



**REPUBLIC OF LIBERIA
GOVERNANCE COMMISSION**

MANAGING DEMOCRATIC TRANSITION IN LIBERIA: 2016-2018

A Governance Commission Policy Document

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ACRONYMS AS USED IN THIS TEXT

1. AfT - Agenda for Transformation
2. CSA - Civil Service Agency
3. CSC - County Service Center
4. CSO - Civil Society Organization
5. CENDRA - Center for Documentation, Records and Archives
6. FDA - Forestry Development Authority
7. GAC - General Auditing Commission
8. GC - Governance Commission
9. GoL - Government of Liberia
10. IPRS - Interim Poverty Reduction Strategy
11. IAA - Internal Audit Agency
12. IFMIS - Integrated Financial Management System
13. LACC - Liberia Anti-Corruption Commission
14. LIPA - Liberia Institute of Public Administration
15. LRC - Law Reform Commission
16. MAC - Ministries, Agencies, Commissions
17. MFDP - Ministry of Finance and Development Planning
18. MIA - Ministry of Internal Affairs
19. MoJ - Ministry of Justice
20. PFM - Public Financial Management
21. PPCC - Public Procurement Concession Commission
22. PSMP - Public Sector Modernization Project
23. PRS - Poverty Reduction Strategy
24. SMC - Statement of Mutual Commitment
25. TOR - Terms of Reference
26. UNMIL - United Nations Mission in Liberia

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I. Introduction

The Comprehensive Peace Agreement of 2003 called for installing a constitutional government, undertaking governance reform and establishing an agenda for peace, reconciliation and healing, among others. In pursuit of these goals, elections were held in 2005 and an elected government was inaugurated in January 2006. Over the last 10 years, a range of policies, programs and projects has been formulated and implemented first under the Interim Poverty Reduction Strategy (IPRS) (2006-2007) and the Poverty Reduction Strategy (PRS) (2008-2012) with the objective of boosting post-conflict recovery, and then under the Agenda for Transformation (AfT) to begin a process of medium term development (2013-2017). Coupled with the AfT is the National Reconciliation and Healing Roadmap with its focus on accounting for the past, managing the present and planning for the future. Couched in the National Vision 2030, both sets of initiatives (the AfT and Roadmap) aim to assist in propelling Liberia to middle income status by 2030 and to build a unified peaceful nation. Most of the initiatives of the AfT and Roadmap were formulated through inclusive consultative processes so as to enhance ownership of Liberians; most have enjoyed the generous support of regional and international partners.

The 2017 Presidential and Legislative Elections will be historic because a new President—a different President—will take over and organize a new Executive Branch of Government. In the Legislature, every seat in the House of Representatives is up for election and it is possible that an entirely new “Lower House” of the Legislature could be installed. This constitutional political transition has significant implications for the governance reform and peace, reconciliation and healing agendas which are being implemented to achieve ultimately our goal of becoming a reconciled nation, a middle income economy driven largely by SMEs, and a consolidated democracy. Seen also within the

context of the withdrawal of UNMIL, Liberia's 2017 constitutional political transition takes on added security implications.

The programs and projects of the Agenda for Transformation and the National Reconciliation and Healing Roadmap are at various stages of implementation at a time when the political transition through elections is taking place. There is no denying that an in-coming government will have the mandate to review on-going policies and programs or to institute new policies and programs. However, it will be to the detriment of Liberia were the foundational governance reform programs of the agenda and peace and reconciliation roadmap to be ignored or scuttled. Progress achieved thus far should be seen and used as building blocks to transformation. Building upon the gains of these programs also shows appreciation for the use of taxpayers' money and the generous financial and technical support of regional and international partners who have made such gains possible.

Against this backdrop, the Governance Commission has identified a number of on-going reform programs and projects which are foundational to good governance, peace and reconciliation and to the enhancement of security; the gains of which need to be consolidated if Liberia is to strengthen institutions and processes of governance and deepen foundations for peace, reconciliation and security incrementally from this administration to the next and further into the future.

II. Constitutional Political Transition, the AfT and the SMC

The programs and projects identified herein draw mainly from Pillar IV (Governance and Public Institutions) with certain elements of Pillar I (Peace and Security). They also draw from and are responsive to the implementation of several aspects of the Statement of Mutual Commitment (SMC) such as security sector development, promotion of national reconciliation and the promotion of inclusive peaceful 2017 elections. While not exhaustively addressing the programmatic requirements of the AfT, Reconciliation Roadmap and SMC, the governance reform initiatives identified in this package are well within their scope of coverage. They focus on key areas of governance which are critically important for:

- (a) Advancing or consolidating governance reform gains through the constitutional political transition and into the new administration;
- (b) Ensuring peaceful and credible democratic elections;
- (c) Ensuring a successful and effective start-up of the newly elected government.

