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Preliminary Report of the

Business Climate Working Group Meeting

"Identifying and Removing Binding Constraints to the Ease of Doing Business in Liberia"

Bella Casa Hotel 3rd Street Sinkor- 18 December 2018

TABLE OF CONTENTS

1. Executive Summary
2. Introduction
3. Summary of some of the Doing Business Indicators and Rankings and Scores
a. LEC
b. LBR
c. LRA
d. Dealing with Construction Permits
e. Resolving Insolvency and Getting Credit
Conclusion
Matrix

Executive Summary

The Ministry of Finance and Development Planning held a series of meetings aimed at addressing some of the binding constraints to the business climate in Liberia. These meetings came against the background of a Presidential mandate of 18 October 2018, in which H.E. Dr. George Manneh Weah constituted the Business Climate Working Group to explore evolving challenges and prospects of the Liberian business environment and workout helpful plans and strategies towards improvement.

The Ministry of Finance and Development Planning as Chair of the BCWG held series of meetings, set up a High-Level Ministerial Committee comprised of ministers and directors of relevant government institutions and a Technical Working Group (TWG) to work with technicians from responsible ministries and agencies. During these technical meetings, matrices outlining the challenges, opportunities for improvement as well as the identification of "quick wins" were underscored. The exchange of ideas contributed positively to the development of this preliminary report as directed by the President.

While this preliminary report is not exhaustive of the ten (10) World Bank Doing Business Indicators, it however, focuses on key areas that pose challenges to the business climate in Liberia. A full version of this report will be presented after consultations with other relevant stakeholders to include the Judiciary Branch and the Bankers' association. Important areas such as access to credit and resolving insolvency are slightly discussed in this report with the expectation that the full report will capture all of the necessary elements needed to improve access to credit and resolving insolvency. Finally, this executive summary gives a snapshot or synopsis of some of the critical issues that have been achieved and that are needed to be addressed in the short, medium and long terms with a more detailed analysis in the body of this report.

1.0. Introduction

On 18 October 2018, the President of the Republic of Liberia, H.E. Dr. George Manneh Weah constituted the Business Climate Working Group (BCWG) with the mandate to amongst other things explore evolving challenges and prospects of the Liberian business environment and workout helpful plans and strategies towards improvement. The President further directed the Working Group to identify quick 'low hanging fruits' in the business climate and deliver them in the shortest possible time.

The World Bank 2018 and 2019 Doing Business reports rank Liberia as 172 and 174 respectively out of 190 economies to include developed and developing countries. With a poor ranking, Liberia finds itself farther from the Distance to Frontier (DtF) score which measures the level of reforms and progresses a country has made over the period. Furthermore, except for 4 indicators (Starting a Business, Paying taxes, Getting Credit and Solving Insolvency), Liberia fell short of the Sub-Saharan African Ranking and Score. Investors wanting to invest in any country in most cases use the Doing Business Report as a means of informing their cost-benefit analysis decision. A lower score has the propensity to create uncertainty in the business climate and stalls domestic as well as foreign direct investment (FDI).

The lack of an enabling business-friendly environment can serve as a hindrance to the implementation of the Government of Liberia Pro-poor Agenda for Prosperity and Development (PAPD), which among other things focuses on moving more than one million Liberians out of absolute poverty by 2023 through the creation of jobs opportunities. A poor business environment can undermine a country's credit rating, reduce access to credit, limit domestic resource mobilization, places more liability on governments' limited resources, and even create social tension due to weakened private sector investment.

Against these challenges, the President mandated the BCWG to, within a period of six weeks, report to him on findings of some of the binding constraints that inhibit a good business environment. He also instructed the Ad Hoc committee chaired by the Minister of Finance and Development Planning, Hon. Samuel D. Tweah Jr., to proffer policy recommendations that are essential for creating a business-friendly environment; one that will spur economic growth and job creations through the private sector in the years ahead.

