

Independent Reporting Mechanism

Action Plan Review:
Liberia 2020-2022

Open
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Partnership



Independent
Reporting
Mechanism

Introduction

Starting in January 2021 the IRM began rolling out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons after more than 350 independent, evidence-based and robust assessments conducted by the IRM and the inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The new IRM products are:

1. **Co-Creation Brief** - brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product is scheduled to roll out in late 2021, beginning with countries co-creating 2022-2024 action plans.
2. **Action Plan Review** - an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product is scheduled to roll out in early 2021 beginning with 2020-2022 action plans. Action Plan Reviews are delivered 3-4 months after the action plan is submitted.
3. **Results Report** - an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019-2021 Action Plans ending implementation on 31 August 2021. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of Liberia's 2020-2022 action plan. The action plan is made up of 12 commitments that the IRM has filtered and clustered into 11. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see section III, Methodology and IRM Indicators.

¹ For more details regarding the IRM Refresh visit <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>.

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Section I: Overview of the 2020-2022 Action Plan

Liberia's fourth action plan continues ambitious reforms—including beneficial ownership transparency, open contracting, and whistleblower protections—that were not implemented in previous plans. The Open Government Partnership (OGP) Liberia Secretariat sought to strengthen government ownership of these commitments. However, the Independent Report Mechanism (IRM) recommends responsible government agencies establish clear roadmaps and monitoring plans to address obstacles that have inhibited successful open government reforms and to deliver on Liberia's ambitious aims.

Liberia's fourth action plan contains 12 commitments, six of which were carried over from previous action plans. Continued commitments—such as those for beneficial ownership and open contracting—are ambitious, clear, and largely identical to previous versions. Yet these ambitious reforms had a low rate of implementation in preceding cycles. Therefore, achieving comprehensive implementation should be the Liberian multistakeholder forum's focus moving forward.

This action plan was developed through a consultative process involving government officials, civil society, and citizens. A multistakeholder steering committee considered IRM recommendations and proposals from citizens, civil society organizations, and government officials. Four new commitments were selected from the proposals. These commitments concern an open government response to the COVID-19 crisis, prevention of gender-based violence, and youth civic participation.

During co-creation, the OGP Liberia Secretariat assigned a principal actor for each commitment. The Secretariat gave these actors the mandate and authority sufficient to ensure implementation. This constitutes important progress over the previous co-creation cycle.

However, other obstacles that blocked implementation in previous plans remain. Implementers should establish clear roadmaps and monitoring plans to ensure that each commitment meets its objective. For example, Commitment 4 (to enact the Whistleblower and Witness Protection Bill) has been unsuccessful and carried over for two action plans.

AT A GLANCE

Participating since: 2011
Action plan under review: 2020-2022
IRM product: Action Plan Review
Number of commitments: 12

Overview of commitments:*

- Commitments with an open gov lens: 12 (100%)
- Commitments with substantial potential for results: 5 (42%)
- Promising commitments: 4

Policy areas:

- Beneficial ownership transparency
- Budget transparency
- Access to justice
- Civil service integrity
- Open contracting
- Legislative transparency

Emerging:

- Transparency and participation in healthcare
- Tax revenue transparency
- Gender-based violence prevention
- Youth civic participation

Compliance with OGP minimum requirements for Co-creation:

- Acted according to OGP process: Yes

Another obstacle to implementation is a lack of alignment between the stated objective and listed activities in commitment design. For example, Commitment 5 (on open and inclusive contracting) highlights the challenges women face in participating in government procurement processes. However, it does not state how the commitment's activities would improve women's opportunities to participate in government procurement.

This review focuses on the four most promising commitments in Liberia's fourth action plan. These commitments are ambitious, verifiable, and relevant to OGP values. Commitment 1 aims to establish a public beneficial ownership register across industries. Commitment 4 would significantly strengthen Liberia's legal and institutional anticorruption framework, in part through the passage of the Whistleblower and Witness Protection Bill. Commitment 5 would create a much-needed open contracting portal. Finally, Commitments 6 and 12 are clustered together, as they both aim to increase transparency and civic participation in Liberia's healthcare system. Specifically, they seek to open the country's COVID-19 response.

* For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.

Section II: Promising Commitments in Liberia's 2020-2022 Action Plan

The following review looks at the four commitment clusters that the IRM identified as having the potential to realize the most promising results. This review will inform the IRM's research approach to assess implementation in the Results Report. The IRM Results Report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the implementation period of the action plan. This review also provides an analysis of challenges, opportunities and recommendations to contribute to the learning and implementation process of this action plan.

