

Liberia: Time for Much-Delayed Reconciliation and Reform

I. OVERVIEW

Despite marked improvements, numerous grievances that plunged Liberia into bloody wars from 1989 until President Charles Taylor left in August 2003 (originally for exile in Nigeria) remain evident: a polarised society and political system; corruption, nepotism and impunity; a dishevelled security sector; youth unemployment; and gaps and inconsistencies in the electoral law. The November 2011 election was the country's second successful post-war voting exercise but exposed its deep fault lines. The re-elected president, Ellen Johnson Sirleaf, needs to use her relatively weak mandate to focus on reconciling a divided nation.

Inflammatory comments by politicians and sporadic violence in the months leading up to that election showed that democracy remains fragile; after the vote, the main opposition party, the Congress for Democratic Change (CDC), threatened the peace, insisting it had been cheated. Historical enmities also persist, such as those between the residents of Nimba (north central) and of Grand Gedeh (east), home of former President Samuel Doe, over the reprisals Doe took against the former after his 1980 coup. Young people, some of whom fought in the successive conflicts, evidence growing resentment at the enrichment of former leaders in those conflicts and their own lack of economic opportunities.

Taylor's conviction on 26 April 2012 and sentencing on 30 May for war crimes and crimes against humanity in Sierra Leone's civil war raise questions about the fate of others like him in Liberia who have not been prosecuted, nationally or internationally. Some Liberians told Crisis Group they feel uneasy, even unsafe, knowing that those responsible for extreme violence during the civil war remain free. There is little prospect for implementation of the recommendations the Truth and Reconciliation Commission (TRC) made in its 2009 report, including to hold perpetrators to account. The government needs to clarify the relationship between the TRC and Johnson Sirleaf's national peace and reconciliation initiative, led by the women's rights activist, Leymah Gbowee, who shared the 2011 Nobel Peace Prize with the president.

Before the country votes again (in 2017), the electoral law must be revised so as to give the National Elections Commission (NEC) more power to regulate party financing and set stronger criteria for political party registration. The NEC's failure to penalise the use of state resources by the ruling Unity Party (UP) in the recent campaign reinforced opposition perceptions of bias.

The inability of the Liberian National Police (LNP) – built from scratch in 2004 – to control violent protests at CDC headquarters on 7 November did nothing to dispel increasingly negative feelings about their performance. They were heavily criticised by the Special Independent Commission of Inquiry set up by the president that month to look into the violence. The brutal response to what began as a peaceful protest calls into question the quality of the security sector reform. These concerns led the UN Secretary-General to recommend that while the military component of the UN Mission in Liberia (UNMIL) should be drawn down gradually between 2012 and 2015, the police component should be kept at strength and even reinforced in the same period. Stronger state security presence on both sides of Liberia's border with Côte d'Ivoire is imperative after a cross-border attack on 8 June in which seven UN peacekeepers died.

The president's 150-day action plan, announced on 28 February 2012, prioritises youth unemployment and reconciliation, both critical to sustainable recovery. But Crisis Group's wide-ranging 2011 recommendations aimed at peacebuilding and conflict-prevention challenges remain relevant. The government and NEC, as well as civil society and international partners, should focus on short- and medium-term priorities to address deep divisions in the country. In particular:

To bring about an effective process of national reconciliation, including appropriate accountability measures

- ❑ the government should clarify the relationship between the TRC report, especially its recommendations, and the national peace and reconciliation initiative, so as to ensure full national participation and dialogue on the way forward;

- ❑ it should also publish the second report of the Special Independent Commission of Inquiry and adopt its recommendation to pass a law enabling prosecution of private and public persons and organisations that commit or incite hate crimes;
- ❑ civil society should encourage the national peace and reconciliation initiative to urge the government to lead a national dialogue on the TRC report and its recommendations, as well as to act on the important recommendations made by the Special Independent Commission of Inquiry; and
- ❑ civil society and donors should invest in building media capacity and professionalism, including by working with the Liberia Media Centre and the mass communications department of the University of Liberia to establish a training centre and by encouraging exchanges with countries that have more established media.

To strengthen national development equitably throughout the country

- ❑ the government should fulfil the promise in the president's inaugural speech and reflected in the 150-day action plan to create sustainable economic opportunities for young people as a disincentive to violence and thuggery; and
- ❑ focus development efforts in neglected areas such as Westpoint (in the capital, Monrovia) and volatile areas such as Grand Gedeh near the border with Côte d'Ivoire.

To improve democratic processes and electoral oversight in accordance with best practice

- ❑ the new legislature should debate and amend the elections law, aiming at extending and strengthening the NEC's powers to regulate political parties, including, inter alia, possible incorporation of criteria for parties such as internal democracy, financial transparency and significant representation in all regions; and introducing incentives to gradually strengthen parties' legitimacy and capacity through the collection and distribution of monies from a special fund for party reform;
- ❑ the NEC should work with civil society organisations to address the shortcomings reported by local and international observers during the 2011 elections, especially inadequate voter education and polling staff unfamiliarity with counting and tallying procedures; and
- ❑ the government should consider creating an independent body like Ghana's National Commission for Civic Education, including civil society contributors.

To make progress toward an accountable, professional law enforcement service

- ❑ the government should urgently seek funding for further police training and material support for essential equipment, including from friendly governments and through budgetary allocations.

II. THE 2011 ELECTIONS

Despite some flaws, observers judged the 2011 elections credible.¹ The UN Secretary-General's Special Representative (SRSG), Moustapha Soumaré, hailed them as an "historic milestone".² Violence in the lead-up to the first round and on the eve of the run-off was brief and not widespread, due equally to the Liberians' resolve to resist conflict and the UNMIL presence. However, the vote exposed and perhaps deepened fault lines in society, leaving the re-elected president with a weak mandate and an urgent need to tackle especially polarisation and unemployment.

A. THE FIRST ROUND

Unlike in 2005, the run-up to the 11 October general and presidential elections and the 8 November run-off was not smooth.³ There was widespread dissent in mid-2011 over

¹ Local and international groups observed technical irregularities but said they did not significantly affect results. See press statements by the Joint Mano River Women Peace Network (MARWOPNET), Angie Brooks International Centre (ABIC), Femmes Africa Solidarité (FAS), Coalition of Women and Youth Observation Team, 10 November 2011; the Elections Coordinating Committee (ECC), 11 November 2011; and the Economic Community of West African States (ECOWAS) observation mission, 12 October and 9 November 2011. According to a statement on the first round, "detailed procedures for reconciling and counting ballots, ... were not always adhered to and standards for assessing valid versus invalid votes were not consistently applied in some polling stations. Nonetheless, observers saw no evidence of systematic irregularities, nor problems that would affect the overall credibility and integrity of the counting process", Carter Center, 13 October 2011. A statement on the run-off noted "serious questions about the integrity of the process" in Grand Gedeh but maintained they were not serious enough to affect the results, Carter Center, 21 November 2011. The European Union (EU) did not send a mission.

² Press briefing, Yasmina Bouziane, UNMIL spokesperson, Moustapha Soumaré, acting special representative of the Secretary-General.

³ For background on the 2005 elections, see Crisis Group Africa Briefing N°36, *Liberia: Staying Focused*, 13 January 2006, pp. 1-3. For background on the 2011 elections, see Crisis Group Africa Report N°177, *Liberia: How Sustainable Is the Recovery?*, 19 August 2011. UN Security Council Resolution 1509 (2003) mandated UNMIL to support election preparations. The mis-

the revision of electoral districts, prompted by a controversial legislative joint resolution authorising the creation of nine new legislative seats in a manner that contravened the constitution's stipulation that the latest census figures be used to redraw electoral districts. The August referendum was ill-timed and messy. Ordinary citizens questioned the relevance of its four propositions, and politicians disputed which aspirants qualified to run for president under the ten-year residency requirement.⁴ The deadlock ended with a Supreme Court opinion on 5 October that cleared all sixteen candidates on the grounds that the otherwise relevant article of the constitution – suspended in 1986 and restored in 2006 – could not be applied retroactively.⁵

The aggressive campaign included insulting slogans and violent, anonymous attacks on media houses, journalists and properties belonging to partisans of the ruling UP.⁶

sion gave much more assistance to the then nascent Liberian electoral authorities in 2005 than it did in 2011.

⁴ The referendum was on 23 August 2011, barely two months before the first round of elections. Only 615,703 of 1.7 million registered voters took part. None of the constitutional changes came near to achieving the necessary two thirds, including the proposed reduction of the residency requirement for presidential and vice presidential candidates from ten years to five. A change to require a simple rather than absolute majority for legislative elections was defeated when the Supreme Court agreed with a UP petition to exclude the many invalid votes. The eleventh-hour reversal of a boycott threat by CDC presidential candidate Winston Tubman and a printing error on the ballot caused confusion. Following the NEC's approval of sixteen presidential candidates on 14 September, Simeon Freeman, presidential candidate of the Movement for Progressive Change, challenged the eligibility of five, including Johnson Sirleaf and Prince Johnson, on grounds that they had not lived in the country for ten years as required by Article 52(c) of the 1986 constitution.

