

## **LIBERIA: HOW SUSTAINABLE IS THE RECOVERY?**

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## **LIBERIA: HOW SUSTAINABLE IS THE RECOVERY?**

### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

Liberia's October 2011 general and presidential elections, the second since civil war ended in 2003, are an opportunity to consolidate its fragile peace and nascent democracy. Peaceful, free and fair elections depend on how well the National Elections Commission (NEC) handles the challenges of the 23 August referendum on constitutional amendments and opposition perceptions of bias toward the president's Unity Party (UP). The NEC, the government, political parties, presidential candidates, civil society, media and international partners each have roles to play to strengthen trust in the electoral process. They should fight the temptation to treat the elections as not crucial for sustaining the progress made since the civil war. But even after good elections five factors will be critical to lasting peace: a more convincing fight against corruption; deeper commitment to transforming Liberia with a new breed of reform-minded political players; sustained international engagement in supporting this more ambitious transformation; economic development; and regional stability, particularly in Côte d'Ivoire.

The elections are being contested by many of the same political actors from the troubled past. Incumbent President Ellen Johnson Sirleaf (72) seems to have an edge in the face of a divided opposition that features lawyer Charles Brumskine (60), former UN diplomat and legal expert Winston Tubman (70), businessman and diplomat Dew Mayson (62) and former warlord-turned-senator Prince Johnson (52). The former international football great, George Weah (44), who led the first round in the October 2005 presidential elections but lost the run-off, is Tubman's vice presidential running mate. The political scene has been refigured by hastily concluded mergers and alliances between the numerous parties vying for a portion of power. They will have to campaign first for or against constitutional amendments at stake in the referendum. The most contentious of these would reactivate a residency requirement for public office candidates while reducing it from ten years to five. If adopted, the courts would probably have to interpret its possible effect on the fast approaching election.

During her 23-24 June 2011 official visit to the U.S., President Johnson Sirleaf's message was that her country

has made great progress, but that there is still much work to do before international support can be reduced. She confidently said that if high levels of support are maintained and good economic management pursued, Liberia would no longer require foreign aid in ten years. She acknowledged, however, that the situation in Côte d'Ivoire and the related refugee influx, as well as the challenge of a large pool of Liberian ex-combatants and other youths ready for recruitment as mercenaries posed a security threat. There is no doubt the country has made significant progress during her presidency, especially in security sector reform, social development, infrastructure rehabilitation and growth-stimulating foreign direct investment in the tiny economy. But the president's popularity in the West contrasts markedly with many Liberians' frustration – fed by failed or weak anti-corruption, decentralisation and national reconciliation campaigns – that democracy has benefited some more than others.

Since the end of the civil war, the focus has been on security, through the creation from the ground up of a new army and police force under the supervision of, respectively, the U.S. and UN. The international military and police presence embodied by the United Nations Mission in Liberia (UNMIL) has been the main guarantor of peace. The national security sector is now able to cope with some threats, but continued international presence is imperative in view of the failings of the police and their very limited reach outside the capital, Monrovia. Better coordination between the police and judiciary and greater presence of both in rural communities are priorities. The government's planned justice and security regional hubs – backed by the UN Peacebuilding Commission – should be supported by donors and established and adequately equipped in the next twelve months.

The most serious threats to security, however, are the persistence of mercenary activities and arms proliferation. The post-election crisis in Côte d'Ivoire from December 2010 to April 2011 has tragically revealed the extent of the problem for the entire region. Hundreds of young Liberian fighters were easily recruited for a minimum of \$500. UNMIL and the UN Operation in Côte d'Ivoire (UNOCI), in collaboration with the Liberian and Côte d'Ivoire govern-

ments, should use all available military, intelligence and financial means to conclusively eliminate the threat Liberian mercenaries pose. The Economic Community of West African States (ECOWAS), which has prematurely closed its diplomatic representation in Monrovia, should recognise that there are still dangers and contribute to initiatives to ensure security in eastern Liberia and western Côte d'Ivoire.

Any investment that seeks to protect the gains made over the last six years should have as its objective, beyond the current round of elections, a political transformation leading to the emergence of a new generation of leaders at local and national levels, removed from the culture of violence and corruption. This would involve providing incentives for the best-qualified youths to engage in political activity and training and educational opportunities for them to acquire the necessary governance skills. Western donors, ECOWAS, China and the UN should stay engaged after this year's elections until Liberia is more firmly on its feet. However, their support to continuous, sustainable recovery will be meaningful only if they work simultaneously at stabilising still fragile Côte d'Ivoire.

## RECOMMENDATIONS

*For successful conduct of the referendum and elections*

### To the National Elections Commission (NEC):

1. Provide citizens with all relevant information so that they can participate constructively in all stages of the electoral process, including by:
  - a) being more vocal about infringements of electoral law and process to avoid feeding perceptions of bias and responding collectively to all criticism through open communication and continuous dialogue;
  - b) making the mechanisms for expressing grievances clear and accessible in order to avoid misunderstandings and possibly violence; and
  - c) working with civil society and community-based organisations to ensure that information on the new demarcation of electoral districts reaches all Liberians and updating the NEC website.
2. Address allegations that people with Muslim names were not allowed to register on specious grounds that they are not Liberians and ensure all citizens' rights to registration.

### To Political Parties and Candidates:

3. Abide by the 2010 revised code of conduct for political parties and refrain from aggressive statements,

particularly those exploiting the memory of the civil war and ethnic and religious differences.

### To the Government of Liberia:

4. Enhance collaboration between the network of civil society organisations involved in early warning, police and other security agencies, through the Liberia Peacebuilding Office (LPO), to identify the areas most exposed to electoral and post-electoral disruptions and violence; and ensure that quick response mechanisms are in place.

### To the United Nations Security Council:

5. Extend the mandate of the United Nations Mission in Liberia (UNMIL) at its current military and police strength for a further twelve months from 1 October 2011, and review UNMIL drawdown plans only after a post-election assessment of the readiness of Liberia's security and rule of law institutions to provide security on their own.

### To the United Nations Mission in Liberia (UNMIL):

6. Ensure strengthened response from UN agencies in addressing the needs of Ivorian refugees and preventing the humanitarian situation from disturbing the peaceful conduct of the elections.

*For sustainable peace, security and national reconciliation post-elections*

### To the current and next government:

7. Address security issues, including by:
  - a) deploying more police outside of Monrovia and tackling the critical gaps in the provision of uniforms, communications equipment and mobility; and
  - b) installing the regional security and justice hubs and, with the assistance of external partners, ensure that financial provisions are made to sustain them.
8. Give the Land Reform Commission adequate resources so it can continue its work, which is crucial for the peaceful resolution of local conflicts.
9. Ensure that the Independent National Commission on Human Rights (INCHR) has the necessary resources to do its work, especially to implement its plan to lead an open and inclusive national dialogue on the recommendations of the Truth and Reconciliation Commission.

10. Support development of independent media with nationwide coverage so there is no information vacuum when UNMIL Radio leaves.

**To the UN Peacebuilding Commission and partners of Liberia, including the U.S., the EU and China:**

11. Link the peacebuilding strategy with wider objectives of long-term political, economic and social transformation by giving special attention post-2011 to improved political party regulation, public sector reform and training and secondary and tertiary education.
12. Prioritise support to the government for establishing and equipping the regional security and justice hubs within the next twelve months.

**To the Economic Community of West African States (ECOWAS):**

13. Contribute to initiatives to ensure security, particularly in eastern Liberia and western Côte d'Ivoire, with a focus on strengthening security cooperation, especially with regard to the movement of mercenaries across the borders, and consider re-opening an office in Monrovia for better monitoring.

*For long-term peacebuilding and conflict prevention strategies*

**To the post-elections political authorities of Liberia:**

14. Fight firmly against corruption and for governance reform, starting by:
  - a) implementing the reports of the General Auditing Commission;
  - b) desisting from appointing to government persons indicted or under investigation for corruption; and
  - c) setting up fast track courts to handle corruption cases.
15. Commit to decentralisation by adopting legislation on and setting a date for municipal and local elections post-2011.
16. Prioritise public sector reform, including the training of ministry and public institution staff.
17. Establish and encourage graduate schools of administration and technical institutes tailored to emerging areas of economic activity, including agriculture, agro-industry and mining.
18. Put improved political party regulation on the agenda, including the introduction of requirements and incentives for transparency in the funding of political activities, civic education of militants and internal democracy.

**To Liberian civil society:**

19. Work with UN Women and the Women and Children's Protection Unit (WCPU) of the Liberia National Police to continue rigorous sensitisation, particularly of traditional leaders and to change attitudes toward sexual and gender-based violence; and expand medical and counselling centres outside Monrovia to facilitate access.

**Dakar/Brussels, 19 August 2011**

## LIBERIA: HOW SUSTAINABLE IS THE RECOVERY?

### I. INTRODUCTION

Liberia endured decades of misrule before collapsing into successive wars, initiated in 1989 by Charles Taylor's insurgency.<sup>1</sup> The bloodletting ended only in 2003, and after some 250,000 were dead, 100,000 were refugees and over one million were internally displaced persons (IDPs), when Charles Taylor was forced into exile in Nigeria. The 2003 Comprehensive Peace Agreement (CPA) called for the formation of a National Transitional Government (NTGL), an immediate ceasefire and disarmament of all combatants, restructuring of the armed forces and police, establishment of a Truth and Reconciliation Commission (TRC) and national elections by October 2005.<sup>2</sup>

The NTGL, led by Gyude Bryant,<sup>3</sup> was a ragtag mix of the major warring factions, Liberians United for Reconciliation and Democracy (LURD), Movement for Democracy in Liberia (MODEL) and Taylor's National Patriotic Front of Liberia (NPFL). They competed for choice government positions, long seen as a means to wealth,<sup>4</sup> and for two

years did what warlords do best: scheme and steal. Their misdeeds were uncovered in audits by the European Commission (EC) and the Economic Community of West African States (ECOWAS), leading to arrests and a series of trials that started well but ended in acquittals on all charges relating to "economic sabotage".<sup>5</sup> When the NTGL years ended with on-time elections, many of the old figures were reincarnated as powerful elected politicians.<sup>6</sup>

Ellen Johnson Sirleaf, leader of the Unity Party (UP), a quickly disillusioned early Taylor supporter,<sup>7</sup> long-time

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rica Report N°98, *Liberia's Elections: Necessary But Not Sufficient*, 7 September 2005, p. 1.

<sup>5</sup> The audits revealed that corruption was rampant. The justice system was in a shambles. Few courts were functional, and judicial authorities lacked access to basic legal texts. Crisis Group Africa Report N°107, *Liberia: Resurrecting the Justice System*, 6 April 2006, p. i. On 30 April 2009, Bryant, along with Edwin Snowe, Siaka Sheriff and Andy Quame, was acquitted of stealing \$1 million from the state oil refinery. Additional charges regarding alleged theft of another \$1.3 million from the state were dropped on 24 September 2010. "Orishall Gould, 10 others acquitted", Star Radio ([www.starradio.org.lr](http://www.starradio.org.lr)), 22 August 2006.

<sup>6</sup> Former warlord Prince Johnson (Nimba County, senior senator) made it into the legislature as did Taylor allies Edwin Snowe (speaker, House of Representatives, 2006-2007; now representative, Montserrado County), Richard Devine (Bomi County, junior senator), and ex-wife, Jewel Howard-Taylor (Bong County, senior senator).

<sup>7</sup> President Johnson Sirleaf provided financial and moral support to Charles Taylor. She gave him money and met him at least three times, visiting him in May 1990 in the border area between Liberia and Côte d'Ivoire. Ellen Johnson Sirleaf, "This Child will be Great": *Memoir of a Remarkable Life by Africa's First Woman President* (New York, 2009), pp. 169-176. Some Crisis Group interlocutors said, "She has not come clean to Liberians" on the full extent of her involvement with Taylor, and with Thomas Quiwonkpa who attempted a coup against Samuel Doe in 1985. Crisis Group interview, Monrovia, 24 March 2011; and J. T. Woewiyu, "An open letter to Madam Ellen Johnson-Sirleaf", 30 August 2005. <http://focusonliberia.wordpress.com/2010/12/28/jucontee-thomas-woewiyu-writes-ellen-johnson-sirleaf-a-rerun/>. She has repeatedly denied accusations that she had "knowledge of its [NPFL's] plans", claiming "there was no more impassioned critic" when she discovered Taylor's real intentions and asserts in her 2009 testimony before the TRC that she was "fooled" by Taylor. "Sirleaf 'sorry' she backed Taylor", *BBC online*, 12 February 2009.

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<sup>1</sup> Seeking to overthrow then-President Samuel Doe, Taylor invaded from Côte d'Ivoire on 24 December 1989. The first war ended in 1997 when Taylor won UN-sponsored elections that July. War resumed in 1999, when the Liberians United for Reconciliation and Democracy (LURD), based in Guinea, and the Movement for Democracy in Liberia (MODEL), based in Côte d'Ivoire, reignited hostilities. For more background, see Crisis Group Africa Report N°43, *Liberia: The Key to Ending Regional Instability*, 24 April 2002; Africa Briefing N°10, *Liberia: Unravelling*, 19 August 2002; Africa Report N°62, *Tackling Liberia: The Eye of the Regional Storm*, 30 April 2003; Africa Report N°71, *Liberia: Security Challenges*, 3 November 2003; Africa Report N°75, *Rebuilding Liberia: Prospects and Perils*, 30 January 2004; Africa Report N°87, *Liberia and Sierra Leone: Rebuilding Failed States*, 8 December 2004.

<sup>2</sup> "Comprehensive Peace Agreement between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties", signed in Accra, Ghana, 18 August 2003.

<sup>3</sup> Bryant, a businessman, was elected chairman of the Liberia Action Party (LAP) in 1992. He was chosen to head the transitional government because of his perceived neutrality.

<sup>4</sup> In September 2005, Crisis Group described the NTGL as 99 per cent Realpolitik and 1 per cent principle. Crisis Group Af-

opposition politician and international figure, defeated the former football great and UNICEF goodwill ambassador George Weah, from the Congress for Democratic Change (CDC), for the presidency in a run-off.<sup>8</sup> Although the contest was declared free and transparent by ECOWAS and the African Union (AU), as well as an array of international observers and monitors, Weah withdrew his claim of fraud – while not conceding defeat – only after two months of violent protests.

President Johnson Sirleaf faced pressing internal challenges. Liberia was deeply divided along social, ethnic and factional lines. The political atmosphere was tense and insecurity rife. 85 per cent unemployment made job creation a priority. Corruption was endemic, and the country was an infrastructural wasteland. She was helped by Nigeria's decision to revoke Charles Taylor's asylum, under pressure from leaders of the Mano River Union, key Western states, and regional and international human rights groups.<sup>9</sup> Taylor, who had broken the terms of that asylum by continuing to meddle in Liberian politics, was returned on Johnson Sirleaf's request to Liberia, where he was immediately arrested by the Special Court for Sierra Leone on charges of war crimes committed in that country's civil war and removed to The Hague for trial.<sup>10</sup>

The new president formed an inclusive cabinet featuring members of rival political parties and civil society actors<sup>11</sup>

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<sup>8</sup> Weah (275,265, 28.3 per cent) and Sirleaf (192,326, 19.8 per cent) received the highest number of votes in the first round on 11 October 2005. In the run-off, on 8 November, Sirleaf won with 478,526 votes (59.4 per cent) to Weah's 327,046 (40.6 per cent). For more detailed discussion, see Crisis Group Africa Briefing N°36 *Liberia: Staying Focused*, 13 January 2006. See also "Observing presidential and legislative elections in Liberia", The National Democratic Institute and The Carter Center, October-November 2005. For details on Sirleaf and other candidates in the 2005 elections, see Crisis Group Report, *Liberia's Elections*, op. cit., pp. 8-9.

<sup>9</sup> Demands for Taylor's extradition from Nigeria were made by the UN Special Court for Sierra Leone, human rights organisations in Africa and elsewhere and the Mano River Union via a joint communiqué published 28 July 2005 by Chairman Gyude Bryant, President Kabbah of Sierra Leone and Prime Minister Diallo of Guinea. Crisis Group Report, *Liberia's Elections*, op. cit., p. 9.

<sup>10</sup> In March 2006, she negotiated his transfer from Nigeria to the Special Court for Sierra Leone. Concerns that his presence so close to Liberia would cause riots led to his extradition to The Hague where he was tried for war crimes and sponsoring armed rebellion in Sierra Leone. The three and a half-year trial closed in March 2011. A verdict is expected in August 2011 see also Section IV below.

<sup>11</sup> It comprised five Unity Party members, six from several opposition parties and ten with "no avowed political association". Ellen Johnson Sirleaf, "Remarks at programs marking the first anniversary celebration of her inauguration as President of the Republic of Liberia", 16 January 2007, at [www.emansion.gov.lr](http://www.emansion.gov.lr).

and sought to ensure tribal, religious, political and regional representation in other arms of government, in some instances replacing a dismissed official with another of the same ethnic group.<sup>12</sup> Perhaps most notable was the unprecedented appointment of women to important ministries and other high-profile positions, in fulfilment of her promise to "empower Liberian women in all areas of our national life".<sup>13</sup> Her attempt to balance the need for inclusion against competence, however, meant that some individuals who lacked the necessary skills to participate in government felt excluded, feeding perceptions of marginalisation, particularly among native Liberians and Muslims.<sup>14</sup> Opposition and minority group members included in her government were not considered representative by all in society. An opposition leader complained that the government succeeded in "reconciling individuals, not

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She appointed as ministers fellow presidential candidate Joseph Korto (education) and then-chairman of the CDC Cole Bangalu (assistant labour minister). Also appointed were prominent civil society activists (human rights lawyers) Kofi Woods (labour minister) and Tiawan Gongloe (solicitor general), who resigned as public works minister in 2010 to go into private law practice. Several persons in their late 20s and 30s were made assistant and deputy ministers and directors of parastatals. In 2008, she appointed former student leader Augustine Ngafuan finance minister and Amara Konneh planning and economic affairs minister (both were 37 at the time).

