



SYNERGY

Official Newsletter of the Governance Commission

Vol. 1 No 12

www.governancecommissionlr.org

December 2015



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Political Parties Propose Solutions to Election Disputes in Liberia

Opposition political parties have always complained against the National Elections Commission, accusing the Commission of election malpractices. Such malpractices include but not limited to vote rigging, election magistrates receiving bribes and influencing the voting process, and ballot box stuffing. Complaints also include those against either the ruling party or rebel group turn political party of cheating, influencing election results and election fraud.

In view of Liberia's pending elections come 2017 and judging from experiences in recent past, the Governance Commission decided to begin groundwork/discussions that will ensure peaceful democratic elections in 2017, and to use as topic for its Annual Governance Report (AGR) "Liberia's Electoral System". The Commission has therefore organized a five series Policy Dialogue on Elections Disputes Resolution intended to engage citizens and stakeholders in the electoral process. Findings from these Dialogues will better inform GC's Annual Governance Report (AGR) to be released in 2016. The discussions will take into consideration Constitutional and Statutory rules surrounding elections, operational procedures and practices, resources provided to political parties, and mechanisms needed to strengthen our electoral weaknesses.

Specific objectives of these dialogues center on the functioning and responsibilities of four major institutions and the electoral system. These institutions include:

1. The National Elections Commission (NEC) responsible to organize and manage elections;
2. Political Parties - major actors contesting for political power through the electoral process;
3. The Supreme Court – the ultimate mechanism/arbiter for electoral dispute resolution that ensures orderly transfer of power;
4. Civil Society- they focus on the political actors and processes of voter education and election observation.

The **first** in the series of election dialogues was held in November 2015 on "**Electoral Dispute Resolution: Implications for a Smooth Democratic Transition: Issues for 2017**". Former Senator Cllr. Fredrick Cherue and Human rights activist Tiawon Gongloe served as presenters. The **second** was held on December 10, 2015 at the James Fromoyan Hall of the National Elections Commission, NEC on the topic "**The Role of Political Parties in Election Dispute Resolution: Issues and Challenges for 2017**". Presenters at this dialogue included Chairman of the Congress for Democratic Change – Nathaniel F. McGill, and Liberty Party Chairman Fonati Koffa.

CDC Chairman Nathaniel McGill noted that NEC has no respect for leaders of political parties and has therefore lost the trust of the latter. McGill accused NEC of several election malpractices including double voter registration, and ballot stuffing. He stressed



that the CDC supports a model of accountability and transparency, and proper monitoring and evaluation of the election process. Mr. McGill proffered possible solutions to perceived 2017 elections challenges.

- Voter education implemented before 2017,
- NEC be divorce from political interests to gain confidence and trust,
- Multiplicity of political parties in itself has the propensity to brew conflict during 2017 elections therefore the need to encourage mergers, and/or coalitions;
- The use of biometric system for Voter registration/voter roll is crucial and therefore its lack could be a major source of conflict in the election process. He urged NEC to take this task seriously to avoid mistrust in election results/outcome.

The CDC Chair also recommended, among other things, that Government provide major political parties with US\$1 million to strengthen their capacity and participation in the electoral process; that electoral guidelines be adequately disseminated to educate stakeholders about election rules/guidelines one year prior to elections for proper understanding; and that election magistrates be trained on election guidelines/rule/laws.

For his part, **Liberty party Chairman Cllr. Fonati Koffa** focused on the Constitutional role of political parties in Liberia including the importance of their existence, and their ideology. He noted that the political system is one that everyone wants to win but find it difficult to accept defeat. Mr. Koffa pointed out that from childhood, the common belief is “to lose means you have been cheated”. He however congratulated those who, he said, were now gradually learning to accept defeat through watching European football, and hoped that this can also positively influence our acceptance of national elections results.



Fonati observed that Liberia needs to build a system wherein we have confidence in not only NEC but in our political actors. This he believes will greatly reduce conflict but assure of fairness in our electoral process. He recommended institutional mechanisms that will ensure an independent National Elections Commission whose integrity will not be compromised but rather win the trust of political parties during elections. Fonati wants government to fund monitoring of elections process adding “*this is a responsibility of government to assure that the process is substantially free, fair and credible.*” Confidence in the process influences the outcome of the results which also depends on how the process is handled. According to Mr. Koffa, proper handling of the process will lead to trust, peace and confidence in the election process, and less worry over dispute resolution. He noted that people invest so much in elections in order to gain power and will not want to lose such investment easily.

