

# Laying the Foundation for Good Governance in Liberia

Liberia's successful 2005 elections demonstrated that even in devastated, post-conflict environments the will exists to tackle political finance issues early in a nation's struggle for peace and democratization. The need clearly exists because post-conflict nations, with their collapsed institutions, are most vulnerable to the corrupting influences of money in politics. Liberia's 2003 peace agreement, which ended five years of civil war, established a transitional government and called for elections by October 2005. Presidential and legislative elections were held on October 11, 2005. In the lead-up to these elections, Liberians' concerns about money in politics included the continuing influence of ousted leader Charles Taylor, the problem of vote buying and the use of state resources in electioneering.

Remembering the experience of the 1997 elections, which brought Charles Taylor to power, Liberians advocated for a level playing field that could diminish the threat of continued war. They established rules that restricted the use of money in campaigns and encouraged financial transparency, thereby promoting the credibility of the 2005 electoral process and enabling voters to make more informed choices at the ballot box. By establishing a campaign finance reporting regime for the 2005 elections, Liberians—in particular the National Elections Commission (NEC) and civil society groups—sought to enhance the transparency of their elections and to assist in the fight against corruption, encouraging good governance and economic development in the longer term. Three factors—the existing legal framework, the commitment of the NEC and the political will of key stakeholders—enabled Liberians to build a solid framework for regulating campaign finance in the 2005 elections, even during a fragile and challenging post-conflict period.

## Legal Framework

The 1986 constitution and election law laid the foundation for Liberia's campaign finance reporting regime. Between them, these two documents (1) require political parties and candidates to report sources of funding and campaign expenditures to the NEC before and after the elections; (2) limit the amount of money each candidate can spend on campaigns; (3) give the elections commission the power to order certified audits of the financial transactions of political parties and candidates; (4) ban corporations and labor unions from contributing to political parties and candidates; (5) prohibit political contributions from outside the country, unless from Liberians residing abroad; and (6) make bribery in elections an illegal offense.

Until the 2005 elections, there were no mechanisms in place to implement these campaign finance provisions and, hence, there was no compliance with the law. It was only under the NEC, established in 2004, that serious discussions on campaign finance in Liberia were held among political stakeholders. As an outcome of these discussions, the NEC issued the Campaign Finance Regulations in July 2005, which enabled it to implement the existing law and gave the political parties and candidates specific guidance on financial reporting requirements, including deadlines, reporting periods, details to be reported and reporting forms. The Campaign Finance Regulations also specified both the penalties for non-compliance and which infractions could be referred to the Ministry of Justice for investigation. Including all of the various supporting guidelines, procedural manuals and reporting forms, Liberia's legal, regulatory and procedural framework is among the most comprehensive in all of Africa. The actions of the NEC in 2005 marked the first time that the campaign finance provisions of the 1986 constitution were implemented in Liberia.

## Commitment of the NEC

Of course, Liberia's regulatory framework would not have existed without the work of the NEC, which has the responsibility of promulgating rules and guidelines for the administration of elections. Unlike previous commissions, the NEC of 2004-2005—and now the current Elections Commission (ECOM), named in early 2006 by the new government—has shown a serious and continued commitment to implementing the constitution and increasing the transparency of political funding.

At the policy level, the chair and the commissioners of the NEC were instrumental in eliciting support for its campaign finance initiatives from Liberia's political actors and civil society. Beginning in early 2005, they held workshops with political parties to discuss campaign finance. Later, the NEC established the Inter-Party Consultative Committee, a forum for regular consultations between the commission and the parties on all aspects of the electoral process. The NEC's campaign finance efforts were not welcomed by all political actors. While some larger, more established and

better financed political parties saw the financial reporting requirements as attempts to control their operations, some smaller parties were concerned about their capacity to comply. However, at one of the consultative meetings at which party objections were voiced, NEC Chair Frances Johnson-Morris seemed to help turn the tide of the discussion by stating: "We have perhaps gotten into this mess [the civil war] by not respecting the constitution. We need a new Liberia in which we will respect the constitution." Following that meeting, the political parties agreed to form a working group to study the draft campaign finance regulations and provide feedback to the NEC. Ultimately, the political parties accepted the final regulations.

Of the many initiatives undertaken by the NEC to regulate campaign financing, one of the most critical was the requirement that all aspiring candidates disclose their assets and liabilities in order to be eligible to run. Of the 762 candidates who contested the elections for president, vice-president and seats in the legislature, all disclosed their assets and liabilities to the NEC, as required by the constitution. In turn, and according to its Campaign Finance Regulations, the NEC made these disclosures public on its website, among other places. As a result, information on all 94 winning candidates—as well as on the unsuccessful candidates, some of whom have since been appointed senior officials in government—is available for scrutiny. As one Liberian civic activist and campaign finance monitor noted, "Now we can see who goes into government with one small house and comes out with five mansions."

Enforcing candidates' disclosure of assets and liabilities was only one NEC action designed to increase the transparency of political funding. NEC staff also trained political parties and candidates in the candidate nomination process and the campaign finance reporting requirements. Its two-person Audit Section—in addition to its auditing duties—reviewed all reports submitted by political parties and candidates and prepared the financial summaries and the candidate financial disclosure forms for publication in newspapers and online. The NEC's Legal Section, Audit Section and the Department of External Relations were crucial in developing and implementing the campaign finance regime, each playing their appropriate role. As the daily liaison between parties/candidates and the NEC, External Relations was particularly effective in encouraging compliance. In conducting these activities, the NEC was supported by IFES, with funding from the U.S. Agency for International Development.