<sup>12</sup> Crisis Group email communication, Liberian researcher, 19 April 2011. UN Secretary-General Kofi Annan commended the president for her initiatives in bringing together members of various religious and ethnic groupings, as well as political party leaders. "Thirteenth progress report of the Secretary-General on the United Nations Mission in Liberia", 11 December 2006.

<sup>13</sup> Inaugural address of President Johnson Sirleaf, op. cit. She appointed women as ministers of finance, foreign affairs, commerce and industry, gender and development and youth and sports; and as ambassadors to Belgium, China, Germany and the Nordic countries, Côte d'Ivoire and South Africa. The first post-war inspector-general of the Liberia National Police was a woman, as are at least five of sixteen county superintendents. Katja Svensson, "Women Hold Up Half the Sky: Peace and Security Lessons from Liberia", *African Security Review*, vol. 17, no. 40 (December 2008).

<sup>14</sup> Historic discrimination towards native and Muslim Liberians has led to higher rates of poverty and much lower levels of education. The term Americo-Liberian describes slaves and their descendants who were repatriated from the U.S. to Liberia as part of a back-to-Africa project by the American Colonisation Society in the early nineteenth century. Tension has existed from the beginning between them and native Liberians, pejoratively called "country people" who constitute the large majority of the population. Tim Butcher, *Chasing the Devil: The Search for Africa's Fighting Spirit* (London, 2010), p. 141.

the wider society”.<sup>15</sup> The president was also criticised for including several family members in government.<sup>16</sup>

A number of programs were left to international partners. Army and police reform were managed by, respectively, the U.S. and the UN Mission in Liberia (UNMIL).<sup>17</sup> President Johnson Sirleaf endorsed the Governance and Economic Management Assistance Program (GEMAP), signed in October 2005 between the NTGL and partners concerned about “serious economic and financial management deficiencies”.<sup>18</sup> It improved financial management and revenue collection, leading to the lifting of UN sanctions on timber (2006) and diamond exports (2007). It also boosted external confidence in the economy and attracted Liberian diaspora and foreign investment, mainly in the extractive sector. GEMAP helped Liberia become eligible for the World Bank’s Highly Indebted Poor Countries Initiative (HIPC), leading to \$2.8 billion debt relief.<sup>19</sup> The appointment in March 2007 of John Morlu to the European Commission-funded auditor general position was expected to mark an important turn in the fight against corruption.<sup>20</sup> It would later prove controversial (see Section IV.B below).

The ready resort to violence by disgruntled groups, however, showed that the war mentality was still very much

alive.<sup>21</sup> Despite its initial difficulties with disarmament, demobilisation, rehabilitation and reintegration (DDRR) and police reform, as well as a sex-for-aid scandal, UNMIL proved vital for internal security amid multiple inflammable tensions.<sup>22</sup> There were high rates of violent crime, including sexual and gender-based violence (SGBV). Instability in neighbouring Côte d’Ivoire was a constant danger. Buoyed by UNMIL, the government responded quickly to identify threats in a bid to re-establish its authority. It set up committees to investigate illegal occupations of rubber plantations by ex-combatants, land and property disputes<sup>23</sup> and violent demonstrations by demobilised security personnel.<sup>24</sup>

Besides a glaring infrastructure vacuum, the biggest challenges were severely compromised state institutions, notably a legislature peppered with former warlords and NTGL members. The ruling party lacked a controlling majority in that body for the first time in Liberia’s history, and deals by warlords and other spoilers limited cooperation among legislators.<sup>25</sup> Five years into a plan to enhance its capacity, the legislature’s ability to fulfil its oversight role is still

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<sup>15</sup> Crisis Group interview, opposition leader, Monrovia, 28 March 2011.

<sup>16</sup> Her cousin, Ambullai Johnson, is internal affairs minister; sons Robert and Fombah Sirleaf are the presidential senior adviser and the director of national security, respectively, while cousin Frances Johnson-Morris heads the Anti-Corruption Commission. Crisis Group interviews, November 2010.

<sup>17</sup> The Comprehensive Peace Agreement requested the U.S. to lead army reform. The U.S. subcontracted the job to DynCorp international, an American company, in autumn 2004. UNMIL was charged with reforming the police. See Crisis Group Africa Report N°148, *Liberia: Uneven Progress in Security Sector Reform*, 13 January 2009.

<sup>18</sup> “Inaugural address of President Sirleaf”, op. cit. The placement under GEMAP of internationally recruited experts as co-signatories in key state organs and state-owned enterprises was viewed by some as an assault on the country’s sovereignty. Raymond Gilpin and Emily Hsu, “Is Liberia’s Governance and Economic Management Assistance Program a Necessary Intrusion?”, Peace Brief, U.S. Institute of Peace, May 2008. For in-depth discussion on GEMAP, see Crisis Group Reports, *Liberia and Sierra Leone: Rebuilding Failed States*, 8 December 2004; and *Liberia’s Elections*, both op. cit.

<sup>19</sup> Benchmarks included implementation of a National Investment Act and completion of its first Annual Progress Report on the Poverty Reduction Strategy Paper. Comprehensive debt relief was linked to demonstrating a commitment to poverty reduction, sound macroeconomic policy, strong public financial and resource management and governance reform.

<sup>20</sup> Following the July 2007 publication of the ECOWAS report on economic crimes under the NTGL, the ex-chairman, Bryant, and four former ministers and deputies, were charged with corruption but subsequently acquitted.

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<sup>21</sup> There were violent disputes over land and property, and violent protests by demobilised security personnel and ex-combatants illegally occupying rubber plantations. Eleventh progress report of the Secretary-General on UNMIL (S/2006/376), 9 June 2006.

<sup>22</sup> At least 30,000 ex-fighters were initially excluded from DDRR for lack of funding. Police reform was seriously hampered by the lack of basic equipment, uniforms, weapons, vehicles and communications – a problem that persists. For more, see Crisis Group Report, *Uneven Progress*, op. cit. At least six of 47 UNMIL peacekeepers accused of sexual abuse were convicted in June 2005; “UN peacekeepers prey on young girls”, Reuters, 8 May 2006; “Comprehensive report prepared pursuant to General Assembly resolution 59/296 on sexual exploitation and sexual abuse”, UN General Assembly (A/60/862), 24 May 2006, p. 24; “Several UNMIL men booked for sexual exploitation”, *The Informer*, 8 June 2006.

<sup>23</sup> On 7 April 2006, a land dispute between the citizens of Blebo and Karbwaken, in Grand Kru County, resulted in the burning of houses in Blebo. In another incident, Ganta residents staged a violent protest on 17 May 2006 over rumours that Mandingos living in Guinea intended to return to forcibly reclaim property they had left during the civil war from members of the Gio and Mano ethnic groups. Eleventh progress report of the Secretary-General, op. cit.

<sup>24</sup> The 9 July 2007 violence between the Liberia National Police and the Liberia Seaport Police.

<sup>25</sup> Liberia operates a bicameral parliamentary system. Senators are elected at the county level, representatives at the legislative constituency level. The UP won eight of 64 seats in the House of Representatives and three of 30 Senate seats. The CDC won fifteen House seats while the Coalition for the Transformation of Liberia (COTOL) won the highest number of Senate seats: seven. By-elections in 2008 and 2009 boosted UP totals to nine representatives and five senators. “The Liberian legislature: Modernisation plan”, NDI, September 2009.



limited.<sup>26</sup> More generally, there is inadequate understanding of the political system in a country where illiteracy is high and issues are poorly communicated to the populace.

This report examines the political scene ahead of national elections, and, on the basis of the achievements and failures of the last five years, assesses the challenges for the next government and international actors in building a durable state.

## II. THE ROAD TO ELECTIONS 2011

The elections in October (or possibly November) are a crucial test for the consolidation of stability, peace and democracy. The tone of campaigning in Liberia this year has already been uncomfortably aggressive. Respected Africans and key international partners like the U.S. and European Union (EU) should discourage presidential candidates and their supporters from using inflammatory statements and provocative action that could undermine the process. Comments by Winston Tubman, the CDC candidate, that Liberia must be redeemed from “criminals”, for example, can only deepen the mistrust that exists among political rivals.<sup>27</sup> The vital condition to prevent a post-electoral crisis is to convince citizens that the elections are free and fair. Preparations are intensifying, with the first hurdle the 23 August referendum on four constitutional amendments (see below).<sup>28</sup>

### A. NEW PARTY MERGERS, SAME OLD POLITICS

After months of party mergers, campaigning began on 5 July. Dynamics are changing rapidly but it is already clear who the major contenders are among the 24 registered political parties and mostly familiar faces from 2005 and earlier.<sup>29</sup> President Johnson Sirleaf has a clear incumbent's advantage, but the mergers, though not based on coherent platforms, have produced strong coalitions that will likely force another run-off for the presidency. The opposition will likely play up Johnson Sirleaf's violation of her promise not to run for a second term, as well as corruption and delays in implementing the recommendations of the Truth and Reconciliation Commission (TRC) report. However, even her staunchest opponents readily admit how much her administration has transformed the country from the wreck it was when she came to power.<sup>30</sup> Some opposition groups will play the ethnic card; at least two have already

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<sup>27</sup> “‘Time to take our country back’ – Winston tells CDC rally”, *The Analyst*, 18 July 2011.

<sup>28</sup> The proposed changes are to Articles 52c, 72b and 83a and b. They would respectively reduce the residency requirement for president and vice president from ten to five years, raise the retirement age of judges from 70 to 75 years, shift voting from October to November (to avoid the rainy season) and have voting for public officials by simple instead of absolute majority.

<sup>29</sup> This figure is based on data available on 21 July 2011. NEC deregistered eight political parties on 9 May after a civil suit confirmed they failed to meet basic requirements, such as having an office. For more background on the 2005 contests, see Crisis Group Report, *Liberia's Elections*, op. cit.

<sup>30</sup> Crisis Group interviews, Monrovia, Zwedru and Gbarnga, November 2010-April 2011.

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<sup>26</sup> Ibid; Crisis Group interview, Monrovia, November 2010.

suggested that Johnson Sirleaf is Americo-Liberian,<sup>31</sup> a charge she has repeatedly denied, claiming she is part Gola, part Kru and part German.

The main political players have a history of alliances of convenience motivated more by power than any identifiable ideology. This is repeating itself with shifts to the ruling UP in June by members of George Weah's CDC and Prince Johnson's National Union for Democratic Progress (NUDP) (see below). With so many opposition parties campaigning, personalities look set to be the central factor in the 2011 presidential race. As in 2005, clusters of small parties are being absorbed into the older, larger ones.

President Johnson Sirleaf's UP has merged with the Liberia Action Party (LAP), led by 57-year old politician, lawyer, businessman and self-proclaimed philanthropist Varney Sherman. He came fifth in the first round in 2005 on the ticket of the Coalition for the Transformation of Liberia (COTOL), before endorsing Weah for the run-off. Although they are traditional rivals, the UP and LAP share a similar social base: businesspeople, technocrats and the middle class. The UP has also merged, though friction remains, with the Liberia Unification Party (LUP), formerly headed by ex-NTLA member Isaac Manneh.<sup>32</sup> Sherman was elected chairman of the UP at a convention in May 2010 and in October donated 24 pick-ups valued at over \$250,000 to the party, reportedly boasting: "this is just the beginning of what I will do for the UP".<sup>33</sup> Vice President Joseph Boakai, a Lofa native, is Johnson Sirleaf's running mate.

The CDC was the UP's main rival in 2005, but the party was weakened by high-profile defections (former executive member Sam Wulu and ex-Secretary General Eugene Nagbe) to the UP in February and two failed mergers with a coalition of opposition parties, including Taylor's NPP<sup>34</sup> and, more recently, Charles Brumskine's Liberty Party (LP). It has regained momentum, however, since choosing the 70-year old diplomat, lawyer and politician Winston Tub-

man as its flag bearer.<sup>35</sup> He out-pollled Weah, 118-111, to win the presidential nomination at the CDC's April convention in what Weah implied – and the media called – an "orchestrated surrender".<sup>36</sup> The party is making much of Weah's graduation in June 2011 from a U.S. university (DeVry) after he ran as a secondary school dropout in 2005.<sup>37</sup> He still has strong grassroots and youth support, as shown by the massive turnout at a 15 July Monrovia rally.<sup>38</sup>

CDC attempts to coalesce with LP failed. Party faithful were divided over joining with Charles Brumskine, like Tubman an "Americo-Liberian",<sup>39</sup> who, unlike Tubman, did not endorse Weah in the 2005 runoff.<sup>40</sup> The 60-year old lawyer and ex-Taylor ally came third that year with 14 per cent of the votes, after claiming to be divinely ordained to "save" the country in a strongly religious campaign. In January 2011, Brumskine, who is from Grand Bassa, selected the Bong County senator and former teacher Franklin Siakor as his running mate. The two men's popularity in their densely populated home counties suggests their ticket could seriously challenge Johnson Sirleaf,<sup>41</sup> provided

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<sup>35</sup> A nephew of ex-president William Tubman (1944-1971), he came fourth with 9.2 per cent of the vote in 2005 (under the banner of the National Democratic Party of Liberia). He was legal adviser to the planning and economic affairs ministry during his uncle's administration, justice minister under Samuel Doe and representative of the UN Secretary-General and head of the UN Political Office for Somalia (UNPOS, 2002 to 2005). He has reportedly said in the past that he could not ally with Brumskine, because the electorate would not accept "a ticket that has two Congo names on it". T. Hodge, "Winston Tubman puzzles me sometimes", *Liberian Observer*, 1 January 2010.

<sup>36</sup> Weah interrupted nominations at his party convention in Kakataon on 29 March to announce his decision to relinquish his position as flag bearer to Tubman. To accommodate Tubman, delegates voted "overwhelmingly" through a special committee to amend provisions in the party's constitution requiring at least three years of membership for aspiring candidates. "Palace coup in CDC – Tubman ousts CDC's chief emeritus", *The Analyst*, 2 May 2011. Also "Weah weeps – as he bows to Tubman", *New Democrat*, 2 May 2011.

<sup>37</sup> Crisis Group interview, Monrovia, 22 November 2010. Previously one of the least educated among the presidential and vice presidential hopefuls, Weah's party announced on 26 June that he had graduated from a U.S. university with a degree in Business Management. "Liberia: George Weah earns college degree", *The Analyst*, 27 June 2011. It is too early to tell what effect this will have on his political fortunes.

<sup>38</sup> Nat Bayjay, "The day Monrovia stood still: can Weah, CDC numbers translate into victory?", *FrontPage Africa*, 15 July 2011.

<sup>39</sup> Amos Sawyer, op. cit. Brumskine was Senate president pro tempore in Taylor's administration from 1997 to 1999, when he fled the country after a falling out with Taylor. He returned to Liberia in 2003.

<sup>40</sup> "Weah-Brumskine deal gets more lashes", *The New Dawn*, 26 October 2010.

<sup>41</sup> "Brumskine-Siakor: Another dream ticket?", *The 1847 Post*, 9 February 2011. According to 2011 voter registration statis-

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<sup>31</sup> Crisis Group interviews, opposition parties, Monrovia, March-April 2011. On the term Americo-Liberian, see fn 14.

<sup>32</sup> "LUP leadership crisis [deepens], as Isaac Manneh, Cletus Sieh under suspension", Global News Network, 13 April 2010. The LUP's membership consists mainly of Kpelle, the country's largest ethnic group; its merger with the UP is one of many alliances over the years "in opportunistic support of a range of presidential hopefuls". Amos Sawyer, "Emerging patterns in Liberia's post-conflict politics: Observations from the 2005 elections", *African Affairs*, 107/427, 7 February 2008, pp. 177-199.

<sup>33</sup> Crisis Group interviews, Monrovia, 23 November; diplomat, Monrovia, 24 November 2010.

<sup>34</sup> The CDC, courted by the UP, merged with the NPP in early August. "As Taylor's NPP endorses Weah's CDC for 2011 elections, thousands see victory", Global News Network, 6 August 2011.

the LP can survive the defection of some of its officials in April 2011 to the president's camp.<sup>42</sup>

Another candidate is 52-year old warlord-turned-senator Prince Johnson (NUDP). In a campaign incongruously based on his wartime record and security credentials, he collected the highest number of votes in his native Nimba County in 2005. He is regarded as a hero by some there, while others may have voted for him out of fear.<sup>43</sup> He denounced rumours of ill health in January 2011 and said a photograph of him holding an AK-47 while standing over a man handcuffed to a relief worker was "doctored".<sup>44</sup> He recently said people who commit rape and corruption under his presidency will be executed. In an attempt to discredit Johnson Sirleaf's lack of movement on the TRC report's recommendations (see Section IV.C below), he called for its full implementation.<sup>45</sup> Discord within his party led to high-profile resignations in April of its secretary general, D. Wa Hne, and Margibi County chairman, Alinco Morris.<sup>46</sup> In early May, former running mate Senator Abel Mas-salley and former national chairman Emmanuel Lomax crossed over to the ruling UP.<sup>47</sup>

Businessman-diplomat Dew Mayson,<sup>48</sup> is flag bearer of the National Democratic Coalition (NDC), popularly called the Democratic Alliance (DA), that includes the United

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tics, Bong and Grand Bassa are the third and fifth most populated counties. "Preliminary report of 2011 voter registration statistics", National Elections Commission, 14 March 2011.

<sup>42</sup> "Liberty Party officials vow to support Ellen's 2nd term", *The Inquirer*, 6 April 2011.

<sup>43</sup> Amos Sawyer, op. cit.

<sup>44</sup> Party chairman Emmanuel Lomax debunked media claims that Johnson had a stroke, saying he fell in his bathroom. "I am feeling much better" – Prince Johnson breaks silence", *The Informer*, January 2011. "How many executions did I carry out...?", *New Democrat*, 21 March 2011. The photograph appeared on the back page of the *New Democrat*. It could be interpreted as an attempt to discredit Johnson before the elections by reminding the public of where he is coming from.

