

Mainstreaming Integrity in Public Administration

Victoria J. Cooper-Enchia

Chemonics International

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Abstract

The fundamental distrust of government that resulted from decades of financial mismanagement and abuse of public trust in Liberia is associated with a lack of integrity among civil and public servants, elected and appointed officials. For good governance, growth and prosperity in Liberia—where society and economy have been devastated by civil conflict—there is a need for leaders who are competent and who demonstrate, encourage and enforce ethical behavior and integrity. While the Government of Liberia has established the institutions and legal frameworks to guide the behavior of public servants, the institutional and national leadership must lead by example. These legal frameworks can underpin behaviour, but they must not replace it. Integrity is a personal choice – to be honest, respectful and trustworthy, even when no one is watching. Public sector leaders are responsible for the creation of an institutional culture and climate which reinforces integrity or discourages unethical decisions and actions.

Recent surveys reveal that corruption remains a problem in Liberia, even with laws and institutions created to deter it. Much remains to be done to re-build trust in key public institutions. Public servants follow the behavior of their leaders. It has also been observed that the perception of corruption, ethics and integrity is correlated across sectors, implying that improvements in one area will reinforce trust in public service in general. This is promising and worth pursuing. As we move towards the future, it will be necessary to develop a consensus on the meaning of ethics and integrity in the Liberian context – one that is owned and accepted by all stakeholders. This paper focuses on the notions outlined above, and proposes to establish a “Public-Sector Coalition for Ethical Leadership and Integrity” in Liberia, led and guided by the Governance Commission. This would enable public servants to engage in dialogue with civil society, with a view to developing a more widespread sense of integrity and facilitating change in the Liberian public sector.

Introduction

Liberia's 14-year civil conflict destroyed the very fabric of the society and economy. This deepened the fundamental public distrust of the government that was already in place after decades of financial mismanagement and a perceived lack of integrity among civil and public servants, elected and appointed officials. To rebuild public trust and to create good governance, growth and prosperity, Liberia requires leaders that are competent and ethical, working with integrity as they deliver services for the public good. Liberia is not a poor country, it is a rich country that has been poorly managed, and a strong emphasis on integrity in public administration could help it reach its potential.¹

Historical Context

Liberia's process of transition to from conflict to post-conflict began with the Comprehensive Peace Accord (CPA) of 2003 which had a constitutional basis for its emphasis on anti-corruption and non-conflict of interest. It drew upon the constitution of the Republic of Liberia, which states that:

- No person, whether elected or appointed to any public office, shall engage in any other activity which shall be against public policy, or constitute conflict of interest.
- No person holding public office shall demand and receive any other perquisites, emoluments or benefits, directly or indirectly, on account of any duty required by Government.
- The Legislature shall, in pursuance of the above provision, 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."²

The CPA allowed for the creation of several fundamental institutions intended to address many of the underlying causes of the conflict, one of which was corruption. Three institutions to note:

- The Governance Reform Commission was created as the vehicle for the promotion of the principles of good governance. Their mandate included ensuring transparency and accountability in governance, in all government institutions and activities, ensuring national and regional balance in

¹ Republic of Liberia, *Poverty Reduction Strategy*, 2008: 38.

² Republic of Liberia, *Constitution of the Republic of Liberia*, Chapter XI, Article 90: 40.

appointments without compromising quality and integrity and acting as the public ombudsman.