The first meeting of the Business Climate Working Group was held on 30th October, at which time relevant institutions of Government, the private sector including the Liberian Chamber of Commerce, the Bankers Association of Liberia, the Liberia Business Association, and members of the donor community and friendly governments including the EU, IFC, World Bank brainstormed on the processes and actions needed to fulfill the presidential directive. At the end of the meeting, a Technical Working Group (TWG) was set up to work with all relevant institutions that were affected by the World Bank Doing Business Report ranking and score. Additionally, a High-Level Ministerial Committee (HLMC) comprising ministers and directors of ministries and agencies of government was also established. The idea concept was that the Technical Working Group will report regularly to the HLMC

on progress made so far. In short, the Technical Working Group worked with technicians from various ministries and agencies in identifying binding constraints and opportunities for reform and improvement. Secondly, the TWG will report its findings to the High-Level Ministerial Committee for review and inputs. Lastly, the HLMC presents the final report to the BCWG for review and approval and subsequent submission to the President.

This report summarizes the findings from each ministry and agency through the development of an active matrix that includes procedures - in some instances cost - challenges or constraints, opportunities for improvement as well as timeframe as the basis for benchmarking targeted deliverables. These summarizations present the reality of the situation and the urgency needed to address same within a specific timeframe. In each indicator, policy recommendations are provided as the way forward for improving the country's ranking and score in the coming years. A more detailed matrix is attached.

Summary of some of the Doing Business Indicators and Rankings and Scores

2.0 Liberia Electricity Corporation (LEC): Ranking (172)

On 23 November 2018, President H. E. George Manneh Weah through the National Security Council (NSC) identified the lack of electricity as a National Emergency (NE). The decision came against the sporadic demonstrations that have been taking place around the country by peaceful but yet frustrated residents as a result of the lack of electricity. The Liberia Electricity Corporation as one of the institutions mentioned in the World Bank Doing Business Report faces a myriad of challenges ranging from the shortages of transformers, power theft, lack of meters, delay in the procurement processes, and a very poor communication strategy and customer services.

As a means of technically proceeding, we developed a special matrix focusing on several major issues: lack of transformers, power theft, limited stocks of meters, poor communication strategy, poor customer services and delay in procurement and donor support. A summary of each of these indicators is in order.

a) Transformers: As of the time of writing this report, LEC had zero stock of 3 phase transformers with approximately 50x 15 KVA single phase transformers which are only useful in the rural parts of the country. There are more than 80 damaged transformers without any repair in the last three months due to financial constraints. LEC is currently engaging the repairer to at least repair 10 transformers before the end of December 2018. According to the LEC management, there are more than 100 damaged transformers. The Corporation was unable to procure transformers in the first 9 months of 2018. Due to the slow procurement process, as of 27 November 2018, the 45 emergency transformers have not been ordered. However, with the NSC' mandate, it is expected that transformers will be in the country by early February 2019. In order to solve the looming problems of transformers, LEC will need at least 150 transformers to resolve this 2018 impasse with a strong intent to have a regular flow of transformers in the country as of the second quarter of 2019. As a stop-gap measure, the World Bank has given the Corporation 50

transformers as a means of replacing the damaged ones.

b) Meters: Over the period of 2018, the Corporation has had a limited stock of meters due to poor procurement process as well as theft of meters. There is about 500 single phase that is being used to replace faulty meters while 50 (3 phase) meters are being used to connect new customers. Illegal connections by customers have resulted in the damage of more than 4,000 meters; something that is very costly to the Corporation.

As a means of resolving the issue of limited and damaged meters, the LEC recently reached an agreement with the World Bank through the provision of borrowing 5,000 meters to replace damaged meters and install new meters. Under this arrangement, the LEC will be able to replace 350 meters per months with the hope that it will be increased to 500 in early 2019. Measures have been instituted to ensure that stolen meters are immediately deactivated and unusable by another customer. An on-hand tablet application has also been developed to allow LEC teams determine the legitimacy of meters as well as the vending history.

In order to ensure the availability of meters in the country, the LEC is finalizing arrangements for the procurement of 2,500 meters to be delivered during the first quarter of 2019. Additionally, MCA-L will procure 2,500 meters during the first and second quarters of 2019, while the KFW will also procure 5,000 meters between February and March of next year. Under these donor-funded projects, it is expected that at the end of 2018, more than 10,000 customers will be connected while 30,000 and 70,000 customers are to be connected in 2019 and 2020 respectively.

c) Power Theft: The Corporation reported that losses from outright power theft are estimated at 50% of power generated. Mitigating the rate of power theft is a major challenge for the LEC management due to its fiscal deficit. Some of the stop-gap measures instituted include the establishment of a separate Revenue Protection Unit to coordinate and lead revenue protection strategies. A new whistleblower hotline (4600) to report the theft of electricity has also been established. Partnership with communities has been established so as to give them ownership and have them police transformers and meters, and to immediately report any form of illegal connections. To this end, The Corporation has made some successes by disconnecting more than 1,300 illegal connections during the months of September and October of this year.