Regarding the commitments not analyzed in-depth below, several (Commitments 2, 3, 7, 8, 9, 10, and 11) were assessed by the IRM as having modest potential for results. These commitments constitute positive steps forward but have moderate ambition. They largely focus on increased transparency through online portals, as opposed to broader reforms that could serve as game changers to the policy areas being addressed. However, implementation of these commitments can act as a springboard for more ambitious reforms in future action plans. Commitment 11 mainly constitutes a monitoring and evaluation roadmap for the action plan itself, which is important, given Liberia's low implementation track record. However, the IRM will assess it as part of Liberia's efforts to meet OGP procedural recommendations and guidelines, part of the Participation and Co-Creation Standards.

Two commitments, 7 and 10, as written in the action plan, begin to address pressing national issues. However, they are not analyzed below, as they are of moderate ambition and face especially significant implementation obstacles. Commitment 7 takes the vital step of creating a central database of bills for the legislature. However, it does not clearly identify the responsible authority within the national legislature that would ensure the implementation of the milestones. Additionally, very low rates of internet usages in Liberia mean that the register would not increase legislative transparency for most Liberians. Implementers should consider hard-copy, audio, and visual formats that are tailored to their audience in content, format, and language. Likewise, making public consultations standard practice for all bills would represent a more systematic reform.

Commitment 10 introduces the new policy areas civic space and youth participation to Liberia's OGP commitments. Limited opportunities for Liberia's young population make up a critical issue. Yet the commitment does not specify how the milestones, mainly focused on events and a report, would translate to permanent policy changes. The difficulty of such translation is evidenced by past National Youth Summits. To strengthen this commitment, the Ministry of Youth and Sports could consider incorporating policies and procedures aimed at ensuring ongoing and meaningful dialogue between youth and the government, with an emphasis on ensuring government responsiveness.

The four promising commitments in the table below are all initially assessed as ambitious, verifiable, and relevant to OGP values. All four commitments propose binding and institutionalized changes to government institutions, policies, or practices. The first three

represent ongoing open government aims, while the fourth commitment cluster applies an “open response, open recovery” approach to the COVID-19 pandemic.

Table 1. Promising commitments

Promising Commitments
Commitment 1: Beneficial Ownership Transparency - A public beneficial ownership register would significantly increase Liberians’ access to information on who holds the reins to corporate power. Data published according to the Beneficial Ownership Data Standard would enable civil society to better monitor public procurement spending and would help the private sector conduct business with greater confidence.
Commitment 4: Supporting Institutions of Integrity - The passage of the Whistleblower and Witness Protection Bill and creation of a special anticorruption court and National Integrity Committee would significantly strengthen Liberia’s anticorruption framework.
Commitment 5: Open and Inclusive Contracting Standards - An open contracting portal with detailed and timely procurement data, paired with civil society oversight, would greatly increase transparency and accountability in government spending.
Commitments 6 and 12: Improve and Open Healthcare Delivery - Greater Ministry of Health transparency of budget and supply allocation, medical supply chain management, and emergency procurement would improve the efficacy and accountability of the government’s COVID-19 response.

Commitment 1: Beneficial Ownership Transparency (Liberia Business Registry, Liberian Extractive Industries Transparency Initiative, and Liberia Business Association)

For a complete description, see commitment 1 in <https://www.opengovpartnership.org/documents/liberia-action-plan-2020-2022/>

Context and objectives

The Government of Liberia has slowly made progress toward beneficial ownership transparency over the last decade. In 2017, civil society advocated for inclusion of a beneficial ownership transparency commitment in Liberia’s second action plan.³ This commitment was not started by the end of the implementation period. It was tasked to the Liberia Anti-Corruption Commission, which did not have a mandate over business registration and licensing information.⁴

During co-creation, the steering committee proposed this commitment be continued in the 2020-2022 action plan. The participants considered the importance of this commitment in creating an open and transparent business atmosphere. Civil society organizations also strongly supported this commitment,⁵ particularly in light of foreign companies’ encroachment on Liberian business space, creating a need for transparency and accountability.

The Liberian Business Registry (LBR) holds responsibility for implementation of this commitment and was extensively engaged during co-creation.⁶ The LBR houses all information regarding ownership of companies and business entities and has the statutory mandate and responsibility to collect this information.⁷ The LBR, a well-equipped state agency, maintains the necessary budget and staff. This commitment seeks to build on LBR’s mandate to publish business

ownership information publicly.⁸ The Liberian Extractive Industries Transparency Initiative will assist with capacity building and awareness raising, and will conduct a risk assessment to determine sectors that may warrant a lower disclosure threshold.

This commitment aims to establish the legal and institutional framework to maintain an online public beneficial ownership data register in compliance with the Beneficial Ownership Data Standard.⁹ Specifically, the commitment seeks to create a coordination committee to review the supporting legal framework and appoint a lead in LBR to oversee the portal. The commitment also aims to develop a system to verify ownership data. These activities represent significant steps toward revealing the beneficial owners of Liberian companies and uncovering illicit gains.