- The Contract and Monopolies Commission was established to oversee activities of a contractual nature undertaken by the National Transitional Government of Liberia. Their mandate included ensuring that public financial and budgetary commitments were transparent, non-monopolistic, ensuring that public officers did not use their positions to benefit from any contract financed from public funds and that procurements were competitive and transparent. Commissioners were to be persons of sound judgement and integrity who were independent of the commercial sector.
- The National Elections Commission (NEC) was to be reconstituted and independent. Their operations were to run in conformity with UN standards, ensuring that the rights and interests of Liberians were guaranteed and that elections were organized in a manner that would be acceptable to all. Appointments to the NEC would include men and women of integrity.³

Based on the above points, it is clear that the CPA established integrity as critical within the Liberian Public Service, re-establishing morality as a core characteristic and value of a public administrator. A sense of morality and integrity are foundational to the legitimacy of public administrators and leaders must continue to acknowledge this responsibility.⁴

Integrity Institutions and Guidance

The National Transitional Government of Liberia and the democratically elected government thereafter enacted laws creating various institutions and legal frameworks to guide the behavior of public servants. These include the General Auditing Commission, which was granted autonomy to comply with Article 89 of the Liberian Constitution (2005), the Public Procurement & Concessions Commission Act (2005), the Governance Commission Act (2007), the Liberia Anti-Corruption Commission Act (2008), the Public Finance Management Act (2009), the Liberia Extractive Industries Transparency Initiative Act (2009), the Freedom of Information Act (2010) and the National Code of Conduct for All Public Officials and Employees (2014).

³ United Nations Security Council. *Comprehensive Peace Accord*, Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy, the Movement for Democracy in Liberia and the political parties Accra, Ghana: Annex to the Letter dated 27 August 2003 from Permanent Representative of Ghana to the U.N. addressed to the President of the Security Council) 18 August 2003: 13 – 15.

⁴ Charles Garofalo and Dean Geuras, “Administrative Leadership and Transparency” in *Ethics and Integrity in Public Administration Concepts and Cases*, ed. Raymond W Cox III, (M E Sharpe, Inc. 2009).

These legislative instruments and institutions, while necessary, are not replacements for leadership underpinned by ethics and integrity. The latter involves making hard choices, accepting transparency and the careful use of discretion. Ethical leaders should have a genuine commitment to decisions and behavior that demonstrate their trustworthiness and the use of moral judgment in policy and management, rather than simply adhering to directives.⁵

The National Code of Conduct (2014) defines integrity as follows:

“Public Officials and Employees of Government shall not place themselves under any financial obligations or other situations of conflict that impair, or are likely to impair, the performance of their official duties; and will set out the facts and relevant issues truthfully, and correct any errors as soon as possible. They shall use allotted resources only for the authorized public purposes for which they are provided.”⁶

It defines ethics as follows:

“Ethics: means moral principles, dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the rights and wrongs of the motives and ends of such actions.”⁷

The Cambridge Dictionary’s⁸ definition of integrity is “the quality of being honest and having strong moral principles that you refuse to change.” Wikipedia⁹ adds to the definition with:

The word *integrity* is believed to have evolved from the Latin adjective *integer*, meaning *whole* or *complete*.^[3] In this context, integrity is the inner sense of “wholeness” deriving from qualities such as honesty and consistency of character. As such, one may judge that others “have integrity” to the extent that they act according to the values, beliefs and principles they claim to hold.”

Integrity is fundamentally a character trait, while ethics embody a belief system for behavior that is defined externally and accepted. Both reference behavior deemed honest and acceptable by the wider public. For example, the Code of Conduct provides the legal framework for public servants to accept gifts from the public, presenting the acceptable guidelines as follows:

⁵ Ibid.

⁶ Ibid., 5.

⁷ Ibid., 3.

⁸ *Cambridge Advanced Learner’s Dictionary*, fourth edition.

⁹ Wikipedia, last updated 2017.

- Casual Gifts: any unsolicited present or gift, of a modest scale given to a public official or employee of government which is not connected to their official duties, which does not exceed US\$200.00 in value. This provision shall not apply to gifts given during cultural and customary celebrations.¹⁰
- Public officials and employees of the government shall not receive nor encourage the giving of any form of bribe or casual gift in connection with the performance of his or her official duties, whether for himself or herself or members of his or her family or any other benefits that could have any influence on his or her professional approach to issues and the discharge of his or her official duties. This shall not include gifts given during traditional ceremonies and celebrations, and fees paid for lobbying. The legislature shall enact laws for the regulation of lobbying activities.
- Every public official and employee of government shall report to his or her head of institution any circumstances where a benefit or gift was offered or made regardless of whether the benefit or gift was accepted, especially where the public servant feels that such circumstances constituted attempts to influence his or her official action/decision.