Five categories of selected areas of governance are identified. They are areas of governance essential to:

- **Completing, safeguarding or advancing critical gains in landmark governance reforms:** constitution reform, decentralization, land reform, civil service reform, economic governance and management reform and the protection of public assets.
- **Strengthening Community Policing** through enhanced engagement of local communities, including women, youth and persons with disability in community policing.
- **Addressing critical gaps in the reconciliation agenda** which could well put national cohesion under stress during and immediately following the transition.

- **Carefully preparing for and successfully conducting the 2017 elections** which are “open-seat” presidential elections and elections for the entire membership of the House of Representatives.
- **Maintaining the technical and administrative infrastructure of the state intact** to ensure effective immediate post-election state management.

III. Completing, Safeguarding and Advancing Landmark Reforms

Liberians have over the last 10 years developed a consensus around a number of landmark reforms. Among these are decentralization which will broaden participation in governance—especially local level governance, and ensure equal access to service delivery; land reform that protects community land rights, among other things; public service reform which creates a professional, merit-based and development-oriented civil and public service; Natural resource governance reform which promotes local participation and accrues benefits to all; public integrity reform that improves accountability and transparency in the management of state assets, among others.

Consensus on these and other reform programs of the AIT was typically reached through various nation-wide consultations often culminating in national conferences. Some of the consultations began with the Poverty Reduction Strategy (2008-2011). For example, the consultations leading to formulating the National Policy on Decentralization and Local Governance began with district level meetings across Liberia in 2009 and led up to an official launch by the President in Salala in 2011. Representative groups from women and youth organizations and county officials from around the country had participated in local, county and regional level consultations and attended the ceremony in Salala. The National Policy on Decentralization and Local Government constitutes the core of the Local Government Act which has been thoroughly vetted around Liberia since 2013.

In December 2012, the National Vision Conference was held in Gbarnga. It was preceded by over 150 district consultations held around the country beginning in 2011. Both the Agenda for Transformation and the National Roadmap of Reconciliation and Healing were discussed and endorsed at the National Vision Conference. The National Conference on Land Rights Policy held in 2013 adopted the Land Rights Policy. That conference was preceded by county and regional workshops as well as numerous sessions with land rights experts and related consultants. The National Constitution Review Conference convened in March-April 2014 after a year of consultations with local people in all 73 electoral districts, with scores of professional bodies and civil society organizations and with Liberian diaspora communities. The Conference through the Constitution Review Committee recommended a number of constitution amendment propositions for consideration by the President and the Legislature.

Thus, the landmark governance reforms that need to be completed, safeguarded or advanced are essentially **settled policies. They are reforms already agreed upon by the Liberian people** and not new initiatives recently sprung. All have received the support of regional and international partners. Although their implementation is at various stages of progress, they remain invaluable to Liberia's transformation.

❖ **Constitution Reform**

After three years of work including more than 100 consultations in Liberia and the diaspora in Accra, London and the United States and reviews of professional inputs from national and international experts, the Constitution Review Committee completed a report and submitted it to the President. The report identified categories of issues which included issues identified as

constitution amendment propositions; policy issues which warrant legislation; and issues or measures that could enhance the effectiveness of policy already in place. On August 15, 2015, the President submitted the constitution amendment propositions to the Legislature with a recommendation on each proposition.

Current Status:

In the House of Representatives: The Propositions were reviewed by a Joint Committee on Governance, the Judiciary and Ways, Means, Finance and Development. A report was subsequently submitted to the Speaker in early 2016 for consideration in Plenary. In mid-September 2016, a number of constitution amendment propositions were adopted by the House of Representatives under the gavel of the Deputy Speaker and Presiding Officer and sent to the Senate for concurrence.

In the Liberian Senate: The Constitution amendment propositions remain dormant. There has not been any known movement on the part of the Senate.

Action Needed:

Following the adoption of constitution amendment propositions by the House prior to the ending of its 2016 session, the Senate needs to take similar action early upon its return in 2017 so that concurrence of the two houses can be assured before the House becomes preoccupied with the legislative electoral campaign. Late action by the Senate could present a rather complicated situation.

GC Recommendation

The Governance Commission recommends the following:

- a. The Legislature should adopt the constitution amendment proposals submitted by the President before ending its 2016

session or before April in 2017. Toward this end, the Legislature should be engaged intensively by the President, the Governance Commission, the Ministry of Information, Ministry of Internal Affairs and a range of government-related actors. Intensive engagements of the Legislature should also be undertaken by civil society organizations, elders and chiefs, political parties and the media, among others. The GoL-CSO platform provides an appropriate instrument for such engagements.

- b. In view of the constitution requirement for the holding of a referendum to bring the propositions into force as constitutional amendments, the referendum be held between November 2018 and March 2019, after the installation of the newly elected government.**
- c. In keeping with the proposal to hold the referendum in 2018, the amendments will, therefore, come into effect following the referendum and as such, amendments such as **the reduction in tenures of the President, Vice President, Senators and Members of the House of Representatives will not be retroactively applied.**

❖ **Decentralization: The Local Government Act and the Act creating the Ministry of Local Government**

The historic importance of decentralization cannot be overstated. Current program of decentralization matches the landmark policy and act of President Tubman in 1964 which established parity between coastal and “hinterland” jurisdictions by creating new counties and abolishing the jurisdiction of provinces. This act provided equality in representation in the Legislature as well as in administrative structures throughout the country. President Tolbert

strengthened this historic achievement in the 1970s with the establishment of bottom-up national planning processes that began at the level of the district; thus bringing local people into the development planning process. The promulgation of the National Policy on Decentralization and Local Governance in 2012 and the adoption of the Agenda for Transformation in the same year were expressions of the strong commitment of this Government to decentralize the delivery of public services and engender the participation of the Liberian people in all aspects of democratic governance. It is this historic commitment that the government is called upon to advance.