Moreover, and as a means of curtailing power theft, all LEC field staff have been provided with proper identification and all LEC vehicles have been marked with large visible numbers to enable the public clearly identify LEC personnel and report those suspected of carrying out illegal activities on the network or/and soliciting bribes from the public. The Corporation intends to capture all meters into the billing system so as to identify and block stolen meters as well as to replace faulty ones.

The laws on power theft do not allow for criminal offenses. It is rather treated as a misdemeanor in the courts; allowing for violators or thieves to walk away with ease. Reducing power

theft will require an amendment to the law to include classifying power theft as "economic sabotage". The Corporation believes that with higher penalties such as horrendous fines and long term prison sentences, a lot of resources could be saved. Several meetings aimed at increasing the punishment for power theft with relevant Ministries including Finance and Development Planning, Justice, Mines and energy as well as the National Security Agency have been held without any firm resolution in sight.

- d) Communication Strategy: In recent times, the waves of sporadic demonstrations and street protests by residents in and around mainly Monrovia, have exposed the ineffectiveness of the Corporation's communication strategy. A few weeks ago, residents of the Jallah Town and 9th Streets communities staged street protests in demand of electricity. These two protests created unnecessary traffic in the city center, loss of revenue generation, disruption in normal schooling activities as well as splinter violence. Without an effective, preemptive and actionable communication strategy, there is a likelihood of more occurrences in protests. Protestors cited the inability of the LEC to respond to their request to repair damaged transformers without any significant timeline. One protestor noted that the LEC has failed to respond to several communications and on-site visitations to seek redress to their plight. The Corporation current communication strategy such as radio and television announcements, jingoes, the provision of a whistle-blowing code, community partnership seems not to be working effectively. With support from MCA-L in terms of finances, it is expected that LEC will carve out a more proactive communication strategy to address the many challenges including power and meter thefts as well as being proactively responsive to requests from communities affected by the system. Messages highlighting the loss of revenue due to power theft and the limited supply thereof, how illegal connection could reduce power supply and higher tariffs, as well as the benefits associated with the efficient use of electricity, are being envisaged for rollout in the coming months.
- e) Customer Service: The World Bank Doing Business Report mentioned that it takes approximately 482 days to get access to electricity. At current, a large portion of the customers' interaction with the Corporation is through face to face interaction at its Customer Service Center down Waterside. A survey through customer interactions and feedback shows that LEC has a very poor customer service; something the management itself has not denied. With poor customer service, the Corporation's ability to respond to the needs of its customer is way below average.

Moving forward, the Corporation has started to institute measures to address the poor quality of its customer service center. The MCC/MCA-L is currently funding a customer service improvement project to include the refurbishing of the existing customer service center at the waterside and the establishment of an additional Customer Service Center at another location to be identified. The new Integrated Management System (IMS), once installed, will monitor outages on the network and will allow for timely rectification work by field staff. The Corporation has installed 20 telephone lines to improve the response time as well. As a means of benchmarking its connection time, the Corporation by 2019 intends to simplify the connection process by utilizing technology to fast-track its operations.

f) Donor Support: As a means of improving its service delivery, the Liberia Electricity Corporation continues to receive support from donor partners to include the World Bank, the African Development Bank, the European Union, KFW, LESEP among others. Most of these initiatives are directed toward supply and installation of transmission lines, the construction of new stations, installation of new distribution and connection networks. A detailed matrix of donor support is attached.

3.0. The Liberia Business Registry: Starting a Business: Ranking (80)

The LBR is the first place to go when one decides to start a business. Prior to the onset of the Ebola Virus, starting a business in Liberia was very effective and took less amount of days. However, all that has changed with numerous constraints responsible for the LBR's inability to make progress by improving its ranking. The World Bank Doing Business Report asserts that it takes approximately 18 days just to get a business registered in Liberia. An assessment of the LBR shows that there are lots of binding constraints inhibiting its ability to be the first starter of an improved business environment.