Potential for results: Substantial

According to the 2020 Financial Secrecy Index, Liberia has a financial secrecy score of 78, which is considered “exceptionally secretive.” Based on this metric, Liberia is the seventh most secretive financial jurisdiction in the world.¹⁰ Liberia’s financial secrecy has landed the country on several international blacklists.¹¹ The Panama Papers leak further implicated Liberia and has heightened international scrutiny.¹²

In April 2020, Liberia amended the Associations Law to define a beneficial owner and create an obligation to file beneficial ownership data with the Liberia Business Registry.¹³ Despite progress, currently, no legal mandate exists for the government to publish beneficial ownership data outside the extractives sector.¹⁴ There is also no register for beneficial owners outside the extractives sector. Therefore, expansion of beneficial ownership disclosure across all sectors would represent substantial open government reform.

Disclosure of beneficial owners in the extractives sector was legally mandated under the 2009 Liberian Extractive Industry Transparency Initiative (LEITI) Act and 2014 Petroleum Act. From 2009 to 2011, LEITI attempted a pilot project to disclose beneficial ownership data in the sector. However, the pilot faced significant challenges and saw only a 55 percent compliance rate.¹⁵ Compliance—including that among government agencies—remains an issue.¹⁶ In 2016, LEITI published a roadmap for improved beneficial ownership transparency. However, as of 2019, it made no progress.¹⁷ The commitment’s aim to mandate beneficial ownership disclosure and verify compliance is essential to creating a functional register. However, this commitment would be strengthened if the government introduced sanctions for noncompliance or for submitting false information.

An absence of regulations for foreign nationals threatens to create a double standard. Liberia permits foreigners to purchase nonresident corporations with no requirement to disclose ownership or pay taxes to Liberia. Additionally, the Liberian International Shipping and Corporate Registry, managed in the United States, enables ships to circumvent tax rates, labor standards, and other regulations. Fees collected through this register were previously used under President Charles Taylor’s regime to purchase arms during the Liberian Civil War.¹⁸ This reform would have a greater impact if the register includes Liberian companies owned by foreign nationals.

Despite these limitations, beneficial ownership transparency would offer major open governance benefits. For example, it would empower journalists and civil society to “follow the money” and see who benefits from government contracts. It would also enable investors and companies to

conduct due diligence and enter into contracts and investments with Liberian companies with greater confidence.

Opportunities, challenges and recommendations during implementation

Previous Liberian Extractive Industries Transparency Initiative (LEITI) efforts demonstrate that beneficial ownership transparency in Liberia will require sufficient political and legal incentives for agencies and companies to comply. Additionally, successful implementation will require strong leadership from the Liberia Business Registry (LBR), as well as a coalition of beneficial transparency champions in civil society, the legislature, civil service, and the private sector. Specifically, the IRM recommends the following:

Legal Framework and Interoperability

- LBR should partner with civil society and consider international legal standards, such as Open Ownership guidance, when developing a robust legal framework.¹⁹
- LBR and LEITI should prioritize engaging legislators to strengthen political support for beneficial ownership disclosure.
- LBR and LEITI should partner with legislators to ensure that the 2020 Associations Law provides a legal foundation to translate beneficial owner data collection to ongoing and comprehensive public disclosure.
- LBR should ensure transparency requirements apply equally to Liberian and foreign national beneficial owners.
- LBR and the Public Procurement and Concessions Commission should ensure the open contracting platform in commitment 5 and the beneficial ownership register are interoperable, to aid Liberia's anticorruption efforts.

Monitoring, Sanctions, and Enforcement through Multistakeholder Oversight

- The Coordinating Committee identified in milestone 1 should offer a multistakeholder platform that brings together relevant government, civil society, and private sector representatives.²⁰
- The Coordinating Committee should engage leadership across government agencies to increase government compliance and set an example for the private sector.²¹
- LBR should establish sanctions that are sufficiently comprehensive, proportionate, and dissuasive, which could include both monetary fines and other penalties.²²
- LBR should actively seek out and engage independent civil society partners to provide third party monitoring and oversight of implementation efforts.
- The OGP Steering Committee should regularly touch base with the LBR to monitor implementation progress and assist in navigating unforeseen challenges.

