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Be Holistic, Practical and Lead by Example: CENTAL Urges Government to Reverse the Growing Negative Public Perception the Fight Against Corruption in Liberia

Distinguished Ladies and Gentlemen of the Press, Fellow Liberians!

Its nearing two years since the Coalition for Democratic Change led Government assumed National Leadership. In part, the Party promised to lift citizens out of poverty; pragmatically tackle corruption, and uphold the tenets of democracy and good governance. The country's fight against corruption had experienced sharp decline under former president Sirleaf, after failing to address impunity and prosecuting her family members and cronies, despite establishing key anti-graft institutions and passing cutting-edge anti-corruption laws and policies. Institutions established, including the Liberia Anti-corruption Commission (LACC), Financial Intelligence Unit (FIU), and Liberia Extractive Industries Transparency Initiative (LEITI) were not fully supported to deliver, while key laws and policies initiated, including Freedom of Information and Code of Conduct for Public Officials, were also not scrupulously enforced to address corruption and bad governance. Particularly, passage of the Code of Conduct for Public Officials in 2014, which requires officials to declare their incomes, assets and liabilities, came against the backdrop that illicit enrichment and accumulation of illegal wealth had characterized the actions of government officials, with just few exemptions. The CDC-led Government, then, had appreciable solid foundation and legal framework to build a strong and successful anti-corruption regime.

However, recent developments do give citizens and development partners a true sense of the much-anticipated pragmatic and impartial fight against corruption, where all allegations of corruption, involving past and current government officials, are treated with same level of urgency. Also, the President's construction of multiple properties, in the midst of worsening economic conditions in Liberia, having not published his assets, incomes and liabilities, is gravely concerning. These actions tend to overshadow other positive steps of the Government, including prosecution of the Sable Mining Case, which sadly ended with a non-guilty verdict for the accused; ongoing prosecution of the National Housing Authority Corruption Scandal and Revocation of the appointments of few government officials, amidst public outcry about their integrity credentials.

Due to the slow-pace in tackling rampant corruption in the country, CENTAL continues to re-echo its position concerning government's commitment to tackle corruption and drastically reduce poverty under its Pro-poor Agenda for Prosperity and Development (PAPD). Policy. Also, we continue to reemphasize the important roles of citizens, media, civil society and development partners in addressing corruption and building a culture of integrity and transparency across society, mainly in public service/government.

1. Asset declaration and verification

Chapter 10 of the 2014 Code of Conduct requires all government officials, especially those making decisions around procurement, contracting and tendering to declare their assets, incomes and liabilities upon assuming public office. Updates from the LACC show that a lot more public officials have declared their assets, incomes and liabilities, although the veracity of those declarations are yet to be established--the most important part of the entire process. According to the LACC, the Legislature remains entirely non-complaint, while reported declarations by some members of the



Judiciary have not been submitted to the Commission for processing and verification, which is the foremost objective of the exercise.

We are disappointed in the slow pace of compliance with the Law by government officials, particularly the Legislature and Judiciary. Equally, we are disappointed in LACC's delay in timely verifying and reporting on declarations already in their possession, including those covering officials of the Sirleaf-led government. What is the point about asset declaration if it cannot be submitted to the requisite body for timely review and authentication? In effect, this defats the whole purpose of the asset declaration law and is a major cause of concern for CENTAL.

We call on the Legislature and Judiciary to timely declare their assets, incomes and liabilities. Also, we strongly encourage them to timely submit them to the Liberia Anti-corruption Commission for Verification. Most importantly, we demand the LACC to be robust in verifying and reporting to the public about the statuses of declarations by public officials, in the midst of allegations of corruption and bad governance.

2. Delay in Appointing Officials to Vacant Positions at Key Public Integrity Institutions

CENTAL is concerned about leadership gaps at key public integrity institutions, mainly appointment of individuals with the requisite legitimacy and tenure to perform the duties and functions of positions occupied. Continuous delay by the President to appoint or announce processes that will lead to recruitment of officials in key public anti-graft institution undermines their work and is a recipe for ineffectiveness and lack of independence. For example, instead of five (5), currently, the LACC is being overseen by only two (2) Commissioners, which infringes on the spirit and intent of the act establishing the Commission. Both officers' tenures have also expired, thus making their service illegitimate under the law. Despite the fact that there is an Officer-in-Charge whose tenure is technically illegal, the delay on the part of the President undermines the fight against corruption. Without a fully constituted leadership, it remains difficult for the LACC to effectively carry out its mandate of investigating and prosecuting corrupt acts. The General Auditing Commission (GAC) and Financial Investigation Unit (FIU) are also faced with similar situation regarding expired tenures, as two (2) senior members' tenures have expired at each institution. The two deputy Auditor Generals no longer enjoy tenure service; while FIU's Director and Deputy Director face similar situation. All of the individuals in question are currently acting without appointment or reappointment. In our view, this does not only undermine their effectiveness but integrity and independence as well.

The President must act now by appointing competent and qualified individuals in these entities, as not doing so will further undermine their work, given the already financial, logistical and other challenges they face in performing their functions.