Mr. Koffa recommended that a system be put in place that speeds up the announcement of the election results as delays leave room for speculations which creates distrust, possible fraud, election irregularities, and election contests. He wants election contests to be strictly political, recommending that contestants should seek court actions through their political party, unless if he/she was an independent candidate. Fonati stressed that once the rules are followed the results must be accepted thereby giving confidence to the process. He said court actions/finality is also important because if court case cannot influence or change the election result such case should not then unnecessarily delay the election result/decision of NEC. He then recommended the need for the Legislature to make laws that will strengthen NEC (institutionally and staff capacity) and improve Liberia's electoral process to ensure fairness.

The Policy Dialogue was graced by several Lawmakers, other government officials, lawyers, and representatives from nineteen (19) political parties but **Dr. Amos Sawyer, Chairman of the Governance Commission**, frowned on the conspicuous absence of some of the major political party leaders, particularly the Unity Party during such serious discussions. Dr. Sawyer observed that many of those absent are the very people that will be contesting and involved in election disputes. He said there is almost a tradition on the lack of participation on the part of the Unity party.



“This is significant because this is the party that is providing leadership here, and if that party is not engaged at its highest level with other political parties in the discourse on the resolution of electoral disputes at the time when we are approaching the eve of elections that are going to be of significant importance in our political life...then I think there is indeed something here that should be noted.”

Dr. Sawyer explained that he did not mean to be harsh against the ruling Unity party but to remind it of its prime responsibility to working to assure Liberia of a smooth power transition. He therefore urged the Unity party to take these discussions on the electoral process far more seriously than it is taking them now to ensure of the conduct of peaceful democratic elections in 2017. Dr. Sawyer also noted the conspicuous absence of lawmakers particularly those from the House of Representatives intending to contest elected positions, and others who might well be filing disputes, to participate in these discussions.

*“They should have been here, and we want to beg them to take this process seriously. **We cannot exist in a political system guided by the veil of ignorance.**”*

According to the acclaimed University Professor, *“the veil of ignorance is about not wanting to craft rules which are applicable across the board, and where one does not know what the*

outcome will be. You do not want to be ignorant of where the chip may fall. You want to craft rules in which you can predict where the chips will fall.”

According to this political heavy weight, as many have described him, elections promise a process which generally is fair, transparent and credible, but does not guarantee us a specific result. Sawyer concluded by observing that the Dialogue emphasized the need for continuing dialogue with the view of reviewing as much as we can come 2017, knowing that we will not have a perfect election come Election Day.

Dr. Sawyer highlighted several issues yet to be conclusively handled. Such issues include:

- A. multiplicity of political parties without excluding anyone or any political party;
- B. Arrangement of the rules of the election process to assure of citizens and stakeholders participation in the process;
- C. Smooth and peaceful transfer of power - Stakes are very high for the pending elections. These elections will mark significant transitions such as transfer of power from one living president to another probably from a different political party, (this has not happened since 1944).

Earlier in his opening and welcome remarks, **NEC’s Chairman Jerome Kokoya** thanked GC for holding the Dialogue relative to addressing electoral issues in Liberia. Chairman Kokoya noted that the Forum was particularly important and timely in that it involves political parties where election disputes emanates, and at a time when NEC is preparing for another round of elections which come with very high stakes. Mr. Kokoya believes that the dialogue will keep key stakeholders and political parties engaged in discussions aimed at improving our electoral system. He noted that although litigations are exhaustive, NEC welcomes discussions that seek remedies through the Courts for the aggrieved instead of resulting to violence. Mr. Kokoya reminded the Dialogue that elections by itself is highly contested and requires both financial and human resources. He warned that with the massive number of people involved in the elections, there may probably be no perfect elections in Liberia, adding that there will always be human errors at one stage or the other.



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“But the question is do these errors have the propensity to impact the outcome of the elections? We must standardize our pursuit for litigation. We cannot sue for every bridge especially if such bridge cannot impact the outcome of the elections.”