The LBR named the lack of an up-to-date data business registration system with online services, inconsistent electricity power supply, and outdated IT equipment to include servers, scanners, and computers. The lack of well-trained staff, inadequate funding, and financial autonomy are also some of the constraints faced by the LBR. In spite of these numerous challenges, the LBR has made modest progress by establishing a customer service center to address taxpayers' concerns, inquiries, and feedback. With support from the Government, the LBR is optimistic that it can reduce the processing time from 18 to 6 days in six months and to 3 days in a years' time. With the provision of support, the LBR is optimistic that there will be an improvement in its Distance to Frontier Score from 88 to 50 by October 2019. In moving forward, the LBR wants autonomy from the Ministry of Commerce and Industry. With autonomy, the LBR intends to generate more financial support and become more viable in promoting a healthy business environment in Liberia.

4.0 Liberia Revenue Authority: Trading Across Borders (27.77), and Paying Taxes (76.7) According to the Doing Business Report, it takes 10.5 days to export goods and 11 days to clear goods imported into the country. The procedures for trading across borders include clearance and inspections required by Customs' authorities, clearance and inspections required by agencies other than customs, port of border compliance as well as the proliferation of checkpoints along the route i.e. from the Freeport of Monrovia to Luogatuo, Nimba County.

An examination of trading across borders shows that it takes on average 32 hours to process and transport goods across the border. This amount of time can pose a serious challenge by creating a disincentive to trade across borders by investors. The lack of a fully automated ASYCUDA at Customs' Business Offices, internet connectivity and inconsistency in electricity pose a serious challenge for improving the business climate. The Lack of harmonization between and amongst the LRA, NPA, APM Terminal and the Ministry of Commerce on the

one hand as well as the LRA, Liberia Immigration Service, and the Liberia National Police, on the other hand, are all factors that undermine the efficiency of reducing the time and saving cost.

The LRA believes that going forward, there is a need to establish more Customs Border Offices at border crossing points- this will mitigate the leakages and generate more revenue for the government. The ease of trading across borders will also require the rationalization of the business processes between and among different entities i.e. a one-stop shop at ports of entry. A reduction in the number of police checkpoints especially during the night time has been cited as one of the ways of reducing the number of hours to conduct trade across borders. The LRA recommends that in the short run, moving from Preshipment to Direct Inspection will help solve the problem of under-declaration. The harmonization of the Liberia Revenue Code is also essential to improving the business climate.

Regarding the issue of paying taxes, Liberia ranks 67 on the World Bank Doing Business Report. Regardless of this modest score, there is still an urgent need for further Advancement. Improvement in this sector would require the timely and adequate funding of the LRA to carry out its statutory mandate as well as the timely and fair adjudication of tax cases. Inconsistency in electricity and poor internet connectivity was also cited as constraints that could be resolved in the short run. Improvement in the generation of revenue from taxes in the short run will also require the registration and integration of the informal sectors, a collaboration with the Liberia Electricity Corporation and the Liberia Water and Sewer Corporation so as to improve real estate tax compliance as well as an integrated tax administration system.

With the introduction of bank transfer and mobile money as instruments for paying taxes, it is likely that the country score will improve in 2019. Furthermore, support from international partners including USAID, IMF, OSIWA among others will see a massive improvement in the tax system.

5.0 Dealing with Construction Permits (185)

Under the World Bank report procedures, there are 25 steps in obtaining construction permits. While the Ministry of Public Works, the Liberian Water and Sewer Corporation and the Environmental Protection Agency agreed that some of the steps mentioned in the DBR are not applicable to their procedures. The Ministry of Public Work informed the Technical Working Group that the 25 steps have been drastically reduced to 8 and that information on the new procedures are posted on the Ministry's website: www.mpw.gov.lr. As a means of further reducing the time, the MPW believes automation of the system will help reduce the number of days and time it requires to get construction permits. Improving the system will also require the use of GPS technology to fast track documentation and processes. With support, it is expected that in the short run, the MPW will increase the

speed of verification, reduce actual review period and digitized the system. Within the next six months, the MPW intends to increase compliance and city planning responsibilities

