President.

### **SECTION 2.3 REPORTING**

The Commission shall be responsible to and report to the President on its activities and the performance of its mandate provided, however, that in addition to its reports to the President, the Commission shall in all instances where it recommends changes in sectors or structures of the government or draft legislation for the reform of such sectors, structures or other measures relating to reform of the same, such recommendations shall be submitted directly to the President for executive action or for the President's further transmission to the National Legislature for its appropriate action.

## **PART III MANDATE & FUNCTIONS**

### **SECTION 3.1 MANDATE**

The general mandate or purpose of the Commission shall be to:

- 3.1.1 Promote good governance by advising, designing, and formulating appropriate policies and institutional arrangements and frameworks required for achieving good governance, and
- 3.1.2 Promoting integrity at all levels of society and within every public and private institution.

## SECTION 3.2 DUTIES AND FUNCTIONS

Consistent with, and in furtherance of, the general mandate set forth in Section 3.1, and to enable the Commission to promote good governance, as mandated, and advice, design and formulate appropriate recommended policies and institutional arrangements and frameworks to the government for the achievement of good governance, the Commission shall exercise the following duties and functions:

- 3.2.1 To promote awareness, acceptance and observance of good governance within both the public and private sectors; through the conceptualization and design of policies and programs, in consultation and/or collaboration with other public and private institutions;
- 3.2.2 To identify and promote understanding and consensus on policies and programs aimed at strengthening democratic processes, interactions, and institutions that promote an inclusive, participatory and just system of governance and decentralization of development;
- 3.2.3 In collaboration with other public and private sector institutions and civil society, to foster a sense of common national identity, shared national vision, and one democratic nationhood by identifying and advising on resolution of the social, cultural, economic and political factors that have hindered genuine national unity and precipitated years of violence and wars;
- 3.2.4 To promote reforms, efficiency, and transparency in the Liberian public sector by recommending the rationalization of institutional mandates and structures; coordinate capacity building initiatives, and the development of appropriately designed merit-based system.
- 3.2.5 To promote integrity in the public sector, draft, advocate for, and advise on the adoption, use, and/or the amendment of codes of conduct; and carry out national public integrity surveys at such intervals as it may determine; provided that at least one public integrity survey is conducted every year;
- 3.2.6 To promote the awareness of the need for equality of opportunities as established by the Liberian Constitution.

- 3.2.7 To develop policies and programs to promote civic education within the context of good governance to include but not be limited to: the development of a policy framework for promoting civic education and the nurturing of citizens; advocacy with NGOs, FBOs and CSOs working on civic education; coordinating capacity building initiatives for promoting civic education so as to make the citizenry aware of their rights, responsibilities and obligations as citizens; and monitoring and evaluating the impact of civic education interventions;
- 3.2.8 To collaborate, cooperate or coordinate with other agencies of government in designing programs to promote good governance and combat corruption; s would assist those agencies to combat corruption; and
- 3.2.9 To monitor and evaluate the impact of good governance programs through research and publication to include but not be limited to the preparation of periodic reports and an "Annual Governance Report".

#### PART IV: POWERS

##### SECTION 4.1 POWERS OF THE COMMISSION

The Commission shall have, enjoy and exercise such powers as are necessary for the fulfilment of its mandate. The powers of the Commission shall include:

- 4.1.1 To identify, advise on and design necessary policies relating to good governance, and submit same for the approval and implementation by the Government of Liberia;
- 4.1.2 To plan and prepare its annual budget including grants and donations and submit it to the Government of Liberia for funding;
- 4.1.3 To solicit and receive technical assistance from development partners;
- 4.1.4 To enter into memoranda of understanding, partnership and other forms of contract agreements with stakeholders and development partners, in furtherance of its mandate, to be signed by the Minister of Finance and attested to by the Minister of Justice; and to hold property, whether movable or immovable;
- 4.1.5 To organize workshops, symposiums, public consultations, public interactive fora, nationwide consultations and other activities geared toward achieving its mandate, including publications of the findings as and where relevant.