⁵ Chief Justice Johnny Lewis's opinion relied on Article 21(a), which provides: "No person shall be made subject to any law or punishment which was not in effect at the time of commission of an offense, nor shall the Legislature enact any bill of attainder or ex post facto law". The opinion said, "... the framers of the 1986 constitution could neither have contemplated nor intended that Liberians faced with the state civil crisis be resident because at some point in the future they may want to run for the office of president". Joaquin Sendolo, "Supreme Court rules out residency clause", 7 October 2011, allafrica.com.

⁶ Johnson Sirleaf campaigned with the slogan, "ugly baboon wait small, small monkey still working", playing on an African adage, "monkey dey work, baboon dey chop", that refers humorously to a situation where one person works hard while another enjoys the benefits. Following attacks on at least three media outlets, 15-17 October, the Press Union (PUL) condemned all threats and attacks against journalists. Love TV/FM (owned by CDC supporter Benoni Urey) was set ablaze on 17 October by unknown men who threw a petrol bomb into the building. This followed attempted attacks on Power TV/FM, Truth FM (owned by UP member Musa Bility) and presenter Smith Toby on 16 October. "PUL alarmed over arson attacks, threats", PUL press

However, final rallies by the UP and CDC in October were peaceful. Johnson Sirleaf and the CDC's Winston Tubman qualified for the second round with 530,020 (43.9 per cent) and 394,370 (32.7 per cent) votes respectively. Prince Johnson, a senator and former warlord, was third with 139,786 votes (11.6 per cent). 71.6 per cent of registered voters took part.⁷

While voting was peaceful, there were many invalid ballots: 82,074 (6.4 per cent of the total) in the first round and 24,587 (3.5 per cent) in the run-off.⁸ Election observers generally concluded that the first round was run well, and irregularities were not sufficient to affect the outcome. However, those irregularities formed the basis of the CDC's boycott of the run-off won by Johnson Sirleaf with 607,618 votes (90.7 per cent) to Tubman's 62,207 (9.3 per cent).

The results showed ethnicity still influences voting. The UP won in ten of fifteen counties, gaining its highest totals in Bomi and Lofa, the home areas of the president and her deputy, Joseph Boakai, as well as Gbarpolu and Grand Cape Mount (where both Johnson Sirleaf and Charles Taylor have roots). Prince Johnson won his home county, Nimba, with 67.7 per cent; Liberty Party candidate Charles Brumskine took his native Grand Bassa with 37.6 per cent. Tubman won Montserrado, the CDC's highly youth-populated stronghold, by 45.8 per cent to Johnson Sirleaf's 44.4.⁹ He also won in his birthplace, Maryland, and in Grand Gedeh, which is loyal to his running mate, George Weah, the main challenger in 2005.

Rumours that the CDC would claim fraud spread quickly on 13 October, as the NEC's preliminary results showed Tubman trailing Johnson Sirleaf. The party disputed ballots at a polling centre in Fiamah (Monrovia) and received the most votes there after a recount at the central counting

release published in *Heritage*, 18 October 2011. On 17 August, unidentified persons broke into the home of the deputy UP campaign manager, Eugene Nagbe, and set his car on fire. Two persons were arrested people on 18 October in connection with a 15 October arson attack on the UP's Paynesville (Monrovia) office in which two partisans were reportedly wounded.

⁷ National Tally Center Tally Report, 2011 presidential and legislative elections (final results as of 15 November), NEC, www.necliberia.org/results2011/. Prince Johnson is cited as having "the highest number of [human rights] violations ever recorded for individual perpetrators". "Consolidated final report", Truth and Reconciliation Commission, vol. II, 30 June 2009, pp. 266, 350. Though this made him unlikely presidential material, he is a hero in his native Nimba for protecting it during Samuel Doe's regime.

⁸ See National Tally Center Tally Reports for the two rounds, both NEC, www.necliberia.org.

⁹ In 2005, Johnson Sirleaf lost Montserrado more decisively to George Weah, 37.4 per cent to 29.9 per cent. "11 October 2005 election results", NEC, 23 November 2005, p. 8.

centre in the presence of the NEC, CDC representatives and local and international observers and monitors. A second incident involved an election supervisor wrongfully breaking open a sealed ballot box from a polling centre in Paynesville (Monrovia). The CDC circulated photos of the act as proof of “ballot stuffing”. The NEC explained that polling staff had opened the box to remove a book of seals mistakenly placed inside. After a recount, observers confirmed there was no discrepancy.¹⁰ Nevertheless, on 15 October, the CDC led eight opposition parties in withdrawing from the counting process, alleging fraud and distortion of results.¹¹

The NEC insisted it addressed all concerns and accused the CDC of stalling the investigation at least five times and not appearing at meetings to discuss its grievances.¹² The CDC continued to insist the election was rigged to favour the UP and that the NEC was set to declare an outright win for Johnson Sirleaf until it raised the alarm.¹³ A recurring bone of contention was the opposition’s perception of bias by the NEC chairman, James Fromayan. On 25 October, a week after the NEC called the UP the leading party, he wrote the CDC inviting it to participate in the run-off and stating it had won the most first-round votes.¹⁴ Fromayan fired the communications director, Bobby Livingstone, for this gaffe and resisted CDC calls to resign, insisting he was competent to oversee the run-off, and measures were being introduced to prevent new errors.¹⁵ But his performance made many question whether he could continue to oversee the process.

On 26 October, the CDC asked the NEC to leave Tubman and Weah off the run-off ballot unless Fromayan, whom it accused of “biased, reckless and unruly” actions, was dismissed. It also accused the NEC of applying a “double-standard” as a referee and being a UP “mouthpiece”.¹⁶ Fromayan resigned four days later, “in the interest of Liberia”.¹⁷ The president immediately named the co-chair, Elizabeth Nelson, as his successor. The CDC further demanded a total recount, to which Nelson replied: “You can’t have [a] problem at every polling place. It’s not possible. You’ve to point out the errors. You can’t just say I’m not happy, count everything”.¹⁸ It also asked for equal representation of CDC and UP supporters on the NEC, although the elections law requires that all board personnel be non-partisan.¹⁹

B. THE RUN-OFF

The CDC announced it would boycott four days before the 8 November run-off. Local and international actors, notably the Economic Community of West African States (ECOWAS) president, Victor Gbeho, were united in condemning its demands as unrealistic and unconstitutional. Gbeho called the boycott “unfortunate” and urged the party to rethink its decision.²⁰ Protests by CDC supporters outside party headquarters on 7 November rapidly deteriorated into violence. At least one person died and several were injured when the Liberian National Police (LNP) shot at unarmed protesters.²¹ UNMIL police had to intervene

¹⁰ Crisis Group interviews, diplomat, Monrovia, 10 November 2011; senior NEC official, Monrovia, 15 October 2011.

¹¹ Others were the Grass Roots Democratic Party of Liberia (GRDPL); Liberia Reconstruction Party (LRP); Liberia Transformation Party (LTP); National Democratic Coalition (NDC); National Patriotic Party (NPP); Victory for Change Party (VFC); and Union of Liberian Democrats (ULD). Alva M. Wolokolie, “Eight political parties pull out”, *New Democrat*, 17 October 2011.

¹² Gardea V. Woodson, “NEC Chair Elizabeth Nelson denies CDC’s ballot stuffing charges”, *The Liberian Journal*, 6 November 2011. The NEC said all CDC complaints were receiving due process, and the CDC had declined to meet on 4 November to discuss issues raised in a 1 November letter because it had not finished gathering information. *Daily Observer*, 7 November 2011.

¹³ Crisis Group interviews, diplomats, Monrovia, 13 November 2011.

¹⁴ See Wade Williams and Tom B. Nyenur, “Fromayan flops: Liberia elections chief gives first round tally, victory to CDC”, *FrontPage Africa*, 27 October 2011.

¹⁵ Fromayan reportedly said the gaffe was “not enough reason” to leave on the eve of a major election, and he had pointed out an unrelated mistake in an earlier draft of the letter but did not read the corrected version fully before signing. E.J. Nathaniel Daybor, “‘Not enough to resign’ – Fromayan”, *The New Dawn*, 28 October 2011.

¹⁶ CDC remarks to reporters, 26 October 2011; also “CDC pulls out”, *Daily Observer*, 27 October 2011. Winston Tubman, “CDC final position statement on the holding of elections November 8, 2011”, 4 November 2011.

¹⁷ Resignation letter, *In Profile Daily*, 31 October 2011. Fromayan denied he acted in deference to the CDC demand.

¹⁸ Woodson, “NEC Chair Elizabeth Nelson denies”, op. cit.

¹⁹ For a full list of the demands, see “Details of administrative arrangement (in line with the previous position by the Congress for Democratic Change, CDC) needed for the CDC’s participation in the run-off election”, CDC, 1 November 2011. Section 2.5 of the new Elections Law reads: “No Commissioner, election officer or any employee of the Commission shall be a member or an affiliate of any political party”. Liberia’s electoral law was passed in 1986 and amended in 2003 and 2004.

²⁰ “ECOWAS statement on the eve of the 8 November presidential run-off election in Liberia”, 5 November 2011. The ECOWAS Protocol on Democracy and Good Governance, Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, December 2001 states: “No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors”, Article 2(2).