In a country like Liberia, a gift of US\$200 or US\$250 is quite significant. It may seem in contradiction to the definitions of integrity mentioned above to allow the acceptance of such gifts even in the context of cultural ceremonies. However, the Code of Conduct attaches a strong transparency requirement to the permission to accept gifts and token gifts under such circumstances.

Public sector leaders and institutions influence the manner in which discretionary power is used by public servants. Their interpretation of legal instruments and conduct creates and reinforces organizational culture, or the “basic assumptions and beliefs that are shared by members of the organization”.¹¹ The individual behavior of public servants occurs within the psychological environment determined by the organizational climate.¹² This results in the organizational ethical climate becoming a collection of shared perceptions on what constitutes ethically correct behavior and how ethical issues should be handled.¹³ An employee observing a public sector

¹⁰ Ibid., 6.

¹¹ E. Schein, “Defining Organizational Culture” in *Classics of Organization Theory*, ed. J.M. Shafritz and J.S. Ott (New York: Wadsworth, 1985): 435.

¹² Charles Garofalo and Dean Geuras, “Administrative Leadership and Transparency” in *Ethics and Integrity in Public Administration Concepts and Cases*, ed. Raymond W Cox III, (M E Sharpe, Inc. 2009): 88-89.

¹³ Victor and Cullen 1987.

leader receiving multiple casual gifts of US\$200 may be presented with an ethical dilemma.

Perceptions of Integrity in the Liberian Public Sector

The National Integrity Barometer survey¹⁴—undertaken in 2012 to assess the public perception of corrupt practices in Liberia regarding service delivery in the health, education, judiciary, civil protection, and business sectors—used corruption as an indicator of integrity. The objective of the survey was to provide information which could be used to help curb corruption; promote transparency, accountability and integrity in the public service; as well as better inform policies for improved governance. The survey provides no explicit definition of integrity but it considers that a public servant's behavior must be above reproach, characterized by integrity, truthfulness, respect, honesty, sincerity, and must be at all times in the public interest.¹⁵ Survey data was collected from 1,400 households in seven counties (Grand Bassa, Grand Cape Mount, Grand Gedeh, Grand Kru, Lofa, Montserrado and Nimba), and 600 questionnaires were administered to business owners in those counties across the four sectors.¹⁶

To illustrate what Liberians consider the causes of corruption, comments from a public health worker, an immigration officer, a court employee and a police officer were offered. First, public health workers considered that leaders were responsible for corruption in the health sector because staff are widely underpaid. The immigration officer determined that corruption existed in rural locations as there too, salaries are inadequate and operational funds are not decentralized. The court employee identified corruption as a serious problem in the judiciary and court, with leaders being responsible due to nepotism in employment and unfair salary practices. The police officer blamed the policy makers, line officers and leaders for corruption because salaries are low and poor policies suffer from poor implementation.¹⁷

According to a separate report by the Open Government Partnership, which noted that despite training provided by the United Nations Mission in Liberia (UNMIL) and other international partners to support the reform of the Liberia National Police (LNP), corruption and extortion appeared to be imbedded within the police culture.¹⁸ These public sector employees looked to their managers for leadership and considered that these leaders were ultimately responsible for their corrupt behavior and not themselves. The study showed that approximately half of all of the respondents agreed that corruption exists, while the other half disagreed.¹⁹ These

¹⁴ Henry Karmo, "Liberia: National Integrity Barometer Rates Liberia's Judiciary with Very Low Marks," *FrontPage Africa*, 20 December 2013.

