Geneva Centre for the Democratic Control of Armed Forces (DCAF)

Occasional Paper – №9

THE CHALLENGES AND OPPORTUNITIES
OF SECURITY SECTOR REFORM IN POST-CONFLICT LIBERIA

Adedeji Ebo

Geneva, December 2005

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About the Author

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Preface

This Occasional Paper partly reflects and seeks to build on the work of DCAF Africa Programme, which seeks, inter alia, 'to inform policy options and to facilitate practical efforts towards good governance of the security sector'.[1] The need for an effective and democratically governed security sector in Liberia is particularly compelling for several reasons. Being Africa's oldest republic, and located at the nexus of the Mano River axis (which comprises Sierra Leone, Guinea and Liberia), the governance of security in Liberia is of regional significance. Secondly, given the extensive damage to both state and society, resulting from the country's protracted civil war, the Liberian context represents both a unique opportunity and daunting challenge for post conflict reconstruction. Thirdly, and given the enormity of this reconstruction task, the international community, regional actors, and Liberians have invested considerable effort and resources in rebuilding Liberia. Thus, it is useful to see how far and where the journey has so far led, at a juncture when a newly-elected government is taking over from the transitional government.

In the final analysis however, the onus and primary responsibility for reconstruction lies essentially with Liberians themselves. In recognition of this imperative, DCAF has, in partnership with the Conflict Security and Development Group (CSDG) of King's College, University of London, devised a programme which seeks to enhance democratic governance of the security sector. The *CSDG-DCAF Liberia Consultations* of July/August 2004 was the first activity in this direction and sought specifically to assess the implementation of the CPA, explore ways of facilitating and assisting civil and parliamentary oversight of the security sector, and initiate discussions with the University of Liberia regarding the establishment of a research centre on Security and Development at the University. However, observations during the consultation indicated a lack of involvement of ordinary Liberians in the reconstruction process, particularly of the security sector (see Annex 2 for full report of the consultation). Subsequently, CSDG, DCAF, and the Centre for Democracy and Development jointly facilitated the first *Liberia National Dialogue on Security Sector Reform* in August, 2005, which was co-hosted by UNMIL and the Liberia Ministry of Justice. The dialogue sought to provide answers to questions such as: 'what kind of security do Liberians want, to be provided by who, how should security be provided and governed? The dialogue was very successful and widely discussed in the Liberian Press, prompting a consensus that a series of dialogues should follow. (For a summary report , see Annex 3). It is worthy of note that the CSDG/DCAF partnership on Liberia takes a long term view of peacebuilding and remains committed to assisting in the reconstruction of Liberia in accordance with the direction to be provided by a democratic elected Liberian government which possesses the mandate and primary responsibility for rebuilding Liberia.

I am very grateful to Dr Funmi Olonisakin and Mr Alan Bryden for their insightful comments on earlier drafts, and Ms Madgalena Forowicz for research assistance. The views expressed in this publication do not reflect those of DCAF. They are entirely mine, and I also bear full responsibility for all errors and omissions.

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Geneva
December, 2005

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[1] See DCAF Africa Programme, Fact Sheet. Available at www.dcaf.ch/awg/fs_awg_050721.pdf

Executive Summary

Liberia presents one of the most challenging contexts for post conflict reconstruction since the end of the Cold War, featuring a protracted civil war and the concomitant destruction of the state, society and economy. This Occasional Paper examines post conflict reconstruction in Liberia, with particular focus on the security sector. The paper argues that opportunities for security sector reform (SSR) are conditioned by the mutually reinforcing relationship between the *state of security* on the one hand, and the *security of the state* on the other. The prospects for stability and peacebuilding are enhanced by the extent to which SSR is predicated on the *state of security* broadly defined, as opposed to the narrower focus on the *security of the state.*

The core of SSR lies in the twin imperatives of operational efficiency and democratic governance. From a governance perspective, therefore, the objective of improving the ability of security institutions to deliver security services to the majority of the population in a cost effective and operationally efficient manner is necessary but not sufficient. Operational efficiency, without effective democratic governance of the security sector is a recipe for brutalisation and oppression of the population by the armed and security forces, particularly of the poor and vulnerable. SSR therefore seeks to achieve, not only the efficacy of security institutions, but also to ensure that they are consistent with democratic norms of transparency, accountability and responsiveness. This is particularly relevant in the case of Liberia where there has been repeated personalization of the security sector an all-powerful presidency. In this regard, it must be noted that the Liberian reconstruction process has, thus far, paid little attention to the governance aspects of reform, and would need to be addressed by a newly-elected government.

In addition, Liberia's transition period (2003-2005) has not featured a discernible national security policy and, relatedly, there has been the lack of a coherent and comprehensive framework for the reconstruction of the security sector. Rather, there has been a compartmentalisation of reform and of the reform process. For example, despite the emphasis on reforming the police, there has been no corresponding effort on the reforming the judiciary and correctional services, resulting in an over-burdened judiciary and congested prisons.

The Liberian peace process follows the pattern of the UN's *modus operandi* which has been emerging since the end of the Cold War, characterized by a sequence of activities in the order of a peace agreement, followed by deployment of peacekeepers, a DDR programme, SSR, and ending with elections. In the case of Liberia a Comprehensive Peace Agreement, signed in Accra in August 2003, provided for the formation of a transitional government (National Transitional Government of Liberia), including a transitional parliament (National Transitional Legislative Assembly). However, the challenge and opportunity of starting reconstruction from scratch have been hampered by various factors including governance deficits and corruption in the transitional government, the inconclusive nature of the DDR process and a gap between Disarmament and Demobilization on the one hand and Reintegration and Rehabilitation on the other (DD-RR gap), Charles Taylor's continued meddling in the affairs of the country and the yet unresolved issue of transitional justice, failure to address the youth question and other root causes of conflict.

The following factors impede the prospects for democratic governance of the security sector in Liberia:

- Lack of adequate constitutional framework;

- Conceptual and implementation gaps between SSR and the broader governance framework;

- Lack of mechanisms for making the reform process accountable to the Liberians;

- Inadequate parliamentary oversight;

- Lack of genuine and effective civilian leadership and management capacity in the Ministry of Defence (MoD);

- Inadequate civil society involvement in the reform process;

- In the recent past, a gap between the Liberian population and the leadership of UNMIL.