²¹ According to UNMIL, “in dispersing the unarmed civilians, elements of the Liberian security services used tear gas and live ammunition, resulting in the death of at least one person and

to support the LNP, which subsequently shut three media houses for broadcasting “hate messages” and images of the violence.

The NEC kept Tubman’s and Weah’s names on the ballot, because, it said, the CDC failed to follow the established procedure, which requires a candidate or party to submit a Declaration of Withdrawal form no later than 48 hours before publication of the final list of candidates. The 26 October request to remove their names, it said, came after the final list was printed.²²

Turnout, 38.6 per cent of registered voters, was barely half that of the first round, due primarily to fear of further violence – CDC supporters threatened to burn schools and other facilities used as polling stations – and the boycott. Other possible factors that may have had a delayed impact include the politicisation of the August 2011 referendum and a loss of confidence in Liberia’s democracy resulting from the behaviour of self-serving parties and politicians.²³

On 14 November, President-elect Johnson Sirleaf established a Special Independent Commission of Inquiry head-

the injury of several more”, “Special Report of the Secretary-General on the United Nations Mission in Liberia”, S/2012/230, 16 April 2012, p. 2. See also, “A journalist’s video version of the Nov. 7 use of deadly force by the LNP”, <http://cdcliberia.org/media2.php>; and “One TV station extended video version of the Nov. 7 use of deadly force by the LNP”, <http://cdcliberia.org/media1.php>. The images clearly show the absence of discernible leadership and that the police were unsure what to do, alternating between firing teargas every other minute and running from the projectile-throwing crowd. According to the Special Independent Commission of Inquiry, at least six people sustained gunshot wounds in the legs and thighs after the police shot nine live rounds. “Official report of the November 7, 2011 acts of violence and civil disturbances”, sections 5.20 and 7.1.6. In a video interview the day after the violence, a young woman claimed that men of the Emergency Response Unit (ERU) and Police Support Unit (PSU) threatened to rape and kill her and other women. “Post Nov. 7 interview #1 at CDC party HQ”, <http://cdcliberia.org/media5.php>.

²² Section 10.16 of the Elections Law provides that: “Any candidate may withdraw from contesting an election and notify the Elections Commission before ballot papers are printed and before the election writs are issued and served”. The NEC never said when the printing took place, and the electoral timeline did not provide this information. See “2011 Elections calendar”, NEC. A NEC press statement suggested the printed ballots were received from Ghana before the final list of candidates was published for distribution between 28 October and 7 November. See “Statement by the Chairman of the National Elections Commission (NEC), Hon. James M. Fromayan in preparation for the November 8, 2011 presidential run-off election”, 27 October 2011.

²³ Crisis Group meeting, civil society organisations, Monrovia, 30 March 2012.

ed by a Catholic nun, Sister Mary Laurene Browne, to investigate the 7 November violence (discussed below). The CDC held a “funeral rally” on 21 November to protest the death and injuries of supporters in that violence, and the following day Tubman promised 30 days of protests in Monrovia, beginning on 28 November. These were called off when the CDC agreed to negotiate with the UP.

Divisions, however, deepened in the party, in particular between Tubman and Weah, whose political marriage had always been regarded as surprising.²⁴ Differences between the Harvard-educated former diplomat and the one-time world-class football hero had already become more pronounced during the internal debate over whether to participate in the run-off. Tubman, who seems personally to have favoured a more conciliatory line, reportedly said different things to the International Contact Group on Liberia (ICGL) and to more hardline party executives, over whom he appeared to have no control.²⁵ His attempt to remain relevant to both party and political processes caused the presidential candidate to begin to lose credibility.²⁶

Tensions rose on 26 November with the expulsion of senior executives, notably the then chairman, Geraldine Doe-Sherif, on grounds that they had betrayed the party by not attending the 21 November “funeral rally” and asking members to do the same.²⁷ Doe-Sherif, who refused to give up the senate seat she had retained in the previous month’s legislative elections, had already been attacked at CDC headquarters on 18 November by party youths reportedly loyal to the deputy campaign manager, George Solo, and

²⁴ CDC members were not the only ones puzzled at their sudden alliance; the media called Tubman’s nomination an “orchestrated surrender” by Weah of his leadership. See Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., p. 5.

²⁵ Crisis Group interview, diplomat, Monrovia, 6 November 2011. See also “ECOWAS statement on the eve”, op. cit. Victor Gbeho said the boycott went “against the grain of the discussions that Ambassador Tubman held with the Chairman of the Authority”.

²⁶ He told an interviewer his boycott decision would be “in the interest of peace and stability in the country”. Boima J.V. Boima, “I’ve the final say”, *New Democrat*, 31 October 2011. He was undecided whether the CDC should boycott the August referendum and November run-off, at times contradicting other party officials and sending mixed signals to all. After he recognised Johnson Sirleaf’s victory on 15 January and tried to convince supporters to end the confrontation with the UP, angry youths reportedly tried to lynch him; he was escorted to safety by security aides. “Tubman chased out of party headquarter”, *New Dawn*, 17 January 2012.

²⁷ Weah and Tubman had reportedly asked Doe-Sherif and Secretary General Acarous Gray to resign on 1 August. See Rodney Sieh, “Things falling apart: Can CDC center hold? Weah-Tubman marriage on the ropes”, *FrontPage Africa*, 3 August 2011.

an arson attempt was made at her home on 28 November.²⁸ The immediate effect of the expulsion was to weaken the CDC, including its influence in the legislature. More recently, internal disputes may have cost the party a chance to retain a lower house seat in a by-election in Montserrado's eleventh electoral district scheduled for 3 July.²⁹

C. THE NEW LEGISLATURE AND CABINET

Elections for fifteen of the Senate's 30 seats and all 73 House of Representatives seats were held simultaneously with the presidential ballot on 11 October and 8 November.³⁰ The UP won four Senate seats (including in Grand Gedeh), the same number as Charles Taylor's National Patriotic Party (NPP), which notably won the contest in Johnson Sirleaf's native Bomi. Doe-Sherif's success in Montserrado was apparently more a personal than a party triumph, a characteristic in evidence across the country.

²⁸ The CDC chairman for mobilisation and recruitment, Mulbah Morlu, told elected legislators to give up their seats to protest the election results. Boima J. V. Boima and Peter N. Toby, "Split over sweet seats", *The Democrat*, 10 November 2011; Boima J.V. Boima, "CDC chairperson chased out of party headquarters", *New Democrat*, 22 November 2011. J.K. Browne, "Geraldine responds to petro-bomb attack", *The Liberian Times*, 1 December 2011.

²⁹ The seat became vacant when CDC member Moses Saah Tandapolie died on 16 March. "Rep. Tandapoli[e] dies while attending retreat in central Liberia", *In Profile*, 16 March 2012. The NEC refused to register the CDC candidate for the by-election because the party missed the filing deadline (it arrived at the NEC headquarters in Monrovia at 5.30pm instead of the stated 5pm on 18 May), though Doe-Sherif claims it was due to "the continuous refusal of some executive members in the party to accept me as legitimate chairman". Boima J.V. Boima, "Power struggle ends CDC's hopes for Tandanpolie's seat", *New Democrat*, 22 May 2012. The party has threatened protests. E.J. Nathaniel Daygbor, "CDC threatens chaos – Doe-Sherif blames officials", *New Dawn*, 24 May 2012.

³⁰ Liberia has a bi-cameral legislature based on the U.S. model. The fifteen counties each elect two senators (a total of 30), half of whom serve nine-year terms while the remaining fifteen serve six-year terms. Each county also elects a number of representatives proportional to its population, but not less than two. Montserrado, the most populous, has seventeen representatives. The NEC allocated nine House seats created in August 2011 to the most populous counties: Montserrado (three), Nimba (two), Grand Bassa, Lofa, Margibi and Bong (one each). An August 2010 legislative joint resolution allowed it, the legislature and president to collectively redraw electoral districts without using 2008 census figures as the constitution requires: essentially a legislature-executive compromise to avoid an exercise that might have cost some members and counties their seats. Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., pp. 8-9.

The UP tripled its strength in the House, including with strong wins in Bomi and Lofa. The CDC won roughly half of Montserrado, which includes Monrovia; one of its winners was Acarous Gray, its secretary general but a newcomer to the legislature. The county's remaining seats were divided among independents, including ex-Speaker Edwin Snowe, who retained his seat,³¹ the UP and other parties. Deputy Speaker Tokpah Mulbah (CDC) was returned in Bong, while the speaker, Alex Tyler (UP), defeated the National Union for Democracy and Progress (NUDP) candidate, Ricks Toweh. When the Senate was organised, Charles Taylor's ex-wife and head of the NPP (a CDC ally), Jewel Howard-Taylor, lost her bid for president pro tempore by one vote to the UP's Gbezhonghar Findley (Grand Bassa County).