He reminded stakeholders that elections are guided by national laws and international standards and principles and hoped discussions at the forum will take into account national and international guidelines pertaining to election management.



For his part, **Representative Gabriel Smith** recognized the efforts of GC in working along with NEC and political parties in assuring that we maintain a stable environment in Liberia as we move toward a critical period in our political history where the incumbent will not participate in the 2017 presidential election. Representative Smith stressed that as we move toward 2017, we need to take a number of critical steps such as (a) redefining ourselves as a people and reflecting on where we want to see this nation after 2017; (b) as a participant, what is my role to ensure that we keep this boat (Liberia) afloat. He said in answering these questions we will determine how we plan to manage the 2017 elections.

According to Representative Smith, election is a contest and everyone that goes in goes in to win. He also warned that there is no perfect elections but that the way we respond to discrepancies, how we interpret the NEC and/or perceived discrepancies will determine how we resolve whatever problem there may be. Smith also emphasized the need for civic education before the 2017 elections in order for everyone (voters, contestants, political parties, civil society, NEC, the government, and the Legislature) to better understand the rules and regulations governing elections in Liberia.

Also in attendance was Honorable **Larry Yanquoi, Chairman of the House Committee on Governance**. He urged the national Legislature to strategize ways to reduce cost relating to bi-elections.

Others observed that candidates spend more time inciting voters rather than exciting them; that realistic action be taken against NEC staff who violate election guidelines and principles; that the issue of trucking of voters to counties in which they do not reside to register in order to vote for a particular candidate be thoroughly addressed; that the need for voter education; acceptance of election results especially in complaints that cannot influence a change in election results; and the need to promote unity at the end of the day.

Sawyer Addresses LU 96th Commencement Convocation: Advocates Reform for Graduate Programs

It is no secret that the University of Liberia is in dire need of transformation if it is to compete or be compared to other universities internationally. It can be recalled that in the 1970s and 1980s, students from outside Liberia came to this country to study at the University of Liberia but the civil war years had its toll on this institution, like it did on all other institutions in Liberia. To date, LU, as it is commonly referred to, is in dire need of professors and teaching staff, modern equipment and books, laboratories, and most importantly funding to support the much needed transformation.

The University of Liberia 2015 Graduate Schools **Commencement Speaker Dr. Amos Sawyer** highlighted a number of issues in his exposé including:



• The role of the University as a knowledge-based community institution; a generator and repository of knowledge through research and teaching needs;

- Democracy and Development
- Decentralization
- Constitution Review
- Human Resource Development

A). **The role of the University as a knowledge-based community institution:** a generator and repository of knowledge through research and teaching needs.

Dr. Sawyer likened the current conditions at the University of Liberia to those of the 1960s when “*Facilities were modest-- even inadequate, budget underfunded and only a few textbooks but there were some great teachers and above all, there was an unyielding commitment to scientific inquiry and the pursuit of excellence*” Dr. Sawyer, however pointed out that with national efforts, a change in the style and pace of governance, reorganization of governance structures of the University (as was done in the past) and other prevailing situations can be transformed. (Some 35,000 plus students in 10 or more schools, colleges and special programs, admission and registration, budgets, staff recruitment, and research management might be among the areas needing institutional review in order to enhance efficiencies).

Dr. Sawyer noted that in the 1960s, despite limited financial resources, research was expected of the teaching staff and a fair amount of research was done. He recalled several examples including –in the **Business School**, **Dr. Flomo Stevens** produced a monograph using Liberian examples for teaching a course in management; **Dr. Tipoteh** produced an economics monograph contextualized in the Liberian economic situation; **Dean Horton** created an environment that linked the College of Business and Public Administration to the business community; **Professor Tuan Wreh**, in the Law School, published two books on Labor Law and Maritime Law respectively; **Associate Professor Johnny Lewis** published two case law books on Estates and Trust and Criminal Law. A Law Journal was published regularly and **Assistant Professor Banks (now Justice Banks)** was among its major contributors.

