



## Lack of Independence for Liberia's integrity institutions accelerate corruption and affects its development agenda

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### ABSTRACT:

In May this year, the Liberian parliament received a bill to restrict the tenure of office for the integrity institutions in the country. It has always been in the interest of the Liberian legislature to give tenure of office to government entities (Outram, 2016). However, the bill went against this code and responsibilities, posing a threat to so many government bodies. The lower house supported this bill and was moving to terminate the tenure of office of government entities with the inclusion of the integrity institutions in the country (Ghosh, 2019). One integrity institution that was to be affected is the Liberian Anti-Corruption Commission (LACC).

The situation to dissolve the tenure of office for these institutions was reversed when the Senate refused to collaborate with the House of Representative in passing the bill. The house of representative had earlier passed the bill with the argument that the independent institutions were not subject to interference by the executive, thereby limiting the powers of the executive (Ghosh, 2019). As it is, any institution made or established by the legislature in Liberia is subject to check by the executive; hence, it was vital to revoke the power to act independently by these institutions and their heads.

**KEY WORDS:** Integrity institutions, Liberian Legislature, Senate, Liberia Anti-Corruption Commission, Democracy

## **INTRODUCTION:**

Liberia Anti-Corruption Commission (**LACC**), Public Procurement and Concessions Commission (**PPCC**) and General Auditing Commission (**GAC**) are amongst some of the institutions established to tackle corruption in the country. These institutions are expected to have high degree of autonomy; meaning that they should be free of undue interference from outside entities and individuals. This degree of autonomy is needed to provide confidence in these institutions' work. However, the lack independence has accelerated corruption and affects Liberia's development agenda. The Executive branch of Liberia recent initiative to eliminate tenure positions at these integrity institutions is a prime example of intrusion on these institutions' independence (GRECO, 2019). It must be stated that any interference in the affairs of integrity institution including the Judiciary can have a detrimental effect on the country developmental agenda.

This interference should be considered as an attack on these institutions' independence. Undermining the independence of integrity institutions in Liberia can have an adverse effect on the economy, erode public trust in these institutions, and exacerbates corruption. These three factors can and will derail the national government developmental agenda efforts because these factors will have a direct impact on the country's economic growth. As stated earlier, the call to dissolve tenure positions at these integrity institutions was a direct attack on these institutions' independence. This decision, despite whatever intentions was behind it, was not the right move for a country that is heavily dependent on foreign aid to build its economy. It was estimated that over 16 billion dollars of direct foreign investments were attracted to Liberia between 2006 and 2018 ([www.economist.com](http://www.economist.com)). These foreign

investments were direct result of the trust that foreign investors had in former President Ellen Johnson-Sirleaf's government and the integrity institutions created by her.

The Liberian economy saw drastic growth as investors' confidence in the country increase. Unfortunately, these investments and gesture by investors and Liberia's foreign partners have not extended to the current Liberia government as the country has seen a drastic reduction of direct governmental support by our foreign partners including the European Union and the United States. One reason for this reduction in foreign direct investment and partners supports are seeing aggressive attacks on the independence of Liberia's integrity institutions by entities that includes the executive branch of the government.

### **Situations Analysis:**

It is in the interest of the Liberian legislature to give tenure of office to government entities because this tenure ensures that heads of the institutions can operate without fear of losing their jobs (**Outram, 2016**). Unfortunately, in October 2018, the Liberian parliament received a bill to restrict the tenure of office for several integrity institutions in the country (**Daily Observer**). The House of Representatives (**HOR**) had earlier passed the bill with the argument that these integrity institutions were not subject to interference by the Executive branch thereby limiting the powers of the Executive (**Ghosh, 2019**). The tenure dissolution bill was then pushed to the higher house for their approval. The tenure positions at stake of being dissolved were an enactment by the former Liberian government to provide check and balance on the Executive powers.