-- 7 --



- 4.1.6 To commission and compensate subject matter experts in the mandated areas and other such areas as may be deemed necessary in furtherance of its mandate and work plans and within its budget limits;
- 4.1.7 To organize the office of the Commission in any manner as may be necessary and practicable for the effective operation of the Commission including making rules and regulations to carry out its mandate;
- 4.1.8 To develop reasonable staffing needs and provide for the recruitment of all needed staff, including establishing transparent procedures and guidelines on the recruitment, and conditions of service for all staff of the Commission, and for professional human resource development;
- 4.1.9 To determine the benefits and compensation to be received by Commissioners pursuant to the normal budgetary processes of the Government through the President;
- 4.1.10 To propose legislation, acting through the President, and when necessary to recommend the undertaking of constitutional amendments related to the promotion and enhancement of good governance, and
- 4.1.11 To engage in and undertake any and all activities necessary, incidental to and required for the full attainment of the Commission's mandate.

**PART V: COMPOSITION, APPOINTMENT AND TENURE**

**SECTION 5.1 COMPOSITION**

The Commission shall be composed of five Commissioners, one of whom shall be appointed to serve as Chairman and another as Vice Chairman; each of the other three members shall be called and known as Commissioners.

## SECTION 5.2 APPOINTMENTS

The President shall, with the advice and consent of the Senate, appoint members of the Commission, including its Chairperson and Vice Chairperson. In making such appointments, the President shall give adequate consideration to the qualification criteria set out in this Act for such appointees.

## SECTION 5.3 QUALIFICATIONS

The Commissioners shall be Liberian citizens of proven integrity and honor, demonstrated achievement consisting of at least a bachelor degree in a discipline and occupation related to one or more of the mandate areas of the Commission, a Commissioner should have competence at least, in one of the mandated areas, and without prior conviction of or indictment for a crime involving moral turpitude.

To the extent possible, appointment to the Commission shall be such as to ensure:

- 5.3.1 That each Commissioner should have competence at least in one of the mandated areas;
- 5.3.2 No two (2) Commissioners shall hail from the same county; and
- 5.3.3 Not more than three Commissioners shall be of the same gender.
- 5.3.4 Thus Commissioners must be non-partisan to prevent the governance agenda and process from being a political one.

## SECTION 5.4 TENURE

- 5.4.1 The Commissioners shall serve a term of four (4) years, and may be reappointed for an additional term of 4 years; provided that in no instance shall a commissioner serve more than two terms, whether successive or separate. Service by the Commissioners shall conform to the terms of reference of the appointments, not inconsistent with the provisions of this act.

## SECTION 5.5 RESIGNATIONS AND REMOVAL

-- 9 --

A Commissioner shall hold office for the term to which he or she is appointed during good behavior. A Commissioner may however be removed from office by the President for proven misconduct, gross breach of duty, violation of the Code of Conduct for Liberian Public Servants, conviction of a felony, incapacity and incompetence or other proved acts incompatible with the office. Notwithstanding his or her appointment for a specific term, a Commissioner may resign his or her position upon giving thirty days notice to the President.

#### SECTION 5.6 QUORUM

Any three members of the Commission, including the Chairman, or in the absence of the Chairman, the Vice Chairman, shall constitute a quorum for the transaction of business in continuity of the Commission's mandated activities. Decisions of the Commission shall be made by consensus or by simple majority of the votes of the Commissioners present, where a consensus cannot be reached; and in the event of a tie, the Chairman shall have a casting vote.

#### SECTION 5.7 APPOINTMENT OF SUCCESSOR

If a commissioner dies, resigns or is removed from office, the President shall appoint, in keeping with the provisions of Section 5.4.1 pertaining to appointment and qualification, another person in his/her place within thirty days of the event giving rise to the vacancy. Each Commissioner appointed shall serve for the term established in Section 5.4.1 above.

#### SECTION 5.8 FULL SERVICE

Each Commissioner shall devote full service to the Commission.

**PART VI                    DUTIES OF THE CHAIRMAN AND VICE  
CHAIRMAN**

**SECTION 6.1        CHAIRMAN**

The Chairman of the Commission shall have the following duties and functions:

- 6.1.1 Be the head of the Commission and ultimately responsible for the administrative operations of the Commission;
- 6.1.2 Serve as the official spokesman for the Commission;
- 6.1.3 Preside over all meetings of the Commission.
- 6.1.4 Represent the Commission in all conferences, except where he or she designates any of the Commissioners, or member of the staff to represent the Commission.

**SECTION 6.2        VICE CHAIRMAN**

The Vice Chairman of the Commission shall be the principal assistant to the Chairman and shall perform all responsibilities of the Chairman in his or her absence or incapacity.

