



# *Promoting Accountability through Ethical Standards in Conflict-Affected States:* **the Liberian Civil Service**

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Table of Contents

Introduction	5
The Development of Ethical Standards for Public Officials	8
Codes of ethics	13
Applicability of Ethical Management in Conflict-Affected Settings	15
Developing an Ethics Infrastructure in Liberia	19
Political Commitment	20
Workable Codes of Conduct	21
Professional Socialization Mechanisms	21
Ethics Co-ordinating Body	24
Supportive Public Service Conditions	27
Effective Legal Framework	29
Efficient Accountability Mechanisms	31
Active Civil Society	33
Conclusions	36

*”The reality is that there is a complete obliteration of ethical values within the professional realm such as to go to work on time and to do my duties. Something fundamental is missing here. Values should not just be written in offices. They should be inherited and become something that people strongly believe in. We have not been able to inculcate these ethical values in our daily lives to come away from paying extra bribes. This has a lot to do with the history of our state, the moral principles on which this country was founded, and the values that we identified ourselves as a people. We need to identify and admit that this is a problem.” (Interview with Harold Aidoo, Executive Director, Integrity Watch Liberia, 22 October 2021)*

*”To build a more inclusive nation and a more capable state, Liberia needs to find ways to promote a positive change in attitude by fostering the full participation of citizens in national affairs and nurturing inspirational leadership across all levels of society. Key strategies for success, on the part of the government, will be improving accountability in the public sector.” (Liberia Pro-Poor Agenda for Prosperity and Development 2018-2023, (PAPD), p. 116)*

## Introduction

During the last several decades, the promotion of professional ethics for civil servants has become more prominent in global discussions about the rule of law, governance and sustainable development. This focus on professional ethics has been driven by two closely related insights. The first relates to the links between ethically-grounded public service, public trust and state legitimacy. A discussion of this topic was spurred by a set of recommendations on “managing ethics in the public service” issued by the Organization for Economic Cooperation and Development (OECD) in the late 1990s.<sup>1</sup> A second motivation for focusing on professional ethics has been their perceived importance in preventing corrupt practices in the public sector. This discussion was central to the UN adoption of the first global *Convention against Corruption* in 2003.<sup>2</sup>

The issue of professional ethics in the public service has continued to generate significant academic and policy discussions. However, these have remained focused primarily on the effect of ethics management in relatively peaceful and well-off countries such as those comprising the OECD. The Folke Bernadotte Academy (FBA) has been able to find relatively few reports or analyses of the effect of ethics in the civil service in the most fragile, conflict-affected settings such as Liberia.<sup>3</sup> In such settings, the arguments in favour of an ethical approach are of redoubled importance, but the preconditions for implementing it are often the most challenging imaginable. Conflict tends to be destructive of both public institutions and public trust in them; building these back up (often from a low pre-conflict baseline) is both necessary and difficult.

One of the most salient argument for investing in professional ethics in public service is the extent to which it provides a vehicle for bringing rule of law principles into public administration and the delivery of services. For unelected civil servants in particular, the development, dissemination and implementation of ethics codes designed to guide their conduct generates a crucial form of accountability. Such codes regulate not only the obligations civil servants have “upwardly” to their hierarchical superiors, but also “horizontally” to colleagues and “downwardly” to ordinary citizens, civil society and particularly to marginalized groups in society whose prior exclusion from government attention and services often constitutes a root cause of conflict.<sup>4</sup>

Appropriate upward accountability defined by ethical codes can help to ensure consistency and quality in public service while avoiding corruption, politicization and patronage. Meanwhile, genuine downward accountability is crucial to rebuilding trust in the state in war-torn settings.

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<sup>1</sup> OECD, 1998 Recommendation of the OECD Council on Improving Ethical Conduct in the Public Service, Including Principles for Managing Ethics in the Public Service.

<sup>2</sup> General Assembly resolution 58/4 of 31 October 2003: United Nations Convention against Corruption.

<sup>3</sup> The FBA has supported Sweden’s bilateral development cooperation with Liberia during the period 2016-2020 and is supporting the current strategy for 2021-2025.

<sup>4</sup> World Bank and UN, Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict (2018).

The reforms to civil service frequently required to bring them into compliance with new ethical standards can even be seen as contributing to broader transitional justice efforts in cases in which the civil service may have contributed (even indirectly) to discrimination, repression and human rights abuses in the past. Such “institutional reform” in the context of transitional justice is generally recognized as a key factor in preventing the recurrence of conflict and human rights abuses.<sup>5</sup>

Liberia provides a revealing case-study in the application of ethical management in fragile and conflict-affected settings. On the negative side, Liberia still struggles with high rates of poverty, inequality, nepotism and corruption. The fact that the country has retained a highly centralized presidential political system that proved to be problematic prior to the country’s conflicts also presents a challenge. However, on the positive side, Liberia has remained stable despite repeated crises and the withdrawal of a UN peacekeeping mission, and has seen a peaceful transition of power in 2017. Although the civil service in Liberia was degraded by the wars there, the post-war period has seen a sustained commitment in principle to rebuilding impartial, effective and professional public service. The country adopted a code of conduct for all public servants in 2014 and longstanding orders governing the work of civil servants are currently under review to ensure greater effectiveness and accountability.<sup>6</sup> However, the lack of implementation of these frameworks presents a continuing challenge.<sup>7</sup>

Beyond the adoption and reform of professional ethics codes, the Organization for Economic Cooperation and Development (OECD) has promoted the development of broader “ethics infrastructures” involving a series of measures that can be taken to ensure that professional ethical standards are fully integrated in the public sector. A series of ongoing but incomplete reform efforts in Liberia have the potential to undergird an ethics infrastructure there that can lay the ground for more effective governance and greater trust in the future. These reforms include ongoing efforts to decentralize political power, as well as recent laws protecting whistle-blowers and securing freedom of information for citizens. Good governance and transparency are stated commitments in the Liberian Pro-Poor Agenda for Prosperity and Development (PAPD).<sup>8</sup> A number of independent integrity institutions have also been set up, albeit without guarantees of sufficient resources and clout to fully implement their mandates.

In building up an ethics infrastructure, the Liberian state has much to gain from constructive engagement with civil society and the independent media. The OECD recommends that countries recognize and respect the contributions of these non-state actors to public integrity and effectiveness, and include them as a component of a fully realized ethics infrastructure. However, this recommendation poses a challenge in fragile and conflict-affected states such as Liberia, where the state does not always have the resources to meet its commitments and public officials may misconstrue civil society criticism as “political” rather than constructive. Liberia has an active

5 This method is most associated with reform of security services that may have participated directly in abuses, but should be taken into account in reorming the civil service in transitional settings. See, e.g., International Center for Transitional Justice, *Transitional Justice and Prevention* (2021).  
6 An Act Of Legislature Prescribing A National Code Of Conduct For All Public Officials And Employees Of The Government Of The Republic Of Liberia (2014 Code of Conduct).  
7 PAPD, p. 113.  
8 Governance and transparency are specifically raised under pillar four in the PAPD.