Overall, a coherent and accountable framework for SSR in Liberia needs to be articulated, based a comprehensive and inclusive national security policy. The paper makes the following specific recommendations:

- A broad-based national security policy review;

- Review of the Liberian constitution

- Integration of regional peacebuilding capabilities into the new Liberian armed forces;

- Devise an oversight mechanism over the activities of DynCorp which would include the UN Peacebuilding Commission, ECOWAS, ICRC, the United States Government, and Veritas, proprietor of DynCorp;

- A comprehensive programme for the enhancement of parliamentary oversight capacity;

- Identifying and using new funding sources such as the Democracy Fund the UN Peacebuilding Commission to support mechanisms for strengthening democratic control of the armed and security forces;

- Extension of disarmament beyond the October/November 2005 elections. Civilian disarmament through the UNDP Small Arms Control and Community Micro-Disarmament project provides a useful framework achieving this objective.

- Explore avenues for enhancing local ownership of the reconstruction process, particularly in the security sector.

List of Acronyms

AFL	Armed Forces of Liberia
BIN	Bureau of Immigration and Naturalization
CEDE	Centre for Democratic Empowerment
CPA	Comprehensive Peace Agreement
CSDG	Conflict, Security and Development Group
DAC	Defence Advisory Committee
DDRRR	Disarmament, Demobilization, Repatriation, Rehabilitation and Reintergation
DEA	Drug Enforcement Agency
ECOMOG	Economic Community of West African States Cease-fire Monitoring
ECOWAS	Economic Community of West African States
EU	European Union
GOL	Government of Liberia
ICG	International Crisis Group
IDPS	Internally Displaced Persons
IMF	International Monetary Fund
LEGAP	Liberia Economic Governance Action Plan
LFF	Liberian Frontier Force
LINLEA	Liberia National Law Enforcement Association
LIMINCO	Liberia Mining Company
LURD	Liberians United for Reconciliation and Democracy
LNDF	Liberian National Defence Force
LNP	Liberia National Police
MNS	National Security Agency
MoD	Ministry of Defence
MODEL	Movement for Democracy in Liberia
NACCSOL	National Coalition of Civil Society Organizations of Liberia
NAFL	New Armed Forces of Liberia
NBI	National Bureau of Investigation
NCDDRR	National Commission on Disarmament, Demobilization, Rehabilitation and Reintergation
NFS	National Fire Service
NPFL	National Patriotic Front of Liberia
NTGL	National Transitional Government of Liberia
NTLA	National Transitional Legislative Assembly
OECD	Organisation for Economic Co-operation and Development
PMCs	Private Military Companies
RFTF	Results Focused Transition Framework

SALW	Small Arms and Light Weapons
SRSG	National Transitional Government of Liberia
SSR	Security Sector Reform
SSS	Special Security Services
TWP	True Whig Party
UN	United Nations
UNMIL	United Nations Mission in Liberia
WAMCO	**West African Mining Company**

THE CHALLENGES AND OPPORTUNITIES
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1. Introduction

Following 14 years of civil war in Liberia, the successful signing of a Comprehensive Peace Agreement (CPA) (See Annex 1) in Accra in August 2003 has resulted in one of the most challenging contexts for post-conflict reconstruction since the end of the Cold War. This paper examines the challenges posed by the post-conflict reconstruction process in Liberia, with particular emphasis on the security sector.[2] It is posited that there is a direct correlation between the reconstruction of the security sector on the one hand, and the prospects for peacebuilding and stability on the other. The paper provides an overview of Liberia's post-conflict reconstruction process, particularly of the security sector, and notes the lack of a coherent comprehensive framework for the reconstruction of the security sector during Liberia's transition period. The paper therefore seeks to contribute to the articulation of a more comprehensive and coherent national reconstruction agenda in Liberia following the October/November 2005 elections.

This paper argues that opportunities for security sector reform are conditioned by the mutually reinforcing relationship between *the state of security* on the one hand, and *the security of the state* on the other. *The state of security* is the extent to which there is a general condition of well-being – the extent to which society feels safe. It therefore extends beyond military security, national security, regime security, and even individual security. The state of security encompasses all these forms and sources of security and insecurity. The state of security is a measure of the extent to which society is at peace with itself, and with its neighbours, in which members of the society, singularly and collectively, feel free from fear. The prospects for stability and peacebuilding are enhanced by the extent to which SSR is predicated on the state of security broadly defined, as opposed to the narrower focus on the security of the state.

The state of security encompasses a broad human security agenda. The security of the state is a component of the state of security. In other words, the extent to which the state is secure is a function of the security of the entire society. The security of the state is, per se, not an undesirable policy goal. After all, a secure state is essential for the provision and delivery of essential services such as health, education, and other common goods. As we have been amply reminded, it is usually weak, insecure states that are the most

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[2] The security sector includes the armed forces, the police, the gendarmerie, intelligence services, and judicial and penal institutions. It also comprises the elected and duly appointed civil authorities responsible for control and oversight (e.g., parliament, the executive and the defence ministry). However, particularly in post-conflict contexts, the security sector also encompasses non-state security organisations such as guerrilla armies, liberations armies, traditional militias, and private security companies. Also included are non-statutory civil society bodies such as the media, trade unions, NGOs and advocacy groups.

repressive.[3] The more significant point however is that state security is only an element, albeit a crucial one, in the broader state of security. In this regard, it is relevant to caution that stability is not absence of conflict but rather the systemic capacity to contain conflict – an essential element in social evolution and change.

The notion of *security sector governance*, on which this paper is predicated, refers to the organisation and management of the security sector by a multiplicity of actors, particularly, but not limited to, the state. Normatively, the objective is to ensure that the security sector is based on good governance, guided by the attributes of accountability, participation, transparency, and responsiveness to the needs of the people. Institutionally, democratic governance of the security sector would necessarily include a constitutional and legal framework, civilian control and management of the security sector, parliamentary control and oversight, judicial control, and broader public control which extends to the civil society and informed debate on national security issues. Thus, while democratic governance of the security sector is the desired objective, security sector reform is the means of achieving this end result. Security sector reform implies that changes are required to improve a poor security governance situation.[4] As in the case of Liberia, situations of poor security sector governance are often charactersied by unaccountable security forces and their instrumentalisation for buttressing regime security, often at the expense of the general state of security. Security sector reform (SSR) seeks to achieve not only efficacy of armed and security forces, but also to ensure that their functioning is consistent with democratic norms and sound principles of governance, transparency and the rule of law.[5] It also needs to be pointed out that the prospects for democratic control are a function of the broader governance framework and are by no means generic. As Robin Luckham has noted

> In the final analysis of course, democratic control of the armed and security services depends upon the health and quality of democracy itself, as shaped by the interplay of democratic institutions and democratic politics in each specific national context.[6]

This paper therefore aims at reviewing the agenda of post-conflict reconstruction in Liberia from a governance perspective, and advocates an accountable, transparent and participatory framework for the reform of the security sector after conflict. It is assumed in the ensuing discussion that democratic governance of the security sector is essential for, and thus central to, peacebuilding. The paper is predicated on two main arguments:

- Firstly, there is currently no coherent comprehensive and responsive framework for the reconstruction of the security sector in Liberia. There is an absence of a discernible strategy of national security and defence.