<sup>45</sup> Boimah J. V. Boimah, "Prince Johnson vows executions for rape, corruption, as president", *New Democrat*, 19 March 2011. "PYJ speaks tough – wants TRC report fully implemented", *The Analyst*, 30 May 2011.

<sup>46</sup> Morris is quoted as saying the party is "engulfed with tribal sentiments" and other issues. "PYJ party chairman resigns", *The New Dawn*, 11 April 2011. In a letter to the NEC, party chairman Emmanuel Lomax said Johnson's "improprieties" had caused an "internal rift" and insisted that D. Wa Hne has not left the party. "NUDP chair runs to NEC", *The New Dawn*, 28 April 2011.

<sup>47</sup> Rodney Sieh, "Liberia's election game changer: NDC on ropes; NPP tilts to CDC; UP [shaken]", *FrontPage Africa*, 17 July 2011.

<sup>48</sup> Ambassador to France, Spain, Switzerland, Algeria and UNESCO from 1983 to 1985. His business interests include shipping, iron ore, oil trading and oil services.

People's Party (UPP), the Liberia People's Party (LPP), the Liberia Labour Party (led by likely vice presidential candidate Joseph Korto) and the Liberia Equal Rights Party (LERP). Musa Bility, an ex-Johnson Sirleaf ally, is a prominent member. Former members of Charles Taylor's NPP and the late President Samuel Doe's National Democratic Party of Liberia (NDPL) quit the coalition on 16 July.<sup>49</sup> The devoutly Catholic and reputedly very wealthy Mayson supposedly has a large following based on his past political activism with the Movement for Justice in Africa (MOJA).<sup>50</sup>

The Alliance for Peace and Democracy (APD), the fourth largest bloc in the legislature, consists of the United People's Party (UPP), a populist body headed by current Deputy Minister of Planning for Administration Marcus Dahn, and the Liberia Peoples Party (LPP). The latter was founded by student leaders and has drawn its greatest support from students and workers.<sup>51</sup> However, the APD is also split. In April, shortly after Dahn announced support for President Sirleaf's re-election, a faction led by Edwin Barclay declared for Dew Mayson.<sup>52</sup> The APD performed poorly in 2005 elections and suffers from a chronic lack of funds.<sup>53</sup>

## B. ELECTORAL PREPARATIONS

The seven-member National Elections Commission (NEC), headed by James Fromayan (the 2005 co-chair), enjoys wide confidence based on its handling of several by-elections from 2006 to 2009,<sup>54</sup> though some have labelled Fromayan a Johnson Sirleaf ally – a charge also made and denied in 2005.<sup>55</sup> The commission has vacillated recently on important matters, but none of the chair's actions suggest

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<sup>49</sup> Rodney Sieh, op. cit.; Crisis Group interview, Monrovia, 22 November 2010; David B. Kollie, "Deal on edge: Has Dew snubbed Jewel for Korto? NPP factor stumbling block", *FrontPage Africa*, 29 May 2011.

<sup>50</sup> Dr Togba Nah-Tipoteh remains president of the leftist movement he founded in 1973 alongside fellow intellectuals H. B. Fahnbulleh, Dew Mayson and Dr Amos Sawyer, erstwhile president of the Interim Government of National Unity (IGNU, 1990-1994). MOJA instigated the 1979 rice riots and was instrumental in the fight for a more equitable society. Tipoteh came ninth in the 2005 elections as candidate of the Alliance for Peace and Democracy (APD), a coalition of the Liberian Peoples Party (LPP) and the United People's Party (UPP).

<sup>51</sup> Crisis Group interview, Monrovia, 26 November 2010; Amos Sawyer, op. cit., p. 7.

<sup>52</sup> "Dew for Baccus", *The New Dawn*, 11 April 2011.

<sup>53</sup> Crisis Group interview, Monrovia, 26 November 2010. See also "UPP suffers financial support, Marcus Dahn alarms", *Star Radio*, 30 October 2010; Throble Suah, "UPP, LPP to hold congresses", *The New Dawn*, 20 September 2010.

<sup>54</sup> Crisis Group interviews, Monrovia, November 2010.

<sup>55</sup> Crisis Group interview, James Fromayan, Monrovia, November 2010 and March 2011.

there is substance to the allegation. However, even a perception of bias can be damaging. The opposition is calling for the NEC to be reconstituted.<sup>56</sup> Since the president is empowered to appoint NEC officials (subject to Senate approval), there is no guarantee that a change in its composition would satisfy the suspicious.<sup>57</sup>

Fromayan should use the Inter-Party Consultative Committee (IPCC)<sup>58</sup> to engage the opposition and improve its confidence in the NEC ahead of the general elections. Liberia's main international partners, including the U.S. and EU, should encourage the government and NEC to create a level playing field for all parties and candidates, so as to entrench support for and confidence in democratic governance. Parties should abide by the code of conduct for the elections and refrain from aggressive statements exploiting, in particular, the memory of the civil war and ethnic and religious differences.

Civil society and the IPCC should also appeal to parties to desist from provocative statements that they will reject election results if Fromayan is not dismissed. The NEC would likewise do well to guard its utterances about the elections. An observer said Fromayan has been publicly and privately "defensive" about real and perceived shortcomings of the NEC.<sup>59</sup> On the other hand, it does need to be more vocal about infringements of electoral law, without feeding perceptions of bias toward any political party. It has been unfortunately silent on legislators' refusal to declare their assets and opposition protests that govern-

ment billboards in Monrovia constitute use of state funds for covert UP campaigning.<sup>60</sup> The NEC should also present a united front. For example, its staff has given contradictory responses to criticisms that a hike in political registration fees is intended to keep out "poor" candidates.<sup>61</sup> Also, its website should be updated to facilitate access to information.<sup>62</sup>

## 1. Voter registration

A successful exercise (10 January to 11 February 2011) registered 1,798,259 million of an anticipated 2.1 million eligible voters (85 per cent),<sup>63</sup> a remarkable feat considering the logistical difficulties of reaching remote parts of the country.<sup>64</sup> Citizens must vote where they have registered.<sup>65</sup> Whoever has double registered – for example in Monrovia as well as in a home area – will be automatically disqualified.<sup>66</sup> Others will have to return to the centres where they registered to vote. The constitution allows absentee ballots, but the NEC lacks the capabilities to implement this.<sup>67</sup> Some politicians transported and paid at least 6,000 individuals to register in their counties and constituencies during the

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<sup>56</sup> The LP sued the NEC in March and May 2011. The first case claimed it should have five commissioners instead of seven, as stipulated by section 2.1 of the electoral code. Fromayan has responded that the law was amended by a 2002 Act but not published, hence the confusion. The second case aims to halt redistricting of the nine new constituencies created under the Joint Threshold Bill. The Supreme Court has issued an injunction stopping the exercise pending a hearing on 30 May 2011. Crisis Group telephone interview, 27 May 2011. Also, "Liberty Party vs. NEC: Supreme Court issues alternative demarcation writ", *FrontPage Africa*, 18 May 2011.

<sup>57</sup> Crisis Group interview, Monrovia, 24 March 2011.

<sup>58</sup> The IPCC, comprised of the NEC and political parties, was created by the NEC in March 2005 to address issues or disputes within and between political parties in the run-up to elections. The AU, UNMIL, ECOWAS and the International Federation of Electoral Systems (IFES), a U.S. elections-support organisation, are often invited as observers. Crisis Group telephone communication, diplomat, 15 August 2011. The group usually meets monthly, then bi-monthly closer to elections. Crisis Group interviews, NEC and civil society organisations, Monrovia, November 2010.

<sup>59</sup> Crisis Group interviews, November 2010-April 2011. He is quoted as saying he would be "foolish" to belong to any political party, asking his accusers to show "proof" of his partisanship. "Opposition wants [Fromayan] out", *National Chronicle*, 25 March 2011, pp. 1 and 6.

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<sup>60</sup> The billboards show enlarged images of major infrastructure projects undertaken by the government since 2005.

<sup>61</sup> A new bill has changed registration fees for presidential, vice presidential and legislative tickets. In 2005, presidential and vice presidential candidates paid \$2,500 and \$1,500 respectively, while senatorial and representative candidates paid \$750 and \$500. Presidential and vice presidential candidates are now required to pay \$7,500 and \$5,000 respectively, while senate and representative candidates will pay \$4,000 and \$3,500 each. The chairman said the bill was initiated by the legislature: "It's nothing that came from us; the records are there. It is something from the Legislature". Another commissioner, Jonathan Weedor, claims the bill was necessitated by budgetary reasons: "The government of Liberia did not put any money in the budget for elections ... we think it's also a national obligation that every Liberian, especially those who want to offer themselves for national leadership, should do a little contribution, little sacrifice in ensuring that these elections are conducted". "NEC hikes candidates' registration fees", *New Democrat*, 5 April 2011.

<sup>62</sup> Well into the spring the website (necliberia.org) carried no information on candidates or documents like codes of conduct.

<sup>63</sup> At least 1,000 were registrations by minors. Crisis Group interview, NEC official, 23 March 2011; "Preliminary report of 2011 voter registration statistics", NEC, 14 March 2011; "2008 population and housing census", Republic of Liberia.

<sup>64</sup> For example, long stretches of road from Monrovia to Ganta and Zwedru remain unpaved.

<sup>65</sup> Constitution of Liberia 1986, Article 80(c).

<sup>66</sup> The NEC has used South African software to detect 10,000 duplicate cases so far and anticipates more will be uncovered during the elections. Crisis Group telephone interview, 26 May 2011.

<sup>67</sup> Constitution of Liberia 1986, Article 80(c); Crisis Group telephone interview, 27 May 2011.

registration exercise.<sup>68</sup> This could distort numbers at some centres. Following thorough investigations, expedited action should be taken against all offenders to serve as a deterrent in future elections.

Long distances to voting centres (up to 2.5 hours in some places) will keep some away from the polls. During registration, district NEC offices in Zwedru and other cities made ad hoc arrangements to transport vulnerable groups (elderly, pregnant, disabled) but have no plans to repeat this in October.<sup>69</sup> Civil society organisations, the International Foundation for Electoral Systems (IFES) and the National Democratic Institute (NDI) must work with the NEC and stakeholders to find funding for this critical need. In addition, the government and NEC should engage with Muslim leaders to defuse tensions that erupted when some persons with Muslim names were not allowed to register on grounds that they were Mandingoes and thus not Liberian.<sup>70</sup> The Muslim community,<sup>71</sup> particularly youth, is increasingly bitter over this recurrent “institutionalised” discrimination against it.<sup>72</sup>

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<sup>68</sup> Crisis Group interview, NEC official, 23 March 2011.

<sup>69</sup> Crisis Group interview, civil servant, Zwedru, 1 April 2011; and telephone interview, NEC official, 26 May 2011.

<sup>70</sup> Similar incidents occurred ahead of the October 2005 elections. See Crisis Group Report, *Liberia's Elections*, op. cit., p. 3. People interviewed by Crisis Group in the mainly Mandingo-populated areas such as Nimba county, where the war started in 1989, say the same electoral marginalisation of Muslim people is occurring. Crisis Group interviews, March-April 2011. Mandingoes are an ethnic group originating from Guinea and spread across several West African countries, notably Côte d'Ivoire, Gambia, Mali and Niger. In Liberia, they are concentrated in Lofa, Bong and Nimba counties along the border with Guinea, where they have tended to live isolated from non-Muslim communities, partly to avoid hostility to their religion and partly to protect their way of life. Liberian Mandingoes have strong links with Guinea (Crisis Group saw campaign posters of then Guinean presidential candidate, Alpha Condé, a Mandingo, in Monrovia in November 2010), but their origin is just one reason why they have long been regarded as foreigners in Liberia. They are predominantly migrant traders, constantly on the move, and thus are not seen to have a stake in any community, leading to lack of access to land. Efforts by Muslim leaders to conduct a dialogue with the government have been abortive. Crisis Group interview, Muslim leader, Monrovia, 3 April 2011.

<sup>71</sup> There are no reliable figures, but Muslims are estimated to comprise about 16 to 20 per cent of the population; “International Religious Freedom Report 2007 (Liberia)”, U.S. Department of State.

<sup>72</sup> State schools compel Muslim students to study Christianity, and the government does not observe Muslim holidays. Muslims are allegedly penalised for missing work to pray at the mosque on Fridays, and Muslim women are not allowed to wear the veil in public. Crisis Group interviews, Muslim leaders, Monrovia, April 2011. Also, “Police warns Muslim women against veil”, *The Inquirer*, 21 July 2006.

## 2. Revising electoral districts

Between August 2010 and June 2011, a constitutionally-suspect legislative joint resolution authorising nine new legislative seats raised concern about the prospects for acceptance of election results. It allowed the NEC, the legislature and the president to collectively redraw electoral districts without using 2008 census figures as required by the constitution.<sup>73</sup> It essentially was a compromise between the legislature and the executive, ostensibly to get around resistance to a re-drawing based on census figures that could cost some members and areas their seats.<sup>74</sup> The Liberty Party sued the NEC in May 2011 on grounds that the agreement was illegal and unconstitutional. The Supreme Court initially halted the exercise then ruled on 14 June that the NEC could continue the demarcation.<sup>75</sup>

Dissent grew as the exercise progressed, especially in Nimba county, as chiefdoms like Yarmehn were separated from their old districts and added to new ones.<sup>76</sup> Citizens of the Gbehvi Chiefdom, also in Nimba county, objected to being merged with culturally dissimilar groups, probably out of fear that elected representatives will not share their interests, thus excluding them from development programs.<sup>77</sup> Opposition seems to be based mainly on constituents' and politicians' fears of losing relevance as district constituencies change, despite the NEC's insistence that

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<sup>73</sup> Article 80e of the Constitution (one of several suspended in 2005 to accommodate post-war realities) requires the NEC to reapportion existing constituencies immediately after a national census. Article 80d says thresholds (currently 20,000) may be revised “in keeping with population growth and movements”, but “the total number of electoral constituencies shall not exceed one hundred”. After a two-year delay, the legislature passed the Threshold Bill that was meant to redraw existing electoral districts based on the results of the 2008 census. The president vetoed it, signing into law in August 2010 a joint resolution (seen as a compromise between the legislature and the executive) that creates nine additional seats and corresponding districts for the currently 64-member House of Representatives.

<sup>74</sup> NEC allocated these seats to the counties with the highest populations: Montserrado (three), Nimba (two), Grand Bassa, Lofa, Margibi and Bong one each. Civil society tried to repeal the resolution by taking the case to the Supreme Court, which refused to get involved on grounds that the decision was political. Crisis Group interviews, international NGO and NEC, Monrovia, November 2010; “Government compromises on Threshold Bill”, *The Analyst*, 4 August 2010.

<sup>75</sup> “NEC wins legal battle against Liberty Party”, 15 June 2011; and “Statement on the announcement of final electoral districts”, 8 July 2011, press statements by the NEC chairman.

<sup>76</sup> Marcus S. Zoleh, “Blame game – electoral districts demarcation causes blame game”, *The Informer*, 12 May 2011.

<sup>77</sup> Joaquin Sendolo, “Referendum boycott in Nimba?”, *The Liberian Observer*, 20 July 2011.

the districts are not administrative.<sup>78</sup> In the interests of stability, this measure will have to be implemented to protect the legitimacy of the overall electoral process, but it should be rectified after the elections.

### 3. Referendum

The 23 August referendum seeks to amend portions of the constitution that were suspended by the Election Reform Bill the National Transitional Legislative Assembly (NTLA) passed in December 2004.<sup>79</sup> That act suspended the constitutionally mandated ten-year residency requirement for presidential and vice-presidential candidates. The NEC's proposed constitutional change to reactivate the requirement but reduce it to five years has attracted the most attention.<sup>80</sup>

Opposition parties, excluding the Liberty Party, have resisted the referendum from the outset. Their claim that it is a disguised attempt to ensure victory for President Johnson Sirleaf by buying political favour from the main branches of government<sup>81</sup> is hard to explain, especially since it is unclear who stands to gain or lose from the vote. The simple majority proposition for legislative elections could potentially institutionalise the exclusion from power of minority groups but does not appear to favour any particular political party. However, the constitution does not specify whether the residency rule is continuous or cumulative. Several presidential candidates, including the incumbent, Charles Brumskine (who endorses the referendum) and Dew Mayson, have lived abroad for many years and could be disqualified if continuous (ten-year) residency is required. The question requires a Supreme Court opinion.

The proposed amendments require approval by "two-thirds of registered voters" to pass.<sup>82</sup> It needs to be clarified

whether this means two thirds of all registered voters (ie, 1.2 million) or two thirds of registered voters who vote in the referendum, the subject of fierce disagreement between the NEC and leading civil society actors such as former president of the Truth and Reconciliation Commission Jerome Verdier, and some politicians.<sup>83</sup> If the referendum passes, an uncertain proposition considering low political literacy and threatened boycotts by opposition parties and other groups,<sup>84</sup> there will likely be legal challenges that could affect the electoral calendar. Any major delay could produce serious discord.

Some civil society groups are campaigning for a "no" vote on all proposed changes on grounds that there are more substantive issues to address.<sup>85</sup> This criticism is valid because constitutional review is long overdue, and there are many important issues that need to be discussed such as the laws on national identity.<sup>86</sup> Liberia's identity crisis has not changed insofar as the status of Mandingoes, Liberian-born Lebanese and "non-black" groups remains unclear, and dual nationality is still prohibited (a dual nationality bill currently before the Senate recognises only "natural born Liberians").<sup>87</sup>

Another concern is the low level of education and political acumen in rural areas in understanding the issues at play in the referendum. Civil society has an important responsibility, before, during and after the referendum as well as in the elections, to act as watchdog, advocate and educator. It should monitor compliance by all parties with the legal electoral framework at all stages, especially dur-

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<sup>78</sup> "Statement on the announcement of final electoral districts", National Elections Commission, op. cit.

<sup>79</sup> NDI and Carter Center, op. cit.

<sup>80</sup> See fn.28 for other proposed amendments. Voters will be required to vote on each proposition separately. Crisis Group interview, NEC official, 23 March 2011.