and robust civil society and important inroads have been made in terms of its engagement with the state, but a good deal of work remains to be done. Tensions also remain between the state and the country’s independent media.<sup>9</sup> Within the framework of Sweden’s bilateral development cooperation strategy with Liberia, FBA has been working with a group of key state and civil society actors that in different ways try to promote transparency, accountability and professional integrity in governance in Liberia.<sup>10</sup> The purpose of this cooperation has been to create a space for an open dialogue between the state and civil society organizations, as well as to promote rule of law principles and professional ethical standards in the Liberian public administration.<sup>11</sup> This work has been based on a methodology for promoting rule of law in public administration that FBA developed together with UNDP in order to integrate rule of law principles in the work of public agencies.<sup>12</sup>



9 According to Reporters Without Borders, the last several years have seen a “surge of attacks” on the media in Liberia, with the country steadily losing ground in the World Press Freedom Index. See, <https://rsf.org/en/liberia>.  
10 The members of the FBA Liberia Rule of Law Reference Group include the Civil Service Agency (CSA), the Liberia Institute of Public Administration (LIPA), the Center for Transparency and Accountability in Liberia (CENTAL), the Institute for Research and Democratic Development (IRED), the Open Government Partnership Secretariat (OGPS) and Accountability Lab. A particular focus has been to promote accountability and transparency in the work of the government linked to professional ethics and key values for civil servants.  
11 Liberia: Integrity and accountability for a society free from corruption (2019): <https://fba.se/en/newspress/nyhetsarkiv/2019/liberia-integrity-and-accountability-important-for-a-society-free-from-corruption/>  
12 UNDP and FBA, *Guidance Note for Assessing Rule of Law in Public Administration* (2015): <https://fba.se/om-fba/publikationer/Guidance-Note-for-Assessing-Rule-of-Law-in-Public-Administration/> This methodology is currently being adapted to ensure its effectiveness in conflict-affected settings.



## *The Development of Ethical Standards for Public Officials*

The issue of public trust in government has received increased attention in recent decades. Citizens should be able to expect public officials to serve the public interest and to manage public resources fairly, responsively and effectively. One of the most important factors that can affect public trust is accountability.<sup>13</sup> Studies have shown that the ethical behavior and competence displayed by public authorities is a central factor for citizens in evaluating the legitimacy of their governments. Gaining and retaining public trust requires public servants to adhere to certain underlying rule of law principles such as legality, integrity and impartiality but also to a set of core values such as openness or efficiency. In order to translate these principles into practice, states need to determine a set of common standards of conduct for public officials. The values included in the resulting “codes of ethics” should be instrumental in guiding and informing the behavior of public officials.<sup>14</sup>

### Professional Ethics

- **Ethics in public service** can be defined as “a set of principles to guide conduct” or as “moral standards in public service”.

- **Public official** refers to any person “holding public office” or “performing designated public functions”, as defined by the OECD. Similarly, the UN Convention Against Corruption defines a public official as “any person holding a legislative, executive, administrative or judicial office” or “any other person who performs a public function, including for a public agency or public enterprise, or provides a public service....”.

- **Civil servants** are understood to be a sub-category of public officials that are not elected. Certain categories of unelected public officials, such as judges, cannot be considered as civil servants due to their particular role and the type of independence that it entails.

<sup>13</sup> OECD, Building Public Trust: Ethics Measures in OECD Countries (2000); European Ombudsman, Ensuring Ethics in Public Administration: the Role of the Ombudsman (2012); The Role of the Principles of Transparency and Accountability in Public Administration, Murat Jashari, Islam Pepaj (2018); and An Assessment of the Degree of Responsiveness of Liberia Civil Servants to their Political Masters, Nyane Wratto (2015).

<sup>14</sup> Ethical codes for the public administration, a comparative study, Rothstein, Sorak (2017).

<sup>15</sup> Ethical Management for the Public Services, Alan Lawton (1998).

<sup>16</sup> Ethics in public service, Richard Chapman (1993).







Many countries have long traditions of applying professional ethical codes, while others have more recently taken this approach.<sup>17</sup> One of the first efforts to provide international support to states in defining ethical values came with the adoption of the International Code of Conduct for Public Officials by the UN General Assembly in 1996.<sup>18</sup> The Code emphasizes that public officials enjoy a “position of trust” that entails a duty to act in the public interest (Section 1). It goes on to specify core values that should be respected, including efficiency, effectiveness, integrity, legality, attentiveness, fairness and impartiality (Section 2-3). It also sets out mechanisms to ensure ethical handling of conflicts of interest, proper use of public money, asset disclosure, and confidentiality, as well as avoidance of improper gifts and inappropriate political activity (Sections 4-11).

Two years later, the Organization for Economic Cooperation and Development (OECD) adopted a recommendation on “improving ethical conduct in the public service”, which was followed up in 2000 by an influential report on ethical management in OECD member-states.<sup>19</sup> Both documents went beyond recommending adoption of professional ethical codes to embrace a so called “ethics infrastructure” consisting of a broader range of measures to improve public officials’ accountability and ensure that they adhere to the core values set out in professional ethics codes, as well as to citizens’ expectations. The OECD has identified eight components that form part of an ethics infrastructure. These include political commitment, an effective legal framework, efficient accountability mechanisms, workable codes of conduct, professional mechanisms, supportive public service conditions, central ethics coordinating bodies and an active civil society.

The OECD includes eight mutually reinforcing components in its “ethics infrastructure” proposed for encouraging high standards of behavior by public servants:

- Political commitment:** sustained, high-level political commitment to ethical behavior in the public service is one of the key requirements for the effectiveness of the other components.
- Workable codes of conduct:** codes of conduct play a key role in stating the expected standards of behavior for public servants. They should be reinforced and communicated in a systematic manner.
- Professional mechanisms:** these are the processes by which public servants learn and adopt professional ethical codes through trainings, discussion of ethical dilemmas and good role models, especially managers.
- Existence of a central ethics coordinating body:** these can have various functions and forms (such as committees, agencies or special bodies).

- Supportive public service conditions:** this includes decent working (and living) conditions for public servants, job security, opportunities for promotion, career development and fair remuneration. This also relates to the ability to gain and attract qualified staff.
- Effective legal framework:** laws and regulations need to define the basic standards of behavior for public servants.
- Efficient accountability mechanisms:** accountability mechanisms are important to encourage ethical behavior. These can include both internal mechanisms (such as internal reviews, audits, evaluations etc.) and external (such as legislative oversight, parliamentary committees, independent commissions, ombudsmen etc).
- An active civil society:** an active civil society is essential to monitor government decisions and official actions and to ensure that public servants follow professional ethical standards and abide by the rule of law.

17 OECD, Building Public Trust: Ethics Measures in OECD Countries (2000).  
18 International Code of Conduct for Public Officials, United Nations General Assembly Res 51/59 (1997).  
19 1998 Recommendation of the OECD Council on Improving Ethical Conduct in the Public Service including Principles for Managing Ethics in the Public Service; and OECD, Building Public Trust: Ethics Measures in OECD Countries (2000).