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[3] Gavin Cawthra, 'The Future of Security Sector Reform in Africa' in Malcolm Chalmers (ed.) 'Security Sector Reform in Southern Africa', Proceedings of the Third DCAF-IISS Workshop, International Institute for Strategic Studies, London, 2004, p. 91.

[4] See Heiner Hänggi, 'Making sense of Security Sector Governance', in Heiner Hänggi and Theodor Winkler (eds.), *Challenges of Security Sector Governance*, Lit Verlag, Munster, 2003. pp. 1-22.

[5] See Organisation for Economic Cooperation and Development, 'Security System Reform and Governance: Policy and Good Practice', Policy Brief, May 2004. See also Nicole Ball and Kayode Fayemi (eds.), *Security Sector Governance in Africa: A Handbook*, Centre for Democracy and Development, Lagos, 2004. p. 18.

[6] Robin Luckham, 'Democratic Strategies for Security in Transition and Conflict', in Gavin Cawthra & Robin Luckham (eds.), *Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies*, Zed Books, London and New York, 2003. p. 18.

- Secondly and relatedly, the paper argues that the core of SSR lies in the twin imperatives of operational efficiency and democratic governance. The objective of improving the ability of security institutions to deliver security services to the majority of the population, including and particularly the poor, in a cost effective and operationally efficient manner is one aspect of SSR.

However, operational efficiency without effective democratic oversight is a recipe for the brutalisation and oppression of the population by armed and security forces, particularly of the poor and vulnerable. Nowhere has this been better demonstrated than in Liberia, and is arguably one of the major factors that precipitated war in the first place. Thus, the other element of SSR is that of democratic civilian oversight which ensures that the armed and security forces function according to democratic principles and under the control of democratic institutions. This paper argues that not only is democratic governance not reflected in the reconstruction of the security sector in Liberia, but also notes that several developments within the reform process are antithetical to these principles. This paper questions the rationale of subcontracting the reform of the Liberian armed forces to a private comapany and posits that, given their opaque modes of operation, such entities are ill-suited to the nurturing of democratic governance principles, as well as for the long-term commitment that is necessary for peacebuilding, as opposed to mere restructuring. This paper further posits that the National Transitional Legislative Assembly (NTLA) has not been in a position to conduct effective oversight given its credibility crisis, while civil society has been too weak and compromised to play an effective oversight role.

This paper is composed of five sections. Following is an overview of the Liberian post-conflict reconstruction process, starting with a historical background and an outline of the political economy of Liberia. This paper reviews the general reconstruction process within which security sector reform is pursued. It acknowledges that progress is being made but also identifies those factors which continue to hinder peacebuilding in Liberia. The third section focuses on the challenges facing the reconstruction of the security sector, in the light of tensions between the security of the state and the state of security. In essence, this paper analyses security sector reconstruction as a peacebuilding strategy, arguing that democratic governance of the security sector provides the basis for legitimacy, and thus sustainable peace and development. The fourth section raises concerns about the prospects for democratic oversight within the transitional reform process and identifies those factors which are likely to hamper accountability and transparency in the reform of the security sector. The fifth and final part provides the conclusion and policy recommendations.

2. The Liberian Post-conflict Reconstruction Process: 'War Carry Everything!'

2.1. Background and Context of Post-conflict Reconstruction

Though often described as the oldest independent republic in Africa, in reality Liberia has been under 'black colonialism' since it was founded by freed American slaves in

1822, despite its declaration of independence in 1844.[7] The Americo-Liberian settlers played the role of colonisers, with a mission to bring 'civilisation' and Christianity to the indigenous population whom they had met on arrival and who constituted 95% of the population. In that regard, the country has had its own unique colonial experience, and manifests the characteristics of a typical post-colonial African state, including political repression and nepotism, economic mismanagement, and social deprivation. Through the instrumentality of the Church, the Masonic Lodge, and the True Whig Party (TWP), the settlers systematically dominated the indigenous population, ensuring that the TWP won all elections in Liberia from 1877 to 1980.[8] Thus, Liberia was effectively a one-party state for over a hundred years, with all the political and socio-economic contradictions that monopoly of power implies. In this sense, Liberia has been a post-colonial African state like any other.

William Tubman was in power for 27 years (1944-1971) until he was succeeded by William Tolbert. Liberia's economy under the Tubman regime was heavily dependent on foreign capital. The country was widely known as the 'Firestone Republic', denoting Tubman's policy of readily handing out rubber concessions to foreign multinationals and their influence on the Liberian political economy. The external dependency of the Liberian economy on foreign capital further exacerbated social inequalities and hostilities between the descendants of settlers and those of the indigenous population. The disempowerment of the indigenous population was both economic and socio-political. Until 1963, 97% of Liberians were not permitted to vote. Institutionally, the roots of the governance deficits of Liberia's security sector can be traced to Tubman's extensive secret police. The personalisation of power, later taken to more perverse levels by Doe and Taylor, was introduced by Tubman, who is reputed to have 'appropriated more money for ceremonial marching bands and his personal yacht than for public health programmes'.[9] Under Tolbert, Liberians became direct victims of their security forces in 1979, when those who rioted in protest against an increase in the price of rice were shot.

As with most neo-colonial structures, the vacuum created by the lack of effective democratic governance was eventually filled by a violent change of power via a bloody military coup in 1980, led by Samuel Doe, a Master Sergeant in the army from the indigenous Krahn population. Characteristic of most neo-colonial states, military rule failed to address, but rather further complicated, the socio-economic and political contradictions. Doe committed numerous atrocities and hideous human rights abuses in his bid to hang on to power, and to promote parochial ethnic interests. Doe's attempt to replace settler domination with Krahn domination eventually resulted in armed rebellion – signalled by the invasion of the National Patriotic Front of Liberia (NPFL) in December 1989 – heightened tensions, and magnified conflict. The civil war lasted in the

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[7] See Yekutiel Gershoni, *Black Colonialism: Liberian Struggle for the Hinterland*, Westview Press: Boulder and London, 1985. The initial settlers were three thousand in number. In 1930 after a hundred years of the virtual enslavement of the indigenous people of Liberia, the USA and Britain broke off diplomatic relations, prompted by the scandal over the sale of forced labour to the Spanish territories. The International Labour Organisation was condemning labour recruitment methods in Liberia as recently as 1960.

[8] See Funmi Olonisakin, 'Liberia', in Jane Boulden (ed.), *Dealing With Conflict in Africa: The United Nations and Regional Organizations*, Palgrave Macmillan, New York, 2003, p. 113.