<sup>81</sup> Crisis Group interview, opposition politician, Monrovia, 28 March 2011. See also James Butty, "Liberia's referendum campaign gets underway", VOA News, 29 April 2011. Citizens of the Gbhehi Chiefdom in Nimba county's Wee-Gbhehi Administrative District have also threatened to boycott the referendum in protest at the apportioning of sections of their chiefdom to different electoral districts in Nimba county by the NEC as part of the electoral demarcation exercise. Joaquin Sendolo, "Referendum boycott in Nimba?", *The Liberian Observer*, 20 July 2011.

<sup>82</sup> Constitution of Liberia, Article 91. A survey presented on 10 August (conducted only in Monrovia) by Kimmie L. Weeks Consultants firm suggests that 52 per cent of Liberians support reducing the residency clause from ten to five years; 68 per cent agree that elections should shift from October to Novem-

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ber; 78 per cent accept the simple majority proposal, while 52 per cent think the retirement age of the Chief Justice and members of the Supreme Court should remain unchanged. "Spotlight on referendum – Kimmie Weeks releases first results", *The Analyst*, 12 August 2011.

<sup>83</sup> Lewis G. Brown, "NEC's interpretation of Article 91 of the Liberian Constitution: A rebuttal", *The Liberian Journal*, 5 July 2011; Jerome J. Verdier Sr., "Referendum 2011: Your vote and the magic number", *The Analyst*, 11 July 2011; Samuel D. Tweah Jr., "Winston Tubman's memorandum to Liberians to boycott August 23 referendum", *The Analyst*, 11 August 2011.

<sup>84</sup> "CDC to boycott national referendum", *African Elections Project*, 1 August 2011. Ex-TRC chairman, Jerome Verdier asked Liberians to abstain or vote "no" to all four propositions. "Vote no to all" – Verdier urges Liberians", *In Profile Daily*, 11 July 2011.

<sup>85</sup> They mention review of national symbols that do not acknowledge the country's native population, such as the motto "The love of liberty brought us here" and the Liberian flag, created by Americo-Liberians. Crisis Group interviews, international NGO, Monrovia, 24 November 2010; civil society groups, Monrovia and Zwedru, March-April 2011.

<sup>86</sup> Crisis Group interviews, civil society organisations, Monrovia and Zwedru, March-April 2011.

<sup>87</sup> Crisis Group Report, *Liberia's Elections*, op. cit. Proposed Act to amend the nationality laws of Liberia, 2010.

ing voting.<sup>88</sup> The network of civil society organisations working with the Liberia Peacebuilding Office<sup>89</sup> on early warning should partner with security agencies to ensure quick response if needed.

### C. AN OPEN RACE

Voting in 2005 was primarily along ethnic lines except in Montserrado county (the district of the capital, Monrovia) where many urban dwellers voted for the UP, but the CDC carried the more impoverished areas. There is tangible antipathy toward the UP in slums like Westpoint, Monrovia where development projects have sprung up only in the last six months. But this is no guarantee of victory for the CDC. Other party leaders also did well in 2005. Charles Brumskine got the highest votes in Grand Bassa, River Cess and Margibi Counties, while Winston Tubman won in Maryland County. The people of Bharpolu and Bomi, where President Johnson Sirleaf is from, voted largely for the UP, as did Vice President Boakai's Lofa. According to the 2008 census, the six most populated counties are Montserrado (630,159), Nimba (230,099), Bong (171,589), Lofa (156,888), Grand Bassa (123,868) and Margibi (121,813). If this year's voting follows the same ethno-regionalist pattern as in 2005, the race will likely be between Johnson Sirleaf and Brumskine (whose running mate is from Bong).

The incumbency factor favours the UP, which is best organised and represented throughout the country. Many interlocutors told Crisis Group that although they had expected things to be better after six years, they would vote for the president again because they do not see "credible options".<sup>90</sup> Some expressed sympathy that the extensive war damage made it too hard to achieve more but said they hoped Sirleaf would be "tougher" in a second term. However, the president's critics feel the 72-year old "iron lady" has "reached her limit" and should withdraw.<sup>91</sup> She also faces credibility issues over her decision to run for a second term after promising not to when she took office. Her press secretary, Cyrus Badio, explained in 2010 that she "didn't know how much work needed to be done".<sup>92</sup>

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<sup>88</sup> The NEC has accredited over 180 civil society organisations and community-based organisations to conduct civic education around the 2011 elections.

<sup>89</sup> The Liberia Peacebuilding Office is a Government of Liberia project supported by the United Nations Peacebuilding Fund through UNDP.

<sup>90</sup> Crisis Group interviews, Monrovia, Zwedru and Gbarnga, March-April 2011.

<sup>91</sup> Crisis Group interviews, Monrovia and Zwedru, March-April 2011.

<sup>92</sup> "Liberia President Ellen Johnson-Sirleaf to stand again", BBC, 26 January 2010.

### D. THE MEDIA

At a time of unprecedented freedom of expression, the media has been largely unrestrained.<sup>93</sup> Radio stations are few and access is difficult outside Monrovia, even to UNMIL Radio, which is a main source of information for many. Star Radio, funded by the Hironnelle Foundation (funded in turn by Switzerland and the EU among others) and an established source of reliable independent news, especially in rural areas, has been shut since November 2010 for lack of money.<sup>94</sup> It would be important to reopen it as quickly as possible before the elections. Newspapers provide basic facts on events, but sensationalism, poor analysis and inaccuracy characterise some reports, revealing the need for a code of conduct as well as professional guidance and training of inexperienced journalists,<sup>95</sup> whose low wages leave them susceptible to partisanship, corruption and political manipulation.<sup>96</sup>

According to an observer, the media was severely polarised during the war and "still operates with a conflict mentality ... they see everything as us against them",<sup>97</sup> an attitude the Press Union is working to overcome. Meanwhile media outlets should guard against efforts by politicians and parties to use them to spread inflammatory statements and hate speech.<sup>98</sup>

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<sup>93</sup> The Freedom of Information Act was passed in September 2010. Two other draft bills submitted by the media to the legislature, the Act to Establish the Independent Broadcasting Regulator and the Act to Establish the Liberia Public Broadcasting Service to replace the Liberia Broadcasting System (LBS), are yet to be passed.

<sup>94</sup> There are allegations of excessive government interference in the station's operations. Crisis Group interviews, Star Radio staff and other journalists, Monrovia and Zwedru, March-April 2011. Also Joaquin Sendolo, "PUL wants Ellen's support to reopen Star Radio", *Daily Observer*, 21 February 2011.

<sup>95</sup> In July 2011, the Public Agenda newspaper published an article accusing the NEC chairman, James Fromayan, and other officials of corruption. The Press Union of Liberia's grievance and ethics committee held hearings during which the paper admitted guilt. The Union fined the paper L\$20,000. "PUL fines Public Agenda", Press Union of Liberia, 11 July 2011. In an online article, PUL President, Peter Quaqua, refers to the General Auditing Commission's claim that the *New Dawn* newspaper published false information about it. Peter Quaqua, "PUL responds to New Dawn: ethical journalism and the challenge of self-regulation", 18 July 2011.

<sup>96</sup> Crisis Group interviews, Monrovia, November 2010-April 2011.

<sup>97</sup> Crisis Group interview, international NGO, Monrovia, 24 November 2010.

<sup>98</sup> The media is reporting opposition claims Liberia has been "cursed" since President Johnson Sirleaf took office. She allegedly retorted that her critics need to "have their heads exam-

### III. SECURITY IN THE SHORT AND MID-TERM

Security has improved steadily since 2006.<sup>99</sup> However, lingering threats of violent crime and regional troubles make successful security sector reform still a priority. The fate of Charles Taylor continues to preoccupy public attention.<sup>100</sup> A verdict in his \$89 million trial at the Special Court for Sierra Leone in The Hague is expected in August 2011, barely two months before the elections. The ex-president reportedly still has a strong following (though few will admit openly to being part of it). His party, the NPP, is part of the new Democratic Alliance, though prominent members have recently defected.<sup>101</sup> Many are hopeful that he will be convicted, as his return could undermine the peace process.<sup>102</sup>

Violent protests cannot be ruled out, even if the elections are credible, but an Ivorian-like post-electoral tragedy is not looming. UNMIL is still primarily responsible for security, though it assisted the Liberia National Police (LNP) in developing an integrated security and contingency plan for the elections.<sup>103</sup> The performance of the police and the security agencies more generally during the electoral pe-

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ined". "Bad omen of chaotic elections looms", *The Analyst*, 16 May 2011.

<sup>99</sup> Crisis Group interviews, March-April 2011. 55 per cent of adult Liberians consider their communities to be "generally safe" or "very safe" compared to 25 per cent who view their communities as "not at all safe" or "not very safe". Crimes and robberies are a concern for up to 43 per cent of residents of Greater Monrovia. Patrick Vinck, Phuong Pam and Tino Kreutzer, "Talking peace: A population-based survey on attitudes about security, dispute resolution and post-conflict reconstruction in Liberia", Human Rights Center, University of California, Berkeley – School of Law, June 2011, p. 40 (table 12).

<sup>100</sup> 45 per cent of Liberians identify Taylor as primarily responsible for the wars, though this perception is less prevalent in Grand Kru and River Gee than Grand Cape Mount and Bomi counties. Interestingly, the latter two are peopled mainly by the Gola ethnic group to which Taylor's mother belonged. *Ibid.*, p. 32 (table 8).

<sup>101</sup> Few Liberians have no view of Taylor. One person said the fact that he worked with the Taylor regime does not mean he "shared the man's sentiments". Several interlocutors spoke warmly of Taylor's charisma and reputation for "taking good care of his own". Crisis Group interviews, Monrovia, March-April 2011.

<sup>102</sup> Crisis Group interviews, November 2010-April 2011. A recent diplomatic cable made public by WikiLeaks suggesting that the U.S. was "out to get" Taylor is unlikely to work against him. It read: "All legal options should be studied to ensure Taylor cannot return to destabilise Liberia". Afua Hirsch, "WikiLeaks cables reveal US concerns over timing of Charles Taylor trial", *The Guardian* (UK), 17 December 2010.

<sup>103</sup> The mission has 7,952 military personnel and 1,327 police and immigration officers and advisers on the ground.

riod will provide indications of how close they are to being able to assume full responsibility from UNMIL. This section focuses, however, not on the specific plans for the elections but rather security sector reform more generally, including the judiciary.

#### A. THE STATE OF THE REFORMED SECURITY SECTOR

##### 1. Army

In January 2011, President Johnson Sirleaf declared inadequate an initial projection of a total force of 2,000 troops and announced plans to recruit at least 300 more soldiers and expand infrastructure for the Armed Forces of Liberia (AFL). The government officially assumed responsibility for the army from the U.S. in January, but it is difficult to judge the institution's quality, since it will not be fully functional before mid-2012.<sup>104</sup> However, reports of misconduct and desertions owing to poor working conditions raise concern about the sustainability of reforms.<sup>105</sup> On 14 February, Defence Minister Brownie Samukai cited a 14 per cent attrition rate, including death and dismissal. An interlocutor remarked that poor remuneration and "dehumanising treatment" have eroded a sense of commitment among some AFL members, who will not hesitate to leave once better opportunities are available.<sup>106</sup> Under such conditions, the value of a recruitment exercise would be questionable.

##### 2. Police

Police reform is something of a mixed bag. Basic training of the LNP is completed, but a range of problems threatens to reverse gains. Amid reports of exemplary behaviour are stories of corruption and human rights abuses. There have been reports of police renting their uniforms to armed robbers,<sup>107</sup> demanding bribes at checkpoints, brutalising

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<sup>104</sup> For more information on the U.S. and Dyncorp's role, see Crisis Group Report, *Liberia: Uneven Progress in Security Sector Reform*, op. cit., pp. 9-16.

<sup>105</sup> See "Twenty-Second Progress Report of the Secretary-General on the United Nations Mission in Liberia", 14 February 2011. Two soldiers were arrested on 25 December 2009 for assaulting police officers. In January 2011, there were three separate incidents of army personnel assaulting police and stealing equipment, including one in which eight personnel broke into a police station in Monrovia while in uniform. Crisis Group interview, civil society organisation, Monrovia, 22 November 2010.

<sup>106</sup> Crisis Group interview, civil society leader, Monrovia, 24 March 2011.

<sup>107</sup> Crisis Group interview, Monrovia, 22 November 2010; also, "Criminals break through the police", *Women Voices*, 21 March 2011, p. 1.



members of the media – one alleged instance involved members of the president's security detail<sup>108</sup> – and botching a statutory rape case involving a thirteen-year-old girl.<sup>109</sup> A report by Search for Common Ground found that police are “routinely seen drunk and acting unethically”. Many collect bribes from arrested criminals before releasing them to roam the streets at night and run errands for them.<sup>110</sup> A March 2011 clampdown on demonstrating students showed bad habits die hard, despite the president's declaration two months earlier that police “heavy handedness” is a thing of the past.<sup>111</sup> At the same time, the force has suffered its share of abuse.<sup>112</sup>

Over 4,000 officers have been trained, including the armed Emergency Response Unit (ERU) and the specialised Police Support Unit (PSU).<sup>113</sup> 623 (15 per cent) of these

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<sup>108</sup> Crisis Group interview, journalist, Monrovia, 25 November 2010; “Sports journalist assaulted by police officer”, Centre for Media Studies and Peacebuilding, 12 January 2009.

<sup>109</sup> Samuka Konneh, “Police denies compromising statutory rape case”, *Public Agenda*, 24 November 2010.

<sup>110</sup> “Security Sector Reform (SSR) in Liberia: A Case Study of the Liberian National Police”, Search for Common Ground/Talking Drum Studio, March 2011. In another incident (dubbed “Bloody Tuesday”), the LNP was accused of using excessive force to break up a public protest by student members of the Monrovia Consolidated School System on 22 March 2011. Police chief Mark Amblard publicly defended the actions of his officers, while the media carried graphic images of wounded and bleeding students. “Many schools disrupted”, *New Democrat*, 30 March 2011. President Johnson Sirleaf appointed a committee to investigate the incident that recommended Amblard be suspended for two months without pay. On 1 August he received a presidential warning. Deputy Director for Operations, Al Karley, was suspended for one-month without pay instead of the recommended dismissal. Clara K. Mallah and David B. Kolley, “Bloody Tuesday ‘scapegoat’? Ellen suspends Al Karley, gives Amblard ‘warning’”, *FrontPage Africa*, 2 August 2011.

<sup>111</sup> Ellen Johnson Sirleaf, “Annual message to the sixth session of the 52nd national legislature of the Republic of Liberia”, 24 January 2011.

<sup>112</sup> On 12 July 2010, Deputy House Speake Togba Mulbah, allegedly ordered his bodyguards to beat officer Lexington Beh for impounding his illegally parked truck. He was acquitted for insufficient evidence. “Probe the Mulbah-Police assault”, *Daily Observer*, 13 July 2010. Amos Tutu of the Police Support Unit was burnt to death by a mob for accidentally shooting a man at the Capitol Bypass. Cooper Y. Kwanue, “Angry crowd burns police officer to death”, *Daily Observer*, 1 March 2010.

<sup>113</sup> “The ERU – one person called it an ‘elite gendarmerie’ – deals with armed violence or situations that regular police officers and the PSU cannot handle. They ... carry arms (pistols and AKs/M16s), and deal with armed robbery and violent conflicts in which death ensues or lives are threatened. The PSU (also being trained to carry weapons) are to respond to mob incidences, riots and other violent situations where firearms are not used. They also police events which draw crowds and have the potential of generating into violence such as demonstrations,

officers are women. At a ratio to population of 1:850<sup>114</sup> and with 65-70 per cent deployed in Montserrado county alone,<sup>115</sup> there are clearly not enough officers to cover the whole country. The ERU, set up in 2008 to combat spiralling armed robbery, is functional and appears efficient, though based on revised needs assessments, it has only 344 officers instead of the originally targeted 500.<sup>116</sup> The PSU is meant to have 600 members by December.

LNP effectiveness varies widely, according to anecdotal sources, with the lowest levels of public satisfaction in Lofa and Bong counties.<sup>117</sup> It is difficult to attribute safer conditions in Monrovia to the LNP, since UNMIL is still very present. 42 per cent of respondents to a 2010 survey felt the LNP could “stand on its own when UNMIL leaves”.<sup>118</sup> But several factors have contributed to lacklustre reform, not least the loss of knowledge and experience caused by post-war demobilisation. Some of those affected are still demoralised, incensed even, that they did not receive compensation on dismissal.<sup>119</sup> Second, a lax recruitment process has fed into lack of discipline and a poor work ethic. Third, though UN Police mentoring the LNP are “deployed across the country, not within police stations, but regularly visiting and advising them on their work”,<sup>120</sup> inadequate monitoring and oversight allow poor officers to slip through the cracks. An officer claimed that some police deployed outside Monrovia regularly go absent without leave and still collect their salaries, even though headquarters has been notified many times.<sup>121</sup>

There is a patent lack of adequate infrastructure and equipment, ranging from toilets in stations to detention space, vehicles, fuel and communication equipment. Between cities in much of rural Liberia, Crisis Group saw little police presence, mainly at flimsy checkpoints (many consisting of roughly constructed tree branches and stumps) hundreds of kilometres apart, manned by officers who seemed to care little. At a border where at least 2,000 refugees crossed from Côte d'Ivoire, there was but one officer

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protest marches, and football games”. “In basic terms they are something between regular LNP and ERU”. Crisis Group communications, 18 April and 9 May 2011.

<sup>114</sup> “Security Sector Reform”, op. cit.

<sup>115</sup> Crisis Group interview, civil society organisation, Monrovia, 21 March 2011.

<sup>116</sup> Crisis Group interview, civil society organisation, Monrovia, 23 March 2011.

<sup>117</sup> “Security Sector Reform”, op. cit.

<sup>118</sup> Ibid.

<sup>119</sup> Their inability to fend for their families is causing their children to disrespect them and eroding their parental authority. Crisis Group interview, demobilised police officer, Monrovia, 26 March 2011.