The UP now controls nearly one third of both houses, as well as their leaderships, but no single party dominates either house. The combined strength of the CDC, the National Democratic Coalition (NDC) and NPP, which co-operated in the run-off round, could challenge the UP, but only if the CDC repairs its internal split.³² Political alliances in Liberia are typically fluid, based on the quest for jobs.³³ The UP will need to build consensus to pass legislation, and hardliners like the CDC's Acarous Gray may prove hard to win over. No new laws have yet been passed.³⁴

³¹ Snowe was removed as speaker in January 2007 after a no-confidence vote for "taking an interpreter on a trip without permission and meddling in Liberia's diplomatic policy on China". The Supreme Court ordered reinstatement pending appeal and later 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.

³² The Independent Congress for Democratic Change (ICDC) split in December 2011, citing party corruption and abuse of power, but little has been heard of it since. "Departing CDC executives form breakaway movement – Independent Congress for Democratic Change 'ICDC' created", *The Liberian Journal*, 19 December 2011. Doe-Sherif and three other senior party officials resigned their positions on 27 May as a first step toward reconciliation. E.J. Nathaniel Daygbor, "CDC inflicts self-pain – Doe-Sherif steps down", *The New Dawn*, 29 May 2012.

³³ Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., pp. 4-6.

³⁴ A bill under consideration to criminalise homosexuality and same-sex marriage has provoked some controversy. Johnson Sirleaf said in a 19 March joint interview with former UK Prime Minister Tony Blair that she would veto any such law. Her spokesperson, Jerolinmek Piah, said four days later that her comment was misinterpreted: "The current law regarding sexual practices sufficiently addresses the concerns of the majority of Liberians and guarantees respect for traditional values. The reality is that the status quo in Liberia has been one of tolerance, and no one has ever been prosecuted under that law".

Johnson Sirleaf announced her second-term cabinet in stages, apparently in an attempt to soften tensions over appointments.³⁵ The process was akin to a musical chairs game, in which serving ministers – most with connections to past governments – were given different portfolios.³⁶ New appointees include Lewis Brown (a failed Senate candidate) as communications minister and Eugene Lenn Nagbe as transport minister.³⁷ With so few fresh faces and a slender balance between career professionals and political rewardees, however, the pre-election goal Crisis Group described as “transforming Liberia with a new breed of reform-minded political players” seems unlikely in the short-term.³⁸

III. LESSONS FOR POST-WAR RECOVERY

Liberia’s second post-war elections exposed the vulnerability and unfinished business of peacebuilding.

A. RECONCILIATION

In an effort to calm tensions from the elections, President Johnson Sirleaf established two processes to address violence and reconciliation. Bringing the divided citizenry together is a large challenge, especially given the weak mandate the president won in a run-off with such low participation. The fallout from that election and its accompanying violence underlined the need for political reconciliation, as well as for better linking peacebuilding and development policies. Riots by student vacation workers in December 2011 over delayed payments are an indication that young people in particular are not receiving job and education dividends in the new democracy.³⁹

“Final letter to *Guardian*”, Government of Liberia, 23 March 2012.

³⁵ See “A low-key second term”, *Africa Confidential*, vol. 53, no. 3, 3 February 2012.

³⁶ Reassigned ministers include Augustine Ngafuan, former finance, now foreign; Amara Konneh, former planning and economic affairs, now finance; and Varbah Gayflor, former gender and development, now labour.

³⁷ Brown was foreign minister and national security adviser under Taylor. Nagbe was CDC secretary general, communications minister in the post-Taylor transitional government and special assistant under Taylor to the police director and vice president. He joined the UP as deputy campaign manager in June 2011; August arson at his home was deemed politically motivated.

³⁸ Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., p. i.

³⁹ Students employed by the Monrovia City Corporation during the 2011 Christmas vacation rioted on 22 and 23 December 2011, looting state property, attacking individuals and damaging ve-

1. Special Independent Commission of Inquiry into 7 November 2011 violence

The commission, established on 14 November, was mandated to “investigate the disturbance and acts of violence of November 7, 2011” and to “write a report ... to make recommendations on what course or courses of action need to be taken with a special view toward peace and reconciliation”.⁴⁰ Its first report, on 1 December, stated, “the leadership of the CDC bears the greatest responsibility for the climate of fear, anxiety and insecurity” that preceded the violence and noted poor coordination between the justice ministry and police. It recommended that the police chief, Marc Amblard, “be relieved of his position and a professional panel of law enforcement officers ... be constituted to recruit” his replacement.⁴¹ Amblard was dismissed, but undisclosed new evidence led Johnson Sirleaf to order a fresh investigation. A second report, submitted on 8 March, has not yet been released.⁴² While unable to identify the officer who fired live rounds during the violence (the commission cited a lack of eye witnesses and forensics), it is said to contain recommendations on law enforcement personnel, ranging from further investigation to dismissal and prosecution.⁴³

2. A national peace and reconciliation initiative

President Johnson Sirleaf surprised many when she announced on 11 November the establishment of a one-year national peace and reconciliation initiative, headed by her Nobel co-laureate, Leymah Gbowee, to kickstart a “national dialogue to bring us all together ... to cement the false divides”.⁴⁴ The president was virtually silent, how-

hicles. “Vacation students go amok”, *Heritage*, 23 December 2011.

⁴⁰ “Official report of the November 7, 2011 acts of violence and civil disturbances”, 1 December 2011, p. 2.

⁴¹ *Ibid*, p. 11

⁴² “Official supplemental report of the November 7, 2011 acts of violence and civil disturbances”. “Sirleaf receives report on pre-election violence”, *The Liberian Times*, 12 March 2012.

⁴³ “Government receives official supplemental report of the Nov. 7 violence”, *Heritage*, 21 March 2011.

⁴⁴ Johnson Sirleaf statement, “... following preliminary announcement of presidential run-off results”, 11 November 2011, pp. 2-3; J. Brouillaud, “PBC Liberia configuration briefed on national reconciliation by 2011 Nobel Peace Prize Laureate Leymah Gbowee”, blog 17 March 2012, www.emansion.gov.lr/doc. Gbowee gained prominence for coordinating peace protests by 2,500 Liberian women in Liberia, Sierra Leone and Ghana that forced warring factions into peace negotiations in Accra in June 2003 and kept them there with a sit-in protest until they reached agreement. The women also persuaded protesting ex-combatants to disarm and support the UN-led peace process. Abigail Disney and Gini Reticker, “Pray the devil back to hell”, a 2008 documentary film on the women’s peace move-

ever, on the relationship between the initiative and the TRC report, which her first government had received unenthusiastically.⁴⁵

Gbowee has stated that she will conduct consultations and use the TRC report as one point of reference.⁴⁶ It is too early to assess the initiative, but it could potentially duplicate the work of that body, which also carried out extensive consultations around the country. Liberians may be understandably sceptical about a new process when the earlier one has not been productive, especially since any recommendations Gbowee makes could be seen as an effort to supersede the TRC's. Civil society should encourage her to recommend that the government lead a national dialogue on what to do with the prior body's report, especially its counsel on war criminals. National courts are still not robust enough to handle such sensitive cases, yet involvement by the International Criminal Court (ICC) is unlikely given the lack of international demand for it and the court's questionable jurisdiction over at least most of the war crimes that may have been committed in Liberia.⁴⁷

ment. She is respected for her peace activism, but Liberians have a wait-and-see approach toward her reconciliation work. Crisis Group telephone interview, Liberian journalist, 25 January 2012.

⁴⁵ The exception was a passing reference in a media interview that Gbowee would work with the Independent National Commission for Human Rights (INCHR), whose unexecuted 2011 workplan included a review of the TRC report and a national reconciliation conference. Othello B. Garblah, "Ellen – I'm ready to talk", *The New Dawn*, 24 January 2012. On the INCHR workplan and the troubled TRC process, including its controversial recommendations – most notably establishment of a criminal tribunal to try those accused of war crimes and a 30-year bar on 49 persons, including the president, from public office, see Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., pp. 19-21. The president asked the justice ministry and the Law Reform Commission to review the TRC report and determine which recommendations could be pursued in regular courts, but the government did not fully meet the TRC Act requirement to report quarterly on implementation and did not give critical financial support to enable the INCHR to pursue reconciliation through reparations and community-level talks.

⁴⁶ "US lawmaker's call 'recipe for disaster'", says Liberia Nobel Laureate Gbowee", 24 November 2011, West Africa Democracy Radio, www.wadr.org. Gbowee has held consultations in Grand Gedeh, Nimba and Bong counties and a national poetry competition and reconciliation jamboree attended by political, religious and traditional rulers where rivals embraced and called for burying differences and moving forward. "Nobel peace laureate holds peace jamboree", Radio Netherlands, 30 November 2011.

⁴⁷ The Rome Statute provides that the ICC has no jurisdiction over crimes committed before 1 July 2002. Liberia, whose war ended in 2003, ratified the treaty in September 2004. See Chernor Jalloh and Alhagi Marong, "Ending impunity: The case for war crimes trials in Liberia", 1 Afr. J. Legal Stud. 2 (2005) 72-74.