Commitment 4: Supporting Institutions of Integrity (Liberia Anti-Corruption Commission)

For a complete description see commitment 4 in <https://www.opengovpartnership.org/documents/liberia-action-plan-2020-2022/>

Context and objectives

Liberia's last two action plans have sought to pass the Whistleblower and Witness Protection Bill unsuccessfully.²³ Unlike previous iterations of this commitment, this version aims to establish an anticorruption court and a National Integrity Committee. It also shifts its focus from educating incoming government civil servants to educating public school students. The Center for Transparency and Accountability in Liberia and the Liberia Anti-Corruption Commission proposed these new elements.²⁴

High levels of corruption disrupt government services and democratic processes in Liberia.²⁵ The 2020 Corruption Perceptions Index ranked Liberia 127 out of 180 countries. Since 2013, Liberia has worsened 10 points on the index, currently ranking at a low score of 28 points out of 100.²⁶ This commitment proposes a suite of activities that aim to address government corruption, although the link between each activity and the commitment's aim is not made explicit. The commitment's actions include passing the Whistleblower and Witness Protect Bill, which has stalled in government over the last decade largely due to a lack of political will in the legislature.²⁷ Additionally, the Liberia Anti-Corruption Commission seeks to establish a special corruption court. This court would have jurisdiction over all corruption-related cases and would prosecute cases when the Ministry of Justice does not act.²⁸

This commitment proposes incorporation of integrity, transparency, and accountability education in the Liberian public school curriculum. It particularly targets the middle group of learners—those in junior and senior high school—and would gradually advance to university education. The intent is to provide education to the younger generation so that everybody understands the dangers of corruption and begins to reject it in every fabric of society.

The proposed National Integrity Committee mentioned in milestone 4 would be composed of members from both the government and civil society organizations. The committee would monitor high-risk institutions. While there are plans to make findings of this committee public, the commitment text does not specifically relay how the committee and its findings would help inform decision making. The IRM did not find further evidence of the mandate and function of the committee.

Potential for results: Substantial

Whistleblower protections in Liberia have existed since 2009 through a string of executive orders.²⁹ Those executive orders ban retaliation against public or private employees who expose improper actions that harm the public.³⁰ However, whistleblower harassment continues to occur, often with impunity.³¹ Therefore, the long-sought passage of the Whistleblower and Witness Protection Bill (WWPB) would be a substantial open government achievement. A special anticorruption court would adjudicate corruption-related cases. In particular, the court would fast-track and address prosecution delays previously experienced due to heavy workload of judiciary staff. Importantly, the National Integrity Committee would ensure that civil society organizations

(CSOs) are centrally involved in anticorruption efforts. Finally, yet importantly, the incorporation of integrity, transparency, and accountability education in Liberia’s public school curriculum would gradually shift the population’s knowledge and mindset to promote a collective stand against all forms of corruption in the long run.

Prior to this action plan, the WWPB had been submitted to the national legislature but was yet to be acted upon. The draft is not publicly available, and the contents are unknown. However, Ralph G. Jimmeh Jr. of the OGP Liberia Secretariat stated the bill follows basic Transparency International principles.³² Previous IRM reports indicated that the lack of political will in the legislature to move forward with the act remains the main hindrance.³³ In this action plan, the Liberia Anti-Corruption Commission, OGP Secretariat, and others intend to rally CSOs to advocate for the passage of the bill.

Opportunities, challenges and recommendations during implementation

Two key challenges stand to limit implementation. First, the establishment of a special court requires support and coordination across government, in addition to sufficient resources. Second, there is a lack of political will to pass and enact the Whistleblower and Witness Protection Bill (WWBP). With this in mind, the IRM recommends the following:

Overall

- The executive branch should grant the Liberia Anti-Corruption Commission (LACC) sufficient resources,³⁴ leadership stability,³⁵ and political independence to carry out its mandate and oversee implementation of this commitment.

Passing the Whistleblower and Witness Protection Bill

- LACC should partner with civil society—and maximize President George Weah’s support—to build legislative support for the WWPB.³⁶
- The legislature or LACC should consult civil society and the public on the content of the WWPB.

Establishing an Anticorruption Court

- LACC should establish a multistakeholder task force to promote the cross-government coordination needed to establish the court.

Establishing a National Integrity Committee

- LACC should oversee a fair and transparent selection process for committee members.
- LACC should publish the mandate, function, meeting minutes, findings, and composition of the committee.

Note on commitment design: This commitment continues Liberia’s pattern of aiming for ambitious open government reforms. However, previous action plan cycles indicate that implementation is a continuous challenge.³⁷ The IRM recommends that Liberia further break down future commitments to ensure feasibility. For example, establishing a special anticorruption court could stand alone as a commitment. This commitment could be designed to ensure the close collaboration among the LACC, civil society, the judiciary, and the legislature required for major reform. Milestones under this commitment could then lay out the practical necessary steps, such

as consulting with civil society on the court's makeup and procedures, ensuring transparent court processes and data collection, building support within government, and increasing public awareness.³⁸

Commitment 5: Open and Inclusive Contracting Standards (Public Procurement and Concessions Commission)