“Substantial research went on in the Colleges of Agriculture and Forestry. Reinforced by CARI, and the research center in Ibadan, there were research on onion and legumes and the adaptability of various crops to conditions in Liberia. By late 1970s a thriving research bulletin was published regularly from the College of Agriculture—research that informed teaching that in turn stimulated more research. In the social sciences, the creation of the social science series (Social Science 102 and Social Science 201 enhanced understandings of the dynamics of Liberian social processes and institutions. My book, the Emergence of Autocracy began from research and teaching notes put together and constantly revised for the Social Science 201 course—Introduction to Liberian Society.”

Some government ministries including the Ministries of Planning for Economic Affairs, Agriculture and Education were among government entities which generated data and produced studies by Liberian professionals and contributed to LU becoming the knowledge-based community it became during the 1970s/80s. LU at that time also encouraged substantive policy debates among government institutions and the wider society (including self-organized student groups and university professors interested in issues of social justice and African liberation like MOJA, the Federation of Liberian Youth, FLY, and the Liberian National Student Union, LINSU.

In assuring of renewed vigor and transformation of the University of Liberia as a knowledge-based institution, Dr. Sawyer made the following **recommendations**.

- The role of the university as a generator and repository of knowledge through research and teaching needs to be more fully recognized, appreciated and supported. *“We cannot build human capacity when every time we need to answer a policy question we have to run to Harvard, the World Bank or IMF for experts, using the excuse that we do not have the expertise.”*
- There must be policy discussions between those who generate knowledge and those who use knowledge to formulate and implement policy, and these discussions must take place in an orderly, structured and respectful manner;
- Government’s response in policy debates should not be burdened by the erroneous view that government must never be seen to be “bowing to pressure. “Sawyer urged Government to be responsive to citizens’ proposals, and making inclusive, clear and implementable decisions. *“We have learned with great pain and loss that failure to respond or delayed response by government can have negative consequences for progress, even for peace.”*
- Our exchanges must be underpinned by a spirit of patriotism and a determination to strengthen our institutions. The desire for zero-sum solutions does not help build inclusive and resilient decision-making institutions.

B). Democracy and Development

Liberia’s current programs for development and democracy are inspired by our National Vision, and integrated within the Agenda for Transformation and the National Roadmap for Healing and Reconciliation. Programs for infrastructure development described as the “hardware” are well underway including the Mount Coffee hydro rehabilitation expected to be completed next year, and several road building projects. However, though some of the ‘software’ of our development agenda including decentralization, accountability and the rationalization of the public sector, among others have made some progress, other significant deliverables remain outstanding.

Sawyer maintains that both “hardware and software” programs implementation should correspond with each other.

“We stand at an important crossroads between policy pronouncements and policy implementation. Implementation of hardware programs without corresponding progress in the implementation of the software results in dangerous imbalances in our development and democratization initiatives. Some fundamentals of the software are lagging behind. For example, our National Vision was meant to guide us as we take control of our future. One of the fundamental challenges it addresses has to do with national identity, responsibility and cohesion. Circumstances of conflict and the need for massive international support have affected our sense of identity and responsibility.”

Dr. Sawyer emphasized the need for Liberians (citizens) to take responsibility for our national development, noting **that citizenship** demands that we also treat each other as co-equals, and with respect. Sawyer described citizenship as a unifying concept that promotes national cohesion, self-reliance, development and participatory system of governance.

C). Decentralization

Liberians, at the end of the 2012 National Vision Conference held in Gbanga Bong County, agreed that over centralization of authority was against their wishes because it limited their participation in governance and restricted their access to development opportunities. They therefore supported a National Decentralization program that prioritizes empowering local government councils that assure of the peoples’ ownership and participation in governance, as well as having better access to goods and basic social services. However, though government has given some support to the decentralization program, observers believe that government needs to speed up its implementation. Others say the program’s implementation is expensive. Dr. Sawyer has a contrary opinion.

“Liberia cannot afford the cost of not implementing decentralization. It is wrong to consider cost only in financial terms. We must also consider cost as far as it applies to advancing the common good, ensuring peace and stability, and ensuring equity and justice. Implementing decentralization requires the boldness of action today just as the creation of new counties fifty years ago by President Tubman required bold and courageous actions. Critical right now is the completion of the program of deconcentration within the next two years by establishing county service delivery centers under the coordination of the superintendents; completion of the harmonization of internal boundaries; passage of the Local Government Bill and stimulation of local economies. Many of these can be undertaken within current authority of the Executive.”