No prosecutions have occurred yet, partly because the war crimes tribunal recommended by the TRC has not been created.⁴⁸ The landmark conviction and 50-year prison sentence of Charles Taylor, though for crimes in Sierra Leone, not Liberia, set a precedent, however, and have revived the debate on accountability for human rights abuses. A senior commissioner of the Independent National Commission for Human Rights (INCHR) told Crisis Group recently that those responsible for atrocities committed during the war would not escape prosecution, a position shared by Grand Bassa County Representative J. Byron Brown, who is heading the campaign for a law to establish a war crimes court in Liberia.⁴⁹ Thomas Abu Bureh, another INCHR commissioner, has said that those who committed "heinous crimes" would be recommended for prosecution to the ICC.⁵⁰ Warlord-turned-Senator Prince Johnson is visibly nervous, as shown by his purported "disclosure" on 24 May, following Bureh's statement, of other persons who allegedly committed war crimes.

The INCHR is currently focusing on healing and reparations, ostensibly to build the cohesion necessary to repel possible attempts by former warlords to avoid prosecution by manipulating divisions among different groups. The commission will need to first build consensus among its own members.⁵¹ Its plans to seek Liberians' views on how to proceed through community-based discussions as part of the Palava Hut process (see below) risk delaying further the overdue prosecution process. It should advocate for trials to begin while UNMIL can still guarantee security and before the deaths of aging perpetrators deprives victims of seeing justice done.

On a positive note, the Palava Hut mechanism, part of the peacebuilding program and a traditional reconciliation tool the TRC recommended, has picked up in pace since 2011. With an initial budget of \$5 million, the internal affairs ministry is now coordinating the many civil society organisations keen on involvement. Community-level hearings are scheduled to begin soon after a formal launch on 26 July.⁵²

⁴⁸ Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., pp. 19-20.

⁴⁹ Brown vowed on 4 June to "officially write those indicted by the TRC of bearing the greatest responsibilities [in] the Liberian conflict to support the process because it is in their interest". "TRC inditees support war crime[s] court?", *The Liberian Times*, 5 June 2012.

⁵⁰ In a press conference the next day and a separate interview with Crisis Group, other commissioners dissociated themselves from Bureh's statement, saying "we have to hold nationwide hearings before we can even get to that point". "In-fighting at human rights commission", *Insight News* (n.d.).

⁵¹ Crisis Group telephone interview, INCHR commissioner, 29 May 2012.

⁵² Ibid.

B. DECENTRALISATION, DEVELOPMENT AND INCLUSIVE GOVERNANCE

In a bid to address frustration at over-centralised government, the president launched the National Policy on Decentralisation and Local Governance on 5 January 2012.⁵³ She had already approved it in December 2010, but legislative enactment stalled, pending design of an implementation strategy, among other issues.⁵⁴ Delivery of public services is meant to continue from Monrovia in its first phase, with a limited sharing of political authority with local government, notably councils and elected superintendents, in its second phase. Holding overdue local elections by January 2013 would help foster a sense of inclusion by counties and communities outside the capital. However, the legislature must still pass the bill (introduced in the Senate on 25 April), and it may submit to a referendum changes requiring constitutional amendment, including those relating to local elections.⁵⁵ If enactment is further delayed, responsibility for decisions, resources and delivery of basic services will remain in Monrovia, prolonging the isolation of marginalised communities.

Johnson Sirleaf outlined key initiatives for her government in an ambitious 150-day action plan announced on 28 February and said ministers will be strictly judged on how well they implement it.⁵⁶ Clear targets must be set and met to create buy-in and rebuild trust between citizens and their government.

One reason the 2011 elections were so divisive was the paucity of efforts to foster national unity in the president's first term, especially in areas like Monrovia's Westpoint, where development projects appeared only in the months before the vote.⁵⁷ The government now needs to focus development on places outside the capital that feel excluded. This could boost reconciliation, for example, in Grand Gedeh, an eastern county that traditionally supports the CDC.⁵⁸

⁵³ "President Sirleaf reaffirms end to days of imperial presidency", http://emansion.gov.lr/press.php?news_id=2062.

⁵⁴ Crisis Group communication with Governance Commission, 13 April 2012.

⁵⁵ Local authorities are currently appointed by the president in consultation with the Senate, 1986 constitution, Article 54.

⁵⁶ The plan groups fourteen thematic areas in five pillars: reconciliation, youth empowerment and national vision; jobs, education, and better services; infrastructure and economic development; governance, rights and transparency; security, justice, and rule of law. "Remarks by Her Excellency President Ellen Johnson Sirleaf at launching of the 150-day action plan", 28 February 2012.

⁵⁷ The area has many disaffected youths and criminals. Crisis Group interviews, Westpoint, November 2010.

⁵⁸ The CDC won 88.3 and 96.4 per cent of votes in Grand Gedeh in the two rounds of the 2005 elections and 73.5 per cent

Still host to at least 67,000 Ivorian refugees, Grand Gedeh was a recruitment ground for fighters – mostly ex-combatants from Liberia's wars and unemployed youths – in Côte d'Ivoire's recent post-election crisis.⁵⁹ Though some fighters were arrested in the following months, little had been heard of them since, until Information Minister Lewis Brown broke the silence on 7 June to refute claims in a report published the previous day that the government has not acted proactively on the matter.⁶⁰ He insisted that court and extradition proceedings were "well-advanced", and "no inch of Liberian soil" would be used to threaten its neighbours, as their stability is closely linked. Cross-border attacks – the latest occurred in south-west Côte d'Ivoire on 8 June, killing seven UN peacekeepers and a number of civilians⁶¹ – and continuing insecurity in Côte d'Ivoire underline the vulnerability of the Mano River states to the dual threats of mercenary activity and arms proliferation and the need for regional approaches.⁶²

In March 2012, a UN report on Côte d'Ivoire acknowledged:

Despite the political will expressed at the highest levels in Côte d'Ivoire and Liberia, so far no national strategy has been developed in either country to address, in

in 2011's first round, according to NEC figures. Its strong results are widely attributed to President Johnson Sirleaf's initial support for Charles Taylor's 1989 insurgency that overthrew President Samuel Doe, who came from the county.

⁵⁹ See Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., pp. 14–16. Some 200,000 took refuge in Liberia during the Ivorian crisis. Roughly 24,000 Liberian refugees are in Côte d'Ivoire. The International Organisation for Migration (IOM) hopes to repatriate a total of 15,000 from each group by the end of a weekly voluntary exercise begun on 22 February. "IOM begins first repatriation of Liberian and Ivorian refugees", IOM, 28 February 2012.

⁶⁰ William Selmah, "Liberia rejects HRW claims regarding Ivorian dissidents", West Africa Democracy Radio, 7 June 2012. The report, by Human Rights Watch, stated that children were recruited by fighters who "remain violently opposed to Ouattara's government" and plan future attacks. "Ivorian government foes wage, plot attacks", 6 June 2012.

⁶¹ "Seven UN peacekeepers killed in Côte d'Ivoire: UN", Nation, 9 June 2012. At least six people died in a prior attack on 25 April. "Côte d'Ivoire: Displaced in west feel 'forgotten'", IRIN, 26 April 2012.

⁶² The Special Representative of the UN Secretary-General for West Africa, Said Djinnit, and the UN heads of mission, Moustapha Soumaré (Liberia) and Albert Koenders (Côte d'Ivoire) discussed this at a meeting in Abidjan in March 2012. The Mano River Union resolved in March to set up by May joint border and confidence-building units at Liberia's Côte d'Ivoire, Guinea and Sierra Leone borders. Gibril Gottor, "MRU on joint border security meet", *National News*, 26 March 2012.

a more comprehensive manner, border security and the issue of Ivorian and Liberian former combatants.⁶³

Liberia has since deployed immigration and naturalisation officers at 36 official crossing points.⁶⁴ Ivorian Deputy Defense Minister Paul Koffi Koffi, announced on 10 May that an initial 900 Ivorian soldiers have been deployed on the border with Liberia as part of a joint security plan and that both countries will send more troops to the shared border in the next months.⁶⁵ To boost security efforts, Liberia should also partner with Côte d'Ivoire on joint development projects in the border areas to engage ex-combatants in productive endeavours, such as extractive-sector jobs, that would make them less likely to take up arms again.⁶⁶

Inclusive governance must be another priority for the new government. This does not necessarily mean appointing opposition figures to executive branch posts, but opposition voices have to be respected and engaged on key national issues. Timely local elections should help devolve power to authorities outside Monrovia, enhance unity among groups that feel marginalised and give opportunity to local opposition figures to play a role. Johnson Sirleaf should also work with political leaders to encourage regular interaction among parties and interest groups. Its past difficult relations with the UP notwithstanding, the CDC remains a strong party that made conciliatory gestures ahead of the inauguration.⁶⁷

While Johnson Sirleaf must be emphatic that the country will not be held to ransom by threats of violence, moderate elements within the CDC and across the political spectrum can be engaged in a way that could help reduce resentment and provide a basis for fruitful collaboration. Exclusion would only deepen perceptions of elite domination and

thereby perpetuate and further entrench social and political divisions. Success for the fragile democracy depends on the president's ability to broker political reconciliation and dialogue that could help shape national unity.