While the OECD recommendations proceed from the need for OECD countries to further improve public administration and services, the UN Convention against Corruption came as a response to the threat corruption is seen to pose to economic development. In presenting the convention, then-UN Secretary General Kofi Annan drew a direct line between corruption and development:

*This evil phenomenon is found in all countries—big and small, rich and poor—but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government’s ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment.*<sup>20</sup>

The convention itself includes extensive measures to be undertaken by the public sector to prevent and punish corruption. Many of these correspond to elements of the OECD ethics infrastructure, including founding independent anti-corruption bodies (Article 6), adopting merit-based recruitment and career advancement procedures (Article 7), and promoting the involvement of civil society in scrutinizing official integrity (Article 13). The most relevant undertaking in the Convention is set out in Article 8, which requires each state party to the treaty to apply ethical codes to guarantee “integrity, honesty and responsibility among its public officials”. The Convention recommends that such codes be implemented in accordance with the UN Code of Conduct for Public Officials.

20 UNODC, United Nations Convention Against Corruption (2004), iii.

## Codes of ethics

As the central element in ethical infrastructures, professional ethics codes are one of the most common means used worldwide to guide the conduct of public officials.<sup>21</sup> Such codes share a common basic function across many different contexts, being composed of a list of core values meant to guide the behavior of public officials. While the specific values included can vary across contexts, they are commonly defined as collectively shared principles that guide the judgement of public officials about what is good and proper for their daily operations in the public service. Many national professional ethics codes have in common an approach combining both more traditional public service values and newer and emerging ones.<sup>22</sup>

Traditional values long enshrined in professional ethical codes include impartiality, legality, non-discrimination, integrity, honesty, justice and fairness. These were later complemented by so-called “new” values such as efficiency, transparency and public accountability, which reflected evolving social demands and changes in public management. To some degree, the traditional values can be seen as more “inward-facing”, meaning that they reflected the responsibility of the civil servant to the public administration itself, including peers, colleagues, superiors and the state. Newer values tend to be more “outward-facing” in the sense of reflecting responsibilities to the general public and users of government services.

21 OECD, Building Public Trust: Ethics Measures in OECD Countries (2000).  
22 Ethical codes for the public administration, a comparative study, Rothstein, Sorak (2017).



Differences between national professional ethics codes often focus on values related to building state capacity. The Quality of Governance (QoG) Institute has argued that such values tend to be more prevalent in developing countries where there is a stronger focus on meritocracy, competence and performance.<sup>23</sup> QoG comparative research on professional ethical codes has identified nine core value clusters (which are similar to the components of the OECD ethical infrastructure referred to above). Impartiality is arguably the most important value cluster across all professional ethical codes, and is usually portrayed as crucial to fair decision making, equal access to public services and equality before the law. Legality is also a value present in all codes, typically manifested in the principle that the law must always guide the conduct of public officials. Most countries include the value of openness in their professional ethical codes to encourage transparency about the inner workings of government and discourage corruption. Other common values include integrity, loyalty, equal treatment, service and professionalism.

Empirically, meritocratic recruitment and advancement of civil servants is found to reduce corruption and improve the quality of government.<sup>24</sup> A professional bureaucracy in which civil servants are recruited on the basis of their qualifications and skills can exclude practices such as recruitment through corrupt patronage systems (e.g. where civil service candidates must bribe their way into posts) or based purely on loyalty to political parties. While it is common practice for incoming administrations to replace high ranking civil servants with political appointees, ordinary working level civil servants should be allowed to continue working and be expected to perform their jobs impartially and effectively, regardless of the party that happens to be in charge. Experts have noted a correlation between the percentage of the civil service that tends to be replaced during changes of administration and levels of corruption in government.<sup>25</sup>



23 Ibid.  
24 Ibid.  
25 Interview with Bo Rothstein and Nicholas Sorak, QoG, 23 April 2021.

## Applicability of Ethical Management in Conflict-Affected Settings

Concern with codes of professional ethics for civil servants may seem like a luxurious pursuit in fragile, war-torn countries where the public sector may face fundamental issues with staffing and resources. However, ethics codes provide a means of holding unelected civil servants accountable, that can in turn assist in rebuilding fractured trust in the state. Moreover, the values set out in ethics codes frequently overlap with key rule of law principles. As such, they should and typically do include values reflecting accountability to ordinary citizens and inclusiveness. When these are taken seriously, this places pressure on civil servants to ensure that public services are available to marginalized groups that may have faced obstacles accessing them in the past, despite being most in need of them. Under certain circumstances, the reforms that result from adoption or reform of ethics codes can be seen as contributing to broader transitional justice efforts aimed at preventing the recurrence of conflict and human rights violations.

Of all the principles that define the rule of law, accountability is perhaps the most central to its core idea that all should be answerable to the law. In its broadest sense, accountability stands for the idea that those with power should feel themselves to be responsible for upholding the public interest, and should refrain from acting in ways that would harm the public interest. In practical terms, accountability requires that those with power explain their actions and decisions to those affected by them, and that they suffer consequences in cases in which they are found to act in the service of private interests and/or at the expense of the general public. Where these accountability safeguards fail, e.g. when public officials choose to misuse their position and are not sanctioned, the result is impunity and a breakdown in the rule of law.

Many definitions of accountability focus on the enforcement aspect in which breaches of public trust have already occurred. For instance, one prominent rule of law expert describes two axes of accountability: horizontal, in which judges in courts apply sanctions to other public officials, and vertical, in which citizens apply pressure “upwards” against public officials by investigating their misconduct and demanding consequences.<sup>26</sup> However, other definitions focus on cultivating a culture of accountability that guides public officials in avoiding breaching the public trust in the first place. The UN Human Rights Office defines accountability from a human rights perspective as including a “corrective function” involving sanctions, as well as a forward looking function in which human rights duty bearers should anticipate and meet the needs of rights-holders:

*... accountability also has a preventive function, helping to determine which aspects of policy or service delivery are working, so they can be built on, and which aspects need to be adjusted. Accountability principles and mechanisms can improve policymaking by identifying systemic failures that need to be overcome in order to make service delivery systems more effective and responsive.*<sup>27</sup>

26 Vivienne O'Connor, Defining the Rule of Law and Related Concepts, INPROL Practitioner's Guide (February 2015), p. 7.  
27 UN Office of the High Commissioner for Human Rights and Center for Economic and Social Rights, Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda (2013), ix.



This preventive type of accountability, which involves a sense of responsibility, can also be broken down in a number of ways. Just like corrective accountability, it has a “horizontal” axis that dictates in this case that all public servants should be responsive, collegial and professional with their peers, allowing the machinery of governance to function smoothly. There are also upward and downward elements of accountability that should ideally function in a parallel and complementary manner. Upward accountability involves the well-established notion that public servants are accountable to their hierarchical superiors. For civil servants, this frequently includes both their line managers and their “political masters”, e.g. the elected politicians that decide the policies that civil servants should faithfully implement.