Over the last four years, significant efforts have been made to translate the policy statements on decentralization into concrete actions. The implementation of deconcentration as the first phase in the implementation of Decentralization is well on course with MACs establishing functional service delivery outposts at newly created **County Service Centers** (CSC). The CSCs are one-stop-shops established by the government in the counties to host the ministries and pull resources together in delivering the respective services under the coordination of county superintendents.

There are currently four county service centers operating in Grand Bassa, Bong, Margibi and Nimba Counties. Efforts must be accelerated to open CSCs in the remaining 11 counties, particularly in counties in the southeast where deplorable road conditions impede movement of citizens and adversely affect service provision with significant impact on the quality of life which is already dire.

As the establishment of County Service Centers is only the first phase of decentralization, the transfer of certain limited authority and resources to county and sub-county jurisdictions which constitutes other phases of decentralization require more action, significant among which is the establishment of legal and regulatory framework for decentralization which are

the Local Government Act and the Act amending the current Ministry of Internal Affairs Act transforming that ministry into the Ministry of Local Government with responsibilities to coordinate decentralization, national reconciliation and peacebuilding. The passage of these acts will not only protect current gains of decentralization but will put decentralization's reversibility or nullification beyond the Executive Directive of a future unwilling or unsympathetic president. The draft Local Government Act was submitted by the President to the Legislature in December 2015. The draft Act to establish the Ministry of Local Government is yet to be submitted to the Legislature.

Current Status:

County Service Centers:

Four currently operating but without the full complement of intended services and at high transaction costs in view of lack of authority and resources to center functionaries; two centers expected to be commissioned before end of October 2016 and four more before end of 2016. All 15 centers are expected to be established before end of 2017.

Local Government Bill: In the House, the Local Government Bill has been vetted by the Joint Committee on Governance, Judiciary and Ways, Means, Finance and Development Planning and was laid before and passed in Plenary in mid-September 2016. In the Senate, there has been no known movement on the Local Government Bill.

The Bill Creating the Ministry of Local Government: After extensive review by the Governance Commission, Law Reform Commission and the Ministry of Internal Affairs, a presentation of the Bill was made to Cabinet in 2013. The bill was resubmitted to the Office of the President in July 2016.

Action Needed

Service Centers:

- (a) Completion of establishment of service centers in all 15 counties before the end of 2017 as announced;
- (b) Strengthen coordination among MACs under the chairmanship of the Ministry of Internal Affairs, to enhance efficiency in operations of county service centers;
- (c) Aggregate operational budgets for county center service of the various ministries to effectively and efficiently support service centers;
- (d) Incremental delegation of authority and transfer of resources to local offices at county service centers as county service centers work well, as has been noted in Buchanan.

Local Government Bill:

Multiple engagements with the President Pro-Tempore and other members of the Senate as proposed regarding constitution amendment. Full engagement by civil society, including use of the GoL-CSO Platform, will be necessary.

Bill to Establish the Ministry of Local Government: Completion of executive review and submission to Legislature as soon as possible. Alert legislative leadership of imminent submission of bill and begin mobilizing support for timely consideration

GC Recommendations

The GC recommends the following:

County Service Centers:

- a. The President reinforce her Executive Directive of December 2014 affirming the authority of the Minister of Internal Affairs to coordinate the functioning of the county service centers to ensure greater effectiveness and efficiency and instruct the heads of participating MACs to cooperate with the Minister of Internal Affairs.
- b. For county service centers which are functioning well, the President by Executive Directive should consider authorizing ministers to incrementally delegate limited authority to senior level functionaries of MACs in county service centers and transfer resources to service centers through MFDP-established county treasuries.
- c. Strengthen involvement of IAA, PPCC and GAC appropriately at county service centers.

Local Government Bill:

- a. Intensive engagements of Senate leaders, especially the President Pro Tempore, by the President, Minister of Internal Affairs, Minister of Information, the Chairman of the Governance Commission and others.
- b. Request Vice President to Champion passage of bills in the Legislature.
- c. Deploy civil society support and media appeals; use GoL-CSO partnership platform.

❖ Civil Service/Public Sector Reforms

Historically, the most important institutional limitation on the performance of the Liberian state, especially with respect to the delivery of public services, has been the perennially politicized, patronage-based and underperforming civil and public service. Although several civil service reform initiatives have been launched since the passage of the original Civil Service Act in mid-1930s, the struggle to establish an effective civil service has always suffered reversals due largely to the deep penetration of political appointments into the civil service allowed by law and the manipulation of the civil service made possible by such political interference.