C. UNEMPLOYMENT AND UNDER-DEVELOPMENT: NATURAL RESOURCES AS PANACEA?

Foreign direct investment (FDI) in Liberia's natural resources since 2003 totals at least \$19 billion;⁶⁸ projected royalties and taxes are as much as \$2 billion over the next ten years.⁶⁹ This is good news in a context of chronic poverty and high informal or vulnerable employment (at least 78 per cent of those currently with some kind of work).⁷⁰ However, there is a need both for economic diversification and for transparency, accountability and efficient management of resource revenues.⁷¹ While the Liberian Extractive Industries Transparency Initiative Act (2009) aims to ensure the latter qualities,⁷² tensions and occasional violence over concessions have revealed gaps in the framework governing the sector, notably with respect to iron ore and oil palm.⁷³ A detailed study identified several core challenges;⁷⁴

⁶³ "Special Report of the Secretary-General on the United Nations Mission in Côte d'Ivoire", S/2012/186, 29 March 2012, p. 6.

⁶⁴ Ibid, p. 11.

⁶⁵ Assane Niada, "900 soldats à la frontière ivoiro-libérienne", *L'Inter*, 11 May 2012.

⁶⁶ Crisis Group Africa Briefing N°83, *Côte d'Ivoire: Continuing the Recovery*, 16 December 2011.

⁶⁷ Tubman and Weah attended the inauguration on 16 January, after threatening to disrupt the ceremony if their concerns were not addressed. At a joint press conference the day before, Johnson Sirleaf revealed that negotiations began after the election, while Tubman said his party was now ready to "work with the government to help unite the country and move it forward". However, with government appointments nearly complete, the UP has been silent on the CDC's 15 January accusations that the president asked for, then ignored, a list of its (CDC) nominees. "Transcript of a press stakeout between President Ellen Johnson Sirleaf and Cllr. Winston Tubman following discussion on Saturday, January 14, 2012", 15 January 2012. Nat Bay-jay, "CDC submitted listings: In dustbin or still waiting? Disappointed Rep. Gray reveals", *FrontPage Africa*, 23 February 2012.

⁶⁸ "2011 Investment Climate Statement – Liberia", U.S. State Department, March 2011, cited in "Smell-no-taste, The social impact of foreign direct investment in Liberia", Center for International Conflict Resolution, January 2012, p. 10.

⁶⁹ "Liberia: 2010 Article IV consultation and fifth review under the three-year arrangement under the extended credit facility – Staff report", International Monetary Fund, December 2010, p. 14, cited in "Smell-no-taste", op. cit.

⁷⁰ Reportedly the total eligible workforce in 2010 was 1,804,000, of whom 1,091,000 had some form of employment. Of these, at least 850,000 (78 per cent) were self-employed or in unpaid work and therefore "unlikely to have the benefits of favourable conditions at work such as an assured salary, pension, sickness benefit or job security". "Report on the Liberia Labour Force Survey 2010", Liberian Institute of Statistics and Geo-Information Services, February 2011, pp. xii-xiii.

⁷¹ Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., p. 22.

⁷² Article 3.1.

⁷³ Malaysian-owned Sime Darby began palm oil operations in Liberia in 2009 under a 63-year, 220,000-hectare concession in Grand Cape Mount, Bomi, Bong and Gbarpolu counties. Community leaders in Grand Cape Mount accused it of environmental abuse and depriving people of land and livelihoods without adequate compensation. "Turning point – What future for forest peoples and resources in the emerging world order?", Rights and Resources Initiative, 2011-2012, pp. 23-24. Also Chris Simpson, "The plantation blues", *allafrica.com*, 29 February 2012. Field workers complained in December 2011 of poor work and living conditions, low pay and intimidation by management. "Slavery at Sime Darby", *The New Dawn*, 20 December 2011; "Halt Sime Darby plantation expansion", *The Ana-*

- ❑ communities are marginalised during negotiation and implementation;
- ❑ living standards are unchanged, because compensation rates are low and applied inequitably across concessions, and some companies are hiring skilled foreign labour;
- ❑ government corruption has led to missing money from social development funds and rising distrust and hostility in some areas; and
- ❑ the government lacks institutional capacity to monitor compliance with concession contracts and punish violations.

Underlying all this is the government's seeming prioritisation of potential benefits over community rights.⁷⁵ Moreover, similar problems confront the budding oil industry, where solutions have been made more urgent by African Petroleum's February 2012 find off the coast.⁷⁶ A 2011 report by the General Auditing Commission (GAC) stated that the National Oil Company of Liberia (NOCAL) paid legislators \$118,400 as "lobbying fees" to ratify oil production-sharing contracts with Oranto Petroleum Limited.⁷⁷ The government did not act on a GAC recommendation to cancel the contracts, and Oranto sold exploration rights

to Chevron, which is exploring off the coast.⁷⁸ NOCAL reportedly also awarded a concession to Broadway Consolidated PLC (now Peppercoast Petroleum), which at the time (2005) "had not previously owned or operated an oil concession".⁷⁹ GAC proposed that the government dissolve NOCAL or limit its powers over oil proceeds and install transparency and accountability safeguards. NOCAL acknowledged the concerns in February, saying it was working toward procedures and frameworks to maximise development benefits from oil.⁸⁰

Civil society and Liberia's international partners should prevail on the government to follow through on its commitment to reform the oil sector before production begins in the next few years.⁸¹ The government also needs to implement GAC reports promptly in order to sustain the fight against corruption. The education sector needs to be strengthened so it can give youths the required skills to take advantage of emerging areas of economic activity, including the extractive sector.

Despite increasing activity in extractive industries, land remains by far the vital natural resource for most Liberians. Though violence has declined, land tensions are still a recurrent driver of it in the countryside; such disputes linger, for example, in Nimba and Lofa between the Mandingo and Mano and Gio and Loma ethnic groups. Some are war legacies; others stem from ownership claims by returning refugees and evolving systems of land access and use. Efforts by the Land Commission and the Norwegian Refugee Council to resolve land disputes through mediation must be sustained.⁸²

lyst, 14 July 2011. Sime Darby has denied all charges. "False and inaccurate – Sime Darby describes RRI's report", *The Analyst*, 17 February 2012.

⁷⁴ "Smell-no-taste", op. cit., pp. 7-8.

⁷⁵ The president reportedly told villagers in Grand Cape Mount in January 2012 that they cannot change such extractive sector contracts once signed by the government. Simpson, "The plantation blues", op. cit.

⁷⁶ "Significant oil discovery at Narina-1", African Petroleum press statement, 21 February 2012, www.africanpetroleum.com; Nathaniel Daygbor, "Nocal confirms oil discoveries", *The New Dawn*, 22 February 2012. Johnson Sirleaf's subsequent appointment of her son, Robert, as board chair of the National Oil Company of Liberia (NOCAL) drew criticism, as did other appointments of her relatives, including stepson Fombah Sirleaf as head of national security in 2006; son, Charles Sirleaf, as deputy bank governor; and nephew Varney Sirleaf as deputy internal affairs minister, both in February 2012. The president has rejected allegations of impropriety, www.africa-confidential.com/article-preview/id/4424/Keeping_it_in_the_family. Robert also has denied media accusations of misuse of state resources. See "Robert Sirleaf seeks U.S. \$11.0 million! – Hurls two newspapers, CDC official to court", *The Analyst*, 4 April 2012; and Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., pp. 3, 18.

⁷⁷ "Report of the Auditor-General on the National Oil Company of Liberia (NOCAL) for the fiscal years 2006/7, 2007/8", 20 April 2011, pp. 30-36. For more details, see Johnny Dwyer, "Big oil, small country", *Foreign Policy* (online), 22 February 2012; and "Curse or cure? How oil can boost or break Liberia's post-war recovery", Global Witness, September 2011, p. 6.

⁷⁸ Both Chevron and ExxonMobil, the other named foreign-owned oil company, declined to discuss details of their investments. Chevron said in a statement that its "engagement with the Liberian Government in relation to our blocks has been made in accordance with all applicable legal and regulatory requirements". ExxonMobil made a similar statement citing "due diligence" in its agreement. See www.propublica.org/article/follow-the-money-payment-trail-reveals-challenges-of-ridding-liberia-of-cor.

⁷⁹ Global Witness, op. cit., pp. 6 and 14.

⁸⁰ Ibid; J. K. Browne, "Global Witness wants NOCAL in check", *New Dawn*, 27 February 2012. NOCAL chairs the inter-ministerial Hydrocarbon Technical Committee that leads oil sector reform since February 2012. Its mandate is to create a new petroleum policy (due in August), as well as a new petroleum law and model production sharing contract.

⁸¹ Johnson Sirleaf said her government would create policies to regulate management of oil wealth "before we export one drop of oil". "Our nation is heading in the right direction", annual message to sixth session, 52nd National Legislature, 24 January 2011.

⁸² Crisis Group meeting, civil society organisations, Monrovia, 30 March 2012; "Consolidating peace: Liberia and Sierra Leo-

D. POLITICAL REFORM

1. Revising the electoral framework

It is crucial to ensure credibility throughout the electoral process, not just on election day. The dispute over non-acceptance of results was partly the result of lapses in transparency at various stages and technical failures.⁸³ The latter occurred during both rounds, but many observers considered them insufficient to affect outcomes.⁸⁴ It would have been easier to prevent a boycott than now to build legitimacy for a government chosen in a run-off with 38 per cent participation. The NEC is key, especially the personality and disposition of its head, who must be trusted by all sides.