Downward accountability, by contrast, involves the notion that public officials are responsible to the general public, and particularly to persons or groups dependent on the public services that a given public official is in charge of dispensing. In the best scenario, both types of accountability will be complementary, with hierarchical superiors sharing public officials’ commitment to effective, transparent and participatory delivery of public services “downwardly” to users. However, while upward accountability is present in almost all scenarios, downward accountability is often in short supply in fragile and conflict-affected settings. One interlocutor described the situation in Liberia as follows:

*”Downward accountability is also a problem. People in leadership are not explaining to the citizenry why they do different things. The accountability is just written down but it is not being exercised. So there is a breakdown of connection between the leadership and its constituencies.”*<sup>28</sup>

28 Interview with a representative from a Liberian Civil Society Organization, 22 October 2021.

Moreover, inappropriate forms of upward accountability can arise that are incompatible with a sense of downward responsibility. The worst cases involve corrupt patronage systems in which holders of public office are “sold” their position by their superior and forced to demand bribes from users of public services in order to pay off their debt. However, counterproductive upward accountability can also arise in any situation in which appointments are not based on merit or the public sector culture overly emphasizes respect for authority. CARE Netherlands has described the negative effect this can have in fragile settings:

*If the internal culture dictates obedience versus the freedom to speak up to one’s superiors, it becomes difficult to encourage inclusivity and transparency. In conditions where accountability is higher upward than downward, and where transparency is disregarded, the connection between power and corruption strengthens and takes priority to building the elements of [inclusive governance].*<sup>29</sup>

In many such situations, pent-up demand for downward accountability can help to explain the persistence of legal pluralism, whereby formal public sectors and judiciaries coexist with customary and informal providers of justice and other public services. Whether elected or not, customary leadership typically achieves legitimacy by demonstrated downward accountability to local communities. As a result, ordinary people may prefer to go to chiefs and elders rather than to state authorities deemed inaccessible and unaccountable. In the case of justice in Liberia for instance, the law recognizes legal pluralism and customary justice plays a strong role based on its responsiveness to the needs and concerns of local populations:

*Customary justice has proven to be resilient and effective. Where formal courts drive away justice seekers by imposing the full cost of justice on them, customary chiefs and elders provide an affordable, legitimate and accessible form of justice that has flourished during one of the most difficult periods of Liberia’s history.*<sup>30</sup>

Beyond the forms it can take, accountability can also work via a number of different mechanisms or processes. The most obvious is legal accountability, by virtue of which public officials must act within the law or else face legal sanctions applied by courts. However, political accountability is no less important in a democracy; where politicians commit ethical breaches or otherwise fail to live up to voters’ expectations, they can be voted out of office. Social accountability is a complementary process by which civil society and the independent media scrutinize holders of power and expose ethical breaches that can trigger demands for legal and political accountability. However, the process of accountability most relevant for unelected civil servants can be identified as “managerial”, involving “the answerability of those with delegated authority for carrying out tasks in accordance with agreed performance criteria.”<sup>31</sup>

29 CARE Netherlands, Enhancing Inclusive Governance in Fragile & (Post) Conflict-Affected Settings, Discussion Paper (October 2019), p. 9.  
30 International Legal Assistance Consortium, Still Looking for Justice: Customary Law, the Courts and Access to Justice in Liberia (October 2019), p. 14.  
31 Peter Newell and Shaula Bellour, Mapping Accountability: Origins, Contexts and Implications for Development, IDS Working Paper 168 (2002), p. 9.

In fragile and conflict-affected settings, managerial accountability expressed through professional ethics codes should in theory foster greater downward accountability on the part of civil servants. This in turn has the potential to contribute to peacebuilding. A flagship study by the World Bank and UN indicated that a common denominator underlying virtually all contemporary conflicts is exclusion – from power, justice, resources and services.<sup>32</sup> Where civil servants take downward accountability seriously, they will enable participation in decision-making and access to public services for marginalized groups that have faced exclusion despite having the greatest need. Such efforts can facilitate the “inclusive peacebuilding” recommended as a means of stabilizing the most fragile countries.

In cases in which the civil service may have contributed, even indirectly, to discrimination or other human rights abuses in the past, reforms in line with professional ethics codes may also be seen as a type of “institutional reform,” which in the best case can help to meet transitional justice aims. Transitional justice is most clearly associated with backward-looking measures such as truth-seeking, prosecution of perpetrators and reparations to victims. However, the forward-looking reform of institutions that contributed to past violations is also a crucial component of transitional justice. Although such reforms are most often associated with the security sector, other public institutions ranging from the judiciary to the civil service may have had a part in past violations as well. A recent report by the International Center for Transitional Justice confirms that such institutional reforms have the potential to contribute not only to justice but to the prevention of recurrence of violations and conflict.<sup>33</sup>



32 World Bank and UN, Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict (2018).  
33 International Center for Transitional Justice, Transitional Justice and Prevention (2021).

## Developing an Ethics Infrastructure in Liberia

Liberia provides an interesting case study in the use of professional ethical codes to promote governmental accountability and public trust in a conflict-affected setting. As in many other development settings, these efforts face significant obstacles, most notably in relation to the availability of resources to maintain both public sector salaries and the basic infrastructure of government. Widespread corruption in Liberian society continues to be a serious problem for Liberia’s development, corroding public trust in the government.<sup>34</sup> As noted by the UNDP:

*Through much of its history, Liberia has struggled with building an inclusive nation with shared values and cultural appreciation extending well beyond the narrow political and economic interests of the ruling elite. State power and the control of natural resources, and the wealth that process conveys, are often co-opted by the ruling class to the exclusion of others. This zero-sum game of politics has been a great impediment to national development and has eroded the public administration culture so that state institutions find themselves largely servicing the interests of those currently in power.*<sup>35</sup>

Recent reports indicate that Liberian citizens are demanding greater integrity from their leaders.<sup>36</sup> For years, civil servants were recruited based on their political affiliations, giving rise to a strong patronage culture in Liberia. In recent years, several reform efforts have been launched to promote accountability and transparency, including the Pro-Poor Agenda for Prosperity and Development and the Public Service Reform as well as new laws such as the Local Government Act, the Freedom of Information Act and the Land Rights Act. However, most of these reforms remain incompletely implemented and there is a great need to spread awareness about relevant policies and new laws through civic education.<sup>37</sup>

There is cognizance in Liberia of the peacebuilding role the civil service can play as the main point of contact between the state and citizens after decades of inequality and war. Significant reforms initiated in 2008 were described by then-President Ellen Johnson Sirleaf as necessary “to energize the rebuilding of our war-torn society.”<sup>38</sup> The civil service can be seen as both a victim of the conflict and a factor in the conflict, in that it had historically been pervaded by the dynamic of corruption and patronage that had fuelled the war. As recently as 2016, a survey by the Catholic Relief Services indicated that Liberians still see corruption in public offices as the single most significant factor threatening to reignite violent conflict in Liberia.<sup>39</sup> The introduction to the 2008 civil service reforms described a civil service that had lost touch entirely with its mission to serve the public good:

*During the war years, Civil Service standards, policies and procedures were ignored. A large number of unqualified persons were recruited in the Service largely on the basis of allegiance to the various warring factions that persecuted the armed conflicts. Liberians acquiesced to this situation as a trade-off between*

34 Liberia’s score on Transparency International’s Corruption Index is on place 137 out of 180 in 2020. Liberia has dropped 13 score points since 2012.  
35 UNDP, National Human Development Report (1999).  
36 State of Corruption Report (SCORE), Key Developments plus Citizens’ Views and Experiences of Corruption, CENTAL (2021).  
37 Consultative dialogues held with state and civil society actors in Liberia between May-August 2021.  
38 “Smaller Government, Better Service” Civil Service Reform Strategy (2008 – 2011) (June 2008), iii.  
39 85.9% of Liberians polled cited corruption as one of the most significant conflict factors in Liberia, followed by land disputes (83.7%) and youth unemployment (79.8%). Catholic Relief Services, State of Peace, Reconciliation and Conflict in Liberia (2016), 8.