[9] Patrick Kiger, 'The Tragic History of Liberia: Cast of Characters', Discovery Times Channel (Feature), 2005. Available at http://times.discovery.com/convergence/liberia/bios.html

first instance until 1997 when elections were held.[10] It would appear that, to the vast majority of Liberians, Taylor was nothing if not a spoiler. Liberia could have no peace with him outside of power. Thus, Taylor 'won' the 1997 elections, after which he promised to stabilise the country and bring peace and prosperity to a long-suffering nation. It did not take long for Liberians to realise that nothing much had changed, except for the worst. Taylor ruled ruthlessly and erratically, with many politicians and members of the elite forced into exile. Consequently, more factions took up arms against Taylor, who, due to his tyranny and corruption, became increasingly distrusted abroad and despised at home, having a collapsed and embargoed economy.[11] The significant point to note with regard to the security sector is that the armed and security forces were, at each point of Liberia's history, essentially instruments of oppression and fear, despised and feared by the populace. Moreover, the internecine conflict which began in 1989 was the product of several years of misrule, characterised by socio-economic and political exclusion.

By the time the CPA was signed12 in Accra, Ghana, on 18 August 2003, the 14-year war had led to the collapse of not only the state, but of the economy and society as well.[13]

Box 1: Liberia at a Glance

Population: 3.5 million (July 2005 estimate)

Population Under 15years: 44%

War-related deaths since 1989: c. 250,000, 50% civilian

Infant mortality: 117/1000

Literacy: 37%

Unemployment: 85%

Population below poverty line: 75%

Number of internally displaced persons (IDPs): 500,000

IDPs returned since November 2003: 30,000 as at August, 2004.

Median Age: 18 years

Minerals: About 650,000 tons of iron ore deposits, 62% pure.

Percentage of arable land not utilised: 85%

Population with access to potable water: 26%

HIV/AIDS prevalence rate: 5.9% (July 2005 estimate)

Source: CIA World Factbook. Available at www.cia.gov/cia/publications/factbook/geos/li/html

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[10] The factions active in the pre-1997 civil war included the National Patriotic Front of Liberia (NPFL), the Armed Forces of Liberia (AFL), the Central Revolutionary Council, the Liberian Peace Council, the Lofa Defence Force, the Liberia National Conference, the United Liberation Movement for Democracy in Liberia (ULIMO) – which was later to split into ULIMO K and J, named after their respective faction leaders. The Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) emerged post-1997 to challenge and eventually achieve Taylor's removal from power.

[11] Africa Confidential, 'Taylorland Under Siege', Vol. 40 No. 4, 19 February 1999.

[12] By the Government of Liberia (GoL), Liberians United for Reconciliation and Democracy (LURD), the Movement for Democracy in Liberia (MODEL), civil society representatives and 18 registered political parties.

[13] For details of the general state of decay in Liberia following the war, see International Crisis Group, 'Rebuilding Liberia: Prospects and Perils', ICG Report No. 75, Freetown/Brussels, 30 January, 2004. See also Martin Lowenkopf, 'Liberia: Putting the State Back Together', in I. William Zartman (ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, Lynne Rienner, Boulder and London, 1995.

In the case of Liberia, the national context is defined by devastation of both the people and state institutions, denoting the collapse of both state and society. As presented in Box 1, some 250,000 died from fourteen years of war, of which half were civilians. About 500,000 were internally displaced. Poverty is endemic, with 75% living on less than a dollar a day. More than 8 in 10 persons are unemployed, and literacy is 37%. The national context of post-conflict reconstruction is one of deprivation and lack of opportunity arising largely out of an absence of good governance.

2.2. Overview of Liberia's Reconstruction Process

The Liberian peace and reconstruction process follows the pattern of the UN's modus operandi which has been emerging since the end of the Cold War. It is characterised by a sequence of activities in the order of peace agreement, followed by deployment of peacekeepers, a disarmament, demobilisation, and reintegration (DDR) programme, security sector reform, and ending with elections.[14] According to the CPA, an 'all inclusive' transition government to be known as the National Transitional Government of Liberia (NTGL) was to be formed (Article XXII), while a unicameral National Transitional Legislative Assembly was to be created, with representation on the basis of an agreed formula, and having a total of 76 members.[15] The CPA defined the terms of a two-year transition period (2003-2005) to be administered by the NTGL. The NTGL was inaugurated on 14 October 2003. Article IX(2) provides that elections would be held not later than October 2005.

A major conditioning factor for reconstruction in Liberia is the challenge and opportunity of starting from scratch. Such a broad reconstruction space (created by the complete destruction of virtually all state institutions, including and especially security institutions) represents an opportunity to 'factor in' all necessary inputs and establish new democratic structures for good governance. There is a general recognition that Liberia should not recover into its pre-war, or even pre-1980, conditions, but should be transformed into a democratically governed coherent and cohesive socio-economic and political system which would form the basis for stability. The Liberian post-conflict reconstruction agenda is set out in the 'Liberia Joint Needs Assessment'.[16] The Needs

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[14] See International Crisis Group, 'Liberia and Sierra Leone: Rebuilding Failed States', ICG Report No. 87, Dakar/Brussels, 8 December, 2004.

[15] GoL – 12 members, LURD – 12 members, MODEL – 12 members, political parties – 18 members, civil society and special interest groups – 7 members, counties – 15 members.

[16] The Joint Needs Assessment was undertaken by the United Nations and the World Bank Group, under the guidance and auspices of the National Transitional Government of Liberia (NTGL) and the coordination of the United Nations Development Programme. The United Nations Mission in Liberia (UNMIL) played a central role in the planning and fact-finding for this exercise. Technical inputs were provided by ministries, the various programmes, funds and agencies of the United Nations, as well as by UNMIL, the World Bank, the International Monetary Fund, non-governmental organisations, and other stakeholders. The Needs Assessment (NA) exercise was designed to focus on the highest priority requirements during Liberia's transition from relief to recovery, the latter to include national and local elections that must take place no later than October 2005. The NA covered 13 priority sectors grouped into nine "clusters": Security; Disarmament, Demobilisation, Reintegration and Rehabilitation (DDRR); Reintegration of Internally Displaced Persons (IDPs), Returnees and Refugees; Governance and Rule of Law; Elections; Basic Services (which includes the sectors of Health and Nutrition, Education, and Community Water and Sanitation); Productive Capacity and Livelihoods; Infrastructure (which includes Power, Transport, Communications, and Urban Water and Sanitation); and Economic Policy and Development Strategy. Attention was also given to seven cross-cutting themes: Gender, HIV/AIDS, Environment, Human Rights, Shelter, Forestry and Media. The substantive foundation for the Needs Assessment was systematically constructed during the December-January period as a Results-Focused Transition Framework (RFTF). This was informed by the findings of a team of UN, World Bank and IMF officials in December 2003 that developed a series of Needs Assessment working papers. The Framework was endorsed by the NTGL on January 7, 2004.