For a complete description see commitment 5 in <https://www.opengovpartnership.org/documents/liberia-action-plan-2020-2022/>

Context and objectives

This commitment was carried over from Liberia's previous action plan, as it was not started.³⁹ Corruption in public procurement has been a long-standing issue in Liberia, resulting in a significant loss of government revenue.⁴⁰ Open contracting forms one prong of the Liberian government's anticorruption agenda. The OGP Steering Committee chose to continue this commitment in the current action plan. Milestone 5 responds to citizen proposals to enhance women's awareness and participation in government procurement processes.⁴¹

This commitment seeks to reduce corruption and improve transparency and accountability in public procurement. It aims to do so by adopting the Open Contracting Data Standard,⁴² instituting timely and comprehensive publication of contract data, engaging in civic outreach, and establishing a multistakeholder open contracting forum to monitor compliance. Resultantly, this commitment is relevant to all three OGP values: transparency, civic participation, and public accountability.

Prior to the launch of the action plan, the OGP Liberia Secretariat engaged the Public Procurement and Concessions Commission (PPCC), the media, and civil society organizations to begin engaging women entrepreneurs. The commitment text does not specify activities to address challenges facing women in business. However, the Secretariat noted that the intention is to engage women entrepreneurs and the media to create awareness about government procurement processes and opportunities. The PPCC will provide training on how the media and women can be involved in public procurement.⁴³

Potential for results: Substantial

Liberia has gradually moved toward open contracting since the passage of the Public Procurement and Concession Act in 2010.⁴⁴ The Public Procurement and Concessions Commission's eProcurement Platform currently provides basic information, such as a list of businesses eligible to compete for public tenders, calls for proposals, and approved contracts over 10,000 USD.⁴⁵

According to a 2017 review, procurement information disclosure is not standard practice in Liberia. Information is published in closed formats and is often untimely and incomplete. There is a lack of technical capacity and infrastructure. The lack affects the ability of the government to disclose data and the ability of civil society and the public to make use of the data. Resultantly, the government and civil society struggle to monitor implementation of contracts. The Liberian

Extractive Industries Transparency Initiative (LEITI) has faced compliance and technical challenges in publishing public contracts in the extractives sector, as mandated by the 2009 LEITI Act.⁴⁶ Online publication of all procurement contracts, in an accessible and timely manner, would therefore be a significant improvement from the status quo.

Examples from around the world demonstrate that greater transparency and accountability in public procurement leads to government savings, increased competition, and improved public services. Vitally, open contracting would also contribute to increased citizen trust in government.⁴⁷ Women's participation in public procurement as users, planners, and suppliers is critical for the creation and monitoring of effective public services.⁴⁸ Media involvement in government procurement is important for transparency and accountability.

This commitment includes ambitious milestones to strengthen procurement transparency and accountability. However, there remains opportunity to further increase its ambition by actively creating spaces for women's participation and media monitoring of government contracting.

Opportunities, challenges and recommendations during implementation

As with other commitments, the greatest challenge will be implementation. A change in government and Public Procurement and Concessions Commission (PPCC) leadership stalled implementation in the last action plan.⁴⁹ With this in mind, the IRM recommends the following:

- The executive branch should grant the PPCC sufficient independence.⁵⁰ It should also install sufficient leadership stability⁵¹ for the PPCC to carry out its mandate and execute this commitment.
- The PPCC could undertake an advocacy strategy and create a coalition of influential allies to implement open contracting reforms.⁵² The Open Contracting Partnership (OCP) is happy to support the government and civil society organization partners. OCP also offers resources for strategic communications and power mapping.⁵³
- The PPCC could explore working with the OCP, which expressed a desire to support implementation, especially regarding adopting the Open Contracting Data Standard, engaging women, and implementing procurement process oversight.⁵⁴
- The PPCC could identify key achievable goals, such as flagging tenders and awards vulnerable to corruption—as demonstrated by Makueni County in Kenya's Corruption Risk Dashboard—or publishing data on women's engagement.⁵⁵
- The PPCC and civil society partners should clearly articulate how the commitment's activities would contribute to gender equality in procurement. Specifically, the PPCC can consider the following examples from African OGP members:
 - Kenya has committed to give 30 percent of procurement opportunities to women, youth, and people with disabilities. Citizen consultations and monitoring will also prioritize these groups.⁵⁶
 - Nigeria committed to include women-centered organizations in its Public Procurement Monitoring Working Group.⁵⁷

Commitments 6 and 12: Improve and Open Healthcare Delivery (Ministry of Health, iLab Liberia)

For a complete description see commitments 6 and 12 in <https://www.opengovpartnership.org/documents/liberia-action-plan-2020-2022/>

Context and objectives

This cluster represents a new policy area in Liberia's OGP action plans. Commitment 6 is a direct result of citizen input during co-creation and aims to increase citizen involvement and understanding of health service delivery.⁵⁸ Open government activities include government and civil society collaboration to develop guidelines for health services, an increased medical supply chain, and emergency procurement transparency. County health boards would bring together local administrative officials, key citizens, health practitioners, and civil society organizations.⁵⁹ The commitment aims to address challenges facing Liberia's healthcare system, such as lack of adequate health services and facilities, low accountability in health supply chains, lack of public information on health services, and low citizen participation in the management of healthcare delivery.