*conflict and peace. But even before the conflicts, the Service had begun to deteriorate on account of recruitment, placement and promotion being based on ethnicity, partisanship and social contacts. The conflicts only worsened the situation.*<sup>40</sup>

Although the OECD ethical infrastructure recommendation was designed primarily for developed countries, it provides a useful framework for analysing the Liberian reform efforts to date and identifying achievements, gaps and opportunities. As described above, the infrastructure comprises eight key components:<sup>41</sup>

## 1. Political commitment

The OECD describes political commitment mainly in terms of high-profile government initiatives to promote integrity and anti-corruption. In Liberia, commitment to public sector ethics begins with the highest law of the land, with a provision in the 1986 Constitution (which remains in force) banning conflicts of interest and bribe-taking by public officials and requiring the legislature to “prescribe a Code of Conduct for all public officials and employees, stipulating the acts which constitute conflict of interest or are against public policy, and the penalties for violation thereof.”<sup>42</sup>

Public integrity and anti-corruption have been nominal priorities for both of Liberia’s post-war presidential administrations, but the fact remains that Liberia remains burdened by allegations of widespread corruption by public servants. Corruption continues to permeate politics and the civil service in Liberia and threatens the country’s fragile peace.<sup>43</sup> In a 2017 survey of public servants in Liberia, 42% responded that they believed that their colleagues have political connections.<sup>44</sup> A recent report by the Center for Transparency and Accountability in Liberia (CENTAL) cited lack of political will, weak enforcement of anti-corruption measures and limited prosecution of corruption cases as continuous obstacles for development in Liberia. The report indicates that an overwhelming majority see corruption as serious and feel that the government is not doing enough to fight corruption in the country.<sup>45</sup> In the words of one interlocutor:

*Everything starts from the very top. In this government there have been allegations of missing money and all these issues have just been squashed. So people in the public sector feel that the standards are very low. People are doing some engagement with government and sometimes people go for lunch and don’t return. So many officials don’t take their work seriously enough.*<sup>46</sup>

40 “Smaller Government, Better Service” Civil Service Reform Strategy (2008 – 2011) (June 2008), iii.

41 OECD Report (2000), pp. 24-25.

42 Constitution of Liberia (1986), Article 90.

43 In a 2016 survey, 85.9% of the respondents identified corruption as the most potent conflict trigger factor. State of Peace, Reconciliation and Conflict in Liberia, Catholic Relief Services (2016), p.7.

44 Nevertheless, 68% said that they did not know their supervisor before being recruited and 84% believed that service promotions are merit-based. Krista Lee-Jones, Transparency International, U4 Anti-Corruption Resource Centre, Liberia: Overview of Corruption and Anti-corruption (2019), p.7.

45 Out of 601 persons, 90% of the respondents thought that corruption is high and 66% believed that government is not doing enough to fight corruption. Medical services and police services were ranked as the public services most prone to corruption followed by education and court services. SCORE Report, CENTAL (2021).

46 Interview with a representative from a Liberian Civil Society Organization, 22 October 2021.

## 2. Workable codes of conduct

The OECD notes that some countries have chosen “a broad public service code of conduct from which individual agencies design a purpose-build code to reflect their particular objectives and mission.” This is the approach that was taken when Liberia implemented its constitutional requirement and adopted a code of conduct for all public officials for all the three branches of government and all its agencies, in 2014.<sup>47</sup> The code sets out rules governing a broad range of areas, beginning with a list of fundamental values (“principles of good conduct<sup>48</sup>”) and going on to cover key areas relevant for regulating the behaviour of public officials.<sup>49</sup> Notably, the Code does not provide for criminal penalties in cases of official corruption.<sup>50</sup>

The Code is explicitly meant to provide an overarching set of standards that in accordance with its own provisions should be “reinforced by professional codes of conduct”.<sup>51</sup> The Liberian civil service has had such a professional code since 1983, in the form of the “Standing Orders of the Civil Service of Liberia”. However, the Standing Orders do not currently take the form of a modern code, as they mainly set out detailed procedures for recruiting civil servants and taking personnel decisions, rather than giving an explicit list of values and guidance on how they are to be applied by the civil servants.

However, the Civil Service Agency (CSA), which oversees the implementation of the Standing Orders, has undertaken reforms in support of the values in the Code of Conduct. These have included promoting a merit-based recruitment system and addressing cases of wrongful dismissal of civil servants in order to protect the independence the Liberian public administration is meant to enjoy. While the CSA is currently leading a process of revising the Standing Orders in order to ensure greater transparency and accountability, much depends on broader reforms that remain necessary in order to ensure that the Code of Conduct itself is fully implemented.<sup>52</sup>

## 3. Professional socialization mechanisms

The OECD emphasizes that codes of conduct cannot be integrated into the work of the civil service without adequate communication and training procedures. In Liberia, the Civil Service Agency and the Liberia Institute of Public Administration (LIPA) are the two lead agencies with the mandate to train civil servants in professional and ethical behaviour. The FBA has been

47 An Act Of Legislature Prescribing A National Code Of Conduct For All Public Officials And Employees Of The Government Of The Republic Of Liberia (2014 Code of Conduct).

48 These principles include selflessness, integrity, diligence, objectivity, justice and fairness, accountability, openness/transparency, honesty, non-discrimination, discipline, loyalty, confidentiality, leadership, professionalism, merit system.

49 Part iv: constitutional, civic responsibilities and professionalism; part v: political participation; part vi: disclosure of information and release of classified materials; part vii. Interacting with the public; viii: use of public funds, properties and facilities; part ix: gifts, bribes and conflict of interest; part x: declaration and registration of personal interests, performance and financial bond; part xi: personal behaviour and work ethics; part xii: creation of the office of the ombudsman; part xiii: responsibility of public servants to report wrongdoings, National Code of Conduct (2014).

50 Krista Lee-Jones, Transparency International (2019), p. 11.

51 2014 Code of Conduct, 2.2.

52 Interview with Alfred Drosaye, Principal Administrator, and Claudius Broderick, Director of Training, CSA, 30 September 2021.





working with the leadership of both agencies on how to promote rule of law and professional ethics in the Liberian public administration.<sup>53</sup> As a result, LIPA has developed a specific course linked to the implementation of the rule of law in public administration and the CSA is currently developing a training hub for senior civil servants which will include training on key rule of law and professional ethics principles.<sup>54</sup>

The OECD also notes the existence of role models especially among managers (among leadership) as an important element to promote an ethics infrastructure. As one interlocutor pointed out, leadership in state agencies should have incentives to play this role and be met with accountability where they fail to do so:

*“We need to pay serious attention to ethical practices and values. People have not realized that when we come to work, there are ethics that we need to abide by. The challenge of upholding ethical conduct is due to violations by people in authority. But who will question the violators? Has it become an acceptable norm? There seems to be a gap that requires not only training, but some tough measures and reprimanding as well. There also needs to be something for others who are performing, there should be some reward for that level of performance.”<sup>55</sup>*

<sup>53</sup> Dialogue with both agencies started in 2016 and more structured partnerships in 2018 (LIPA) and 2020 (CSA). FBA and CSA have discussed the need to develop a list of core values for CSA employees to remember and to follow in their everyday work.