Assessment incorporates a framework for priority outcomes and expected results known as the Results-Focused Transition Framework (RFTF) for 6, 12, 18, and 24 months. While the document may have indeed identified Liberia's reconstruction needs, there has been a wide gap between design and implementation.

It was within this paradox of challenge and opportunity that the United Nations committed itself to the reconstruction of Liberia with the passing of Resolution 1509 of 19 September 2003 which established the UN Mission in Liberia (UNMIL), with a mandate to support implementation of the ceasefire agreement; protect UN staff, facilities, and civilians; support humanitarian and human rights assistance; provide support for security sector reform; and provide support for the implementation of the peace process.[17] UNMIL focus areas include security; national governance; disarmament, demobilisation, rehabilitation, and reintegration of former combatants; and the rule of law.[18] There can be little doubt that UNMIL, which started operations on 1 October 2003, has made a positive difference to the state of security in Liberia. By no means is the security situation comparable to the anarchy which was widespread in the conflict and immediate post-conflict periods:

> On the streets of Monrovia and its suburbs, there was a general atmosphere of confidence with full resumption of commercial and social activities. The presence of the UN appears to have created a general sense of security and confidence among ordinary Liberians…[19]

Any objective analysis of the peacebuilding process in Liberia would need to recognise that security, though still fragile, has been fairly stable – sufficiently to allow elections to take place as scheduled by the CPA (October 2005). UNMIL's complement as of 30 April 2005 stood at 15,786 total uniformed personnel, including 14,530 troops, 196 military observers, 1,060 civilian police, supported by 493 international civilian personnel, 717 local staff, and 437 UN volunteers.[20] With increased commercial activities even beyond Monrovia, resumption of schooling, and increased vehicular activity, there is increasing confidence that life is returning to normal in Liberia. The deployment in June 2004 of Ethiopian, Pakistani and Senegalese components of UNMIL significantly enhanced its capacity to monitor the Liberia-Côte d'Ivoire border, and the Liberia-Guinea border, in the latter case dislodging LURD elements who were previously controlling the area.[21]

However, while the general state of security has improved somewhat, the Liberian reconstruction process continues to be challenged by various factors, the net result of which is a reminder that the country is far from transcending those cleavages and conditions which were in the first instance the root causes of conflict. Specifically, these challenges include, but may not be necessarily limited to:

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[17] United Nations Mission in Liberia, 'Mandate'. Available at www.un.org/Depts/dpko/missions/unmil/mandate.html

[18] See address by Jacques Klein, Special Representative of the Secretary General and Coordinator of the United Nations Operations in Liberia, the International Conference for the Reconstruction of Liberia, New York, 5-6 February 2004.

[19] Report of the Conflict, Security and Development Group (International Policy Institute, King's College London) and the Geneva Centre for the Democratic Control of the Armed Forces, Liberia Consultations, Monrovia, 28 July-1 August, 2004, p. 3. Available at www.dcaf.ch/awg/proj_liberia.pdf (See Annex 2)

[20] United Nations Mission in Liberia, 'Facts'. Available at www.un.org/Depts/dpko/missions/unmil/facts.html

[21] Ibid.

2.2.1. Corruption and governance deficits

The transition government, which was intended to lay the groundwork for the establishment of an enabling environment for good governance, has for much of its existence been itself caught in a web of scandal and suffering from a lack of transparency and accountability. According to the CPA, the NTGL was intended as 'an all-inclusive Transitional Government'. Article XXVI (4) of the CPA stipulates that government positions would be allocated to the various warring parties according to a negotiated formula[22]. However, the politically heterogeneous character and composition of the NTGL has had adverse effects on its coherence and cohesion as an effective, functional state. It has often lacked the requisite technical, administrative, managerial and governance frameworks for reconstruction.

Several factors inherent to the peace process combine to impede the NTGL from making use of good practices, or at least desisting from bad practices. Firstly, the NTGL is an uneasy 'coalition'. It is heterogeneous, with mutual suspicion between the various former warring factions that constitute the government. Divisions within the government have been both vertical and horizontal, operating at both inter-factional and intra-factional levels. The uneasy and arguably conflicting composition of the NTGL has hampered its efficiency and cohesion. There are conflicting and bloated interpretations and expectations of the CPA. The NTGL has also been held back by the battle for jobs among the factions. A prominent faction chief and member of the NTGL echoed his dissatisfaction with the Chair of the NTGL (Gyude Bryant), noting that the CPA is a 'contract signed between the factions to which Bryant is not a party. His role is simply to execute the contract'[23] On his part, the Chair of the NTGL allegedly failed to hold regular Cabinet meetings. A senior member of the NTGL regretted the paucity of cabinet meetings since the inauguration of the government in October 2003.[24] There have been several references to the lack of consultation and communication within government by a cross-section of Liberians.[25]

A major obstacle to Liberia's post-conflict reconstruction during the transition period has been the presence of rampant and endemic corruption within the NTGL. According to a recent Report of the UN Secretary General to the Security Council:

> On 11 May 2005, the European Commission convened a meeting of international partners, including ECOWAS, IMF, the United Nations, the United States Government and the World Bank, in Copenhagen, in order to review the findings of the European Commission-financed audits. The participants concluded that

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[22] The sharing formula for government positions to the various warring faction is as contained in Annex 4 to the CPA. See footnote 15.

[23] Interview with author in Monrovia, 28 July 2004.

[24] Interview with author in Monrovia, 1 August 2004.