<sup>120</sup> Crisis Group email communication, UNMIL, 18 April 2011.

<sup>121</sup> Crisis Group interview, police officer, Sanniquellie, 2 April 2011.

from the LNP and the Bureau of Immigration and Nationalisation, without transportation, weapons or communications. Asked what they would do if the border was attacked, they answered, “we will just run away”.<sup>122</sup>

Incentives are an issue; the government says it cannot afford to raise salaries, and no donor wants to sink money into “a black hole”.<sup>123</sup> All this breeds lack of respect for the police, a troubling development given their primacy in ensuring internal security,<sup>124</sup> which in turn feeds frustration and resentment within the LNP. Other than the ERU and PSU, the police are not armed. Though this limits the ability to fight violent crime, recent abuses (shootings of civilians)<sup>125</sup> are reason to maintain the status quo.<sup>126</sup>

The LNP is also plagued by a host of internal problems.<sup>127</sup> As part of a plan to attract more women, the educational requirement was lowered to accommodate more female recruits, but the qualifications of some of those who benefited are often not sufficient for them to advance to more senior positions.<sup>128</sup>

Partly due to a policing failure, mob justice was common in the aftermath of war. In 2004, the UN Development Programme (UNDP) tried to improve the situation by creating community policing forums to work alongside the LNP. Participants received basic security training and worked with varying degrees of effectiveness until 2009. The name was changed to community watch forum following clashes with the chief of police over use of the term “policing”, as well as police budgetary support. A lack of funds has hampered the effectiveness of at least 500 centres. A 2010 survey reported only 7.1 and 8.5 per cent respectively of residents of Bong and Lofa counties knew of community watch forums in their areas.<sup>129</sup>

The Women and Children’s Protection Unit established in 2005 has received considerable training from UNMIL on handling sexual and gender-based violence. But unit members face the same staffing and logistics constraints as regu-

lar LNP officers. Sexual violence remains high, especially against children and young girls.<sup>130</sup> A January 2006 law made rape a non-bailable offence with a maximum sentence of life imprisonment. Initially hailed as a panacea, advocates now realise that it discourages victims from reporting, since they may be reluctant to imprison family, friends and neighbours. Further, inadequate detention facilities and slow legal processes make it impossible to detain rape suspects beyond 48 hours.

Since 2008, the United Nations Development Fund for Women (UNIFEM), now merged into UN Women, has worked with the Ministry of Gender and Development and other partners on a joint program to address sexual and gender based violence (SGBV). One pioneer initiative is Special Court E that handles exclusively SGBV cases and is specially equipped to protect victims’ and witnesses’ identities during rape cases. Justice remains elusive outside Monrovia though. A second concept supported by UN Women and proving effective in supporting the police to end violence against women in communities is the women-managed community peace huts.<sup>131</sup> Medical and counselling centres need to be expanded outside Monrovia to support rape victims.<sup>132</sup> Mechanisms to build a sexual violence database should be initiated, along with appropriate logistics, notably computers, to enable monitoring.

### 3. Other security agencies

Restructuring of other security institutions is still minimal. The National Security Agency and the State Security Service, notoriously brutal under the Doe and Taylor regimes, seek to be excluded on grounds that their work is “sensitive”.<sup>133</sup>

A core aspect of the national security strategy, now in its implementation phase, is the linkage between justice and security. Security and justice hubs are being constructed

<sup>122</sup> Crisis Group interviews, Grand Gedeh, April 2011.

<sup>123</sup> Crisis Group interview, 21 March 2011. See “We cannot pay salaries or provide rice”, U.S. ambassador to Liberia, Linda Thomas-Greenfield, *UN Focus*, March-May 2010, p. 5.

<sup>124</sup> Internal report made available to Crisis Group.

<sup>125</sup> “Angry crowd”, op. cit.; M. Welemonga Ciapha, “Pleebo: Police shoot civilian to death”, *FrontPage Africa*, 30 May 2011.

<sup>126</sup> The UN arms embargo on Liberia was renewed in December 2010.

<sup>127</sup> Crisis Group interview, Monrovia, 22 March 2011.

<sup>128</sup> Jennifer E. Salahub (ed.), “African Women on the Thin Blue Line – Gender Sensitive Police Reform in Liberia and Southern Sudan”, North-South Institute, 2011.

<sup>129</sup> Crisis Group interview, civil society organisation, Monrovia, 21 March 2011; and communication, 18 May 2011. “Security Sector Reform”, op. cit.

<sup>130</sup> Doctors Without Borders says it sees 60-70 per cent of at least 100 women and girls who are raped every month, some as young as eighteen months, “Rape in Liberia: MSF gives hope to victims”, *The New Dawn*, 2 February 2010; “2010 human rights report: Liberia”, U.S. Department of State, 8 April 2011.

<sup>131</sup> There are at least 30 such huts throughout the country. United Nations, “Liberia: Peace huts”, YouTube video, [www.youtube.com/watch?v=Bege43P8uo](http://www.youtube.com/watch?v=Bege43P8uo), accessed 17 August 2011.

<sup>132</sup> Doctors Without Borders has supported at least three in Monrovia since 2005. “Shattered lives”, Doctors Without Borders, June 2009, p. 30.

<sup>133</sup> Agent Patrick Yance went public with torture allegations against State Security Service Director Samuel Brisbane in February 2011. Crisis Group interview, civil society organisation, Monrovia, 21 March 2011. By 3 May, an investigative committee found Brisbane guilty. It sentenced him to one-month suspension from duty without pay. D. Kaihenneh Sengbeh, “SSS agent ‘tortured’ - Probe reveals”, *The Informer*, 3 May 2011.

in five counties under a three-year peacebuilding program. The hubs are intended to facilitate co-location outside Monrovia of the various security agencies, in order to improve inter-agency coordination and make them more accessible for peri-urban and rural dwellers. Lack of funding for basic logistics such as communication equipment and transport, however, will dilute the project's effectiveness. Especially the need to install the hubs and ensure their sustainability by giving them adequate resources and the mapping of relationships among the various agencies, as recommended by the chair of the Liberia element of the UN Peacebuilding Commission in November 2010, should receive donor support.<sup>134</sup>

A code of conduct should be developed to ensure uniform standards. Timely passage of the National Security Reform and Intelligence Act would help clarify the roles and relationships among various agencies, particularly in the event of an armed insurgency.<sup>135</sup> It would legitimise civilian oversight of security and also help focus proposals to restructure the security sector, including the proposed merger of the Drug Enforcement Agency with the LNP.

#### 4. The justice system

Judicial reform is moving at a snail's pace.<sup>136</sup> Corruption persists despite improvements in salary scales. Judges, magistrates and juries are allegedly easily bribed, and there is a low prosecution to conviction ratio.<sup>137</sup> Suspects are often released without ever being charged. Considerable training continues,<sup>138</sup> but judges typically come late to work, leave early and have poor knowledge of laws and legal procedure. Prison facilities are inadequate, and there are reports of ill treatment of prisoners.<sup>139</sup> Although the government has built new facilities in Sanniquellie (provincial

capital of Nimba), among other places, many, like the Monrovia Central Prison, badly need refurbishment.<sup>140</sup> The slow process of justice has resulted in high levels of pre-trial detention (80-90 per cent of detainees) stretching prison capacity. More trained lawyers and judges are needed, especially since non-Liberians are not allowed to practise law in Liberia.

Reform is complicated by the Chief Justice, Johnnie Lewis, who has presided over controversial judgments that call into question the independence of the highest court. For example, the court overturned the removal of former legislative speaker and Charles Taylor in-law Edwin Snowe in 2007 on grounds that it was unconstitutional<sup>141</sup> and empowered the government to appoint local chiefs though the constitution states that they should be elected.<sup>142</sup> Lewis also has been accused of high handedness in dealing with the media, on one occasion threatening to hold journalists in contempt for "deliberately misspelling" his name.<sup>143</sup>

Trial by ordeal (*sassywood*), normally by a hot knife against the skin, continues to be practised in rural areas, despite a ban on this and some other aspects of customary law. The poor presence of the judicial system outside of the capital Monrovia means that this practice will die hard among some rural Liberians.<sup>144</sup>

#### B. A WAKE-UP CALL FROM CÔTE D'IVOIRE

Ex-combatants remain a serious problem for the security of Liberia as well as of neighbouring countries. Many of these young men and women can frequently be seen idling in an intoxicated state around Monrovia and other major cities, threatening those who refuse their requests for money.<sup>145</sup> Various security reports link them to high rates of armed robbery. Training provided by the government is not targeting the right people or providing skills for

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<sup>134</sup> "Report of the Chair's visit to Liberia", UN Peacebuilding Commission-Liberia Configuration, 7-15 November 2010. See also Section V.B below.

<sup>135</sup> Other important draft legislation includes acts to reform the police and prisons.

<sup>136</sup> Some of the main challenges identified in Crisis Group Report, *Liberia: Resurrecting the Justice System*, op. cit., remain.

<sup>137</sup> Crisis Group interviews, regional NGO, Monrovia, 23 November 2010; international NGO, Monrovia, 25 November 2010; civil servants, Zwedru, 1 April 2011. Also, "Liberia: Poverty Reduction Strategy – Progress Report", International Monetary Fund (IMF), October 2010. On 25 April 2011, retiring Justice Gladys K. Johnson decried the practice, saying she was warned of the dangers of being "too straight" when she rejected a bribe by a law firm. "I rejected bribe", *New Democrat*, 25 April 2011.

<sup>138</sup> Crisis Group observed training for magistrates at the Zwedru administration office.

<sup>139</sup> Crisis Group interviews, Monrovia and Sanniquellie, 21 March and 1 April 2011. See also "Report of the Working Group on the Universal Periodic Review", A/HRC/16/3, UN General Assembly Human Rights Council, 4 January 2011.

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<sup>140</sup> Crisis Group interview, regional NGO, Monrovia, 23 November 2010.

<sup>141</sup> Snowe was removed following a vote of no confidence by his colleagues for "taking an interpreter on a trip without permission and meddling in Liberia's diplomatic policy on China". Days later, the Supreme Court ordered that he be reinstated pending appeal, and it subsequently overturned his removal. "Ex-Taylor ally sacked as speaker", BBC, 18 January 2007; Ezekiel Pajibo, "One down and one to go: The Edwin Snowe dilemma", *The Perspective*, 14 February 2007.

<sup>142</sup> Constitution Article 56(b); "Liberia cannot afford local polls", BBC online, 14 January 2008.

<sup>143</sup> "Liberian judiciary wrestle media freedom", *Afrol News*, 28 November 2010.

<sup>144</sup> See Crisis Group Report, *Liberia: Resurrecting the Justice System*, op. cit.

<sup>145</sup> Crisis Group interview, opposition leader, Monrovia, 26 November 2010.

available jobs.<sup>146</sup> The vocational training offered during DDDR did not give high-in-demand technical mining skills. Many have not found jobs more than eight years after the DDDR program. Comprehensive training can be expensive – up to \$1,200 per capita for a three-year course, so funding is available for six months at most. Some ex-combatants are earning a meagre living doing menial jobs, but not all are content to do so.

Fears that ex-combatants could be mobilised to fight in neighbouring countries materialised when unconfirmed numbers crossed the border to fight in Côte d'Ivoire between December 2010 and mid-April.<sup>147</sup> Former Ivorian president Laurent Gbagbo is accused of recruiting Liberian mercenaries during the post-electoral crisis, a practice that is not new in the region.<sup>148</sup> Undetermined numbers of mercenaries also allegedly fought for President Alassane Ouattara.<sup>149</sup> The recruitment was selective, aimed at those with fighting experience.<sup>150</sup> Most mercenaries were recruited from towns in Grand Gedeh and Nimba Counties and promised \$500-\$1,500 and other incentives.<sup>151</sup> Several hundred Liberian mercenaries were involved in the last stages of the Ivorian crisis. Some came on their own “to find some work”. One explained: “Some of us are not work-

ing. Our government here disarmed us, but they have refused to take us into the new army”.<sup>152</sup>

These mercenaries were used mostly in the west of Côte d'Ivoire and in Abidjan, to carry out attacks on Ouattara's supporters, especially in the immediate aftermath of the election. Operations involving Liberians in Abidjan and its outskirts were planned by people close to Gbagbo.<sup>153</sup> After being chased out of Yopougon (the area of Abidjan where pro-Gbagbo militias and mercenaries were mostly based), they reportedly committed atrocities in south-western Côte d'Ivoire on their way to the Liberian border. According to Ouattara's government, at least 200 civilians were killed during their retreat.<sup>154</sup> Many of the militiamen and mercenaries managed to cross the border and return to Liberia.

Backed by UNMIL, Liberian police have been monitoring the border and were able to arrest several mercenaries as well as Ivorian fighters. On 22 May 2011, the LNP disclosed that twelve of several hundred surviving Liberian mercenaries who allegedly fought for Gbagbo were in custody. Among them was Isaac Chegbo, aka Bob Marley, arrested in June 2011, believed to have led a force of 200 Liberian mercenaries and to have committed atrocities in Blolequin and Guiglo, two towns in the western region.<sup>155</sup>

Weapons and ammunition brought back by returning mercenaries were discovered by the police, illustrating the serious problem of arms proliferation in the region.<sup>156</sup> There are already reports of rising robbery rates in Grand Gedeh since early May 2011.<sup>157</sup> Further, there are fears that ex-combatants could be mobilised by unscrupulous individuals for political violence around the Liberian elections. Dis-

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<sup>146</sup> Crisis Group interview, international NGO, Monrovia, 7 April 2011.

<sup>147</sup> Crisis Group interviews, refugees, Garley Town border, 31 March 2011. For more on the Ivorian crisis, see Crisis Group Africa Reports N°171, *Côte d'Ivoire: Is War the Only Option?*, 3 March 2011; and N°176, *A Critical Period for Ensuring Stability in Côte D'Ivoire*, 1 August 2011.

<sup>148</sup> According to UNOCI, more than 10,000 Liberian mercenaries fought on both sides of the country's crisis between 2002 and 2007, the majority for Gbagbo. “Guide d'information sur le Moyen Cavalley”, UNOCI (2009).

<sup>149</sup> M. Welemongai Ciapha, “Liberian mercenary arrested”, *Front-Page Africa*, 12 April 2011; “Côte d'Ivoire: L'UA préconise une action contre les mercenaires”, *Association de la presse panafricaine*, 14 August 2011.

<sup>150</sup> The network of recruitment included several senior members of the Ivorian Popular Front (FPI), Laurent Gbagbo's party. Oulaï Delafosse, the regional administrator (*sous-préfet*) of the western Ivorian town of Toulepleu close to the Liberian border was one person allegedly in charge of cultivating contacts in Liberia and selecting the mercenaries. Crisis Group interview, chief of a pro-Gbagbo militia, Abidjan, 10 February 2011. The former director of Abidjan port, Marcel Gossio, also a Gbagbo ally, reportedly gave financial support, while FPI figure Alphonse Voho Sahi is said to have coordinated the operation. The well-known leader of the various militias based in western Côte d'Ivoire, “General” Denis Maho Gofléhi, allegedly acted as go-between. Crisis Group interviews and telephone communication, senior members of pro-Gbagbo militias, Guiglo, Toulepleu, January and May 2011.

<sup>151</sup> Crisis Group telephone communication, 2 April 2011.

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<sup>152</sup> “Liberian mercenaries hope for work in Ivory Coast”, Reuters, 1 January 2011.

<sup>153</sup> Crisis Group interviews and telephone communication, senior members of pro-Gbagbo militias, Guiglo, Toulepleu, January and May 2011.

<sup>154</sup> “Repli meurtrier des mercenaires et miliciens”, *Le Nouveau Réveil*, 11 May 2011.

<sup>155</sup> “Several mercenaries arrested”, *New Democrat*, 23 May 2011; and “Ivory Coast mercenary ‘Bob Marley’ arrested in Liberia”, *The Guardian* (UK), 15 June 2011. In April 2011, Liberian authorities questioned 95 men who crossed from Côte d'Ivoire into Liberia carrying AK-47 ammunition. “95 armed ‘mercenaries’ questioned”, *New Democrat*, 7 April 2011. The remaining mercenaries are likely hiding in Liberian border communities where cultural similarities make it difficult to distinguish between Ivoirians and Liberians.

<sup>156</sup> “Arms seized in Liberia”, *The New Republic*, 16 June 2011. Also William Selmah, “Liberia discovers new cache”, op. cit. Crisis Group interviews, Zwedru, Gbarnga and Sanniquellie, April 2011. Emily Schmall and Mae Azango, “Liberian mercenaries detail their rampages in western Ivory Coast”, *Christian Science Monitor*, 11 April 2011.

<sup>157</sup> “Guns infiltrated”, *New Democrat*, 16 May 2011.

armament and prosecution of returning fighters – there is a law against mercenary activity in Liberia – is a priority, while the government needs to review how to engage other ex-combatants in productive endeavours that will make them less likely to take up arms again.

Liberia must also cope with a huge influx of refugees. Over 100,000 people fled the fighting in Côte d'Ivoire between December 2010 and March 2011, taking refuge in villages across eastern Liberia. Alassane Ouattara has been president since 6 May, when he was formally sworn in by the constitutional authorities, yet continuing insecurity in Côte d'Ivoire makes it unlikely that these refugees will return home soon.<sup>158</sup> As a result, their presence continues to strain resources in Liberia's border towns. Potential conflict over land access and use between Ivoirians and Liberians is a real concern. Arrangements will need to be made to prevent encroachment, especially as the refugees were not welcomed everywhere in Liberia.<sup>159</sup>

Response to the refugee crisis has been uncoordinated. Liberia and its neighbour lack the capacity to adequately monitor movements of people and arms along the border. International security support in border areas is critical now and in the build-up to and immediate aftermath of the elections. Crisis Group supports ECOWAS's proposed special head of state summit on Côte d'Ivoire and Liberia initially planned for 16 August,<sup>160</sup> urges it to quickly fix a new date and proposes that the organisation work with UNOCI and UNMIL to design a coherent strategy, with the involvement of all of Côte d'Ivoire's neighbours.