The NEC, ECOWAS and other actors were right to uphold the rule of law in rejecting certain demands the CDC made conditions for contesting the run-off, notably the request for 50-50 party participation on the commission.⁸⁵ However, weaknesses in the legal electoral framework underline the need to clarify rules and mechanisms to ensure parties follow them. The CDC's refusal to sign the party Code of Conduct at the onset of campaigning was in effect a licence to misbehave and should have been discouraged.⁸⁶ Its challenges to Elizabeth Nelson's authority as NEC chair after Fromayan resigned stemmed partly from a lack of clarity over her appointment and partly from perceptions

she may have harboured the same bias (or appearance of it) for the UP as Fromayan was perceived to have held.⁸⁷ Section 2.11 of the Elections Law states that the co-chair can act in the chair's absence, but this was no ordinary absence; Fromayan was not returning, so it was reasonable for the CDC to argue for a proper selection process. However, the law is silent on appointment of a new commissioner. The procedure should be stipulated in it to promote transparency.

The government had cause for concern over the broadcasting of scenes of the 7 November violence. However, the closing of the three media houses was unconstitutional. The right to freedom of expression guaranteed in Article 15(a) of the constitution can only be curtailed "during an emergency declared in accordance with the Constitution". The U.S.-based Carter Center cited irregularities in the legal process used.⁸⁸

2. Strengthening parties

The importance of building parties' capacity to play a meaningful part in developing democracy cannot be overstated. They need to know their roles and responsibilities and, above all, understand that they must be prepared to lose. However, they are weak, with flimsy programs on national issues that revolve more around personalities than policies. Winston Tubman became the CDC's presidential candidate in a move orchestrated by George Weah against the party's rules in order to raise its profile and electoral chances. This resulted in visible cracks in the party leadership until his expulsion in March 2012.⁸⁹ Prince Johnson reportedly endorsed Johnson Sirleaf in the run-off without the consent of his party's executive⁹⁰ and has subsequently rejected at least two attempts to expel him.⁹¹

ne", ACCORD, no. 23, 2012, pp. 48-50; Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., pp. 8, 20, 21.

⁸³ The Supreme Court's 5 October decision to allow the president and four others (including Prince Johnson) to contest the elections did little to dispel perceptions of its non-independence. The candidates' eligibility was challenged on grounds that they had not lived in Liberia for ten years before the election, as required by Article 52(c) of the 1986 constitution. Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., p. 14. Some polling staff were unfamiliar with and did not always follow procedures for reconciling and counting ballots. Some polling stations did not consistently apply standards for assessing vote validity. "Preliminary statement of election observation mission to Liberia's national elections, October 2011", Carter Center, 13 October 2011.

⁸⁴ The Carter Center found fewer lapses during the run-off. "Preliminary statement on the Liberia presidential run-off election", 10 November 2011, and "Carter Center statement on Liberia's tally process and post-electoral environment", 21 November 2011.

⁸⁵ "Details of administrative arrangement (in line with the previous position by the Congress for Democratic Change, CDC) needed for the CDC's participation in the run-off election", CDC, 2 November 2011.

⁸⁶ Violations may be reported to the police, the Inter-Party Consultative Committee (IPCC) and the Supreme Court for resolution, though the police can prosecute directly. "Code of conduct established between the Liberia National Police (LNP) and the political parties of Liberia", 8 September 2011.

⁸⁷ That Nelson's husband lost his Senate contest as the candidate of the Alliance for Peace and Democracy (APD) in Grand Kru county is seen by many as arguing for her impartiality. He subsequently supported the president's re-election.

⁸⁸ "Preliminary statement on the Liberia presidential run-off election" and "... statement on Liberia's tally process", both op. cit.

⁸⁹ Secretary General Acharous Gray alleged Tubman was removed for reneging on a pre-election agreement to step down as party leader regardless of the election result. "Why CDC gave standard bearer, Winston Tubman, the boot: An insider's story", *Front-Page Africa*, 5 March 2012.

⁹⁰ He said he supported her because Weah refused to be his running mate, and the CDC was set to implement the TRC's recommendations if it won, which could involve his prosecution for war crimes. In May 2012, he named several hitherto undisclosed persons whom he said must also answer to a war crimes court. E. J. Nathaniel Daygbor, "PYJ unveils war architects", *The New Dawn*, 28 May 2012. Prince Johnson risked alienating his supporters if he supported Tubman, because of

The challenge is to consolidate checks and balances in the political system. One way would be to improve regulation of parties by using incentives to encourage compliance with set criteria such as internal democracy. Parties should be required to have constitutions stating clear rules on candidate selection and conditions for participation in internal elections. Other criteria might be financial transparency; a bar on those proven to have involvement with training of militants; a broad geographic spread reflecting national representation; and a clear path for aspiring politicians to rise through party ranks.⁹² Tying funding to implementing these criteria would encourage reform.

There is no public funding of parties – the president vetoed a law in October 2011 that would have introduced it⁹³ – and little by way of capacity building. The U.S.-based National Democratic Institute (NDI) and International Republican Institute (IRI), as well as UNMIL, have tried to make parties more functional,⁹⁴ but more is needed. Regional and other international partners could play a key reform role by providing funding, possibly via a special

the long-running feud between his people and the citizens of Grand Gedeh, to whom Weah supposedly promised in 2005 to avenge the death of his “father”, former president Samuel Doe at Johnson’s hands. “Prince Johnson: Sirleaf is the lesser of two evils”, BBC podcast, 18 October 2011, and Theophilus Seeton, “Prince Johnson explains why he supports Ellen, not Tubman”, *Heritage*, 19 October 2011. Acarous Gray’s declaration to Armed Forces of Liberia widows that Sirleaf would be “sent to The Hague for bringing war” contradicts a statement attributed to Isaac Tukpah, CDC vice chairman for administration in the U.S., that “the CDC is not looking into prosecuting Hon. Prince Johnson or Madam Ellen Johnson-Sirleaf – if it comes to power”. Samuka V. Konneh, “CDC will not prosecute PYJ”, *Public Agenda* (online, n.d.), www.publicagendanews.com.

⁹¹ A. Abbas Dulleh, “Prince Johnson endorses President Johnson-Sirleaf?”, *New Democrat*, 18 October 2011; “Prince Yormie Johnson expelled?”, *New Dawn*, 4 November 2011; James Butty, “Liberian opposition party expels leader”, VOA, 27 February 2012.

⁹² Ghana’s constitution, for example, stipulates: “The internal organisation of a political party shall conform to democratic principles”, Article 55(5).

⁹³ “An Act to sustain democracy through public funding of political parties, coalitions and alliances”, <http://legislature.gov.lr/>. She said it was economically unsustainable and discriminated against non-members of parties and other political formations. It would have set aside approximately \$4.8 million annually for parties based on their representation in government.

⁹⁴ Their efforts have included polls on party performance, workshops for reviewing party financing laws, leadership training and support for meetings of the Inter-Party Consultative Committee. “IRI empowers political parties”, *The Analyst*, 12 October 2004; “IRI poll finds Liberians’ concerns go unmet by legislature and political parties”, 3 October 2008; “Liberia elections and political processes program evaluation”, U.S. Agency for International Development, November 2008; Crisis Group interview, NDI, Monrovia, November 2010.

fund for this purpose. The NEC could be empowered to collect and distribute money from it to parties that meet established criteria.⁹⁵ Qualified youths should be given incentives to take part in politics and leadership and governance training.⁹⁶ Such an initiative could help in preventing Liberia’s future being left to those with tainted pasts and no interest in national issues beyond their political and economic survival.

3. Civic, voter and media education

Political understanding is generally low; the public and media are susceptible to manipulation. Observers noted delays at the polls because voters, particularly elderly ones, did not understand the process. Civil society organisations said the time for civic education was “too short” to be meaningful.⁹⁷ The need for sustained voter and civic education is critical – including in schools and universities – not just by the NEC and not just around elections. To promote effectiveness and accountability, the government should consider creating a dedicated independent body, including qualified civil society entities and experts. Ghana’s National Commission for Civic Education (NCCE) offers useful lessons.⁹⁸

The media actively reported the elections, supporting transmission of results and advocating peace. The state-owned Liberian Broadcasting System was notably balanced,⁹⁹ but the dismissal in September 2011 of its director, Ambrose Nmeh, after the station aired a program in which George Weah criticised Johnson Sirleaf,¹⁰⁰ showed

⁹⁵ The NEC currently can accredit or revoke accreditation of parties; keep a register of parties; decide what records they should keep and examine/audit accounts or cause their audit. Elections Law, section 2.9. Parties and candidates may not receive political funding from corporate or business organisations or labour unions. Contributors must file donations with the NEC; parties and candidates are to report monies received in violation of the law within 21 days, *ibid*, sections 7.1, 7.2.

⁹⁶ Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., pp. i-ii.

⁹⁷ Crisis Group meeting, civil society organisations, Monrovia, 30 March 2012.

⁹⁸ Ghana constitution, chapter 19; National Commission for Civic Education Act, 1993 (Act 452); NCCE website, www.nccegh.org. The independent, non-partisan NCCE aims to promote constitutional democracy through civic education, including a social auditing project to enhance transparency by building capacities of social groups, such as youth, to act as “auditors” of political leaders.