6.0 Resolving Insolvency (111); Getting Credit (112)

The World Bank report considers the time required to recover debt, the cost required to recover the debt and outcome of insolvency proceedings involving domestic legal entities. The process also includes three basic procedures in resolving insolvency. These include the foreclosure, court hearings, and the appealing process. It is estimated that it takes more than 3 years to go through these various steps. Progress to pass legislation to set the pace for an effective credit infrastructure framework has been made such that in 1999, the Legislature enacted a law to provide for the conduct of financial institutions as regulated by the Central Bank of Liberia. Part V of the

Furthermore, the Legislature enacted a law creating the Liberian Commercial Code of 2010 which led to the subsequent establishment of the Commercial Court of Liberia. Since then, the country has experienced an increase in scores under the World Bank Doing Business Report. The creation of the Collateral (Movables) Registry housed at the CBL has also shifted the needed upward in the DBR. The latest legislation supporting the development of a viable credit lending infrastructure is the Liberian Insolvency and Restructuring Act (LIRA) of 2017. The Act provides for an efficient and credible framework for the rescue of business and natural persons under financial distress. LIRA attempts to grow a 'Business Rescue' culture that brings hope particularly to micro, small and medium enterprises (MSME) that are often cash-strapped and more vulnerable to insolvency. With the enactment of LIRA, the Commercial Court continues to receive positive feedback from Commercial Banks as evidenced by noticeable improvement to resolve commercial disputes in a fast and predictable manner, while at the same time, Liberia's score under the Doing Business Index has moved from 168 to 111 out of 190 economies.

In terms of Getting Access to credit, small, medium-sized enterprises (SMEs) are heavily affected by limited access to credit in their local economy. Their capacity to expand their business activities across borders is also limited due to lack of available funding. Though small in terms of financial operations, however, when put together, SMEs represent the bedrock of the private sector. With significant access to credit, SMEs can play a more pivotal role in improving the economic outlook of the country. However, with limited access to credit or their inability to repay their debts on time and being dragged to court for recovery of loans pose severe problems for improvement and growth in the private sector. Without collateral with strong economic value that can minimize losses in an event of default, it is difficult for SMEs to get access to credit.

Furthermore, whether it is the use of litigation or alternative dispute resolution the process of recouping a loan can be cumbersome and expensive (Approximately 17-30% of indebtedness). The overcrowdedness of the Commercial Court and the antique nature of documentation can lead to a prolong adjudication process (sometimes 3-4 years), and the absence of timely redress for justice, impairs the attractiveness of investors. Without a

national credit registry that tracks credit history of borrowers, the possibility for lenders to make bad decisions will be high. A pending conference with judges of the commercial court, the bankers association and members of the business community to find a way forward

is scheduled to take place soon. It is expected that given the severity of this matter, the President, H. E. Dr. George Manneh Weah will also participate in the meeting.

7.0 Conclusion

The ease of doing business in any environment can lead to an expansion of business activities, economic growth and, job creation as well as peace and stability. Constraints, however, can suffocate the business environment since in most instances investors use these doing business indicators to help inform their investment decisions. The Business Climate Working Group meetings marked the beginning of the way forward in terms of creating a business environment that is attractive to domestic and international investors. The various high level and technical meetings were a clear demonstration of the Government of Liberia desire to see an environment in which there is a mutual relationship between and amongst major stakeholders in the business environment.

Lessons learned, and knowledge shared by various participants paved the way for identifying some of the many binding constraints to ease of doing business in Liberia. Their insightfulness also provided policy solutions with both 'quick wins' as well as medium and long term framework for improving the business climate in Liberia. With the level of commitment from various actors including the business community and the donor community, there is high optimism that the Country's ranking in terms of the World Bank Ease of Doing Business report will improve significantly in the coming years. However, as it stands, improvement in the sector will require prompt interventions from both the government, the private sectors and other stakeholders in addressing some of the challenges mentioned in the summary of this preliminary report.