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<sup>158</sup> "Red Cross says 800 killed in Duekoue", *AllAfrica*, 2 April 2011. The UN released figures in late May saying at least 1,000 people were killed in western Côte d'Ivoire, 500 of them in Duékoué. "UN: 1,000 killed in western Ivory Coast during unrest", VOA News, 26 May 2011.

<sup>159</sup> Refugees said people from Jahzohntown in Grand Gedeh turned them away when they first arrived, saying "we didn't bring [the] war". Crisis Group interviews, Ivorian refugees, Zwedru, 30-31 March 2011.

<sup>160</sup> The summit would be held in Nigeria and be attended by Ghana, Côte d'Ivoire, Liberia and Senegal. The decision followed a second "worrisome" discovery of weapons and ammunition in south-east Liberia, announced by the government on 9 August. William Selmah, "Liberia discovers new cache of arms on I. Coast border", West Africa Democracy Radio online, 10 August 2011; "ECOWAS to hold urgent security summit on Liberia, Ivory Coast", West Africa Democracy Radio online, 14 August 2011. On 15 August, ECOWAS announced that the summit had been postponed till September without giving a new date. "Summit on I. Coast-Liberia security issues deferred: official", Modern Ghana, 15 August 2011.

## IV. LIBERIA UNDER JOHNSON SIRLEAF

Africa's first elected female head of state has kept a solidly positive international image. Largely due to her standing abroad, Liberia is no longer associated only with war, atrocities and desperation but also with the powerful and positive symbol of the accession of a woman to the presidency in a post-conflict country. She was widely and quickly accepted in the male-dominated circle of African heads of state and has scored some significant successes in rebuilding her country, but there have also been failures, especially in stamping out corruption and addressing impunity, two age-old Liberian problems.

### A. GOODWILL AND PERSONALISED POLITICS

The last six years have seen greater transparency, improved human rights, less political persecution, unprecedented freedom of speech and regular salary payment in the public sector (even if wages are low). But the pace of reform has been slow and the dividends of peace, uneven. Governance remains highly centralised. Public sector reform has stalled, and the government is not showing commitment to or taking action on key issues like reports of the General Auditing Commission and the TRC. Important legislation like the code of conduct for public officials remains pending. Resentment is growing that the government is "not listening to ordinary people".<sup>161</sup>

Reforms and delivery of public services are seriously hampered by severe staff shortages and low capacity across all sectors, most notably education and health.<sup>162</sup> There are

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<sup>161</sup> Crisis Group interview, Monrovia, 24 March 2011. In a recent example, it took a bloody confrontation between students and police on 22 March 2011 in Monrovia for salary increases to be addressed, though the teachers had been agitating for months. "Government succumbs to teachers' demand – after bloody student-police clash", *The Informer*, 24 March 2011.

<sup>162</sup> Many parents are paying fees for basic education that is supposed to be free. Crisis Group interview, Zwedru, 31 March 2011; Nat Bayjay, "How free?", *FrontPage Africa*, 25 March 2011. In 2006, the Emergency Human Resource Plan estimated that Liberia would require a total of 6,000-8,000 health and social welfare workers. In 2009, the sector had 9,196 health and social welfare workers, an increase of 5,230 workers from 2006. Many of these are under-qualified; for example 44 per cent of nurses lack the level of education required by their professional association. Liberian Ministry of Health and Social Welfare, Country situational analysis report, July 2011, p. 31. There are no pre-primary and junior high school teacher training facilities and only 29 per cent of primary teachers are trained. 14,000 out of 22,000 primary teachers teach all other levels. World Bank, Liberia Education Status Country Report: "Out of the ashes – Learning lessons from the past to guide education recovery in Liberia", December 2010, p. 9.

delays in implementation of a strategy formulated by the planning and economic affairs ministry, in collaboration with national and international partners, to build sustainable national capacity among institutions and individuals.<sup>163</sup> Salaries are so low that many civil servants cannot pay their bills, making them vulnerable to corruption.<sup>164</sup> Though civil service reforms are ongoing, the Civil Service Agency still does not oversee recruitment and dismissal. Both processes are personalised and handled by individual ministries, thus open to abuse. The recent creation of senior administrative positions within the civil service could change this if it introduces greater transparency.

Under Sirleaf, the presidency remains powerful. Decisions and resources are centralised in Monrovia.<sup>165</sup> Little has been done since the government approved the National Policy on Decentralisation and Local Governance in December 2010. To address this shortfall, some ministries, such as gender and development and justice, are establishing offices in counties beyond the capital, an example that should be encouraged. But these measures are poorly coordinated and depend on the will of individual ministers or a donor-driven project.<sup>166</sup> This means the delivery of most basic services is limited and still controlled from Monrovia. The government needs to accelerate its decentralisation policy to calm tempers and facilitate services outside Monrovia.

The government ought to revisit the matter of municipal elections, last held in 1985. The president continues to appoint all local government officials in contravention of the constitution<sup>167</sup> which provides for “elections of Paramount, Clan and Town Chiefs by the registered voters in their respective localities, to serve for a term of six years”.<sup>168</sup> Opposition parties condemned the 2008 Supreme Court ruling that elections for chiefs could not be held because there was not enough money.<sup>169</sup> This is a sore point for some, especially in the countryside where citizens are frustrated that representatives do not prioritise their constituencies’ interests because their allegiance is to the presi-

dent.<sup>170</sup> However, these elections cannot be held until boundaries are redrawn as proposed in draft bills lying fallow for three years.<sup>171</sup> Crisis Group observed in Grand Gedeh and other counties that most communities that get town chiefs are little different in size and formation from villages.<sup>172</sup> It may be too late for a comprehensive review before the 2011 elections, but the government can still show commitment to the process by pushing legislation to re-initiate debate.

## B. SLEEPING AND WAKING UP WITH CORRUPTION?

Corruption, seen by 63 per cent of Liberians as the primary root cause of the wars,<sup>173</sup> remains pervasive at all levels, from the mismanagement of public funds,<sup>174</sup> to magistrates and police demanding bribes before they perform their duties.<sup>175</sup> There are widespread claims of malfeasance in government circles, from the recent army rice scandal,<sup>176</sup> to claims by the “concerned workers of the Ministry of Foreign Affairs” of “administrative malpractices, sexual abuses and harassment, favouritism, bribery, corruption, and nepotism”.<sup>177</sup> What the president declared “public

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<sup>163</sup> The strategy was completed in June 2010 but will not go into effect until it is discussed on a date to be determined in 2012. “National Capacity Development Strategy for Liberia”, planning and economic affairs ministry, 7 February 2011.

<sup>164</sup> Customs officers earn L\$900 a month (approximately \$12).

<sup>165</sup> There is still a high degree of socio-economic inequality between the capital and the rest of Liberia, where residents are “two to three times more likely to have no education and belong to the poorest asset group”, “Talking peace”, op. cit., pp. 3, 30 (table 7).

<sup>166</sup> Ibid

<sup>167</sup> The Supreme Court ruled in 2008 that local government elections would not be held because the government lacked sufficient funds.

<sup>168</sup> Article 56b.

<sup>169</sup> “Liberia cannot afford local polls”, BBC, 14 January 2008.

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<sup>170</sup> Crisis Group interview, civil society organisation, Zwedru, 30 March 2011. Liberian chiefs’ excesses in performing their executive and judicial functions are documented in Crisis Group Report, *Liberia: Resurrecting the Justice System*, op. cit.

<sup>171</sup> In 2006, the Special Joint Stakeholders Collaborative Committee was part of a process that uncovered inconsistencies in local government boundaries and proposed measures to streamline them, including by reducing the number of districts and towns. See also UNDP, “Support to the 2010-2012 Liberian Electoral Cycle”, 15 October 2010.

<sup>172</sup> This is a legacy of the Taylor era; he increased the number of towns and chiefdoms to pacify local leaders, but so arbitrarily it created overlaps in jurisdiction that could cause confusion in local elections. Crisis Group telephone interview, 18 May 2011.

<sup>173</sup> Tribal/ethnic divisions are seen as the second main cause of the wars; though no longer considered a main source of insecurity according to a recent poll. 8 per cent of respondents have experienced “problems along ethnic lines”, notably in Lofa (16 per cent) and Grand Gedeh (10 per cent), “Talking peace”, op. cit., pp. 4, 32 (table 8).

<sup>174</sup> The GAC has flagged this in numerous reports. In its latest audit of the finance ministry’s domestic debt unit, it stated that officials cannot account for an estimated \$18 million out of nearly \$30 million earmarked for domestic debt servicing. “U.S. 18 million gone – Finance officials have no documents”, *New Democrat*, 4 May 2011. The U.S. State Department called corruption “systematic” and “widespread”. “Background note: Liberia”, 1 July 2011.

<sup>175</sup> Crisis Group interview, regional civil society organisation, Monrovia, 23 November 2010.

<sup>176</sup> The GAC has asked Brownie Samukai to explain the alleged disappearance of \$564,000 of rice purchased for the military. “Army rice scandal”, *New Democrat*, 25 April 2011.

<sup>177</sup> “SOS or ghost’s false alarm”, *The Analyst*, 25 April 2011.

enemy number one” in 2006 has become something that Liberians “sleep and wake up with”.<sup>178</sup> Even the first family has found itself the target of corruption allegations in the media.<sup>179</sup>

The government has taken several initiatives to obtain the powers and structures to fight corruption, including the Anti-Corruption Commission (ACC) (2008), the Whistle-blower Act (2010), the Freedom of Information Act (2010), the General Auditing Commission (GAC) (2005), the Public Financial Management Act (2009), and the Public Procurement and Concession Commission (2005). None has translated into tangible action, apparently because political will is not strong enough. Possibly as a way to keep peace in what is still a tense country, the president appears to have adopted a slap-on-the-wrist approach, especially in cases involving allies.<sup>180</sup> For example, Harry Greaves, a confidant of the president and former head of the Liberian Petroleum Refinery Corporation, was sacked for allegedly taking a bribe but never tried.<sup>181</sup> It is unclear what became of the findings of a committee constituted to investigate the case.

President Johnson Sirleaf has referred several cases to the ACC and/or the courts, but low conviction rates – blamed by the ACC on judicial corruption and incompetence and the delayed passage of key laws like the code of conduct<sup>182</sup> – raise questions about the independence and effectiveness of these institutions and the government’s commitment to combating corruption. The government should take concrete action in the run-up to elections on GAC audit reports including dismissal of offenders and corrupt judicial staff where necessary. The proposal by the UN Peace-

building Commission to set up fast track courts to handle corruption cases should be pursued.

The GAC has worked assiduously to audit public institutions, publishing over 40 reports in the four years since Auditor-General Morlu assumed office.<sup>183</sup> However, its work has been hindered by the government’s lethargic response to these reports, including two-year long delays in passing important legislation. At least two observers suggested to Crisis Group that money must change hands before certain laws can be passed.<sup>184</sup> The finance ministry has been the most intransigent of the institutions audited.<sup>185</sup> The president’s press statement on 25 March 2011 that she would not renew Morlu’s appointment – his tenure ended on 31 March – met with criticism and reignited intense debate about her commitment to the fight against corruption.<sup>186</sup>

Her decision was the climax of a heated campaign Morlu had pursued through the media against her government,<sup>187</sup> but he is widely praised by Liberians and diplomats alike for his attempts to transform Liberia’s public finance management culture. While it is the president’s prerogative to hire and fire public officials, her choice of replacement will be key to sustaining the gains made by the GAC under Morlu’s leadership.<sup>188</sup> So, too, will be the action taken on

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<sup>178</sup> Crisis Group interview, entrepreneur, Monrovia, 23 March 2011.

<sup>179</sup> The president’s son, Robert Sirleaf, has been under scrutiny in the media over the financing of stadiums and other structures in and around Monrovia. Some media outlets assert he is using state money to fund these projects in a bid to gain political support for his mother. They have both denied any improper behaviour, and stated publicly that the projects are financed by donations from philanthropic organisations. “Ellen’s son denies using state funds”, *Daily Observer*, 15 February 2011. These accusations led another son, James, to make a statement on 15 April refuting allegations of corruption and threatening legal action against “any attempts ... to discredit my name and that of members of my family”. “Shut up or risk court action”, *The Analyst*, 15 April 2011.

<sup>180</sup> “She says she could not afford to annoy an uncooperative legislature with a crusade on corruption while trying to persuade it to pass crucial economic reforms”. “Liberia’s feisty president: Another round for Africa’s iron lady”, *The Economist*, 20 May 2010.

<sup>181</sup> Greaves maintains he was an innocent victim of political enemies because of his relationship with President Johnson Sirleaf.

<sup>182</sup> “Liberia’s anti-corruption commissioner blames judiciary for slow fight”, [www.liberiacorruptionwatch.org/](http://www.liberiacorruptionwatch.org/).

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<sup>183</sup> The latest reports, published in April 2011, reveal inconsistencies in the gender and finance ministries and the Petroleum Refinery Corporation (LPRC), among other public institutions.

<sup>184</sup> Crisis Group interviews, Monrovia, March-April 2011.

<sup>185</sup> It has resisted efforts to restructure by separating the revenue and comptroller-general duties. Crisis Group interview, GAC, 6 April 2011.

<sup>186</sup> Deputy Auditor General Winsley Nanka has been asked to act in the interim. Some Liberians interpret the decision not to renew Morlu’s contract as a sign of growing intolerance of dissent by the administration. The president recently threatened to arrest the Movement for Progressive Change (MPC) leader, Simeon Freeman, and charge him for sedition over a proposed public demonstration against corruption. Press Secretary Cyrus Badio later said the threat was an “April Fool’s joke”, widely considered to be in bad taste. After authorities agreed to give him a licence, Freeman cancelled the protest, claiming the government planned to create chaos.

<sup>187</sup> Edward Morte, “By this email arrest me on arrival or...”, *National Chronicle*, 24 March 2011; and “The last kick of a dying horse”, *National Chronicle*, 21 March 2011. Their relationship was fraught from the start. Morlu riled Sirleaf immediately on assuming office by declaring her government “three times more corrupt” than any other, without providing supporting evidence, though his colleagues at the GAC insist he had good reason. Crisis Group interview, GAC, 6 April 2011.

<sup>188</sup> The process to find a successor to Morlu got off to a shaky start with the withdrawal of initial announcements and cancellation of a contract for the firm in charge. “Auditor General search hitches”, *New Democrat*, 4 May 2011. The vacancy has been resubmitted and is on the Civil Service Agency website.

the reports that have thus far received little or no attention.<sup>189</sup> Meanwhile, every attempt should be made to recruit and retain qualified staff to sustain the GAC's momentum.

### C. THE TRUTH AND RECONCILIATION COMMISSION

Liberia's Truth and Reconciliation Commission (TRC) is one of several mechanisms intended to "facilitate genuine healing and reconciliation"<sup>190</sup> and provide a solid foundation for tackling impunity, but the country is divided over its controversial report. Lack of funding and slow nomination of commissioners delayed hearings until January 2008, some three years after the TRC Act<sup>191</sup> was adopted and five years after the Comprehensive Peace Agreement (CPA).<sup>192</sup> Two of the nine commissioners, Muslim leader Sheik Kafumba Konneh and lawyer Pearl Brown Bull, refused to endorse the unedited TRC report (published June 2009)<sup>193</sup> on legal and procedural grounds.<sup>194</sup> Their position was backed by Jeremy Levitt, one of three International Technical Advisory Committee (ITAC) advisers, who clashed with the TRC and urged that sections of the

report be withdrawn due to irregularities of process and outcome that he said he raised to no avail with the TRC chairman, Jerome Verdier.<sup>195</sup> Verdier and another commissioner, John Stewart, remain very critical of the government's non response to the TRC report.<sup>196</sup>

The controversial report concluded that the conflict was caused by "poverty, greed, corruption, limited access to education, economic, social, civil and political inequalities; identity conflict; land tenure and distribution; the lack of reliable and appropriate mechanisms for the settlement of disputes"; as well as the "duality of the Liberian political, social and legal systems which polarises and widens the disparities between the Liberian peoples – a chasm between settler Liberia and indigenous Liberia".<sup>197</sup> It stated that all warring factions committed gross human rights violations, including of international humanitarian and human rights law, and recommended creation of a criminal court specially mandated to determine criminal responsibility.<sup>198</sup> The report also recommended that 49 persons, including President Johnson Sirleaf, be barred for 30 years from holding public office, a proposal that shocked many and triggered intense debate about the mandate of the TRC and the motives of its commissioners.<sup>199</sup>

The report also recommended reparations be paid to individuals and communities for gross human rights violations, as well as amnesties for children and selected persons as deemed necessary for healing and reconciliation, and non-prosecution of "all individuals admitting their wrongs and speaking truthfully before or to the TRC as an expression of remorse which seeks reconciliation with victims and the people of Liberia".<sup>200</sup> It proposed a National Palava Hut forum, a community-based/traditional conflict resolution mechanism,<sup>201</sup> as a tool for peacebuilding and recon-

<sup>189</sup> Crisis Group interview, Monrovia, 7 April 2011.

<sup>190</sup> "Comprehensive Peace Agreement", op. cit., preamble.

<sup>191</sup> "An Act to establish the Truth and Reconciliation Commission", 2005. It mandates the TRC to "promote national peace, security, unity and reconciliation".

<sup>192</sup> Nine commissioners (four women and five men) were selected by Gyude Bryant and later approved by President Sirleaf after a public vetting and recruitment process in late 2005. The commissioners were Jerome Verdier (human rights activist and environmental lawyer); Ms. Dede Dolopei (vice chairperson, social worker and peace activist); Ms. Oumu Syllah (a nurse); Bishop Arthur Kulah; Sheikh Kafumba Konneh (Muslim leader); Councillor Pearl Brown Bull (lawyer); Reverend Gerald Coleman (former diplomat); John Stewart (journalist and rights advocate); Ms. Massa Washington (a journalist). The TRC Act created a three-member International Technical Advisory Committee (nominated by ECOWAS and the UN High Commissioner for Human Rights). "Truth Commission: Liberia", U.S. Institute of Peace, February 2006.