In Commitment 12, iLab Liberia commits to collect, analyze, visualize, and share healthcare data. These reforms are relevant to the OGP values of transparency and civic participation.

A 2021 Afrobarometer survey found that while most Liberians approve of the government's COVID-19 response, 78 percent believe that relief is not being distributed fairly. Very few citizens trust the government's COVID-19 statistics, and 81 percent believe that "some" or "a lot" of COVID-19 resources were lost or stolen due to government corruption.⁶⁰ Ensuring an open and accountable response to COVID-19 is vital to saving lives and restoring citizen confidence in the government.

Potential for results: Substantial

The Ebola outbreak exposed the cracks in Liberia's fragile healthcare system. Government resistance to transparency and to partnering with civil society severely weakened the response.⁶¹ The corruption, endemic throughout the Liberian government, also led to the siphoning off resources intended to address the emergency. Resultantly, citizens' trust in the government decreased, along with their willingness to follow government health guidelines.⁶² Similarly, the COVID-19 pandemic has placed a significant strain on Liberia's healthcare system, as well as the relationship between Liberians and their government.

This commitment's open government opportunities lie in the Ministry of Health's aim to disclose health service data (milestone 3) and increase collaboration among local administrative officials, key citizens, health practitioners, and civil society organizations through county health boards (milestone 4). Like many countries, Liberia has received large aid packages to shore up the healthcare system's COVID-19 response.⁶³ Ongoing and comprehensive government disclosure of health funding and supply distribution would enable civil society and the media to track the government's pandemic response.

Such external scrutiny can complement government efforts to uncover inefficiencies and discrepancies along the supply chain. This, in turn, promises to strengthen Liberian and

international partners' confidence in Liberia's healthcare delivery. Such efforts are vital, as 78 percent of Liberians believe that relief is not being distributed fairly.⁶⁴

For substantial results, the Ministry of Health should go beyond passive release of healthcare data to actively collaborate with civil society to monitor the distribution of vital health goods. Therefore, county health boards serve as the crux of this commitment, as they can contribute to, verify, and act on information released by the Ministry of Health. Milestones 1 and 2—to increase the number of health workers and improve communication—are undoubtedly important during a pandemic. However, these activities are not related to open government and therefore are not the focus of this analysis.

At the time of writing, iLab Liberia had already collected health census data, created graphs and maps (available online),⁶⁵ and released downloadable open data.⁶⁶ Prior to iLab Liberia's efforts, the latest health facility data for Liberia was from 2017.⁶⁷ The data is thorough and well presented. The next step involves ensuring that the data is used by the government, civil society, and the public to make informed decisions. Moreover, collaborative implementation of this cluster by iLab Liberia and the Ministry of Health could be a creative and effective path to furthering these reforms.

Opportunities, challenges and recommendations during implementation

In 2014, Sierra Leone adapted OGP commitments to publish Ebola outbreak and international assistance data. Sierra Leone's Development Assistance Data now houses COVID-19 aid information. At the local level, Elgeyo Marakwet, Kenya, and Kigoma-Ujiji, Tanzania, have both committed to medicine supply chain transparency.⁶⁸ These examples provide useful roadmaps but also indicate the difficulty of sustaining reforms over time.

The Ministry of Health should develop a continuity plan and make sure reforms are sufficiently institutionalized so that they continue after the COVID-19 emergency has passed. Additionally, the government should partner closely with civil society that can carry forward reforms when changes in government leadership occur.⁶⁹ Developing these institutions with an aim for long-term use would make Liberia's healthcare system more resilient in future crises. Specific recommendations for implementation of this commitment include the following:

County Health Boards

- The Ministry of Health should empower county health boards with sufficient authority to actively monitor and raise recommendations and concerns around healthcare supply chains and delivery.
- The Ministry of Health should ensure that the perspectives of vulnerable sectors of the population are represented on county health boards.
- The Ministry of Health could consider how to expand citizen participation nationally, as the commitment aims to institute boards in eight out of 15 counties.
- The Ministry of Health should publish county health boards' mandate, membership, meeting minutes, and communications in a timely manner.