[25] The author was a member of the CSDG-DCAF Liberia Consultations Team which visited Liberia from 28 July-1 August 2004. The Consultations were part the *Liberia Action Research Project* (LARP), under partnership of the Conflict Security and Development Group (CDSG), King's College, University of London, and the Geneva Centre for the Democratic Control of Armed Forces (DCAF). Several interviews and discussions were had with a wide range of Liberians during the visit.

financial malfeasance, lack of transparency and an absence of accountability are undermining the implementation of the CPA. [26]

Serving ministers and the Chair of the NTGL were reported to have been directly implicated in a secret deal signed in February 2005 between the NTGL and the West African Mining Company (WAMCO), giving the company 'exclusive rights to buy all minerals in the western region, except those under contract, for ten years subject to review.' The contract has since been cancelled. [27]

There are several other reports of corruption and disregard for the rule of law. The Chair of the NTGL is reported to have also been involved in the violation of Stay Orders of the Supreme Court of Liberia against the sale of iron ore stockpiles. It was similarly reported that 'the Liberia Mining Corporation (LIMINCO) award of concession to Mittal Steel, a London HQ company, has also been under controversial circumstances and the matter is currently before the Supreme Court.'[28]

The pervasiveness of corruption in the transition government has led to the United Nations, the European Commission, World Bank, IMF, and ECOWAS to establish the Governance and Economic Management Assistance Programme (GEMAP). Under the GEMAP, which is valid for an initial period of three years, special positions for foreign financial experts would be created in the Central Bank and five main revenue generating agencies: the National Port Authority, the Forestry Agency, the Bureau of Maritime Affairs, Robertsfield International Airport and the Petroleum Refining Corporation.[29] The GEMAP would be coordinated by an Economic Governance Steering Committee which would be chaired by the Liberian Head of State and would include representatives from the UN, EU, ECOWAS, US government, IMF, World Bank, as well as domestic representation from the Ministry of Finance, Central Bank of Liberia, and the heads of the Contracts and Monopolies Commission and the Governance Reform Commission, and representatives of civil society.[30]

2.2.2. Disarmament, Demobilisation and Reintegration (DDR)

The DDR programme has witnessed appreciable but qualified progress. UNMIL rapidly recovered from its initial setbacks of December 2003, which have been attributed to 'the

[26] United Nations Security Council, *Report of the Secretary General pursuant to Security Council resolution 1579 (2004) regarding Liberia*, S/2005/376, 7 June 2005, Available at http://daccessdds.un.org/doc/UNDOC/GEN/N05/373/99/IMG/N0537399.pdf

[27] Africa Confidential, 'Liberia: Double WAMCO', Vol. 46 No. 9, 29 April 2005, London, p. 1. Those specifically mentioned in the report include Land, Mines and Energy Minister Jonathan Mason, Finance Minister Lucinee Kamara, Justice Minister Kabineh Ja'neh, and Chair of NTGL Charles Grude Bryant. The deal, which has since been cancelled, would have created a de facto monopoly over much of Liberia's diamond-producing regions.

[28] See The Analyst, 'NTGL Ignores CMC', 27 June 2005. Available at www.analystnewspaper.com/ntgl_ignores_cmc.htm

[29] See United Nations Security Council, *Report of the Secretary General pursuant to Security Council resolution 1579 (2004) regarding Liberia*, op. cit., p. 8; IRIN News, 'Liberia: Anti Graft Plan Endorsed to Cheers From World Donors'. Available at www.irinnews.org/report.asp?ReportID=49093

[30] See IRIN News, 'Liberia: Donors Step up Anti-Graft Fight With Plan To Limit Government's Powers', Available at www.irinnews.org/report.asp?ReportID=47682

rush to disarm in order to show donors that UNMIL was making progress'.[31] Also, the UN's initial estimate of a total of 38,000 ex-combatants proved to be grossly off the mark. By November 2004, when the process was officially declared ended, according to the National Commission on Disarmament, Demobilisation, Rehabilitation and Reintegration (NCDDRR) 103, 018 persons had been disarmed. 11% of these were children. 27,000 weapons, 6,153,631 rounds of ammunition and 29,274 heavy munitions had been collected.[32] Despite the official declaration of the end of disarmament and demobilisation, however, there have been reports that the exercise was far from comprehensive:

> Ex-combatants in some provinces in Liberia, it is widely reported, were not disarmed before the process was declared complete in November 2004… The disarmament exercise with all its attractions for fighters did not cover a large part of Lofa, Grand Kru and other areas, thus cutting off a large chunk of potential beneficiaries from the goods of disarmament and therefore prospects for lasting peace and development.[33]

Lack of accurate records render an assessment of the level of success of the disarmament programme rather problematic, in the absence of a baseline figure of actual number of weapons in circulation. However, an attempt to relate the number of weapons collected to the six known arms shipments transported from the former Yugoslavia in 2002 offer some encouraging results:

> …by 3 October, 2004, ex-combatants had turned in a total of 3,175, or 64%, of the original 5,000 rifles. UNMIL undertook a similar count of 200 missile launchers (RB M57)… Of these, it appeared from the serial numbers that ex-combatants had turned in 184, or 92%. Further analysis also showed that of an estimated 791 RPG-7 rockets, a total of 459, or 58% were collected. Combined, these figures show that 64% of the weapons…were collected.[34]

The programme has also suffered from inadequate implementation of the demobilisation of ex-combatants. The three-week period initially planned for demobilisation (including separation of ex-combatants from their commanders, healthcare, psychological counselling and career guidance) was subsequently reduced to five days. This has been palpably inadequate for many of the ex-fighters who had witnessed years of combat. With the psychology of war deeply embedded in their consciousness, and with the failure of the demobilisation process to effectively sever links between the fighters and their commanders, many ex-combatants are reported to still be in the employ of their commanders, for domestic and personal errands and as general hangers-on.

The DDR programme has gone some way in improving the state of security in Liberia. It has enhanced the security of the state as well, by reducing the multiplicity of sources of

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[31] The decision to commence disarmament despite the palpable lack of adequate preparation resulted in the death of nine persons, several other wounded, and damage to property. See International Crisis Group Report, 'Rebuilding Liberia: Prospects and Perils', ICG Africa Report No. 75, Freetown/Brussels, 30 January, 2004, p. 15.

[32] National Commission on Disarmament, Demobilisation, Rehabilitation and Reintegration, DDRR Consolidated Report Phase (Status of Disarmament and Demobilisation Activities as at 1/16/2005). 1,2 & 3. Available at http://humanitarianinfo.org/liberia/coordination/sectoral/DDR/index.asp

[33] The Analyst, 'NEC's False Start', 20 May, 2005. Available at www.analystnewspaper.com/nec_false_start.htm

[34] Ryan Nichols, 'Disarming Liberia: Progress and Pitfalls' in Nicholas Florquin and Eric Berman (eds.), *Armed and Aimless: Armed Groups, Guns and Human security in the ECOWAS Region*, Small Arms Survey, Geneva, 2005, p.124.

the means of force. However, several challenges remain to the DDRR programme. There is a wide DD-RR gap, which has the potential of dismantling achievements so far recorded. DD-RR Gap here refers to the disparity that exists between the Disarmament and Demobilisation (DD) phase of the process on the one hand, and the Reintegration and Rehabilitation (RR) phase on the other, and can be considered in two dimensions. One is the time lapse between the end of DD and the commencement of RR, while the other dimension relates to the adequacy (or otherwise) of the available RR programmes. The RR aspect of the programme is meant to provide ex-combatants with vocational training and formal education, so as to enable them to function as productive and integrated members of society. Even though disarmament and demobilisation officially ended in November 2004, data from the National Commission on DDRR indicate that only 1 in 8 of ex-combatants is engaged in the reintegration and rehabilitation aspect of the programme. Of the 103,019 disarmed, only 13,872 are engaged in RR.[35]