Entities	Activities	Ong oing	1-3 Mnth	3-6 Mnths	6-12 Mnth	Comment
	Power Theft					Wants the Justice System to consider power theft as "Economic Sabotage"
	22 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		✓.			45 transformers to be procured by February 2019
LEC	Transformers	~				Has received 50 transformers for distribution from the World Bank
		1				Will have more than ten damaged transformers repaired before the end of December 2018
					✓	Needs 150 transformers for 2018 and 2019
	Meter	1				Beginning December 2018 will provide 350 and 500 meters on a monthly basis to customers
			✓			Will have 10,000 meters in stock by March 2019
	Autonomy	✓	1	1		Wants autonomy from MOCI
LBR	Scanner/Electricity	~	*			Needs financial support to jumpstart its operations
	Solar Energy		~			To have regular power to keep the server and system running
	Reduce Cost		✓			Will reduce the number of days from 18-6 days
	PSI-DI	~	~			Wants government to move from Pre- shipment Inspection to Direct Inspection
LRA	Check Points	1				Wants the number of Check Points reduced along the roads leading to improve cross border trade
	One Stop Window	~	1			Wants a harmonized relationship between NPA, APM Terminal and MOCI including a "one stop window"
	СВО	✓	✓			Wants more Customs' Border Offices Open
	Real Estate Tax	~	*			Wants government officials and employees to pay their real estate tax
	Collecting Taxes	1	V			Wants Commercial banks to collect taxes instead of CBL
	Tax Cases		*			Wants a timely and fair adjudication of tax cases

	Resident Permit		√	1		Increases the assignment of resident permits from six months to five years to improve revenue generation
Ministry of Public Works, EPA & LWSC	Dealing with Construction Permits	<i>y</i>	√			The Ministry of Public Works has cut down the steps from 25 to 8 steps and the procedures are published on their websites; increase the speed of verification; increase compliance and city planning responsibilities
Commerci al Court & Bankers Associatio	National Credit Registry		√	✓		Wants the establishment of a national credit registry that tracks credit history of borrowers
n	Access to Credit		*	✓.		Expands access to credit and create flexible collateral and interest rates for SMEs
	ADR		✓	✓		Wants the use of Alternative Dispute Resolution approach as opposed to litigation as the basis for resolving insolvency issues
	Support	✓	✓	✓		Provides logistical and other support to the Judiciary so as to fast track cases emanating from insolvency.
Entities	Activities	Ong	1-3	3-6	6-12	
		oing	Mnth	Mnths	Mnth	Comment
	Power Theft	oing	Mnth s	Mnths	Mnth s	Comment Wants the Justice System to consider power theft as "Economic Sabotage"
	Power Theft	oing		Mnths		Wants the Justice System to consider power
LEC	Power Theft Transformers	oing	S	Mnths		Wants the Justice System to consider power theft as "Economic Sabotage" 45 transformers to be procured by February
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	Solar Energy		1			To have regular power to keep the server and system running
	Reduce Cost		√			Will reduce the number of days from 18-6 days
LRA	PSI-DI	V	√			Wants government to move from Pre- shipment Inspection to Direct Inspection
	Check Points	~				Wants the number of Check Points reduced along the roads leading to improve cross border trade
	One Stop Window	√	✓			Wants a harmonized relationship between NPA, APM Terminal and MOCI including a "one stop window"
	СВО	1	✓			Wants more Customs' Border Offices Open
	Real Estate Tax	√	✓			Wants government officials and employees to pay their real estate tax
	Collecting Taxes	~	√			Wants Commercial banks to collect taxes instead of CBL
	Tax Cases		√.			Wants a timely and fair adjudication of tax cases
	Resident Permit		V	✓		Increases the assignment of resident permits from six months to five years to improve revenue generation
Ministry of Public Works, EPA & LWSC	Dealing with Construction Permits	V	√			The Ministry of Public Works has cut down the steps from 25 to 8 steps and the procedures are published on their websites; increase the speed of verification; increase compliance and city planning responsibilities
		✓				
Commerci al Court & Bankers Associatio	National Credit Registry		∀	✓		Wants the establishment of a national credit registry that tracks credit history of borrowers
n	Access to Credit	9	✓	√		Expands access to credit and create flexible collateral and interest rates for SMEs
	ADR		*	√	1	Wants the use of Alternative Dispute Resolution approach as opposed to litigation as the basis for resolving insolvency issues
	Support	~	✓	√		Provides logistical and other support to the Judiciary so as to fast track cases emanating from insolvency.