¹⁵ Duo 2012.

¹⁶ *Ibid.*

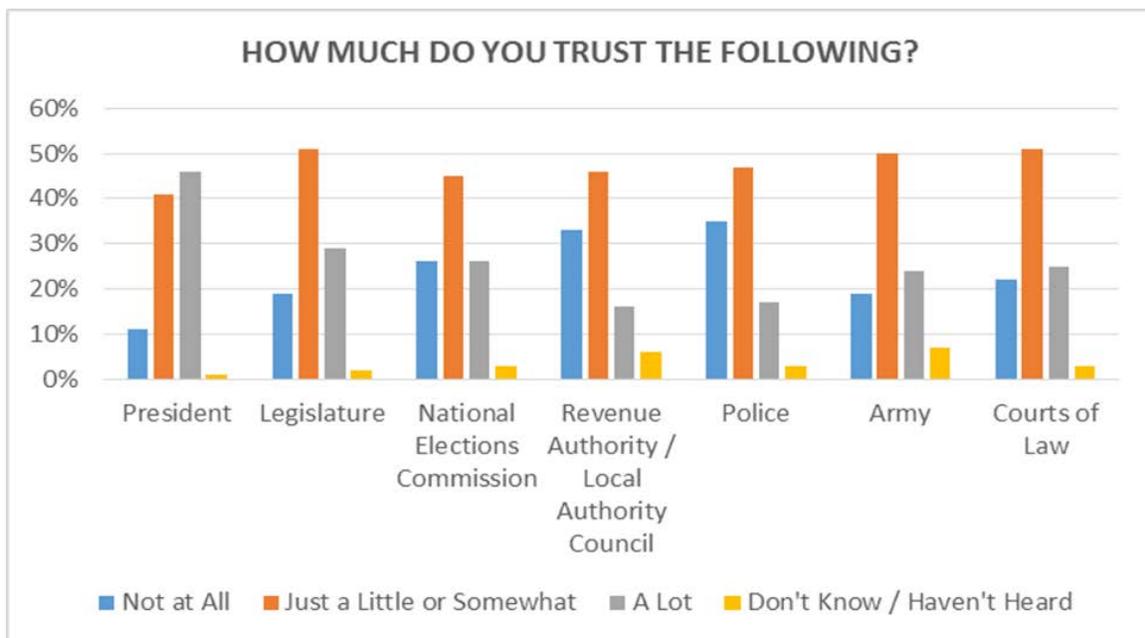
¹⁷ *Ibid.*

¹⁸ Bloh 2013-14.

¹⁹ Duo 2012.

results, and the comments of public servants above, imply that there is a general lack of understanding of the impact of corruption in Liberia, and the meaning of ethics and integrity.

In 2013, Afrobarometer undertook what they called a “Popular Assessment of Corruption and Trust in Public Institutions”. According to the results, 70 percent of respondents answered the question, “How much do you trust the following?” with regard to seven Liberian public institutions with “not at all” or “just a little or somewhat.” They were: the Liberian National Police – 82 percent; the legislature – 80 percent; the National Revenue Authority – 79 percent; Courts of Law – 73 percent; National Elections Commission – 71 percent; and the Armed Forces of Liberia -69 percent.²⁰ From such results, it is clear that the legal frameworks and institutions mentioned earlier in this paper have not had the desired result of significantly reducing corruption, or indeed public perception of corruption.



Source: Afrobarometer Survey 2013

Although Liberia has had relative peace and stability for more than a decade now, it remains fragile. This fragility is rooted in the fact that the structural conditions that gave rise to the conflict have not been fully addressed. Many of them are related to issues such as transparency and accountability in the management of state resources, the rule of law, access to justice, citizens’ participation in decision-making processes, and limited access to affordability and quality social services.²¹ Liberia’s

²⁰ Afrobarometer, “What are Liberians Saying about Corruption and Trust in Public Institutions in Liberia? An Afrobarometer Survey Reveals,” August 2013.