While international support for the NEC's efforts to promote transparency of campaign finance was important, it was in no way the driving force for these initiatives—particularly as the NEC was not the only actor in Liberia concerned about the influence of money in these important post-war elections. As early as 2004, when the NEC began its first stakeholder consultations to prepare for the 2005 elections, political parties (established and new), the media and civil society all expressed concern about elected offices being for sale and about the use of state resources in campaigning.

### **Political Will of Key Stakeholders**

While some political parties were hesitant to see the establishment of a campaign finance reporting regime, for the most part, political actors did want increased transparency in campaign finance. Some were concerned about the potential influence of former President Charles Taylor, who was rumored to be looking to control the elections from Nigeria, where he was living at the time. Others were concerned about the influence of local/foreign businesses or vote buying on election outcomes. Finally, there was an overwhelming feeling that everyone needed to work toward a "new Liberia." Many were tired of war and felt that this election marked Liberia's last chance to move toward normalcy. This attitude prevailed throughout the elections, which were the most credible and participatory in the country's history.

Liberia's civil society organizations led the charge to support transparent elections. With the media, they urged people to "vote wisely" in an attempt to counter the common practice of voting for "rice not rights"—meaning that bags of rice proffered by candidates do more to garner votes than a reasoned and relevant platform. In addition to conducting voter education campaigns, civil society groups advocated for campaign finance reform, supported the NEC's development of regulations and pushed political parties/candidates to abide by the law. For the first time, civil society organizations and the media worked to expose campaign finance violations and inform the public (as well as the candidates) of the reporting requirements and the prohibition of certain types of spending. For example, the Campaign Monitoring Coalition (CMC), an alliance of several Liberian civil society organizations, issued reports that documented acts of vote buying and the misuse of state resources and tracked campaign spending. CMC's reports were covered by the Liberian media, which also conducted some independent investigations of the campaign practices of the parties and candidates.

### **Liberia's Successes**

By building on its existing legal framework, and led by the commitment of the NEC and enhanced political will,

Liberians were able to develop a clear and comprehensive campaign finance regime. They established a coalition of agents of change—the NEC, political parties, civil society organizations and the media—interested in working for more transparent campaign finance, and they encouraged the monitoring of campaign finance issues by civil society and the media. As a result, 100 percent of candidates disclosed assets and liabilities, 100 percent of successful candidates submitted pre- and post-election campaign finance reports and 100 percent of the submitted disclosure forms were made public by the NEC. In addition, more than 50 percent of the political parties submitted annual financial reports.

These are significant achievements, but of course there is also room for improvement. Among unsuccessful candidates, the disclosure rates were less impressive, with 35 percent submitting pre-election campaign finance reports and only 23 percent submitting post-election reports. Disclosure also needs to increase among the political parties. However, overall, Liberia's campaign finance system performed well in the country's first post-conflict elections, and the decision to make disclosure a requirement for candidate nomination likely enabled such complete disclosure. Most importantly, Liberians have begun to build a solid regulatory framework for future elections.

### **Next Steps for Liberia**

On January 16, 2006, the country's new government took office, led by Africa's first female president, Ellen Johnson-Sirleaf. In her inaugural speech, President Johnson-Sirleaf committed her government to the fight against corruption:

The first testament of how my Administration will tackle public service corruption will be that everyone appointed to high positions of public trust, such as the Cabinet and heads of public corporations, will be required to declare their assets. I will be the first to comply, and I call upon the Honorable Speaker and the President Pro-Temp to say that they comply.

President Johnson-Sirleaf's resolve to limit the unfair influence of money in politics bodes well for Liberia's continued commitment to improve its campaign finance system. For the system to become a respected and institutionalized component of the electoral and governance processes, Liberians must address the following four challenges. Legal framework. Reports of widespread vote buying during the 2005 elections have led some to call for clearer definition of this act in the election law and campaign finance regulations. Now that the framework has been tested in practice, it should be reviewed for other ways to facilitate the implementation of its provisions.

Enforcement. Some political parties and candidates failed to comply with the campaign finance reporting requirements, and some flaunted other aspects of the regulations, particularly those banning the use of state resources in the conduct of political activities. For the campaign finance regulations to have "teeth," enforcement will need to be strengthened through closer cooperation between the NEC and the Ministry of Justice.

Civic education. Vote buying and the use of illegal funds in political campaigns will continue in Liberia if the public is not better informed about the negative impact that these actions have on Liberia's democracy. Civic education campaigns with strong anti-corruption messages need to make clear the ways that practices like vote buying or undisclosed contributions from businesses keep citizens focused on special interests rather than on the common good. Political parties need to make their voices heard in this campaign as well.

Anti-corruption initiatives. Campaign finance reform needs to be linked to a general anti-corruption strategy for Liberia. During the 2005 elections, the abuse of state resources by political contestants was shown to be a significant problem. Control of state resources needs to be addressed in conjunction with a comprehensive national strategy to combat corruption.

Given Liberia's history of conflict, lack of democratic governance and general impoverishment, these challenges are not surprising, and Liberia faces similar challenges related to capacity building, education and empowerment in other areas. However, the successes that Liberia was able to achieve in campaign finance show that combating corruption and developing a strong system of good governance is possible. In its achievements, Liberia can serve as an example not only to other post-conflict nations but also to developing democracies, many of which have not tackled the issue of campaign finance with such commitment and concern.

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