In the last 10 years, progress has been made toward establishing a professional, merit-based civil service. Payrolls are being swept of Ghost employees, a pay grade system is being developed, 3500 job descriptions and terms of reference have been written and are now in use, performance monitoring and evaluation manuals have been launched and are in force and a major exercise of mandate and function review, staffing analysis and training is underway led by CSA, LIPA and the GC (the Tripod). This is the first major public service reform undertaken without interruption since mid-1970s. **Current civil service reform should be protected, completed and allowed to succeed as it constitutes the cornerstone of state capacity no matter which party or individual wins elections.**

Current Status

A public sector modernization project (PSMP) supported jointly by GoL and international partners is currently underway being led by the Tripod (CSA, GC, LIPA). Eleven MACs are undergoing reform. Mandate and functions are being reviewed, job descriptions and TORs are being introduced, pay grades and pay management have being established and performance evaluation metrics are now in force, among other reform measures.

Action Needed

Complete establishment of Civil Service Commission, as required by Constitution. Current Civil Service Agency will then be situated within a wider organizational arrangement that will strengthen the autonomy and merit-based process of civil service, among others;

Complete review of mandate and functions, staffing analysis and ongoing reform.

Adopt constitution proposition eliminating position of assistant minister
In the meantime, establish position of Principal Director as highest civil service position in MACs;

Strengthen civil service regulations and procedures where necessary to protect merit-based system, clarify civil service career path scheme.

G.C. Recommendations

The Governance Commission recommends the following:

- a. Amend Executive Law to create Civil Service Commission as required by Constitution and thereby constitute Board of Commissioners and related organs. The GC, CSA, LIPA, LRC, MoJ and Legal Advisor to the President should be the core actors recommending draft for President's consideration.
- b. The President should consider establishing position of Principal Director tentatively by EO pending constitution amendment eliminating position of assistant minister.
- c. Reduce positions of assistant ministers by attrition.

- d. CSA should lead a process of review of current civil service regulations and procedures with a view to strengthening their protection reinforced merit-based system and career path scheme. LIPA, GC, MoJ and LRC as supporting actors.
- e. Accelerate completion of mandate and function review of all MACs. The GC as lead actor supported by CSA and LIPA
- f. President's continued publicly expressed support for civil service reform and directives for cabinet support is essential;
- g. Increase technical support to Tripod (CSA, LIPA, GC)
- h. Mobilize public support through use of GoL-CSO platform

❖ **Public Financial Management and Economic Governance Reforms**

Improvements in public financial management stand with civil service reform to be among the most important achievements in the strengthening of state capacity. The success of IFMIS, bringing over 50 MACs online and accounting for about 70 percent of fiscal 2015-16 budget spelled substantial progress. Direct links between personnel and payroll and clear delineation of roles and responsibilities of CSA and MFDP coupled with the effective automation have significantly reduced errors, discretion and improved payroll performance. SOE reporting has also improved and the effort at fiscal decentralization is gaining traction. County treasuries have been established in 4 counties as pilots in fiscal decentralization.

Despite progress, there are substantial challenges such as in the area of addressing audit reports, undue delay in enacting National Budget into law, delays in auditing of Consolidated Account and in amending the PFM Law.

With respect to economic governance, the Statement of Mutual Commitment (SMC) correctly recognizes the internal risk to sustainable peace posed by potential conflicts having to do with governance challenges surrounding natural resources including conflicts between local communities and natural

resource concessions. Of equal importance are potential conflicts stemming from limited livelihood opportunities and limited attention to the development of Liberian-owned enterprises. A puny and pressured Liberian business community can be a source of disaffection that can have cascading ramifications and effects.

A third potential internal risk to sustainable peace can be found in high youth unemployment which, though abating, is still at an unacceptable level.

Current Status

Public Financial Management

Expansion of IFMIS coverage continues. PFM Law amendment is under consideration at Legislature and the President's appointment of a second Minister of State without Portfolio who has special responsibility to improve financial accountability promises to yield results in accelerating implementation of audit recommendations.

Action Needed

Accelerate amendment of PFM Law

Accelerate executive action on audit recommendations

Complete operationalization of Code of Conduct, especially with respect to establishment of Office of Ombudsman

G.C. Recommendations:

The Governance Commission hereby recommends the following:

- a. Legislators allow Legislative Budget Office to develop closer coordination and collaboration with MFDP. (President's Office and MFDP lead actors with GC support)
- b. Ensure passage of PFM Law amendment (Office of the President, MFDP and GoL-CSO partnership platform as actors)
- c. Accelerate executive action on audit recommendations (Minister of State Without Portfolio and MoJ)
- d. Establish Office of Ombudsman in operationalizing Code of Conduct, especially strengthening asset declaration regimes. (Minister of State Without Portfolio, MoJ and National Integrity Forum actors)
- e. Strengthened links for efficiency in performance between local service delivery institutions and county treasuries in county service centers (MFDP, MIA and other relevant MACs).