²¹ Oscar Bloh, “Independent Reporting Mechanism – Liberia Progress Report 2013-14,” Open Government Partnership: 45.

inability to address these issues and to change the behavior of public servants continues to erode public trust and could undermine peace.

The institutional culture of the Liberian public sector has a predictive influence on ethical behavior. While institutional culture provides a framework for guidance, public sector employees make judgments about which course of action is correct based on the ethical climate. While attitudes are changeable, beliefs and values are more resistant.²² And because public servants follow their leaders, it is fundamental to have leaders who are competent and who perform to high ethical standards and integrity.

The Mainstreaming Process

An approach to mainstreaming ethics and integrity in public administration that requires responsibility and accountability at all levels of government leadership would be a first step in the process of reducing corruption and rebuilding public trust. Responsibility focuses on internal control while accountability focuses on external control and monitoring.²³

The National Code of Conduct and various legal instruments offer some standards of conduct and guidelines for ethical decision making. However, it would be more effective to take a normative approach. The normative ethics approach would utilize existing legal instruments and be developed with public sector leaders in the executive, legislature and the judiciary.

Conclusion: Developing an Agenda for Action for a Public-Sector Coalition for Ethical Leadership and Integrity

Building ethical behavior and integrity within public administration in Liberia is a long-term process. Approximately 65 percent of the population is under 35; a major portion of their life was disrupted by the civil conflict and there is no basis to assume they understand integrity and ethics. Therefore, there is first a fundamental need to obtain an understanding and interpretation of the concept of ethics and integrity in Liberian society. As a next step, the leadership needs to accept that it is their responsibility to demonstrate, encourage and enforce these principles.

The National Integrity Forum, the Governance Commission and the Civil Service Agency all have within their mandates some elements of enhancing integrity in the

²² Garofalo and Geuras 2009.

²³ H.F. Gortner, "Ethics and Public Personnel Administration" in *Public Personnel Administration: Problems and Prospects*, 3rd ed., ed. S.W. Hays and R.C. Kearney (Englewood Cliffs, NJ: Prentice-Hall, 1995).

public sector. The National Code of Conduct provides for a public ombudsman and the Liberian constitution states a requirement for integrity in public administration. These institutions and documents would provide the basis for creating a “Public-Sector Coalition for Ethical Leadership and Integrity.” The Governance Commission’s National Integrity Systems mandate area appears the natural leader for this initiative, with the Governance Commission reporting to both the office of the president and the public.

The coalition would have no set timeframe but could begin with the following activities:

- Develop a public sector consensus on the definitions of ethics and integrity within the Liberian context and within the public sector. Start with public sector institutions and then include civil society and others.
- Develop, and provide to the public sector, practical guidelines on ethics and integrity with examples to help public servants make the right decisions.
- Develop a safe space for public servants seeking support in doing the right thing, providing help in making ethical decisions if necessary. The appointment of an ombudsman would be helpful.
- Provide mandatory training on integrity and ethics, accountability and responsibility, for both elected and appointed officials, public servants and civil society, with the addition of certificates and scheduled refreshers.
- Establish non-negotiable penalties for ethics and corruption breaches and enforce them in all three branches of government.
- Undertake a study of ethics and integrity within the public sector—including government ministers and high-level officials—and across Liberian society. The study would seek information on institutional culture and climate, the perceived impact on growth, development and peace of any of lack of ethics and integrity and would include recommendations for change to achieve ethical behavior and integrity.
- The findings of the study should be discussed and shared in large and small forums with various stakeholder groups and civil society. Separate public institutional groupings would target different sectors to enable the relevant findings and recommendations to be discussed, expanded and refined.

The outcome of the survey and work of the coalition would guide the next course of action in developing and defining exactly how ethical leadership and integrity can be achieved and mainstreamed in the Liberian public sector.

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