The current Liberian government, however, noted that in the past few years, the Legislature took the action of securing tenure of office for institutions as provided in the Liberian statutes. The Executive, therefore, moved that the tenure secured to those institutional heads

and the institutions themselves be dissolved by legislation. The HOR stated that as it is, any institution made or established by the legislature in Liberia is subject to check by the Executive; hence, it was vital to revoke the power to act independently by these institutions and their heads. However, this bill poses a threat to institutions including National Social Security & Welfare Corporation (**NASSCORP**), Liberia Revenue Authority (**LRA**), Liberia Telecommunications Authority (**LTA**), Liberia Anti-Corruption Commission (**LACC**), Central Bank of Liberia (**CBL**), Liberia Extractive Industries Transparency Initiative (**LEITI**), amongst others. The lower house supported this bill and was moving to terminate tenure at these government entities with the inclusion of the integrity institutions in the country (**Ghosh, 2019**). While debating on the motion, the HOR argued that some tenure provided to the institutions were meant to protect their heads rather than give independence to these government bodies.

Therefore, these institutional heads were using their tenure to work against the will of the Executive, hence the need to revoke their autonomy and put them under check (**Wiebusch & Murray, 2019**). The motion was passed in the HOR and forwarded to the Senate for approval. At the Senate, there arose a conflict of interest as some members rejected the motion. The lead members on rejecting the motion went entirely against the proposal to allow a debate on which the bill would undergo amendment instead of rejecting it. The lead member on rejecting the bill moved that the Senate had already made its decision and there was no way in which they were going back. The bill therefore failed in the Senate. Fortunately, the situation to dissolve the tenure of office for these institutions was reversed when the Senate refused to collaborate with the HOR in passing the bill.

This tenure dissolution bill initiative by the Executive branch to cancel tenure was wrong because it sent a wrong message to our foreign partners that these institutions were subject to

undue influence. It is even more unfortunate because these integrity institutions included entities directly responsible to receive and implement foreign aid in the country further creating an atmosphere of distrust by our foreign partners. Our foreign partners' distrust can be seen by their lack of support to these institutions especially during President Weah's government further devastating the current economic situation. GAC and LACC which were very vibrant during former President Johnson-Sirleaf's regime has now become dormant. The bill to dissolve tenure at these institutions put the country in a weak economic position because it showed our foreign partners that institutions are not free from interference.

Attacks on the independence of integrity institution can have a devastating consequence on the public confidence in these institutions. The recent impeachment of former Supreme Court Justice Kabinah Jinnah([www.frontpageafrica](http://www.frontpageafrica)) is discussed in different cycles as a direct attack on the independence of the Liberia's judiciary branch. It was said that the Executive branch used its influence to not only bring trumped charges against Justice Jinnah but also bribed Senators to impeach the former Supreme Court justice. This impeachment further erodes the general public trust in the judiciary which is supposed to be one of the foremost integrity institutions in the country. Public trust in governance institutions is very critical to the growth of any fledging democracy such as Liberia. Any erosion of this trust creates avenues for a disregard for the rule of law. The general public will believe that members of the judiciary can be unduly influence to subjugate justice in the favor of powerful persons. The notion that justice can now be bought by the highest bidder will create avenues for instability in the country as individuals will not take seek recourse through the courts but rather decide to take matters in their own hands. Any instability in the country considering our recent past will have devastating effect on an already stagnant economy as it will scare investors from investing in the country. The lack of investment has a direct and severe

adverse effect on the country economic situation as the government cannot raise much needed revenues to implement its much-needed developmental agenda.

As stated earlier, the lack of independence of Liberia's integrity institutions has an adverse impact on the country's economy. It accelerates corruption and affects the country's development agenda. When these institutions are stripped off their autonomy, public officials can embezzle funds without fear of repercussion. The Executive branch is not the only body guilty of undermining the independence of integrity institutions in Liberia (**Genyi, 2019**). Prominent individuals caught with graft cases also take a very active role in compromising the integrity of these bodies by using their affluence to influence judicial decisions in their favor. This allows corruption to take deeper roots in the society there compromising the fabric of this fledgling democracy and hurting the country's developmental efforts. This another reason why dissolving the tenure of integrity institutions in Liberia is fatal to the country's economy. First, this move interferes with the institutions' independence, making them unable to control and fight corruption in full capacity. With corruption finding a ground to thrive in the country, development agendas are challenging to implement. Many resources are likely to undergo misappropriation since the institutions responsible for fighting corruption would have their powers compromised since they will be answerable to the Executive. This would give rise to perpetrators seeking to embezzle funds meant for development thereby limiting the country's developmental efforts.