Economic Governance Challenges

Unemployment is rising and becoming an internal risk. Liberia's raw-material exporting economy is driven by the vicissitudes of global economic trends. Employment cut-backs in iron ore and rubber sectors have disturbing impacts on the economy and are a challenge to social peace. Moreover, mechanisms to address natural resource related conflicts; especially those that involve local

communities have not been developed and institutionalized in all areas of the natural resource sector. Conflicts between local communities and forest concessions are more often addressed by a well-established set of rules and procedures developed by FDA and local communities with the support of international partners. Such community engagement regimes are less developed in the agriculture concession sectors; thus there are far more resource-related conflicts between local communities and agriculture concessions.

The effort to turn to agriculture, especially to achieve food security and nutrition has to become a paramount endeavour. Outlines of these initiatives are still being sketched out. It is expected that this new endeavour can benefit from the lessons of plantation economy in Liberia and strengthen the commitment to accelerate processes of value addition by developing SMEs.

With respect to the provision of a conducive environment of support for Liberian business enterprises, modest steps have been taken led initially by the Central Bank of Liberia and now through additional initiatives under the Small Business Administration of the Ministry of Commerce and Industry. Yet much more needs to be done.

Youth employment is likely to be positively affected by several new training opportunities organized by and in cooperation with the Ministry of Youth and Sports to build the capacity of young people for employment. There are challenges in efforts to reach over-aged non-literate urban youth. A further challenge often mentioned by youthful entrepreneurs who are employing youth who are on the streets is the burdensome taxes imposed on their businesses—business which are striving as much to turn idle youth into productive individuals as to make a profit.

Action Needed

Development of an agreed framework for governing relations between local communities and agriculture concessions such that processes for resolving conflicts are not handled on an ad hoc basis but through established inclusive institutional arrangements.

A unified policy regime of support to Liberian entrepreneurs is needed. Spasmodic use of fiscal policy by MFDP is inadequate; so also is the emergent initiative of SBA and the official ambivalence to the longer standing schemes of CBL support to a range of Liberian entrepreneurs. Lack of a strong official orientation favourable to Liberian entrepreneurs backed by coherent fiscal, trade, monetary and investment policy support has kept Liberian entrepreneurs as minor players in the Liberian economy when they should be a significant part of the foundation of Liberia's development initiative.

Youth employment addressed as a cross-cutting issue endures the consequences of all such undertakings which are categorized as cross-cutting: they are of interest to a wide range of agencies of government but hardly the full responsibility of any particular agency. Ministries of Youth and Sports; Labour; Education; Gender, Children and Women are key agencies that address youth employment amid substantial challenges. There is need for stronger cooperation among them.

Actions to address challenges of local community-concession relationship, youth unemployment and marginalized Liberian entrepreneurs are urgently needed. While localized community conflicts in agricultural concession areas, rising unemployment including among youth and the burdens of frustrated Liberian entrepreneurs may not singly constitute an internal risk, the perception of growing uncertainty could become widespread and might be sufficient to affect the nature of elections in certain parts of the country. A

sufficiently high number of electoral disputes would have the potential to erode the legitimacy of the elections. This must be avoided.

❖ **Protecting Public Assets**

One of the most critical tasks in political transitions is the protection of public assets. A cursory review of Liberia's governance history shows that transitions have arguably provided the best opportunities for contentions over public assets as well as outright theft. This problem looms particularly large where a sense of civic duty and responsibility is not yet ingrained in the governance culture and where systems and institutions designed for the management of public assets are yet to be harmonized into a transparent functioning network. There have been significant strides over the last 10 years to establish systems of financial expenditure, procurement and asset management. Led by the General Services Agency and with support of international partners, systems of tracking moveable and immovable assets have been put in place. However, for asset management systems to work well there needs to be strong coordination among government agencies and full cooperation of all actors. For an effective networked system to work there must be among other things, a strong sense of fiduciary responsibility on the part of heads of MACs, and transparent management that facilitates public knowledge and monitoring.

Current Status

Disparate initiatives to strengthen the management of public assets currently exist; among them, a GSA-led vehicle and equipment tracking system, a MFDP initiative to update GoL leases and related obligations and an initiative of the Internal Audit Agency to assist MACs improve internal capacity for tracking public assets and a growing and impressive PPCC procurement system. The Governance Commission, working with GSA and MFDP has now set out to bring together the various initiatives, including other institutions that have

responsibility for managing public assets such as the Center for Documentation and Archives (CENDRA), the Interim Land Task Force, Ministry of Lands, Mines & Energy, Ministry of Public Works, Ministry of Education, Ministry of Health, among them, such that while accomplishing their individual objectives, they can together constitute a comprehensive system of asset management that catalogues and tracks all public assets, making them available for the use of incoming government and accessible for public information, and in doing these, enhance accountability, transparency and efficiency in governance.

Action Needed

There is need to bring various asset management initiatives into a comprehensive system of asset management to strengthen state performance during and after the transition. The full involvement of all MACs and the commitment of the leaderships of all branches of government are required.