So far only one County Service Delivery Center has been established in Buchanan, Grand Bassa County.

D). Constitution Review

A number of issues are awaiting Constitutional Review and the National referendum expected to be held sometime this year. Some of these issues awaiting Constitutional amendments include the proposed Land Rights Law, the adoption of dual citizenship, the Local Government Act (LGA), tenures of the President and members of the Legislature, among others. Sawyer stressed that Liberia needs a major push to ensure the completion of the Constitution reform, especially in areas that stunt our democratic growth, peace and national development.

E). Human Resource Development

The Governance Commission headed by Dr. Sawyer, as you may already know, is very much engaged with human resource development as part of Liberia's transformation process. The Commission, in collaboration with the Civil Service Agency (CSA) and Liberia Institute for Public Administration (LIPA) is highly involved with enhancing civil servants capacity. GC, CSA and LIPA have held numerous trainings geared toward improving job performance in government ministries, agencies and commissions. This is part of efforts geared toward assuring an increase, in Liberian professionals, and that Liberia becomes a middle income country by the year 2030 (in keeping with the National Vision Goal). Sawyer believes that we cannot develop our country if we do not invest significantly in our people's professional skills.

“We need to do a bit more to foster the empowerment of Liberians by strengthening their capacities to engage in entrepreneurial activities. It makes no sense that a country that is endowed with 40 percent of West Africa rainforest is exporting round logs and importing furniture when all that is missing is the right entrepreneurial support to Liberians from the government.”

In a related development, Dr. Sawyer has urged government to improve budget funding for education, adding *“our commitment and funding of tertiary education specifically needs to be reconsidered for significant improvements”*. The University of Liberia's 2015/2016 fiscal budget stands at 15 million dollars, and it is largely meant for personnel services. Sawyer recommends **innovative thinking to increase the university's endowment**, to situate the University as a mainstream provider of professional services.

Dr. Sawyer commended recent past and present LU administrations for their enormous contributions to the university. He made particular references to the administrations of:

- ✚ Dr. Al-Hassan Conteh, former President of the University of Liberia, for promoting the development plan of the University with vigor and imagination;
- ✚ Professor Patrick Seyon for pioneering the reopening of the University while the guns were silenced during the civil war.
- ✚ President Professor Emmet A. Dennis for sharpening the vision and bringing new directions and vitality to the University of Liberia.

Conclusion

Dr. Sawyer concluded by urging the graduates to uphold the integrity of their profession; show a deeper appreciation of the context and environment within which they will work; exercise a greater capacity to innovate (in the midst of the challenge of scarcity); maintain a constant quest for self-improvement; practice the humility to be mentored and ultimately the patience to be a good mentor; and exhibit a strong and undying commitment to the University of Liberia from whence their training had come, and to Liberia our dear country that provided the opportunity to achieve this milestone.

Dr. Sawyer and four others (former Presidents of LU) received Doctorate Degree in Humanities. They include Dr. Patrick L.N. Seyon, Dr. Ben Roberts, Dr. Fredrick Gbegbe, and Dr. Al-Hassan Conteh.

GC, CSA, LIPA hold Seminar for Human Resource Directors from 19 MACs

The Governance Commission (GC), in collaboration with the Liberia Institute for Public Administration (LIPA) and the Civil Service Agency (CSA) held a one day orientation/training seminar on **“the Role of Human Resource Directors in the Public Sector Reform Process”** (on December 8, 2015) for Human Resource Directors (HRDs) as part of the **Civil Service Reform Project, CSRP.**



An assessment of the CSRP identified the need for an HR orientation staff skill assessment which the one day seminar (held the GC) addressed. At the seminar, HRs received orientation on how to fill assessment form, collect data and conduct analysis on staffing, qualification, recruitment among others. The collected and analyzed data will help GC determine how to restructure/reform the MFR of a given Ministry or Agency. **Dr. Dominic Tarpeh** heads the GC Public Sector Reform Mandate Area. In his welcome and opening remarks, Dr. Tarpeh urged participants to become the agents of change Liberia so urgently needs during this period of transformation.