Healthcare Transparency

- The Ministry of Health should publish the resource allocation formula that guides supply and budget distribution to counties and the Ministry of Health monitoring and evaluation unit's findings.
- Given that iLab Liberia has experience visualizing and publishing health data, the Ministry of Health could collaborate with that organization to ensure data is in accessible formats that meet the needs of county health boards, the media, and civil society at large.

³ "Liberia Design Report 2017-2019," Open Government Partnership, <https://www.opengovpartnership.org/documents/liberia-design-report-2017-2019/>.

⁴ "Liberia Implementation Report 2017-2019," Open Government Partnership, <https://www.opengovpartnership.org/documents/liberia-implementation-report-2017-2019/>.

⁵ Ralph G. Jimmeh Jr. (OGP Liberia Secretariat), interview by IRM researcher, 24 March 2021.

⁶ Ralph G. Jimmeh Jr. (OGP Liberia Secretariat), interview by IRM researcher, 24 March 2021.

⁷ For more information about the Liberia Business Registry, see <https://lbr.gov.lr/faq/>.

⁸ Ralph G. Jimmeh Jr. (OGP Liberia Secretariat), interview by IRM researcher, 24 March 2021.

⁹ "Beneficial Ownership Data Standard. (v0.2)," Open Ownership, <http://standard.openownership.org/en/0.2.0/>.

¹⁰ Tax Justice Network. *Financial Secrecy Index 2020: Narrative Report on Liberia, 2020*, <https://fsi.taxjustice.net/PDF/Liberia.pdf>.

¹¹ Tax Justice Network, *Financial Secrecy Index 2020: Narrative Report on Liberia, 2020*, <https://fsi.taxjustice.net/PDF/Liberia.pdf>.

¹² "Liberia Design Report 2017-2019," Open Government Partnership, <https://www.opengovpartnership.org/documents/liberia-design-report-2017-2019/>.

¹³ "Liberia Action Plan 2020-2022," Open Government Partnership, <https://www.opengovpartnership.org/documents/liberia-action-plan-2020-2022/>.

¹⁴ "Liberia Action Plan 2020-2022," Open Government Partnership, <https://www.opengovpartnership.org/documents/liberia-action-plan-2020-2022/>.

¹⁵ "Beneficial Ownership Disclosure," Liberian Extractive Industries Transparency Initiative, <https://eiti.org/liberia#beneficial-ownership-disclosure>.

¹⁶ "For Failing to File Timely Data, LEITI Publishes Names of Delinquent Companies," Liberian Extractive Industries Transparency Initiative, 5 January 2018, <http://www.leiti.org.lr/delinquent.html>.

¹⁷ The latest LEITI report available online is "10th and 11th EITI Report for Liberia," 2018, <http://www.leiti.org.lr/leiti-reports.html>.

¹⁸ Tax Justice Network, *Financial Secrecy Index 2020: Narrative Report on Liberia, 2020*, <https://fsi.taxjustice.net/PDF/Liberia.pdf>.

¹⁹ See "Beneficial Ownership in Law: Definitions and Thresholds," Resources, Open Ownership, <https://www.openownership.org/resources/>.

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Section III: Methodology and IRM Indicators

The purpose of this review is not an evaluation as former IRM reports. It is intended as an independent quick technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the priority of the commitment for country stakeholders and the priorities in the national open government context.

To determine which reforms or commitments the IRM identifies as promising the IRM follows a filtering and clustering process:

Step 1: Determine what is reviewable and what is not based on the verifiability of the commitment as written in the action plan.

Step 2: Determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitments need to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its “potential for results” should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:

- a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may use as reference the thematic tagging done by OGP.
- b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments by clusters as needed. Commitments may already be organized in the Action Plan under specific policy or government reforms or may be standalone and therefore not clustered.

Step 4: Assess the potential for results of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback as needed, interviews and validation with country-stakeholders, and sign-off by the IRM’s International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

I. Verifiability

- “Yes”: Specific enough to review. As written in the action plan the objectives stated and actions proposed are sufficiently clear and includes objectively verifiable activities to assess implementation.

- “No”: Not specific enough to review. As written in the action plan the objectives stated and proposed actions lack clarity and do not include explicit verifiable activities to assess implementation.

*Commitments that are not verifiable will be considered “not reviewable,” and further assessment will not be carried out.

II. Does it have an open government lens? (Relevant)

This indicator determines if the commitment relates to open government values of transparency, civic participation or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance and by responding to the guiding questions below.

Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institutions or decision-making process more transparent, participatory or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will government create or improve opportunities, processes or mechanisms for the public to inform or influence decisions? Will the government create, enable or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy or institutional frameworks to foster accountability of public officials?

III. Potential for results

Formerly known as the “potential impact” indicator, it was adjusted taking into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM Results Report, after implementation. Given the purpose of this Action Plan Review, the assessment of “potential for results” is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements or policies without indication of the added value or enhanced open government approach in contrast with existing practice.