G.C. Recommendations

The Governance Commission hereby recommends the following:

- a. President's renewed endorsement of coordinated asset management initiatives currently underway so as to ensure consistency of cooperation of the heads of all MACs;
- b. Support of the Chief Justice and Deputy Speaker & Presiding Officer for extension of current asset management initiative to the Judiciary and Legislature respectively.

❖ **Effective Asset Declaration**

Asset declaration requirement is one of the key provisions of the Code of Conduct. Current asset declaration regime requires that those listed within the Executive Branch of Government, the Legislature and the Judiciary must submit asset declaration statements to the General Auditing Commission, the Chief Clerk of the House of Representatives and Secretary of the Senate and to the Court Administrator respectively once every two years.

Current Status

Currently the asset declaration provisions of the Code of Conduct is only being spasmodically applied and only in the Executive Branch of Government. Its extension to the Legislature and Judiciary should be pursued. Additionally, current asset declaration regimes need to be reviewed in order to clarify lines of responsibility between GAC, LACC and coordination among all relevant actors including the Chief Clerk of the House of Representatives, Secretary of the Senate and the Court Administrator.

Action Needed

The implementation of the Code of Conduct has not been effective largely due to the delay in establishing the Office of the Ombudsman and the rationalization of the Asset Declaration regimes. The National Integrity Forum needs to be charged with the responsibility of formulating recommendations for the implementation of Code of Conduct, including an enforceable asset declaration regime.

G.C. Recommendations

The Governance Commission hereby recommends the following:

- a. The establishment of the Office of the Ombudsman by the President of Liberia
- b. The appointment of a task force consisting of members of the National Integrity Forum co-chaired by the LACC, MoJ and GAC to develop an effective implementation process for the Code of Conduct, including an asset declaration regime that will include all branches of government.

❖ LAND REFORMS

Addressing land rights issues is one of the most demanding challenges of this era. Land issues are at the core of perceptions of marginalization and a prime driver of conflict; thus land reform lies at the heart of governance reform in Liberia. The Land Commission was established in 2010 to drive a national effort to formulate a land rights law and appropriate land governance institutional arrangements. The Land Rights Law was submitted by the Land Commission to the Legislature in 2014 after extensive nation-wide consultations, including several with the Cabinet and legislative committees.

Current Status

The Land Authority Act was passed into law by the Senate in 2015 and finally received the concurrence of the House of Representatives in September 2016. The President is expected to sign it into law expeditiously.

The Land Rights bill remains in committee room in both houses of the Legislature. Some members of the Cabinet as well the Legislature have been raising objections to the passage of certain provisions of the bill, especially those provisions that put a cap on land that can be purchased from local communities, delimit public lands, establishes land banks and determines the life of land-based concession agreements.

The Land Authority Act can only be considered a remarkable achievement when coupled with the passage of the Land Rights Act. A rationalized institutional arrangement for addressing land challenges is a modest achievement that becomes a significant achievement if it is in a position to implement the Land Rights Act which clearly vests land ownership rights in local communities, establishes legal categories of public land and government land along with private land rights which have always been recognized.

Action Needed

Every effort needs to be made to ensure the passage of the Land Rights Act before the ending of the 2016 legislative session or early in the 2017 session. There is need for the Executive Branch of Government to formulate a consensus view on the points of disagreement and to reach a consensus with the Legislature on key issues of contention. Civil society inputs abound in current draft.

G.C. Recommendations

The GC hereby recommends the following:

- a. Intense consultations within the Executive branch, under the direction of the President, with technical support of the Interim Land Task Force to achieve a common position on key contentious issues;
- b. Legislative hearings conducted by appropriate joint committees with CSOs and other actors participating;
- c. President's direct engagement with Legislature if necessary in view of the historic nature of the Land Rights Law and critical need for its passage into law by April 2018.

IV. STRENGTHENING COMMUNITY POLICING

The withdrawal of UNMIL makes urgent the need for greater community involvement with the police and other security forces to ensure peace, public safety and security in local communities. The passage of the Police Act and the strengthening of the structure of command and control are importance steps recently taken. Substantial support is needed with respect to the logistical and technical capacity of the police. Along with these, is the formation or strengthening of county, district and township councils that provide local institutional support to security authorities and enhance the role of local people as participants in initiatives to ensure their security.

Current Status

Community participation in policing can be effective within established institutions and structures of local governance. At present, county councils function unevenly around the country in view of their ad hoc nature and the lack of the mandate that will be provided by the Local Government Act.

Action Needed

The passage of the Local Government Act will provide the mandate and reinforce county, district and township councils and related security committees. The inclusion of women, persons with disability and youth will broaden participation and deepen the legitimacy of local security committees.

G.C. Recommendations

The Governance Commission hereby recommends the following:

- a. Passage of the Local Government Act by current session of the Legislature or early in the 2017 session;
- b. Establish where they do not exist and strengthen elsewhere county security committees so that they operate within the framework of the local government act;
- c. Use GoL-CSO Partnership Platform to enhance CSO support to community policing.