The Seminar’s objectives included highlighting challenges of the public sector reform (PSR), inspiring HRDs to contribute to the achievements of the goals of the PSR, and to understand how to complete and supervise the MFR Staff/Skills Assessment Form when completed. Sub topics and agenda items were carefully selected to assure improved and sustained HRDs performance.

Agenda items discussed included background of Public Sector Reform Process, HRDs as Change Agents, important members of the Internal Reform Committees, importance of Effective Personnel Assessment, Assessment Considerations, and plan, design and organize reform activities within ministries, including Mandates and Functions, organization designs, establishment Posts, Rightsizing, Pay and Grading, among others. The Seminar brought together HR Directors from 19 ministries, agencies, and commissions.



The Importance of Effective Personnel Assessment noted eight (8) benefits:

Employees who possess the right competencies are more likely to contribute to an agency’s success; Increases our ability to accurately predict the relative success of each department on the job; Hiring, placing, and promoting greater number of superior performances; Reduced turnovers; Decreases

the likelihood of a bad hire; Enhanced job satisfaction for new hires and a more cohesive and effective work group; Cost savings to the organization; Costs of Hiring the Wrong person

includes wasted salary, benefits, severance pay, headhunters' fees, training costs and hiring time which can be prohibitive.

Participants also learned more about assessment considerations, and assessment tools – assessment center and assessment strategy. **Assessment Considerations emphasizes Reliability and Validity.** Reliability relates to the extent to which an assessment tool is consistent or free from random error in measurement; while Validity highlights the extent to which an assessment tool measures what it is intended to measure.

The seminar identified and briefly discussed **two examples of the Assessment Tool – Assessment Center and Assessment Strategy.** **Assessment Center** consists of multiple assessments to evaluate small groups of applicants on a variety of job-related competencies. It is designed to resemble actual challenges that will be found on the job. Applicant performance is observed and evaluated by the multiple trained assessors. Job Knowledge Test involves specific questions developed to determine how much the applicant knows about a particular job tasks or responsibilities. On the other hand, the **Assessment Strategy** identifies job-relevant competencies, design the assessment Strategy and identify Assessment Methods.

As mentioned earlier, the HRDs Seminar is an activity of the **Civil Service Reform Project (CSR)**. The Project's objectives include a) To capacitate LIPA and support Mandate and Function Review undertaken by Governance Commission (GC), b) To strengthen governance and c) To build the capacity of CSA to deliver on its mandate and coordinate reforms across government institutions.

The **CSR** is a three year World Bank sponsored project which started since June 2012 and expected to end in February this year (2016). Achievements of the Project include putting in place proper record management system at the CSA; trainings provided by Kenyan School of Government in the areas of Performance Management System, Change Management and Strategic Planning; Deputy Ministers of the Internal Reform Committees (IRCs) trained at George Town, USA; Implementation of the Mandate, Function and Review (MFR) revitalization; and provision equipment.

As the project comes to a gradual close, assessment of the CSR shows remarkable improvements in the performances and outputs of the various ministries, agencies and commissions (MACs) that participated in the project. Prior to the CSR, the MACs faced the following challenges:

- Employment without budgetary consideration, and no Job Descriptions for employees;
- No organizational chart of Ministries and Agencies
- No fixed salary structure for positions, no approved personnel listings and no up-dated employees' files;
- No Personnel Action Notice process nor Checklist;
- No merit based recruitment, and Mandate Function Review (MFR) not in line;
- No performance management system

It is however important to note that MACs that participated in the CSRП overcame these challenges and can now boost of the following:

- ✦ Employment with budgetary consideration, and draft Job Descriptions for all MACs are being validated;
- ✦ Organizational chart of Ministries and Agencies are being prepared;
- ✦ Fixed salary structure for positions are being worked on, approved personnel listings for MACs are available, and employee' files have been up-date – one employee one file;
- ✦ Personnel Action Notice process for placement now on payroll, and Personnel Action Notice Checklist is a basis for PAN process;
- ✦ Performance Management System introduced across MACs, and Mandate and Function Review introduced at some MACs;
- ✦ Merit based recruitment process for employment in place.

It is important to note that not all MACS fully participated in all activities carried out under the CSRП, but there is hope that with continuous support, all government institutions/civil servants will eventually benefit from similar projects.