**SECTION 6.3        DUTIES OF COMMISSIONERS:**

Each Commissioner shall serve and be responsible as both lead resource person and coordinator for each of the mandate area. A Commissioner responsible for a mandate area shall, in consultation with the Chairman, lead in drafting programs and identifying activities; and upon the approval of the Commission, supervise the implementation of such activities.

**PART VII ORGANIZATION AND ADMINISTRATION**

**SECTION 7.1 ORGANIZATIONS AND ADMINISTRATION**

- 7.1.1 The Commission shall exercise executive authority and shall be responsible for the overall supervision and implementation of the Commission's mandate and execution of its functions.
- 7.1.2 A Secretariat shall be established to render technical, professional, administrative and clerical assistance to the Commission in pursuit of its mandate. The Secretariat shall be headed by an Executive Director, recruited by the Commission **and approved by the President**. He/She shall serve as secretary to the Commission and be responsible for the daily administration and operations of the Commission.
- 7.1.3 The Secretariat shall also be staffed by managers in each mandate area and with such staff as shall be needed to implement the functions of the Commission.
- 7.1.4 Notwithstanding Part VII, Section 2 above, the Executive Director in collaboration with the Commissioners and managers for each mandate area shall also perform the following functions:
- 7.1.5 Plan, budget and execute plans and budgets based upon the Commission's mandate and the approval of the Commission;
- 7.1.6 Build advocacy with stakeholders in the mandate areas for the execution of policies and programs;
- 7.1.7 In consultation with the Ministry of Planning and Economic Affairs or the appropriate ministry/agency develop capacity building programs in support of stakeholders in the respective mandate areas;
- 7.1.8 Organize the recruitment of staff for approval of the Commission.
- 7.1.9 Incur an account for revenue and expenditure as stipulated by regulations.
- 7.1.10 The tenure of Executive Director and Division Managers shall be determined by the Commissioners but shall not in any event exceed four years, provided that the Executive Director and Division Managers may be reappointed for a second term not to exceed an additional four year period.

- 7.1.11 Notwithstanding any fixed tenure given the Executive Director and Division Managers, their continued service with the Commissioners shall be based upon an annual appraisal performance determined by the Commissioners.
- 7.1.12 Notwithstanding also the tenure of the named officers, they may be removed for cause, such as misbehaviour, incapacity and incompetence as specified in the Code of Conduct or conviction by a court of law of a felony offence or a criminal offence involving moral turpitude. Removal of the Executive Director and the Division Managers shall be by majority of the Commissioners.

#### PART VIII FUNDING

- 8.1 The work of the Commission shall be funded by Government and by development partners either as direct technical assistance or as grants or donations.
- 8.2 The Commission shall adopt and adhere to a system of sound financial management principles in conformity with financial regulations of the Government of Liberia as well as internationally accepted best practices.
- 8.3 The Commission shall be subject to the annual auditing as prescribed by the General Auditing Commission, and shall within three months as of the end of each fiscal year, submit its financial report to the Legislature and the President and thereafter publish it.

#### PART IX REPORTING AND BUDGETING

- 9.1 The Commission shall operate an independent budget and shall submit an annual financial report of its expenditure activities to the President and copies to donor partners who have provided support during the period.
- 9.2 The Commission shall submit annually to the President a report which shall include the assessment of the impact of Government's initiatives, strategies, and recommendations for promoting good governance.
- 9.3 Notwithstanding Article 1 above, the Commission shall report quarterly to the President on progress made in the pursuance of its Mandate.
- 9.4 The Commission shall submit such and other reports as are requested by the Legislature and as the Chairman shall deem necessary.

**PART X                      TRANSITIONAL PROVISIONS**

The Commission shall be the Successor in mandate to the Governance Reform Commission (GRC) established pursuant to Article XVI of the signed August 18, 2003 CPA and which mandate was extended through Executive Order No. 2 dated March 6, 2006.

Until the Commission is established and organized, its mandate shall be pursued by and through the Governance Reform Commission. All activities, programs and agreements, MOUs to which the GRC is engaged or bound shall automatically be transferred to and assumed by the Commission.

**PART XI                      EFFECTIVE DATE**

1. This Act shall take effect immediately upon publication in handbills.

**ANY LAW TO THE CONTRARY, NOT WITHSTANDING.**