<sup>54</sup> In addition to these efforts, FBA's civil society partners, such as Accountability Lab, are using innovative methods to enhance the notion of integrity among the local communities. Accountability Lab works with a process through which citizens can select a person from the public and private sectors or from civil society that has shown particular integrity through his/her actions.

<sup>55</sup> Interview with G. Ralph Jimmeh Jr., Head of Secretariat, Open Government Partnership Secretariat Liberia, 15 October 2021.



#### 4. Ethics co-ordinating body

The OECD report notes that such bodies can take a wide variety of forms, ranging from general promoters of public integrity to watchdog agencies that can investigate individual cases. In Liberia, the 2014 Code of Conduct calls for the appointment of an Ombudsman with a very broad role, including responsibility “for the enforcement, oversight, monitoring and evaluation of the adherence to the Code of Conduct.” However, to this date the Government has failed to establish either the Office of the Ombudsman or any alternative ethics co-ordinating body in Liberia. Despite consistent efforts by the Governance Commission, which coordinated the drafting of the Code of Conduct, neither the previous administration nor the current one has come to grips with its duty to appoint an Ombudsman.

The perennial failure of the executive branch in Liberia to appoint the Ombudsman has left other institutions such as the Governance Commission and the Civil Service Agency in the de facto position of coordinating the observance of ethics in the public service. As an official in the Governance Commission explained:

*”My office is responsible to ensure this matter is brought up consistently. We have done everything possible. We have ongoing public consultations with agencies and ministries about the implementation of the Code. I have personally lectured on the Code at LIPA and for the civil service. We will continue public conversations to bring this issue to bear. It is not in the interest of our country to have such a significant law and not to operationalize it.”<sup>56</sup>*



<sup>56</sup> Interview with Cllr. Bornor M. Varmah, Senior Policy Analyst/Program Manager for the National Integrity and Security Systems, Governance Commission, 07 October 2021.





## 5. Supportive public service conditions

A key element in promoting ethics and reducing incentives for corruption in the public service is to have supportive public service conditions. These include merit-based appointment, fair remuneration and work conditions, and possibilities for career development. Creating supportive public service conditions has been particularly challenging in Liberia where the civil service has been affected by 14-years of civil war and continues to struggle with scarce resources and limited capacity. A Public Sector Modernization Program (supported by Sida and the World Bank) was designed to support improved conditions for the civil service in Liberia by harmonizing the payroll system and reviewing the mandates and functions of the leading public sector agencies.<sup>58</sup>

The Civil Service Agency (CSA) plays a key role in these efforts. Ongoing CSA reforms include updating the Standing Orders for the Civil Service and harmonizing the government payroll system to facilitate more regular payments and cleanse the lists of “ghost workers” who were receiving pay, but not working in practice. The CSA has also played a key role in developing a personnel database for the civil service and issuing biometric identification cards for all civil servants. Together with LIPA, the CSA has developed a set of trainings to stimulate career development among the civil servants in Liberia. Parts of these trainings have included components related to professional ethics and key rule of law principles supported by the FBA. However, as noted in Liberia’s current development program, the CSA continues to face considerable challenges:<sup>59</sup>

*For public sector reform, the full implementation of the public-sector modernization plan remains a challenge given new shifts and paradigms in the civil service regarding entries, grades, and functions. Moreover, there are still overlapping job descriptions, unclear functions and organizational structures throughout the public sector.*<sup>60</sup>

The effort to introduce merit-based recruitment has presented a particular challenge. Although an automated system for administering public service examinations has been set up and testing will begin shortly, previous efforts have been unable to alter a pattern of unregulated appointments in the absence of merits-based testing. As a result, the CSA will need to review thousands of cases in which civil servants are either unqualified or have the wrong qualifications for the position they hold. These issues tend to become particularly acute during the transition to a new presidential administration, which in Liberia is frequently accompanied by replacement of a broad swathe of the civil service:

*There is an issue when a new government comes in because it brings a new set of people because of politics and removes the previous staff. The new members come in whether they have the capacity or not and people don’t know what these people are doing when they don’t even have the skills to do their work.*<sup>61</sup>

57 Interview with Alfred Drosaye, Principal Administrator, and Claudius Broderick, Director of Training, CSA, 30 September 2021.  
58 PAPD, p. 112. This program will however end in December 2021. Support is now targeted to the Public Financial Modernization Program. Interview, Embassy of Sweden in Monrovia, 14 October 2021.  
59 Interview with Alfred Drosaye, Principal Administrator, and Claudius Broderick, Director of Training, CSA, 30 September 2021.  
60 PAPD, p. 113.  
61 Interview with a representative from a Liberian Civil Society Organization, 22 October 2021.



The end result of such non-merit based processes is that many civil servants remain unaware of the CSA and the Standing Orders, and act without reference to the core rules and procedures binding on them.<sup>62</sup> The CSA has responded with a new push to communicate the contents of the Standing Orders more clearly by presenting them at the general staff meetings of every department under their supervision, and to better monitor their observance. This involves both strengthening of CSA’s internal monitoring and evaluation function and the development of a Performance Hub for in-depth training of top management. Although much remains to be done, the management has observed progress as a result of their efforts:

*It’s actually about accountability and making sure people do the things they need to do. The CSA is stronger now than ten years ago. With the reforms and capacity building, we are getting the respect of the other institutions. Before we never had this influence over institutions. Things have improved during the past 10 years.*<sup>63</sup>

Payroll management is another area where the CSA has made progress but continues to face obstacles. According to the Embassy of Sweden, which has supported the process, a major step forward was the pay harmonization that removed disparity in public sector pay for persons in similar roles and abolished the practices of discretionary allowances to civil servants. In addition, the CSA recently received an enhanced mandate to control payroll for the entire civil service, ending the delegation of this role to ministries that could add and remove people from payrolls at will and with no accountability.<sup>64</sup> However, the CSA and the Ministry of Finance are still currently implementing a transitional payroll system that does not include the safeguards, checks and balances proposed by the World Bank.<sup>65</sup>

Another general area where further improvement is needed in relation to public service conditions involves gender equality. Despite ambitions to ensure equal representation in leadership positions, women do not yet make up more than a quarter of senior management.<sup>66</sup> Further steps are needed in terms of recruitment, support for women civil servants, combatting harassment, and even ensuring basics such as hygienic bathrooms and even running water in some ministries.

62 Henry Karmo, “Liberia: CSA Slams ‘Forbidden’ Civil Servants’ Conduct”, Front Page Africa (03 September 2020).  
63 Interview with Alfred Drosaye, Principal Administrator, and Claudius Broderick, Director of Training, CSA, 30 September 2021.  
64 Interview with Charles Lawrence, National Program Officer, Democracy and Human Rights, Embassy of Sweden, Monrovia, 14 October 2021.  
65 The World Bank has proposed an “Integrated Financial Management Information System (IFMIS)” that has more safeguards and checks and balances for payroll and human resource management. Under this system, dual signoff procedures by the CSA and relevant ministries will ensure checks and balances, while other features such as online availability and linkages to performance review and promotion databases should enhance transparency and consistency. Interview with Charles Lawrence, National Program Officer, Democracy and Human Rights, Embassy of Sweden, Monrovia (14 October 2021).  
66 Ibid.