> The demand for RR assistance far outstrips the available programme slots by international organisations. There is a dangerous disconnect between the DD phase and the RR phase of the program. Several thousand people have been waiting since April 2004 for RR benefits and as the caseload grew, so did the waiting period for the program slots available. With the enthusiasm for peace fading away quickly and the cash stipend often spent on booze and consumer goods, this creates a dangerous melange of alienated and destitute people.[36]

The discrepancy between the initial estimated caseload of 38,000 ex-combatants and the actual 103,000 disarmed ex-fighters led to a budgetary shortfall of $58 million. Moreover, while disarmament and demobilisation are provided in UNMIL budgets, reintegration and rehabilitation are funded by voluntary donations. There are however encouraging signs that donors are responding to the deficit. By June 2005, the United Nations Secretary General reported that this shortfall had decreased to $39 million,[37] and this further to $18.5 million by September 2005. However, some 26,000 ex-combatants are still unable to participate in the reintegration and rehabilitation programme.[38] Even for those officially engaged, the RR programme demonstrates significant challenges of policy coherence and sustainability. Some 4,000 ex-combatants were expelled from secondary schools after UNMIL failed to pay their school fees, and it took the UN mission two weeks to get them back in school.[39]

The sense of disappointment and frustration among ex-fighters has been manifest, with implications for the stability of post-conflict reconstruction in Liberia. There have been sporadic violent reactions by the ex-combatants prompting the conclusion that the NTGL is a 'toothless transitional government which is shepherding a war-weary

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[35] National Commission on Disarmament, Demobilisation, Rehabilitation and Reintegration, Disarmament, DDRR Consolidated Report Phase, op. cit.; See also IRIN News, 'Liberia: Ex-fighters making money from latex refuse to leave rubber plantation', UN Office for the Coordination of Humanitarian Affairs, 27 June, 2005. Available at www.irinnews.org/print.asp?ReportID=46714

[36] Wolf-Christian Paes, 'The Challenges of Disarmament, Demobilization and Reintegration in Liberia', *International Peacekeeping*, Vol. 12 No. 2, Summer 2005, p. 258.

[37] United Nations Security Council, Report of the Secretary General pursuant to Security Council resolution 1579 (2004) regarding Liberia, op. cit., p. 7.

[38] United Nations Security Council, *Eighth Report of the UN Secretary General on the United Nations Mission in Liberia*, S/2005/560, 1 September, 2005, p.5. Available at http://daccessdds.un.org/doc/UNDOC/GEN/N05/476/79/PDF/N0547679.pdf

[39] IRIN News, 'Liberia: Ex-fighters making money from latex refuse to leave rubber plantation', UN Office for the Coordination of Humanitarian Affairs, 27 June, 2005. Available at www.irinnews.org/print.asp?ReportID=46714

population.'[40] For example, several hundred former rebel fighters are reported to be inhabiting Liberia's second largest rubber plantation and harvesting and trading illegally in its latex. The stern statement (not the first) of the Chair of the NTGL that 'the government has with immediate effect turned over the plantation to its real owners, the General Resource Corporation' was ignored by the former fighters.[41] A reminder of the volatility of the security situation came on 29 October 2004 (a few weeks away from the official declaration of the end of the disarmament and demobilisation phase), when violence broke out in Monrovia involving ex-combatants.

The Liberian peace process clearly demonstrates that the silence of the guns is only the beginning, and not the end of peacebuilding. Much needs to the done in various areas of post-conflict reconstruction, including the restoration of civil authority, rule of law, social services, relocation of refugees, etc. The state of security remains fragile, while the security of the state can only be guaranteed by the United Nations mission whose presence in Liberia is time-limited. The overall post-conflict reconstruction process remains sensitive to the following factors:

2.2.3. Regional Dimensions: The Taylor Factor and Transitional Justice

Charles Taylor is still a cloud that hangs over Liberia, and his maintenance of political and financial links with Liberia despite his exile illustrates the regional dimension of post-conflict reconstruction and transitional justice. There are several credible and persistent reports that the former Liberian President, who has been in exile in Calabar, Nigeria, since August 2003, continues to pull political strings in the country. In his 7 June 2005 Report to the Security Council, the UN Secretary General cautioned that

> former President Charles Taylor is reportedly in regular contact with his former business, military and political associates in Liberia and is suspected of sponsoring a variety of presidential candidates with a view to ensuring that the next Liberian government will include his sympathisers.[42]

A recent report by *Global Witness* has detailed Taylor's extensive meddling in not only Liberian politics, but in the affairs of other states in the sub-region. He is credited with sponsoring an attempted coup on the President of Guinea (Lansana Conte) on 19 January 2005, following an earlier attempt on 2 October 2004. Taylor is also reported to be funding, training and arming a small loyalist military force led by his former commanders. Elements of this force are reported to be operating in Liberia, Sierra Leone, Guinea, Côte d'Ivoire, Ghana, and Nigeria. He was reported to be financing as many as nine of the thirty or so political parties registered to participate in the elections.[43]

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[40] The Analyst, 'NEC's False Start', op. cit.

[41] IRIN News, 'Liberia: Ex-fighters making money from latex refuse to leave rubber plantation', op. cit.

[42] United Nations Security Council, *Report of the Secretary General pursuant to Security Council resolution 1579 (2004) regarding Liberia*, S/2005/376, op. cit., p. 8.; See also Abdoulaye Dukule, 'The Shadow of Charles Taylor Over Liberia', Global Policy Forum, 25 May 2005. Available at www.globalpolicy.org/intljustice/wanted/2005/0525shadow.htm

[43] Global Witness, 'A Time for Justice: Why the International Community, UN Security Council and Nigeria should help facilitate Charles Taylor's Immediate Extradition to the Special Court for Sierra Leone', A Global Witness Briefing Document, June, 2005.

The removal of Taylor from exile in Nigeria to face the Special Court for Sierra Leone (where he faces 17 counts of war crimes and crimes against humanity, including killings, sexual violence, forced conscription of child soldiers, forced labour and attacks on UN peacekeeping personnel) should, normally, go a long way in ensuring peace and security in Liberia. It should also, under normal circumstances, contribute to security in Sierra Leone, and exorcise Liberia of the Taylor's legacy. While it may be argued therefore that the Liberian reconstruction process cannot be said to be on an irreversible track until the Taylor factor has been conclusively addressed, there is widespread concern among Liberians that a Taylor trial in Sierra Leone would only serve to destabilise the fragile peace that has been attained, given Taylor's continuing political links in Liberia and the depth of suspicion among his opponents.