V. STRENGTHENING RECONCILIATION IN THE TRANSITION

Significant aspects of the National Reconciliation and Healing Roadmap have been implemented over the last four years; yet, more needs to be done. Right

from their inception, the National Roadmap and the Agenda for Transformation were adopted within the framework of the National Vision 2030 and the implementation of both has been on-going. Under the implementation of the National Roadmap solemn programs of community memorialization have been taking place, the national citizenship education curriculum has been completed, a number of conflict diagnostics have been undertaken and the Council of Chiefs and Elders and the Peace Ambassador have been engaged in conflict mediation in a range of situations. The national decentralization initiative is underway and the Independent National Human Rights Commission has launched and concluded inquiries into numerous cases of human rights abuses. Pilot Palava Hut exercises have been held at various points in the country. Yet there is much more to be done.

Current Status

One of the major challenges of the national reconciliation and healing project is that it is not promoted by implementers or perceived by the Liberian people as inter-related or integrated programs. For example, decentralization is typically seen as a political governance project; its consequence of reducing marginalization and enhancing participation and responsiveness are very important aspects of reconciliation and healing which are not often associated with the decentralization program. This disconnect in perception is a reflection of the compartmentalization of implementation of the national reconciliation and healing roadmap. Interface among Roadmap implementing partners such as Ministry of Internal Affairs, The Independent National Human Rights Commission, the Governance Commission, the Peace Building Office, and the Office of the Peace Ambassador for example, is spasmodic.

Action Needed

As elections draw near, the need cannot be overstated for strengthening reconciliation and peacebuilding activities designed for confidence building among leaders and citizens in the electoral process to ensure peaceful and credible elections and post-elections peace. Political dialogues are needed to achieve this goal. In addition to undertaking dialogues to ensure peaceful and credible elections, there is need for immediate initiatives to strengthen social cohesion at the level of local communities ahead of the elections and to promote the National Vision of ONE PEOPLE, ONE NATION, UNITED FOR PEACE AND SUSTAINABLE DEVELOPMENT. Beyond these election-related steps, there is need for a review of the National Reconciliation and Healing Roadmap to assess its accomplishments and challenges and the extent to which Liberians can or have taken ownership and become the drivers of the National Reconciliation and Healing process.

G.C. Recommendations

The Governance Commission hereby recommends the following:

- a. Led by Liberians with the President as Chief Patron, a range of political and reconciliation dialogues be organized throughout Liberia involving a cross section of political and civic actors, culminating in a National Leadership Summit to be held before the 2017 elections. The support of international actors will be important in implementing these dialogues.
- b. Initiatives that address land and natural resource disputes, especially those between local communities and concessions need to be strengthened and accelerated. Relevant agencies need to move expeditiously.
- c. The Ministry of Internal Affairs and related agencies responsible for addressing boundary disputes between local communities need to accelerate the management or resolution of these disputes.

- d. Establishment of an inter-agency task force led by the Governance Commission with the involvement of civil society and the private sector and international partners to review the National Reconciliation and Healing Roadmap.
- e. Promote the National Vision Mantra/Slogan of ONE PEOPLE, ONE NATION, UNITED FOR PEACE AND SUSTAINABLE DEVELOPMENT and exploit its capacity to unite Liberians. The GoL-CSO Partnership Platform can be useful.

VI. THE 2017 PRESIDENTIAL AND LEGISLATIVE ELECTIONS

Liberia's electoral democracy has since 2005 produced second Presidential and Legislative elections (2011), one special senatorial election (2015) and multiple by-elections for the House of Representatives. The National Elections Commission, political parties, the Supreme Court and all institutions that manage the electoral process from party formation and registration to post-elections dispute resolution have been tested and have learned valuable lessons. The Liberian electorate has grown incrementally more knowledgeable about elections and the exercise of the democratic vote has now been inculcated in Liberian political culture. With each electoral cycle, new voters look forward to voting as the elections management body strives to incorporate them in the process.

As the electoral process scores successes and the Liberian people deepen their trust in competitive elections as the avenue for selecting leaders, demands for more competent, effective, transparent and credible electoral institutions and processes grow and the challenges of meeting these demands become more difficult. The 2017 Presidential and Legislative Elections are particularly significant and therefore, pose greater challenges for the electoral system. There is no incumbent running for re-election, thus we face the circumstance of "open-seat" presidential elections. This has not been the case since 1944.

There are no elections for senators at this time but every seat in the entire House of Representatives is up for elections. Legislative elections are decided on the basis of plurality vote which can encourage crowded fields with potential for increased electoral disputes. Consequently, one can expect that the post-elections governance environment will be shaped in large part by public perception of the legitimacy of the 2017 elections. The stakes are, therefore, very high. Careful preparation and effective execution of the various electoral activities are critical to ensuring peaceful and credible elections. The National Elections Commission needs full support of all of its activities.