## 6. Effective legal framework

Laws and regulations set the basic expected standards of behavior for a public service. In recent years, Liberia has adopted different laws that can help promote key values and professional ethics among the civil servants. These laws include the Freedom of Information Act (2018), the Whistleblower Protection Act (currently drafted but stalled before the Legislature), the Public Financial Management Law (2009), the Public Procurement Concessions Act and parts of the Local Government Act (2018, Chapter 19 on transparency and accountability in local government). As already mentioned above, the National Code of Conduct and the Standing Procedures for the Civil Service play an essential role in this regard. However, one of the main concerns and challenges with these laws is the lack of general awareness among the civil servants about their specific content and their lack of implementation:

*The Code of Conduct is just another written document. Sometimes when people try to register their business the public official is not at work or help is not provided so it can take a very long time. A process that should take 24 hours can sometimes take up to two weeks. The process of getting a passport at the Ministry of Foreign Affairs that should take weeks can take months. So the standards are very low and you only get real attention if you have political support.*<sup>67</sup>

Another interlocutor pointed out the following:

*”Professional standards at government ministries and agencies are implemented to a minimum extent, staff timeliness, going to work late and leaving before time, lack of proper supervision, staffs request for bribe is on the increase, overcrowded payroll has led to reduction and delay in salary payment and stationary materials are not available. These are some of the factors that affect the implementation of professional standards.”*<sup>68</sup>

67 Interview with a representative from a Liberian Civil Society Organization, 22 October 2021.  
68 Interview with Matthias Yeanay, Executive Director, Institute for Research and Democratic Development, 25 October 2021.





## 7. Efficient accountability mechanisms

A number of independent integrity institutions have been set up in Liberia since the conflict. However, they have not enjoyed guarantees of sufficient resources to be able to fully implement their mandates. These institutions include the Liberia Anti-Corruption Commission (LACC), the General Audit Commission (GAC), the Internal Auditing Agency (IAA), the Public Procurement and Concessions Commission (PPCC), the Liberia Extractive Industries Transparency Initiatives (LEITI) and the National Bureau of Concessions (NBC) with the mandate to follow up on government’s actions and management of resources.<sup>69</sup>

The Government of Liberia has expressed its commitment to strengthen these anti-corruption and integrity institutions, including through full implementation of the National Code of Conduct and the Whistleblower Acts.<sup>70</sup> However, the integrity institutions such as the LACC, GAC and PPCC continue to struggle with severe capacity constraints to perform their mandates and to maintain their independence, let alone perform their full role in society. Recently the leadership within the LACC has been accused of corruption, undermining the perceived integrity of the commission. Another issue is the ongoing lack of enforcement of the integrity institutions’ audit reports.<sup>71</sup>

*Professional ethical standards in government agencies are absent. While there are policies that define acceptable and unacceptable behaviors in government and at workplaces, there are no regulatory mechanisms to ensure that standards are being followed. This encourages impunity. There should be independent bodies established to probe breaches of ethical standards in public institution governance processes.*<sup>72</sup>

69 PAPD, p. 80.  
70 Ibid, p. 85.  
71 SCORE Report, CENTAL (2021).  
72 Interview with a representative from a Liberian Civil Society Organization, 14 October 2021.





## 8. Active civil society

The OECD notes that ethics are “everyone’s responsibility” and raises the role of media scrutiny in helping citizens to “act as a watchdog over the actions of public officials”. In other words, an active civil society has the possibility to supplement the “managerial” accountability applicable to civil servants via ethical codes with an element of external “social” accountability. While scrutiny by civil society and independent media can indeed play a vital backstopping role in ensuring ethical behaviour by civil servants, it is important to recognize another dimension of their relationship with the state that involves a more complementary and less confrontational dynamic.

In some settings, civil society organizations have been seen to extend the reach of the civil service and public administration, building bridges between the state and ordinary citizens. This role can be particularly crucial in fragile and conflict-affected settings, where the state may lack capacity to be present in areas where state services – or accurate information about how to access them – are most scarce. This type of activity helps the civil service to live up to “outward-facing” ethical values such as transparency and accessibility even where it has limited resources. However, civil society and media actors that engage in this way should not be expected to give up their independence or cease engaging in critical scrutiny of the state; both roles are necessary and even complimentary:

*CSOs help to ensure that the state is accountable in the broad sense – they not only assist the state in actively doing its job, but also hold it to account when it fails to do so. CSOs are “critical partners” in every sense of the term. Wise governments understand this dual role and accept that both support and criticism are necessary to help them do a better job.<sup>73</sup>*

Liberia boasts of several examples of civil society mobilization to complement state responses to large-scale crises. For instance, the first Liberian Policy on Non-Governmental Organizations, adopted in 2008, describes how this dynamic played out during the country’s earlier conflicts:

*The war years (1989-2003) shattered the governance structure and systems, the rule of law disappeared and a humanitarian crisis arose that needed immediate attention which no national authority could address. The international community had to take the lead in ensuring not only the provision of humanitarian assistance, but also the protection of life and property and eventual return to peace.*

*.... The arrival of international NGOs during this period gave an impulse to the establishment and growth of additional local NGOs. In some cases, they formed partnerships for the delivery of needed humanitarian services to the affected population. The contribution of these organizations to the survival of the affected population and return to peace has been commendable.<sup>74</sup>*

<sup>73</sup> Rhodri Williams, Civil Society as a Critical Partner: Rule Of Law and Accountability in the Liberian Covid Response, FBA Blog (14 September 2020).  
<sup>74</sup> National Policy on Non-Governmental Organizations in Liberia (2008), p. 5.



Similarly, during the Ebola epidemic, the Government enlisted “messengers”, including CSOs to spread key messages about the response in poor and marginalized areas. As documented by the Carter Center in Liberia, this approach was effective in bridging the gap between national level efforts and key grassroots actors at the local level:

*The chiefs have power in the various districts and towns, but they would not allow health teams to trace the person-to-person contacts spreading the disease or other mobilization activities in their districts because they felt they were not being respected. This all changed after the chiefs were brought together. They even planned how they would work with the community health volunteers, and some drafted laws or regulations to ensure compliance.<sup>75</sup>*

At the same time, the success of civil society in bolstering the Ebola response attracted international attention and funding, and may have resulted in CSOs being perceived in some quarters as competing with, rather than complementing the state.<sup>76</sup> During the onset of the Covid-19 pandemic, many civil society actors complained that they were neither involved in the initial response nor provided with sufficient access to information to be able to evaluate the state’s performance. There have also been concerning allegations regarding repressive police measures against critical media and civil society organizations.<sup>77</sup>

Meanwhile, a new “National Aid and NGO Policy” adopted in 2020 has been criticized for imposing a more bureaucratic registration requirement and including measures that may curtail the ability of CSOs to act independently. It is of course crucial that CSOs also adopt their own ethical rules and demonstrate full transparency and accountability. However, without the ability to act independently, it is not possible for CSOs to play the crucial role foreseen for them by the OECD.