<sup>193</sup> The report was released in stages. Volume I and a summary were released on 19 December 2008 and the final and consolidated but "unedited" report on 30 June 2009. On 3 December 2009, volume II was re-released together with volume III in a final edited version, containing numerous appendices and specialised reports on issues such as women, children and economic crimes.

<sup>194</sup> Bull, a former member of the Independent Committee of Experts set up to vet members of the Independent National Human Rights Commission of Liberia, charged the report was "tampered with" in Ghana by some TRC commissioners and objected to the recommendations on prosecution. She said two other commissioners, Dede Dolopei and Gerard Coleman, also dissented with the final report but "signed on reservation". "TRC report in limbo, says Cllr. Pearl-Brown Bull", *The Insider*, 14 October 2009.

<sup>195</sup> "TRC advisor grills report, points to 'irregularities' and 'anomalies'", *The Analyst*, 19 August 2009. Verdier has gone back to his former role as a human rights activist and lawyer.

<sup>196</sup> "ICC could implement TRC recommendations", *The Analyst*, 19 April 2011; John H. T. Stewart Jr., "Open letter to President Ellen Johnson Sirleaf", *The Analyst*, 11 August 2011.

<sup>197</sup> "Report of the Liberian Truth and Reconciliation Commission", vol. II, p. 361.

<sup>198</sup> *Ibid*, vol. I, p. 64.

<sup>199</sup> "Consolidated final report of the Truth and Reconciliation Commission", vol. II, 30 June 2009, pp. 353-361; Crisis Group interviews, Monrovia, March-April 2011.

<sup>200</sup> "Final report of the Liberian Truth and Reconciliation Commission", vol. I, p. 4.

<sup>201</sup> Disputes brought before the Palava Hut are resolved by "members of integrity in the community" at a public gathering place, often a thatched hut. Participation is voluntary, implying that there can be no prosecution. Those who do not submit are not compelled to go through the process but remain on the fringes of the reconciliation process. Crisis Group interview, Monrovia, March 2011.



ciliation at national and district levels. Though “all perpetrators” are required to appear before the huts, those who committed grave crimes are not entitled to be pardoned by them.<sup>202</sup>

Implementation has been slow, equally due to inconsistencies in the TRC process and report<sup>203</sup> and the government’s cool reception of its findings.<sup>204</sup> No criminal tribunal has been created, and no prosecutions have occurred. The Supreme Court declared the 30-year debarment from public office unconstitutional in a January 2011 opinion.<sup>205</sup> Several persons named for prosecution, other public sanction, lustration or debarment from public office are candidates in the 2011 elections, including Dew Mayson as well as the president. Johnson Sirleaf requested the justice ministry and the Law Reform Commission to review the report with a view to determining which recommendations could be pursued in regular courts but has stopped meeting the TRC Act requirement to report quarterly on implementation and explain where and why it is not happening.<sup>206</sup> However, some recommendations, notably regarding land reform, are being addressed.

The Independent National Commission for Human Rights (INCHR)<sup>207</sup> has an ambitious one-year work plan that includes review of the TRC report, a national reconciliation conference, development of a national reparations strategy and launch of the Palava Huts.<sup>208</sup> None of these activities (scheduled for January–April 2011) have been completed, due to lack of funding and the commission’s limited presence nationwide.<sup>209</sup> Also, President Johnson Sirleaf has not yet issued an executive order mandating the creation of a National Palava Hut commission, to be managed by the INCHR as recommended by the TRC report.<sup>210</sup>

The Supreme Court judgment on debarment from public office refocused attention on alternative reconciliation processes. A lack of funds is delaying progress with memorialisation, county peace committees and traditional cleansing, but other actions could be taken in the interim. For example, the Land Commission is reviewing tenure systems, a source of conflict identified by the TRC, which warned that the land issue was so explosive there was “a strong possibility of Liberia returning to violence” if the government did not address it.<sup>211</sup>

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<sup>202</sup> Crisis Group interview, Monrovia, 24 March 2011; also, “TRC offers golden chance for pardon”, *Daily Observer*, 5 February 2010. Truth and Reconciliation Commission, Consolidated final report, Volume II, 30 June 2009, p. 365.

<sup>203</sup> According to the International Centre for Transitional Justice (ICTJ), some important information is poorly referenced, and there are no clear linkages between individuals recommended for prosecution and sanctions and the crimes they allegedly committed. Also, the sanctions are inconsistent. Prince Johnson, for instance, was recommended for prosecution but not political exclusion, despite being named “the most notorious” warlord. Paul James-Allen, Aaron Weah and Lizzie Goodfriend, “Beyond the Truth and Reconciliation Commission: Transitional Justice Options in Liberia”, May 2010. Some observers felt that there were individuals on the list who should not be. Several said it was extreme to equate President Johnson Sirleaf with warlords. Crisis Group interviews, diplomats and civil society organisations, Monrovia, Sanniquellie (Nimba County) and Gbarnga, March–April 2011.

<sup>204</sup> While civil society and victim groups saw the TRC as a platform for truth telling and, hopefully, prosecution, Liberia’s warring factions, many members of which are still in powerful positions, saw it from the start as a way to escape prosecution.

<sup>205</sup> Archie Williams, one of the 49 the TRC recommended be barred, brought the case, *Williams v. Tah*. The Supreme Court ruled that he could run for office and declared unconstitutional Article 48 of the TRC Act and Section 14.3 of its report. Williams was part of Thomas Quiwonkpa’s failed attempt to overthrow President Samuel Doe in 1985. Tom Sesay, “Liberia Supreme Court: TRC ban on politicians unconstitutional”, *African Press International*, 27 January 2011.

<sup>206</sup> Crisis Group interview, lawyer, Monrovia, 24 March 2011; also, TRC Act, Article 48.

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<sup>207</sup> The CPA called upon the transitional government to create an Independent National Commission for Human Rights. A law was adopted in 2005, but establishment of the commission faced numerous setbacks. In February and March 2010, the Senate rejected nominees for commissioners on grounds of incompetence, although some human rights activists held that senators “wanted people who would be less harsh” in dispensing justice. Crisis Group interview, INCHR nominee, Monrovia, 24 November 2010. See also, “Liberia: Delay of human rights commission undermines human rights and accountability”, ICTJ, press release, 19 February 2010; “Liberia: President should act on rights commission”, Human Rights Watch, 19 May 2010. The commission was finally confirmed and inaugurated by President Johnson Sirleaf on 28 October 2010 after further rejections of nominees and questions about the credibility of its chairman, Leroy Urey. His brother, Benoni Urey, was Charles Taylor’s maritime commissioner (in control of the hugely profitable Liberian ship registry). Leroy is considered an ally of President Johnson Sirleaf and not likely to “cause trouble” by encouraging action against associates whose names appear in the TRC report. In 2009, Johnson Sirleaf appointed Benoni Urey as mayor of Careysburg in a move that generated suspicion about her relationship with Taylor’s regime. Some members of the INCHR are seen as supporters of the ruling party. Crisis Group interviews, journalists, Monrovia, November 2010–March 2011.

<sup>208</sup> INCHR, work plan 2011 and Palava Hut project funding proposal.

<sup>209</sup> Crisis Group interview, INCHR commissioner, Monrovia, 24 March 2011.

<sup>210</sup> John H. T. Stewart Jr., “Open letter”, op. cit. Truth and Reconciliation Commission, “Final report”, op. cit., p. 366.

<sup>211</sup> “Consolidated final Report of the Truth and Reconciliation Commission”, op. cit., vol. II. Unequal access to and ownership of land has led to violent disputes in Lofa, Nimba and Margibi

In response to clashes involving a wide range of people, including ex-combatants, returning refugees and displaced persons, many over ownership of lands vacated during the war, the government launched the Land Commission in March 2009. It has completed an inventory of land dispute cases in Circuit and Magisterial Courts in Bomi, Montserrado, Margibi, Nimba and Lofa Counties; vetted public land sale deeds and created a Land Dispute Resolution Taskforce, an umbrella body of all structures involved in land dispute resolution.<sup>212</sup> The dynamics of land disputes are more within families and tribes than between tribes. They are also increasingly less violent. There is significant funding for this work and a good body of commissioners, who are actively engaging civil society organisations, donors and other actors.<sup>213</sup> They must now continue to be allowed to function without undue interference.

The controversy surrounding the shortcomings of the TRC does not invalidate its importance and relevance. There is an indispensable need for firmer leadership to break the cycle of impunity. The government could lead a dialogue on the way forward that focuses on the TRC recommendations that can be implemented immediately.

#### D. THE ECONOMY

On 29 June 2010, Liberia reached completion point under the World Bank's enhanced HIPC, thereby qualifying for \$4.6 billion in debt relief.<sup>214</sup> This was a major turning point for the economy, as the debt-to-GDP ratio and debt-to-exports ratio were initially at 700 per cent and 2,000 per cent respectively.<sup>215</sup> Debt relief restored the capacity to borrow again for public investments. The government has, however, committed to a debt management strategy with strict borrowing limits to ensure sustainability. The road to the HIPC completion point was paved with reforms in public financial management and the social sector requested by the Bretton Woods institutions. After the initial progress made under GEMAP, the reforms imposed by the international mechanism for debt relief heralded an unprecedented era of public macroeconomic management. The challenge will be to maintain discipline, while ensuring public investment in strategic areas and providing appro-

priate incentives to private investors. Macroeconomic stability is a necessary but not sufficient condition to foster job-generating growth.

The economy suffered from the 2008 global financial crisis but recovered in 2010, with estimated growth of 6.1 per cent. The projections are 7.3 per cent for 2011 and 8.9 per cent in 2012.<sup>216</sup> Planned foreign direct investments, held up during the economic crisis, have started flowing. Two major projects are Bong Mines (China Union) and the Yekepa iron-ore operations (Arcelor Mittal), involving investments of \$2.6 billion and \$1.6 billion respectively.<sup>217</sup> The government received its first royalty payments from these mining companies in 2010 and expects them to reach \$30 million annually by 2015.<sup>218</sup> The potential of the sector and supporting infrastructure is large and has been attracting investors from new economic partners.<sup>219</sup> Traditional Western investors are also involved in mining, and the U.S. company Chevron is about to start oil exploration off the coast.<sup>220</sup> New regional frameworks impose on mining companies a greater burden of environmental management, corporate social responsibility and infrastructure development, but conflict still occurs between them and host communities.<sup>221</sup>

Agriculture, forestry and fisheries accounted for 62.7 per cent of GDP in 2010, well ahead of the service (25.9 per

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counties. At least twenty people have died in land disputes in Margibi county since June 2008. Crisis Group interviews, Monrovia, 20-26 November 2010. An excellent map of land disputes by location is at [nrcliberia.ushaidi.com](http://nrcliberia.ushaidi.com).

<sup>212</sup> For further details, see "Annual report of the Liberian Land Commission", January-December 2010.

<sup>213</sup> Crisis Group interview, Gbarnga, 2 April 2011.

<sup>214</sup> "Liberia Wins \$4.6 billion in debt relief from IMF, World Bank", IMF Survey Online, 29 June 2010.

<sup>215</sup> Liberia Full Country Note, African Economic Outlook 2011, AfDB/OECD/UNDP/UNECA, available at [www.africaneconomicoutlook.org](http://www.africaneconomicoutlook.org).

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<sup>216</sup> Ibid.

<sup>217</sup> Their investments include building road and rail infrastructure, such as an 80km railroad for the Bong Mine and a 250km one to carry Lamco iron ore to the port of Buchanan.

<sup>218</sup> Liberia Full Country Note, op. cit.

<sup>219</sup> In February 2010, Elenilto, a unit of an Israel-based group, was awarded a \$2.4 billion concession to develop the Western Cluster iron ore deposit. A Brazilian infrastructure company has held talks on rehabilitating the Mount Coffee hydro plant in White Plains and is investigating the feasibility of further expanding hydropower at the St. Paul River Basin. Liberia Full Country Note op. cit.

<sup>220</sup> "Chevron to begin deepwater drilling off Liberia", *The Street*, 26 June 2011.

<sup>221</sup> These companies include China Union, Arcelor Mittal (one of the world's leading steel company with operations in more than 60 countries, born out a 2001 merger between the Indian Mittal and European (Luxemburg, France and Spain) Arcelor) and Severstal Liberia Iron Ore Limited. On 1 April, Putu District residents staged a demonstration against Severstal, a Russian mineral company operating in the area, over its alleged violation of an agreement to employ indigenes for technical positions that were eventually filled by expatriates. Crisis Group interview, journalist, Zwedru, 30 March 2011. Pending completion of a pre-feasibility study in September 2012, Severstal's anticipated output is 20 million tons of magnetite concentrate per year. "Severstal pays \$4.2 million for Liberian iron ore stake", Interfax-Ukraine, 20 October 2010, [www.kyivpost.com/news/business/bus\\_general/detail/86943/](http://www.kyivpost.com/news/business/bus_general/detail/86943/).

cent) and manufacturing (5.3 per cent) sectors.<sup>222</sup> Most rural agriculture is for subsistence, with low yields and no innovative techniques. But large private investments in the plantation economy are expected.<sup>223</sup> Rubber remains the biggest and traditional cash crop, and investments are being encouraged by the rebound in world prices. Foreign companies have invested significantly, both for latex production and power generation using rubber wood.<sup>224</sup> Palm oil is attracting new players. The Malaysian company, Sime Darby, was awarded a 220,000-hectare concession; another Malaysian company, Golden Veroleum, is negotiating a \$1.6 billion investment for a 30,000-hectare concession that could employ up to 10,000 people and enable transformation of palm oil into biodiesel and other fuels. A UK company, Equatorial Palm Oil, has a 169,000-hectare concession.<sup>225</sup> The government counts on this revival in modern agricultural production to generate jobs and encourage Liberians to invest in farming.<sup>226</sup>

Despite the economic revival and improved health and education indicators, poverty remains widespread and visible.<sup>227</sup> High unemployment persists due to a lack of jobs and skilled labour. Extractive companies tend to rely on skilled labour from other West African countries and further abroad. 80 per cent of the workforce is in the informal sector.<sup>228</sup> Infrastructure and incentives for small and medium enterprises are lacking. Banks are reluctant to give loans because accountability is poor,<sup>229</sup> and businesses are afraid to put money in banks after a series of internally orchestrated thefts over the last three years.<sup>230</sup> Tax rates are high and

payment processes cumbersome.<sup>231</sup> The potential repatriation at the end of September 2011 of thousands of Liberians who have been living under protected status in the U.S. since the early 1990s could also impact the economy.<sup>232</sup> Their return could exacerbate land tensions and diminish the foreign remittances that were the third highest source of foreign inflows in 2009-2010.<sup>233</sup>

President Johnson Sirleaf is fully aware of the structural obstacles to quicker, fairer and more job-creating economic development that could significantly reduce Liberia's vulnerability to internal tensions and recourse to violence.<sup>234</sup> Removing or alleviating those obstacles, such as low human capital, poor physical infrastructure, limited access to financial services, small size of the domestic market and lack of purchasing power, will require peace, political stability, sound economic management and a more convincing fight against corruption.<sup>235</sup>

External aid remains critical for development. Total official development aid was stable at an estimated \$433 million for fiscal year 2010/2011, with traditional donors – the U.S., the EC and Germany, contributing respectively

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victim. “[Ecobank] \$500K theft: Accused admits failed effort to cover-up stolen money”; and “Access Bank staff charged with theft”, *Daily Observer*, 15 January 2011; Winston W. Parley, “LBDI employees linked to \$210,000 theft”, *The New Dawn*, 3 February 2011; “Big theft at UBA”, *The Parrot*, 21 March 2011.

<sup>231</sup> Recent amendments reducing corporate tax rates and top marginal tax from 35 to 25 per cent respectively have not been published, causing confusion in the business community. Goods and Services Tax (GST) is paid at source and post-processing, raising the cost to the consumer. Crisis Group interview, entrepreneur, Monrovia, 21 March 2011.

<sup>232</sup> “Mass deportation awaits US-based Liberians”, *Daily Observer*, 4 April 2011. Exact numbers are unknown, since many are unregistered. Minnesota alone has at least 30,000. “Residency bill would end Liberians’ limbo”, Liberia Webs, 8 April 2011. Temporary Protection Status for Liberians ended in October 2007. Their right to stay under Deferred Enforced Departure was extended for eighteen months each by Presidents Bush (September 2007) and Obama (March 2009). The latter expires in September 2011. Kirk Semple, “Liberians in New York ‘jubilant’ at expulsion reprieve”, *The New York Times*, 21 March 2009.

<sup>233</sup> Central Bank of Liberia, op. cit., p. 37.

<sup>234</sup> Boakai Fofana, Reed Kramer and Tami Hultman, “Much more to do, says President Sirleaf”, op. cit.

<sup>235</sup> For a harsh critique of the results of Johnson Sirleaf’s government on the economic side, see John H. T. Stewart Jr., “Open letter”, op. cit. Though it is indisputable that there has not been a transformation of the Liberian economy – most investments are in enclave mining and plantation sectors – it is not clear that more economic diversification was possible with such a low human resource base, non-existent infrastructure and no budgetary means for the government before debt cancellation.

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<sup>222</sup> Liberia Full Country Note, op. cit.

<sup>223</sup> The downside of such investments is the tensions they cause over land use and host community rights. On 14 July 2011, citizens from at least fifteen towns and villages near the Sime Darby plantation in Grand Cape Mount County issued a statement threatening “stiff resistance” if the company extends its concession. They claim they have “suffered undue hardship” since Sime Darby and other companies arrived and demand the government return their lands. “Halt Sime Darby plantation expansion”, *The Analyst*, 14 July 2011.

<sup>224</sup> A project by Buchanan Renewable Energies has generated jobs and new economic activities in the city of Buchanan. Alex Perry, “Rebuilding Liberia”, *Time.com*, 13 July 2009.

<sup>225</sup> Liberia Full Country Note, op. cit.

<sup>226</sup> See Boakai Fofana, Reed Kramer and Tami Hultman, “‘Much more to do’, says President Sirleaf”, *AllAfrica*, 18 June 2011.