Current Status

NEC reports some challenges which include sorting out procurement procedures against delivery timelines. A concerted efforts that involve NEC, PPCC, MFDP and international partners have been working out the details. The immediate oversight of the President is ensuring steady progress. All rules and regulations that will guide the elections and the electoral timelines have been drawn up and are ready for publication. Voter's registration is slated to begin in February 2017 and observation accreditation is currently underway. Training will take place for every stage of the electoral process. Efforts are being made to ease potential congestion at the polls by creating 300 additional voting precincts which would add 1500 new polling centers.

G.C. Recommendations

The Governance Commission hereby recommends the following:

- a. The President continues to use her good offices to ensure full technical and financial support to the NEC and remain engaged through constant oversight of electoral preparations;
- b. Cooperation with NEC by all relevant actors in the electoral process, especially by political parties and institutions involved in voters education;

- c. Strengthen mechanisms and processes of election dispute resolution at NEC and the Supreme Court;
- d. Under the leadership of the government and with the support of all political actors, maintain a political environment conducive for political dialogue and confidence building among political parties and candidates;
- e. Establish and strengthen high-level mechanisms for facilitating dialogue and build confidence among political parties and candidates; these to include leaders of women's organizations, religious leaders, chiefs and elders, among others.

VII. Post-Election Transition Management

As stated above, the 2017 elections will produce a new President and Vice President and a new House of Representatives. Only the Liberian Senate will not be affected by the 2017 elections. While this magnitude of political change will be taking place wholly within the ambit and prescriptions of the Constitution and Statues, the “nuts and bolts” of implementation and the spirit that should surround the process of managing the change are not always legislated or otherwise scripted. A process of political change of this nature has not happened in Liberia in over half a century. There is hardly any known precedence for the management of several aspects of the transition: the establishment of transition teams, the preparation of turn-over notes by cabinet and other officers, protection of public assets, revision of state protocol and arrangements to accommodate the retiring president and other officials, among others.

Current Status

Over the last 10 years, there has been significant turnover within the cabinet and executive branch of government. Ministers have typically served an average

of 2.5 to 3 years. Turnover of Deputy Ministers has also been high. Though completed at least 5 years ago, the use of Civil Service Handbooks has not been regularly monitored and evaluated. In short, the procedures and regulations governing handovers though extant in some cases are not yet fully entrenched in the public service. Ministers and deputy ministers may not have the same understanding of how to organize their exit processes and what those processes entail. For example, what are the fiduciary responsibilities of a minister or deputy minister with respect to the assets of the ministry and how to account for the discharge of those responsibilities?

Many of the issues in the management of transition also apply to the Legislature, in this instance, the House of Representatives. Out-going Members of the House of Representatives do have similar fiduciary responsibilities regarding state assets entrusted to their care for use in the discharge of their duties. This and related issues have to be managed as Representatives exit their positions if not successful in their bid for re-election. The often blurred lines between legislative staff who are civil servants and those who are not will need to be clarified so that civil servants can be protected in the transition. This is also relevant for the Senate.

The Liberian Senate is the only policy/law-making institution not directly affected by the political transition. It can play a role as the repository of institutional memory regarding significant pieces of legislation in progress, rules and procedures and the source of gentility of legislative culture. There are cultural challenges which currently partially influence the way the Legislature does its work. These range from perceptions of the relationship of the individual legislator to the Legislature as a Branch of Government and to the Executive Branch of Government, accoutrements of office, formal and informal obligations of office, among others. These are perceptions and practices rooted in contemporary culture that influence the interpretation of rules of the Legislature and the behavior of legislators.

Action Needed

The political transition stemming from the upcoming elections will require proper management in view of its unprecedented nature and its critical importance to ensuring effective immediate post-elections governance. There is need for the establishment of an appropriate set of transition management mechanisms, procedures and orientations to guide the transition process.

Recommendations

The Governance Commission hereby recommends the following:

- a. The establishment of a transition management coordination mechanism by the President to be located in the Presidency with the responsibility of formulating and coordinating the implementation of a package of transition activities to ensure a seamless transition from the out-going government to the newly elected government. The Governance Commission will be pleased to participate in this endeavor.
- b. The organizing of an orientation or briefing session for in-coming legislators on the rules and culture of legislative engagements. The Tripod of Civil Service Agency, Governance Commission and Liberia Institute of Public Administration are recommended to be the organizers. This activity should be integrated into the process designed for the seating of the legislators.
- c. The organizing of an orientation or briefing session for in-coming cabinet ministers by LIPA. This activity should be organized immediately following the confirmation of all members of the in-coming cabinet.

VIII. Conclusion

Liberia celebrates a triple milestone: the assumption of responsibility for its own security; the consolidation of its system of electoral democracy by not only conducting its third presidential and legislative elections but also by the turnover of executive authority from one President upon the completion of the constitutional term of office to a newly elected President; and by gains and lessons learned from the challenges of implementing a national development and transformation agenda within the framework of a larger national vision. Historic governance junctures of this nature can be ripe with opportunities but also fraught with challenges. If these transitions are managed well and lessons learned applied, the prospects of enhancing good governance, reconciliation and development will be bright for Liberia.