Many of the other elements of an ethics infrastructure may be difficult for conflict-affected countries to implement due to lack of resources or capacity. However, facilitating the work of an active civil society allows states to harness the energy of the populations they serve at virtually no financial cost, while also building trust. In this sense, it represents an ideal vehicle for fragile countries aspiring to more ethical public administration and governance. On the other hand, it is crucial to recognize that civil society is playing its legitimate role both when it complements the state and when it criticizes it. For states with low capacity that are doing their best to provide adequate services, accepting civil society’s full role may be challenging, but the opportunity cost of failing to do so cannot be ignored.

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<sup>75</sup> Carter Center Press Release, “Center Mobilizes for Liberia’s Ebola Fight” (2015).

<sup>76</sup> CSPPS Coordinated Response to Support Local Action During Covid-19: an Interview with CSPPS Member Platform for Peace and Dialogue, Mr James Shilue, “Countering Mistrust in Times of Corona” (2021).

<sup>77</sup> Reporters without Borders, RSF urges Liberian authorities to investigate threats against journalists (16 December 2020); Human Rights Watch, Protect Human Rights Defenders in Liberia (05 August 2020); and US Department of State, Human Rights Report: Liberia (2020), pp. 13-14.





## Conclusions

Fragile and conflict affected countries such as Liberia face extraordinary challenges in implementing professional ethical codes through a full-scale ethics infrastructure, as envisioned by the OECD. Such countries find themselves in a circular trap that results in the risk of them being left behind in the terms of the UN Agenda 2030. If the political will and resources existed to create a fully fleshed out ethics infrastructure in Liberia, it would virtually by definition not be a fragile country. But being a fragile country, it is difficult to mobilize the political will and resources to take all necessary steps, particularly in a manner that does not arbitrarily divert attention and resources from other vital development issues.

In such a setting, it is important to set achievable goals and move step-by-step, and cautiously, so as not to interfere with existing systems and relationships that may function well in terms of meeting citizens’ expectations. It is also crucial to seek to work by reforming and providing supplementary resources to existing normative frameworks and institutions to the greatest extent possible. Where new institutions are created to address existing problems, there is a great risk in fragile settings that they will either fail to be established at all (as in the case of the Ombudsman for the Code of Conduct) or that they will be established but hamstrung by lack of resources and political backing (as is the case for many of Liberia’s accountability institutions).

With these caveats in mind, the following recommendations are presented roughly based on the elements of the OECD ethical infrastructure:

- In terms of political will, the leadership in Liberia is encouraged to consider voluntarily renouncing political appointments to the civil service (barring, of course, the leadership-level positions in the country’s ministries, agencies and commissions). Allowing working and eventually mid-level positions to be filled based purely on merit would in itself constitute a significant contribution to the ability of the civil service to act in full accordance with the Code of Conduct and Standing Orders. Full implementation of merit-based appointment would likely require constitutional amendments and should be seen as a long-term goal. However, given the broad powers enjoyed by the executive branch in Liberia, it is hard to imagine any significant constraints on the power of the President to delegate the majority of civil service appointments to the merit-based system being set up by the Civil Service Agency. Such a delegation could be undertaken progressively, beginning with the lowest level of politically appointed civil servants and moving up step by step to the medium level in order to ensure a smooth and orderly transition.

- The Liberian legislature has done its part in living up to the Constitutional requirement of adopting a national Code of Conduct. It remains for the Executive to breathe life into the Code of Conduct through the act of appointing an Ombudsman. Despite concerns about creating new institutions in the context of limited resources, the appointment of the Ombudsman is related to national constitutional requirements and is clearly a vital element in demonstrating political will to uphold ethical management in Liberia. Similarly, all due support should be provided to the country’s existing accountability institutions. The executive branch in Liberia should also clearly signal that it will

uphold elements of the Code of Conduct that have at times been overlooked in the past, such as the ban on public servants using “Government facilities, equipment or resources in support of partisan or political activities”,<sup>78</sup> as well as in relation to government officials’ declarations of assets.<sup>79</sup> For the Code of Conduct to be fully implemented, it is crucial that Liberian state agencies integrate the Code in their everyday work. Government officials should both understand the main values they have to follow and be reminded of them on a regular basis. A list of core values for each agency or organisation could help employees to better remember these values. These values should also be easily accessible to the public in order to increase transparency, and in the long term, trust in the public institutions.

- In relation to the professionalization mechanisms, CSA and LIPA should continue to create stronger awareness about professional ethics among civil servants. Trainings should not be limited to new employees, but be embedded in the work of agencies. Public agencies should agree on key values within their organizations that are regularly discussed with their employees. The role of the leadership of public agencies should be to promote an environment where employees feel safe and secure to raise unethical practices, and promote a culture of professional ethics within their organizations. It is also important to create awareness of how to report unethical practices within public institutions.<sup>80</sup> Citizens should have easy means to anonymously report cases of corruption and unethical practices in the public service.<sup>81</sup>

- Liberia should be given credit for having done a lot in fulfilling other aspects of the OECD ethics infrastructure. A “workable code of conduct” has been in place since 2014, albeit without the requisite “ethics co-ordinating body” in the form of the Ombudsman. The Civil Service Agency and the Liberian Institute of Public Administration have done a great deal with limited resources in order to ensure both “professional socialization mechanisms” for civil servants and “supportive public service conditions”. An “effective legal framework” exists, but a great deal remains to be done in order to ensure its observance. Here it is most crucial that civil servants are made fully aware of their responsibilities under laws such as the Freedom of Information Act and that ordinary citizens understand their rights. Without these elements the chances that the laws can be applied in an ethical manner and to the benefit of society are minimal. Similarly, “efficient accountability mechanisms” exist but do not have the support and resources to be able to play their intended role in society.

- The element of an ethical infrastructure that perhaps holds the most opportunities for Liberia also remains among the most challenging. Fomenting an “active civil society” involves not only taking advantage of the complementary role civil society can play in a context where the state does not have the resources to be able to provide services and public information in the entire territory of the country; it also involves tolerating criticism of Government policies and decisions by civil society and acting on that criticism where it is justified and motivated to do so. Indeed, in a context

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78 Code of Conduct, Part V, 5.1(b).

79 Code of Conduct, Part X, 10.1.

80 Code of Conduct, Part XIII.

81 Together with the UNDP, Liberian CSO:s Integrity Watch Liberia, CENTAL and Accountability Lab are already working on innovative techniques for citizens to easily and anonymously report cases of corruption via their phones.





where official accountability institutions are chronically underfunded, civil society and the independent media can supplement the role of these institutions at no cost to taxpayers, ensuring social accountability and helping the state to guarantee integrity. The conditions for the media and civil society to promote key rule of law principles should therefore be strengthened. One key step is support to joint platforms, such as the National Integrity Forum, comprising both integrity institutions and CSOs concerned with promoting integrity standards in the public and private sectors.

- Liberia is struggling with widespread and deeply entrenched corruption. This gives rise to an urgent need to examine the roles and responsibilities of the government, media, civil society, the general public and development actors in tackling corruption. Research shows that there is a strong correlation between good governance and increasing levels of social and economic development, which in turn are key to achieving Liberia's own development aspirations and the UN 2030 Agenda. Developing a professional ethics culture among the civil service is a crucial step. But to build a broader culture of integrity, it is equally important to spread awareness about ethical values in society, in order to motivate all citizens to both expect integrity from their civil servants and act with integrity in their own lives.■