<sup>227</sup> Crisis Group observation, Monrovia, 22 November 2010. In UNDP’s Human Development Index 2010, Liberia ranked 162 out of 169 countries. See also John H. T. Stewart Jr., “Open letter”, op. cit.

<sup>228</sup> See the 2011 Index of Economic Freedom, published by the Heritage Foundation and the *Wall Street Journal*. The Central Bank of Liberia, gives a 74.1 per cent figure. “Annual report 2010”, p. 26.

<sup>229</sup> Crisis Group interview, Monrovia, 24 March 2011.

<sup>230</sup> Ecobank Liberia, the Central Bank of Liberia, the Liberian Bank for Development and United Bank for Africa have fallen

\$103 million, \$88 million and \$45 million. Direct budget support (\$58.5 million in 2010) is 16 per cent of the national budget, the main contributors being the EC, the African Development Bank and the World Bank (respectively \$30 million, \$15.5 million and \$13 million). China is the largest contributor of development aid among emerging partners, at about \$20 million annually, mostly for infrastructure projects and scholarships. Another emerging source are the largest investors in the extractive industries, which have set up community development funds as part of the social responsibility programs the government requires. In 2010 \$14.2 million was to be disbursed, mainly by the Mittal Social Development Fund, Bong Mines and BHP Billiton.<sup>236</sup>

## V. INTERNATIONAL AND REGIONAL SUPPORT FOR LIBERIA'S PEACEBUILDING

Liberia has made progress in its efforts to rebuild the state, but UNMIL is still in place, and its drawdown plans have been continuously revised to allow more time for the security sector to assume its statutory responsibilities. The future of UNMIL will come under scrutiny by the government and the Security Council after the elections. Peacebuilding priorities will also be reviewed by the new government and parliament. The consequent strategy will need to ensure the sustainability of key institutional reforms well beyond the next six-year presidential term.

### A. SECURITY

UNMIL has provided security in Liberia since 1 October 2003, absorbing 3,500 West African troops of the ECOWAS Mission in Liberia (ECOMIL). It is critical that the UN remain engaged until Liberia's security and rule of law institutions can provide security on their own. UNMIL's initial twelve-month mandate included support for implementation of the ceasefire agreement and the peace process, civilian protection, and support for humanitarian and human rights activities, judicial reform and assistance with security reform.<sup>237</sup> Extended annually since September 2004, the current mandate ends on 30 September, one month before elections, subject to review of the regional security situation.<sup>238</sup> It will need to be extended, while maintaining the present military and police strength, for at least a further year, so as to provide security during and immediately after the elections and pending a post-election assessment of the readiness of Liberia to take over. The ability of ECOWAS to support the process and the situation in western Côte d'Ivoire must be additional factors in that assessment.<sup>239</sup>

UNMIL began drawing down in 2007, the same year the UN launched its "Delivering as One" project, and Liberia received the initial \$15 million instalment under the second window of the UN Peacebuilding Fund (PBF).<sup>240</sup> Problems

<sup>237</sup> UN Security Council Resolution 1509 (2003). Crisis Group Report, *Liberia: Resurrecting the Justice System*, op. cit.

<sup>238</sup> Crisis Group interview, UNMIL, Monrovia, 22 March 2011. UN Security Council Resolution 1938, 15 September 2010, extended UNMIL's mandate until September 2011.

<sup>239</sup> A technical assessment team will visit Liberia after the elections and propose recommendations for UNMIL's future, most probably in the first quarter of 2012. Crisis Group interview, UN Secretariat, New York, 14 July 2011; and email communication, 1 August 2011.

<sup>240</sup> Mission strength is down from an initial 15,788 (including 14,501 troops, 1,098 police, plus military observers and support

<sup>236</sup> Liberia section of the African Economic Outlook, op. cit.

with security sector reform suggest the need for a robust transition force to provide security as the peacekeepers withdraw. As the first country with a peacekeeping mission on the UN Peacebuilding Commission's agenda, joint planning and harmonisation – not just of UN agencies but of all peacebuilding actors – is necessary to avoid duplication. Peacebuilding interventions on security, justice and national reconciliation are intended to fill identified gaps by helping to meet broad consolidation targets as well as benchmarks set for UNMIL's continued draw-down and final withdrawal.<sup>241</sup> These benchmarks must be clearly prioritised so the most urgent needs are met first and to avoid the firefighter approach that has characterised much of Liberia's rebirth. Care should be taken that the haste to attain quantitative indicators does not compromise the long-term quality and sustainability of reforms.

The Côte d'Ivoire crisis and its impact on Liberia was a test for the "One UN" concept, implemented in Liberia since October 2010.<sup>242</sup> It revealed potential gaps between coordination and implementation that must be addressed to enhance speed and effectiveness of responses to future threats.<sup>243</sup> Despite a detailed contingency plan,<sup>244</sup> UNHCR

did not have enough staff or data entry equipment to monitor the first influx of refugees.<sup>245</sup> Public information campaigns were uneven and in places non-existent. The pace of weekly inter-agency coordination meetings (Crisis Group observed one in Zwedru) did not match the urgency of the humanitarian crisis. UNMIL was not deployed as quickly as needed at the borders with Côte d'Ivoire, despite information on returning mercenaries.

Since its early (1990) intervention to end Liberia's war, ECOWAS has taken a backseat in Liberia's peacebuilding efforts. It closed the Monrovia office of its Special Representative in October 2010 but retains its early warning bureau (ECOWARN) there.<sup>246</sup> The only West African troops in Liberia are part of UNMIL, which took them in when it deployed in 2003.<sup>247</sup>

ECOWAS has matured as a regional conflict management body in recent years and plays a significant role in regional peace and security. But the exact nature of its future engagement in peacebuilding needs to be worked out by West Africa's leaders. They cannot afford to deploy a long-term military mission, particularly since the regional standby force is still "under construction".<sup>248</sup> Yet, there is clear need for a regional security and diplomatic capacity in view of the election calendar – Liberia and Guinea still this year, Sierra Leone in 2012 – and the continuing fragility of Côte d'Ivoire. Consideration should be given to opening

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staff) in 2003 to 7,952 troops and 1,327 police. "Twenty-Second Progress Report of the Secretary-General", op. cit.

<sup>241</sup> A joint transition working group comprising government and UNMIL representatives conducted a comprehensive assessment of national response capacities to prevailing threats in September 2010. On that basis, the National Security Council (NSC) assigned groups to identify which security tasks can be handed over to Liberia, when and under what conditions. A transition plan will be developed once the NSC approves these work plans. Crisis Group interview, UNMIL, Monrovia, 23 March 2011; also, "Twenty-Second Progress Report of the Secretary-General", op. cit. The benchmarks are contained in "Statement of Mutual Commitments on Peacebuilding in Liberia", UN Peacebuilding Commission, 16 November 2010, pp. 1-2. The benchmarks are at various stages of attainment. Preparations are well underway for elections, though the benchmark will only be achieved if they are peaceful and credible and their results accepted. The first regional justice and security hub, being built in Gbarnga and expected to be completed by August 2011, is also a benchmark.

<sup>242</sup> "One UN" was launched by the UN in eight countries (not including Liberia) in 2007 to test how the system – essentially the development agencies – could deliver development assistance in a more coordinated way. Liberia's international partners, including the UN, reacted slowly to the humanitarian crisis triggered by fighting in Côte d'Ivoire. Donor countries did not release requested funds quickly enough, but even on the ground there were coordination problems. Crisis Group interviews, Sanniquellie and Gbarnga, March-April 2011.

<sup>243</sup> There was "inadequate coordination between the UNMIL and humanitarian contingency planning process". Internal UNMIL communication made available to Crisis Group, April 2011.

<sup>244</sup> "Inter-agency contingency plan for a possible influx of Ivorian refugees, Liberian returnees and third country nationals

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from Côte d'Ivoire into Liberia", UN internal document made available to Crisis Group, 2 December 2010.

<sup>245</sup> Crisis Group interview, Gbarnga, 2 April 2011.

<sup>246</sup> Reasons given for the closure ranged from internal friction over the nationality of the Special Representative to redundancy given Liberia's stability. Crisis Group interviews, ECOWAS and various international organisations, Abuja, October 2010.

<sup>247</sup> Current West African troop contributing countries are Benin, Gambia, Ghana, Mali, Niger, Nigeria, Senegal and Togo. "Twenty-Second Progress Report of the Secretary-General", op. cit., pp. 21-22.

<sup>248</sup> The ECOWAS Standby Force (ESF) is conceived of as several multi-purpose modules (civilian and military) in their countries of origin and ready for immediate deployment. Its mandate includes promotion of regional peace, security and stability and assisting return to post-conflict normality through peacekeeping/peace restoration, humanitarian intervention, policing and peacebuilding, among other means. The ESF's two main bodies, made up of civilian, military and police components, are a Rapid Deployment Capability (current strength 2,402 of a targeted 2,773) and a Main Force (current strength 2,373 against a targeted 3,803). Training and capacity building are ongoing in ECOWAS member countries, with financial and logistical support from the EU and U.S. ESF internal communication made available to Crisis Group, June 2011. The civilian component is the least developed, requiring significant inputs to become effective. Emma Birikorang, "Civilian Training Requirements: Past, Present and Future", PowerPoint presentation, Accra, June 2011.

an ECOWAS office in Liberia to cover the Mano River Union states and work alongside UNMIL as the latter phases out, and Liberia becomes more self-reliant. The organisation should approach countries with business interests in Liberia, including China, India and Malaysia, as well as the EU and U.S. for support in this area.

## **B. LINKING PEACEBUILDING WITH POLITICAL, ECONOMIC AND SOCIAL TRANSFORMATION**

President Johnson Sirleaf's personality and earlier international career reassured external partners that she had the political will to build a new Liberia that would become gradually but permanently free from the political violence, dictatorship, predation and ethnic discrimination that marked its history, despite her own past association with Charles Taylor's rebellion. This will still exist, but her country has not yet made sufficient progress to ensure that it will not remain permanently weak and dependent on international aid.

Responding to the government's request in May 2010, the organisational committee of the UN Peacebuilding Commission (PBC) placed Liberia on its agenda on 16 September 2010 and elected the Jordanian Permanent Representative, Prince Zeid Ra'ad Zeid Al Hussein, chair of the PBC's Liberia configuration, to oversee the country's peacebuilding activities. He visited on 7-15 November 2010 and again in June 2011. The government's peacebuilding priorities and the expected PBC role have been identified in a "Statement of mutual commitments on peacebuilding in Liberia".<sup>249</sup> The government's three objectives are strengthening the rule of law, supporting security sector reform and promoting national reconciliation.<sup>250</sup> The PBC has committed to mobilising resources, generat-

ing sustained attention and advocating for international support.<sup>251</sup>

Given that UNMIL will eventually depart, the focus on the security sector is fully justified. However, sustainable peace depends also on the continuous and resolute political, economic and social transformation of the country. Strong and sustained long-term regional and wider international commitment is needed. Post-war Liberia must still deal with political actors who gained influence during decades of violence and corruption. Many who share responsibility for that period are now in the country's highest institutions. They cannot be expected to promote the necessary reforms vigorously. Unless a fresh group of political actors emerges soon, the old ones will continue to impede development for years to come.

Transforming the way politics is practised involves taking seriously, over time, political party regulation,<sup>252</sup> including the introduction of requirements and incentives for transparency in the funding of political activities, civic education of militants and internal democracy. Effective and gradual implementation of decentralisation is necessary to address the concerns of citizens at the grassroots. Without a new generation of leaders at local, regional and national levels, removed from the culture of violence and privatisation of the public good, elections will become substantially empty rituals that will not improve the quality of governance. The Peacebuilding Commission should include in its agenda a dialogue with the next government on substantive political and institutional reforms carrying this objective of transformation of political practices.

Lingering divisions between Americo-Liberians and native Liberians are more economic than cultural. Economic reform programs that focus on narrowing this gap, coupled with national debate about the meaning and symbols of "Liberianness" (such as the national motto), could help reduce tensions.

Economic and social transformation can only be achieved through continuous, significant, long-term investment in the training of staff in ministries and public institutions and creation of graduate schools of public and private administration with strict admission conditions. There is also a need for technical and vocational training tailored to growing sectors, including agriculture, agro-industry, mining and urban services. The lack of skills and capacity

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<sup>249</sup> PBC/4/LBR/2, 16 November 2010.

<sup>250</sup> Crisis Group supports the range of recommendations set out by the chair of the Liberia Configuration, based on consultations with the government. They include installing the regional security and justice hubs and ensuring their sustainability; deploying more police out of Monrovia and tackling the critical shortfalls in uniforms, communications equipment and mobility; keeping the momentum of judicial reform; helping with the development of national media so there is no information vacuum when UNMIL Radio leaves; and providing financial and technical assistance when needed to the Land Reform Commission, whose recent efforts are "remarkable" and "crucial" for peaceful resolution of conflicts at the local level. See "Report of the Chair's visit to Liberia", Peacebuilding Commission Liberia Configuration, 7-15 November 2010.

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<sup>251</sup> Statement of Mutual Commitments on Peacebuilding in Liberia, *op. cit.*

<sup>252</sup> NDI, the International Republican Institute (IRI) and UNMIL have made efforts to strengthen Liberian political parties, notably through a process initiated in 2007 that aimed to make them more functional. There is, however, more work to be done.

is a major constraint on investment and recruitment of local staff. A massive effort must be focused on secondary and tertiary education, as well as training. The UN Peacebuilding Commission and the Liberian authorities should direct many of their interventions in these directions after the elections. Despite the promising inflows of foreign direct investment and their positive impact on budgetary resources, the state will still need extensive external aid for the foreseeable future. Impatience, weariness and discouragement over the slow pace and the commitment of some questionable political actors to the public good are serious threats to durable peacebuilding.

## VI. CONCLUSION

Aggressive international engagement has brought Liberia a long way from the wreck it was eight years ago. The focus has been on security, through the creation from scratch of a new army and police. The international military and police presence embodied by UNMIL has so far been the main guarantor of the preservation of peace. Real progress has been made in the establishment of a national security sector able to cope with some threats, but a continued international security presence is still necessary, because of the failings of the police and their extremely limited deployment outside the capital. Peace remains fragile, and lingering risks could easily overturn gains made. Perhaps the greatest threat is the power of negative perceptions, palpable at all levels of society and easily aroused by irresponsible media reports. Deep-rooted assumptions that reflect suspicion and mistrust underline the need for more intense consensus-building around key issues ahead of the elections and thereafter. The approaching vote will be an important test of the country's recovery.

If the six years of President Johnson Sirleaf's government have proven anything, it is that the best reform plans cannot work without national ownership. Such ownership is contingent upon the presence of a critical number of actors who want systemic change. Only by carrying out a transformative plan, focused on the next generation of decision-makers and opinion leaders, will peace be sustainable.

**Dakar/Brussels, 19 August 2011**

## APPENDIX A

### MAP OF LIBERIA



Map No. 3775 Rev. 6 UNITED NATIONS  
 January 2004

Department of Peacekeeping Operations  
 Cartographic Section



## APPENDIX B

### GLOSSARY OF ACRONYMS

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ACC	Anti-Corruption Commission
APD	Alliance for Peace and Democracy
BIN	Bureau of Immigration and Naturalisation
CDC	Congress for Democratic Change
CPA	Comprehensive Peace Agreement
DDRR	Disarmament, Demobilisation, Rehabilitation and Reintegration
EC	European Commission
ECOWAS	Economic Community of West African States
ERU	Emergency Response Unit
GAC	General Auditing Commission
GDP	Gross Domestic Product
GEMAP	Governance and Economic Management Assistance Program
HIPC	Highly Indebted Poor Countries Initiative
IFES	International Federation of Electoral Systems
INCHR	Independent National Commission for Human Rights
IPCC	Inter-Party Consultative Committee
LAP	Liberian Action Party
LNP	Liberia National Police
LP	Liberty Party (party of Charles Brumskine)
LPP	Liberia Peoples Party
NEC	National Elections Commission
NGTL	National Transitional Government of Liberia
NPP	National Patriotic Party (party of ex-president Charles Taylor)
NUDP	National Union for Democracy and Progress (party of Prince Johnson)
PBC	Peacebuilding Commission
PSU	Police Support Unit
TRC	Truth and Reconciliation Commission
UNMIL	United Nations Mission in Liberia
UNOCI	United Nations Operation in Côte d'Ivoire
UP	Unity Party (party of President Ellen Johnson Sirleaf)
UPP	United People's Party

## APPENDIX C

### ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka,

Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia and Turkey; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

Crisis Group receives financial support from a wide range of governments, institutional foundations, and private sources. The following governmental departments and agencies have provided funding in recent years: Australian Agency for International Development, Australian Department of Foreign Affairs and Trade, Austrian Development Agency, Belgian Ministry of Foreign Affairs, Canadian International Development Agency, Canadian International Development and Research Centre, Foreign Affairs and International Trade Canada, Czech Ministry of Foreign Affairs, Royal Danish Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, European Commission, Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, German Federal Foreign Office, Irish Aid, Japan International Cooperation Agency, Principality of Liechtenstein, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Royal Norwegian Ministry of Foreign Affairs, Slovenian Ministry of Foreign Affairs, Swedish International Development Agency, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign Affairs, United Arab Emirates Ministry of Foreign Affairs, United Kingdom Department for International Development, United Kingdom Economic and Social Research Council, U.S. Agency for International Development.

The following institutional and private foundations have provided funding in recent years: Carnegie Corporation of New York, The Charitable Foundation, Clifford Chance Foundation, Connect U.S. Fund, The Elders Foundation, Henry Luce Foundation, William & Flora Hewlett Foundation, Humanity United, Hunt Alternatives Fund, Jewish World Watch, Korea Foundation, John D. & Catherine T. MacArthur Foundation, Open Society Institute, Victor Pinchuk Foundation, Ploughshares Fund, Radcliffe Foundation, Sigrid Rausing Trust, Rockefeller Brothers Fund and VIVA Trust.

**August 2011**

## APPENDIX D

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