- **Modest:** a positive but standalone initiative or changes to process, practice or policies. Commitments that do not generate binding or institutionalized changes across government or institutions that govern a policy area. For example, tools like websites, or data release, training, pilot projects.
- **Substantial:** a possible game changer to the rules of the game (or the creation of new ones), practices, policies or institutions that govern a policy area, public sector and/or relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Ruth Kendagor (independent researcher) and overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- César Nicandro Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

For more information about the IRM refer to the “**About IRM**” section of the **OGP website** available [here](#).

Annex I. Commitment by Commitment Dataⁱ

Commitment 1: Beneficial Ownership Transparency

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Substantial

Commitment 2: Budget Transparency

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

Commitment 3: Access to Justice

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

Commitment 4: Supporting Institutions of Integrity

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Substantial

Commitment 5: Open and Inclusive Contracting Standards

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Substantial

Commitment 6: Improve and Open Healthcare Delivery

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- This commitment has been clustered as: Open Healthcare Delivery (Commitments 6 and 12 of the action plan)
- **Potential for results:** Substantial

Commitment 7: Engaging Citizens in the Legislative Process

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

Commitment 8: Open Information and Public Engagement to Support Revenue Generation

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

Commitment 9: Accountability and Transparency in Addressing Sexual and Gender-Based Violence

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

Commitment 10: Youth Engagement for Protection of Civic Space

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

Commitment 11: Monitoring and Next Steps

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Unclear

Commitment 12: Monitoring and Next Steps II

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- This commitment has been clustered as: Open Healthcare Delivery (Commitments 6 and 12 of the action plan)
- **Potential for results:** Substantial

¹ Editorial notes:

1. For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Liberia's action plan: <https://www.opengovpartnership.org/documents/liberia-action-plan-2020-2022/>.

Annex 2: Minimum Requirements for Acting According to OGP Process

According to OGP’s Procedural Review Policy, during development of an action plan, OGP participating countries must meet the “Involve” level of public influence per the IRM’s assessment of the co-creation process.

To determine whether a country falls within the category of “involve” on the spectrum, the IRM assesses different elements from OGP’s Participation & Co-Creation Standards. The IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitute the minimum threshold:

1. **A forum exists:** There is a forum to oversee the OGP process.
2. **The forum is multistakeholder:** Both government and civil society participate in it.
3. **Reasoned response:** The government or multistakeholder forum documents or is able to demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment or rejection.

The table below summarizes the IRM assessment of the three standards that apply for purposes of the procedural review. The purpose of this summary is to verify compliance with procedural review minimum requirements, and it is not a full assessment of performance under OGP’s Co-Creation and Participation Standards. A full assessment of co-creation and participation throughout the OGP cycle will be provided in the Results Report.

Table 2. Summary of minimum requirements to act according to OGP Process

<i>OGP Standard</i>	<i>Was the standard met?</i>
A forum exists. A Steering Committee established in April 2018 spearheaded the action plan development process. ⁷⁰	Green
The forum is multistakeholder. The Steering Committee consists of 10 members, with equal representation from government and civil society.	Green
The government provided a reasoned response on how the public’s feedback was used to shape the action plan. The Steering Committee considered and prioritized proposals from government, civil society organizations (CSOs), and citizens. The committee met with commitment proposers. All proposals considered were submitted to CSOs for feedback before final approval.	Green

⁷⁰ At the time of writing, Liberia’s OGP repository (<https://www.ogpliberia.org/>) did not contain evidence to confirm that Liberia met the minimum OGP Participation and Co-Creation Standards. However, the IRM confirmed that these standards were met through interviews with the OGP Liberia Secretariat, OGP Support Unit, and a civil society member. Ralph G. Jimmeh Jr. of the OGP Liberia Secretariat and Theo Chiviru of the OGP Support Unit confirmed the existence of a Steering Committee that had both government and nongovernment members during the co-creation of the action plan. Anderson Miamen of the Center for Transparency and Accountability in Liberia (CENTAL) stated that the government provided feedback on civil society organization (CSO) and public suggestions, primarily through Steering Committee meeting deliberations. The Steering Committee mainly communicated through online meetings and emails, due to COVID-19. Miamen added that examples of citizen and CSO input on the action plan are reflected in the deliverables in the anticorruption commitments and in Commitment 4’s focus on passing the Whistleblower and Witness Protection Bill. Ralph G. Jimmeh Jr. (OGP Liberia Secretariat), interview by IRM researcher, 30 March 2021; Theo Chiviru (regional lead, Africa and the Middle East, Open Government Partnership), 10 May 2021; and Anderson Miamen (CENTAL), interview by IRM researcher, 30 March 2021.