3. Twenty-five Million Dollars (\$25M) Mop up Exercise

We believe that the manner and form in which the twenty-five million dollars (\$25M) scandal is being treated/investigated is not in the best interest of the fight against corruption. We are disappointed in the endless nature of investigation into the mop up exercise, which the very LACC, Kroll and GAC have all indicated was marred by gross irregularities. Following GAC's release of Factual Findings into the Mop Up Exercise, LACC was mandated by the President to further investigate it. After more than two months, there is no indication that the LACC has completed such investigation nor submitted its report to the President. We are concerned about the use of



taxpayers' money on near endless processes and investigations that do not yield the desired impacts.

CENTAL strongly recommends timely completion of the investigation and full implementation of its findings. Most importantly, we call on the LACC to report to the public on the status of the investigation and when, reasonably, the public can expect the final report and recommendations for action.

4. Bong County Technical College Indictment case

On June 17, 2019, The Grand Jury of the Ninth Judicial Circuit of Bong County through the Liberia Anti-Corruption Commission and the Ministry of Justice indicted several persons for acts of corruption in the construction of the Bong County Technical College (BCTC). However, the Solicitor General, Cllr. Cerenus Cephas in a press conference said that he will keep the indictment sealed until an investigation is conducted to determine whether the investigation was not politically motivated.

The public needs to know when these indictments will be unsealed for the required succeeding actions to take place. CENTAL is concerned about this and wants the Ministry of Justice and other relevant agencies of government, including the LACC, to timely update the public on the situation.

5. Asset Recovery and Restitution Team (ARRET)

CENTAL lauds the Liberian Government for its desire to pursue the path of “Assets Recovery”, which is an integral part of the fight against Corruption. Liberia has lost millions to corruption and bad governance, monies that would have otherwise been used to alleviate poverty, strengthen existing institutions and ensure availability of good quality, adequate and affordable basic social services to Liberians, among others.

However, we are concerned about the legality of such efforts and establishment of multiple and parallel structures, when existing institutions with such mandates and functions can be strengthened and fully supported, financially and logistically, to perform such tasks. The government of Liberia, through the Ministry of Justice, has established an Asset Recovery and Restitution Team (ARRE), when Section 5.1 (e) of the Liberian Anti-corruption Commission Act of 2008 gives it such function and mandate. The Commission is mandated to, among other functions, “develop/adopt appropriate measures, consistent with law, to identify, trace and recover any assets/proceeds of corruption and ensure the confiscation, in court of law, of said assets and proceeds there from”. Why are we setting up parallel structure to play such role, when lawyers and investigators are already paid at the Commission to do so?

The ARRET would be circumventing the Law in attempting to usurp the function of LACC. Also, hiring private local lawyers as heads of ARRET represents conflict of interest, as these very lawyers represent individuals who may have to appear before it. Several questions linger: Have those overseeing the asset recovery process declared their assets, since they are expected receive public resources to perform? Will they work in close collaboration with the LACC and other public integrity institutions? And will the process be in line with international best practices around assets recovery?

CENTAL believes that the LACC must be supported and empowered to lead such Asset Recovery and Restitution efforts, working in close collaboration with other relevant institutions and



stakeholders, including development partners. Government must refrain from establishing parallel structures and strengthen existing institutions, especially when those with such mandates and functions can play such roles.

In the wake of the above and many other trending issues that border on the Country's integrity, citizens' welfare and government's commitment to decisively deal with corruption and bad governance in Liberia, we wish to close on the following specific and broad recommendations.

Against this backdrop, CENTAL recommends the followings:

1. That a comprehensive audit of the Sirleaf administration is initiated to ensure that those who misapplied public resources are identified and prosecuted. This includes the 52nd and 53rd Legislatures, yet to be audited. The People's representatives must lead by example in promoting transparency and accountability, safeguarding public assets/resources and ensuring a clean and accountable government.
2. That President Weah leads by example in the fight against corruption in Liberia. By publishing his assets, income and liabilities, the President will help to allay widespread fears and perception about alleged use of public resources to construct his multiples properties, in the midst of worsening economic conditions in the country.
3. That the fight against corruption be holistic and comprehensive in terms of dealing with individuals accused of corruption from past and current governments
4. The Legislature and Judiciary must comply with the Code of Conduct in declaring their assets, incomes and liabilities and submit same to the LACC for verification and timely reporting to the Public
5. President Weah must act to appoint officials at key public integrity, especially the LACC, GAC and FIU whose leaderships are not fully constituted to effectively function.
6. That Government shows much more commitment in dealing with the \$25 million mop exercise saga. Current delays in completing the investigation must be addressed, as this does not augur well for government's professed commitment to holistically deal with corruption
7. That public integrity institutions be fully supported, financially and logistically to perform. GAC, LACC, PPCC and other integrity institutions must be given the necessary financial, moral and logistical support to deliver
8. That the Liberia Anti-corruption Commission be empowered to lead the Asset Recovery and Restitution Process, as mandated by Section 5.1 e of the 2008 Act creating the Commission. Government must not be seen as circumventing the Law establishing the Commission, which will somehow undermine its mandate and function
9. That LACC shows robustness in verifying and reporting on assets declared by public officials. Government and the Commission must do more to allay fears that meager public resources are being used on processes that yield little or no benefits in reducing the growing trend of public sector corruption in the country
10. That media, civil society and ordinary citizens remain constructively engaged with the governance process, objectively tracking and reporting on key happenings in the country for action (s), where necessary.

May God Bless Us All and Safe the State!

Signed: Management