### **KEY ISSUES:**

The Executive branch's initiative to dissolve the tenure of office of the integrity institutions was a grave mistake. If anything, the public sharply criticized the move. The general feeling among the public was that there need to be independent integrity institutions in the executive

arm of the government. This is important to ensure check and balance within our young democracy. The public felt that the Executive's action on tenure dissolution was an open desire to attain excessive powers which could cause undue influence on these integrity institutions' ability to fully execute their missions without been compromised.

### **PROBLEMS FOR PUBLIC SECTOR REFORMS:**

It is a significant concern to the public if the government continues to propose and make such amendments. To start with, undermining the autonomy of the integrity institutions is a way of creating loopholes that can encourage corruption. Unchecked presidential powers can translate to dictatorship, which is no doubt a precursor to corruption. When there is no check and balance in the Executive branch, it means that this arm of government can do anything it pleases. This freedom would include appointing people to power who are not qualified or corrupt. The Executive will be in total power in the government with no one to question it, will create grounds for corruption. For instance, the Transport Minister may decide to reallocate development funds originally intended for the coastal roads project thereby hurting the country's developmental agenda and the entire transport department in the country.

### **PROBLEMS FOR GOVERNANCE REFORMS:**

Reforms to dissolve the tenure of office of integrity institutions and to interfere with their independence can have a lot of adverse effects on governance. The fact that the Executive will have unchecked powers on the country's entire administration is inevitable. Secondly, independent institutions are used to run independently. However, with their tenure of office dissolved, it implies that they are going to be answerable to the Executive on all their operations. This is a situation that may delay the decision-making process of these institutions. With unchecked executive powers, it means that the Executive will amass many

powers above the legislature and the judiciary (**Rodman, 2019**). This will allow the Executive to infiltrate any institution in the country, bending them to their will irrespective of whether it is in the interest of the public or not. In such a government, it is challenging to carry out development agendas, root out corruption, or have an impartial Justice system. Lastly, integrity institutions may not meet all their goals and objectives. Since they will no longer be independent it is likely to undermine their operations on a significantly large scale.

### **POLICY RECOMMENDATIONS, STRATEGIES FOR FIGHT AGAINST CORRUPTION:**

To avoid problems likely to arise, these are reforms that needs to be implemented;

1. The government should realize and acknowledge that there cannot be a point in time where we do not have independent institutions in the country (**Heupel, Hirschmann, & Zürn, 2018**). To realize this, the Liberian constitution should be amended to state that all the integrity institutions are autonomous and are not subject to interference.
2. The independence of these institutions should be monitored from within themselves. According to Olson (**2015**), there should be committees within these institutions that monitor the operations of their leaders so that they do not abuse the powers bestowed on them.
3. If any amendment is to be done, a pole should be held to seek the opinion of the public on the matter. This move will ensure that if any interference has been made, the interests of the public have been taken care of and it is their desire that a particular action is taken on the institutions.



## **CHALLENGES FOR IMPLEMENTING REFORMS:**

The above policy recommendations cannot come without some drawbacks. First, seeking public opinion on any matter is a costly process as polls require much money to hold. Apart from cost, the process is also timely, and this cannot apply to matters of urgency. Secondly, the policy of having internal committees monitoring independent integrity institutions may fail to prove efficient in some cases. The leaders of these institutions may use their powers to bend the committees to their will. In the end, it will be their interests that are protected and not the interests of the institutions and the public. Lastly, the Executive branch may fail to command respect if many institutions monitor its activities. This situation may provoke the Executive branch to work against the constitution and cause chaos within the government.

## **CONCLUSION:**

The bid to dissolve the tenure of office of integrity institutions was a wrong move on account of democracy. It was a move towards autocracy which is not an excellent form of governance. A good leader should be open to check and balance by the institutions put in place by the constitution as watchdogs. Moreover, if corruption has to end, these institutions should be left to operate autonomously without interference. Consequently, if development has to be realized, integrity institutions should operate independently to oversee transparency and enact justice within the country. Additionally, a strong judiciary restore the general public's confidence in the rule of law which brings stability to the country. Stability is directly proportional to a strong economy as investors will be confident to invest their money into a stable country.

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