⁹⁹ Crisis Group meeting, civil society organisations, Monrovia, 30 March 2012.

¹⁰⁰ He reportedly called her a “warmonger” and “war financier”. “CDC protest!”, *The New Dawn*, 30 September 2011.

the need to secure its independence.¹⁰¹ A report on election coverage noted bias in much of the media.¹⁰² Media jobs do not pay well, so do not always attract the best-qualified people, and journalists often take bribes to publish selected material. To discourage this and improve standards, the government should work with regional and other international media experts and entrepreneurs to provide training and mentoring. The UN Educational, Scientific and Cultural Organisation (UNESCO) media sustainability program is a good start, giving media managers business skills and building stronger links between media and advertising.¹⁰³ The Media Complaints Committee (MCC)¹⁰⁴ should scrutinise media actions and sanction those that contravene the Press Union of Liberia's code of conduct and ethics.

E. SECURITY AND POLICE REFORM

As discussed above, the commission of inquiry's first report found serious irregularities in the police response to the 7 November violence.¹⁰⁵ Video and photographic evidence on the CDC website appeared to support the commission's observation that the police Emergency Response Unit (ERU) overreacted, was ill-prepared, unprofessional and poorly coordinated and lacked proper leadership.¹⁰⁶ The report detailed "credible intelligence" prior to the protest that the CDC "intended to be provocative" but also that the National Security Council agreed that day that "lethal force was not to be used as a means of crowd control and that maximum restraint by the LNP is [to be] exercised in dealing with the rally".¹⁰⁷

Police Chief Amblard's dismissal sent a powerful message on accountability.¹⁰⁸ His well-regarded, tough-talking replacement, Chris Massaquoi, who held the same position in the transitional government under Gyude Bryant, has thus far focused on fighting crime with no reference to a strategic vision for the force. A 72-hour ultimatum to armed robbers to surrender has been followed by raids on suspected criminal hideouts since December 2011, but it is too early to assess his impact on broader security.¹⁰⁹ In any event, the dual challenges of discipline and morale remain.

There is also an urgent need for direct financial support to improve logistics and benefits if the security transition benchmarks defined with UNMIL are to be achieved as the peacekeeping mission continues its withdrawal (see below).¹¹⁰ Poor coordination between the police and justice ministry likewise needs to be addressed. According to the Special Independent Commission of Inquiry, the "chain of command was not professionally and respectfully followed between the leadership of the LNP and the Ministry of Justice. For example, the Inspector General of Police (IGP) remained incommunicado from the Minister of Justice for a critical two-week period prior to the disturbances and acts of violence".¹¹¹

tionally and psychologically prepared for such provocation.", p. 5. Ibid, section 5.14, p. 5. The National Security Council is a policy body of the president, her deputy, the defence, justice, internal affairs and national security ministers and the national security adviser.

¹⁰⁸ He got off with a presidential warning for a March 2011 incident ("Bloody Tuesday"), in which the LNP used excessive force to break up a student protest. He publicly defended his officers, while the media carried graphic images of bleeding students. "Many schools disrupted", *New Democrat*, 30 March 2011. The president appointed a committee to investigate that recommended he be suspended for two months without pay. Crisis Group Report, *Liberia: How Sustainable Is the Recovery*, op. cit., p. 12. The deputy operations director was suspended one month without pay instead of the recommended dismissal. Clara K. Mallah and David B. Kolleh, "Bloody Tuesday 'scapegoat'? Ellen suspends Al Karley, gives Amblard 'warning'", *FrontPage Africa*, 2 August 2011.

¹⁰⁹ Winston W. Parley, "Surrender or else – armed robbers wanted", 2 December 2011. Crisis Group telephone interview, civil society organisation, 30 May 2012.

¹¹⁰ An UNMIL/World Bank review of public expenditure on security estimated an \$86 million shortfall over three years if the current allocation of 5 per cent of GDP is kept. "Special Report of the Secretary-General" (Liberia), op. cit., p. 8. Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., pp. 24-25. For more on benchmarks, see "Twenty-second progress report of the Secretary-General on the United Nations Mission in Liberia", S/2011/72, 14 February 2011.

¹¹¹ "Official Report", op. cit., section 6.3.4, p. 8.

¹⁰¹ "Reinstate sacked director of Liberia Broadcasting System", *Liberian Times*, 30 September 2011.

¹⁰² "Because accountability matters", Liberia Media Center, 2011 elections media monitoring summary report, July-August, September-October.

¹⁰³ The Liberia pilot case, part of a media development project for the Mano River Union, completed the second of four phases in January 2012. "UNESCO promoted training on business skills for Liberian media", 1 February 2012, www.unesco.org.

¹⁰⁴ The MCC is a self-regulatory committee set up by the Press Union of Liberia to promote media freedom and professionalism, headed by the chair, University of Liberia Mass Communications Department, and the Liberia National Bar Association. Members include representatives of government, civil society and media.

¹⁰⁵ "Official Report", op. cit.

¹⁰⁶ The ERU is the only armed Liberian police unit and deals with armed violence. The Police Support Unit (PSU) is trained to carry arms but responds to violent situations where these are not required. Together the units are roughly one fifth of the 4,000 trained police (August 2011 figures). Crisis Group Report, *Liberia: How Sustainable Is the Recovery?*, op. cit., p. 12.

¹⁰⁷ "Official Report", op. cit., section 5.12: "The intelligence was passed on to the LNP so that the force could be both opera-

These rule-of-law weaknesses raise questions about the mandate of UNMIL, the main security guarantor since October 2003. It was extended in September 2011 at military and police strengths of 7,952 and 1,330 respectively.¹¹² Its commendable police reform work has been slowed by an inexplicable lack of equipment, such as vehicles, that hampers local police and delays the mission's departure. UN Secretary-General Ban Ki-moon proposed a review of its tenure after the new government took office, based on progress toward the security transition benchmarks and in consultation with the government and other actors.¹¹³ The conclusions and recommendations were published on 16 April in a report stating: "Notwithstanding the important progress achieved, Liberian security agencies are still not able to maintain stability without the support of UNMIL". The Secretary-General recommended reducing the military component by approximately 4,200 in three phases (2012 to 2015), to some 3,750 troops; maintaining the police component at 498 advisers and 845 officers in seven formed police units; and adding three formed police units by 2015.¹¹⁴

IV. CONCLUSION

After a credible, though contentious, election, President Johnson Sirleaf is governing a still-divided country under a weak mandate. A fragile peace remains vulnerable to destabilisation by disputes over natural resources, a weak police force and a frustrated younger generation that includes ex-combatants, some of whom are fresh from fighting in Côte d'Ivoire. A more convincing effort against corruption and better economic opportunities are needed to help appease those likely to challenge state authority, as well as provide a basis for addressing reconciliation and security and electoral reforms. The president needs to act on the commitment to tackle these issues she made in 2006 and reaffirmed in her 2012 inaugural address. To consolidate the gains of her first term, she must demand greater accountability from government and other political and economic actors, while acting firmly against those who fail to deliver.

Dakar/Brussels, 12 June 2012

¹¹² UN Security Council Resolution 2008, 16 September 2011.

¹¹³ "Twenty-third progress report of the Secretary-General on the United Nations Mission in Liberia", 5 August 2011, S/2011/497, pp. 16-17.

¹¹⁴ "Special Report of the Secretary-General" (Liberia), op. cit., p. 16.

APPENDIX A

MAP OF LIBERIA



APPENDIX B

GLOSSARY OF ACRONYMS

APD	Alliance for Peace and Democracy
CDC	Congress for Democratic Change
ECOWAS	Economic Community of West African States
ERU	Emergency Response Unit
GAC	General Auditing Commission
ICGL	International Contact Group on Liberia
INCHR	Independent National Commission for Human Rights
LAP	Liberian Action Party
LNP	Liberia National Police
LP	Liberty Party (party of Charles Brumskine)
LPP	Liberia Peoples Party
NDC	National Democratic Coalition
NEC	National Elections Commission
NOCAL	National Oil Company of Liberia
NPP	National Patriotic Party (party of ex-President Charles Taylor)
NUDP	National Union for Democracy and Progress (party of Prince Johnson)
PSU	Police Support Unit
SRSg	Special Representative of the Secretary-General
TRC	Truth and Reconciliation Commission
UNMIL	United Nations Mission in Liberia
UP	Unity Party (party of President Ellen Johnson Sirleaf)
UNESCO	UN Educational, Scientific and Cultural Organisation

APPENDIX C

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WORKING TO PREVENT
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International Headquarters

149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38
Email: brussels@crisisgroup.org

New York Office

420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 0820 · Fax: +1 212 813 0825
Email: newyork@crisisgroup.org

Washington Office

1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630
Email: washington@crisisgroup.org

London Office

48 Gray's Inn Road, London WC1X 8LT · Tel: +44 20 7831 1436 · Fax: +44 20 7242 8135
Email: london@crisisgroup.org

Moscow Office

Kutuzovskiy prospect 36, Building 41, Moscow 121170 Russia · Tel: +7-926-232-6252
Email: moscow@crisisgroup.org

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