The timing of such an intervention can be of crucial importance for the stability and survival of Liberia's post-war recovery. As the Nigerian President and Chair of the African Union Olusegun Obasanjo declared at the UN Summit in September 2005, 'the cause of peace in Liberia will be best served if Mr. Taylor is kept away during the transitional and early nation-building phases'.[44] Such a position is in line with the widespread apprehension among Liberians that Taylor's return to Liberia presently would destabilise a stable but fragile peace. Indeed a delicate balancing act is needed between justice and peace. The Prosecutor of the Special Court has therefore proposed a possible trial of Taylor to be held in the Hague, outside of West Africa. A trial of Taylor in Freetown appears increasingly ill-advised as the United Nations Mission in Sierra Leone (UNAMSIL) leaves the country by December 2005, creating considerable security concerns for any such trial.[45] It is further thought that a trial at the Hague would address the fears of some Taylor supporters in Liberia that he would not receive fair trial in Sierra Leone.

Regional dimensions of post-conflict reconstruction in Liberia are further indicated by the cross-border flow of weapons. Granted that disarmament processes are never conclusive in the sense of removing every single weapon from circulation, it is worthy of note that disarmament in Liberia has left significant fire power, in terms of heavy guns, in the hands of the former warring factions. Very few of the larger weapons, such as those used in the August 2003 siege of Monrovia, were handed in. Only 3.3% of weapons collected by UNMIL were mortars, anti-aircraft guns or large-calibre machine guns. It has been suggested that 'most mortars and other heavy weapons returned to Guinea (in the case of LURD) and Côte d'Ivoire (in the case of MODEL) between November 2003 and February 2004, before UNMIL was fully deployed'.[46]

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[44] United Nations News Service, 'Liberian Ex-President Charles Taylor Should Stay in Exile for the Time Being-Nigerian Leader', 17 September, 2005. Available at www.un.org/apps/news/story.asp?NewsID=15862

[45] Even though UNAMSIL will be replaced by a United assistance team to be known as the United Nations Integrated office for Sierra Leone (UNIOSL) with effect from 1 January 2006, the emphasis of the latter is not the provision of security but rather on human rights, enhancement of transparency in governance and support for the 2007 elections. See IRIN News, 'Sierra Leone: UN Approves Assistance Team To Move in After Peacekeeper Exit'. Available at www.irinnews.org/report.asp?ReportID=48872

[46] International Crisis Group Report No 87, op. cit., p. 11.

2.2.4.   The Youth Question

The role of the youth in the Liberian conflict has been widely discussed. Indeed, in the view of some analysts the most pertinent problem is the challenge of unemployment that faces the demobilised young men and women.[47] Given Liberia's demographic structure (with half the population being under 30 years of age) within a context of widespread deprivation and lack of economic opportunities for the youth, the reality is that the youth represent an available recruitment pool for spoilers. In this regard, Charles Taylor's reputed financial fortune of $150 million-$210 million would be difficult for Liberian youth to resist in an economy with 85% unemployment. This has direct implications for the state of security in general, and for the viability and sustainability of security sector reform initiatives which may be put in place as part of post-conflict reconstruction. In dealing therefore with *freedom from fear*, due attention would need to be given to the need for *freedom from want* among such a critical section of the Liberian population.

3.   Security Sector Reconstruction: 'We Want America. America Should Come Help Us'!

This section focuses on the governance of the security sector in Liberia and a preliminary overview of post-conflict reconstruction of the security architecture. Thus, there is a focus on the process, policies and administration of the security sector by various Liberian governments. The aim in this section is to consider how the Liberian state has related with security sector structures and processes, and the extent to which these reflect the twin imperatives of *effectiveness* and *oversight*.

To be sure, a major source of the dysfunctionality of the security sector in Liberia is that the armed and security forces have all through the country's history functioned as instruments for regime interests as opposed to the interests of the general populace. As such, their role has essentially been repressive, given the wide gap between regime interests and popular interests. The first elements of security forces were the created in the 'home guards' which were set up to protect the settlers from the indigenous communities and to secure the compliance of the indigenous population with the authority and orders of the settler state. By 1908, the 'home guards' evolved into the Liberian Frontier Force (LFF), which was later to transform into the Armed Forces of Liberia (AFL). Apart from police and customs functions in the hinterland, the LFF became necessary to ward off challenges over the indigenous populations from France and Britain. With forced recruitment methods, the LFF was used as an instrument for promoting the expansionist policies of the settler state. It was essentially a colonial construct. As Jaye has noted:

> The initial context for security thinking was driven by the need to secure settler
> supremacy over the indigenous African populations, ward off colonial claims to
> Liberian territories and inevitably, sustain the existing status quo. Thus, like colonial

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rule elsewhere in Africa, the settlers imposed their rule through terror and brutalisation of the indigenous communities.[48]

What has emerged as Liberia's security sector crystallised under the regime of William Tubman, who in a bid to secure his regime and friends nurtured extensive secret services. All Liberian leaders after him have maintained the same personalised conception of the security system. Samuel Doe promoted himself from Master Sergeant to General, thus unleashing an avalanche of arbitrary promotions, often without commensurate remuneration. There emerged political interference in the operation and management of the security system, based on a patronage and spoils system. It was not uncommon to hear of promotions from private to colonel in the security forces. Samuel Doe introduced ethnicity into the forces:

> In Liberia, a key source of conflict during the Doe regime was his ethnicisation of the armed forces, as he placed many of his fellow Krahns in key military positions. Similarly when Taylor came to power in 1997, he created a security apparatus that was loyal to him and dedicated to maintaining his survival.[49]

Taylor used the armed and security forces to suppress and oppress Liberians to levels hitherto unknown. Even though it could be said that Doe was responsible for the disintegration of the armed forces, the conditions that facilitated this disintegration process had very much earlier been set in motion by the crisis of governance following from one-party exclusivist rule, economic and social injustice, widespread discontent, and the relationship of disarticulation and mutual mistrust between the state and the people. The Liberian social contract had been breached by a self-serving elite which misgoverned the people to the point of rebellion and anarchy. Thus, 1980 was as much a military coup as it was an uprising of the masses against oppression and deprivation in the face of the gluttony of a few.

The post-war security apparatus comprises of remnants of several agencies, often operating in conflict with each other and demonstrating a duplication of responsibilities, having been 'fragmented by Taylor's divide and rule tactics, in order to gain and secure loyalty and strengthen personal rule.'[50] These agencies include:

- The Armed Forces of Liberia (AFL)

- Liberia National Police (LNP)

- National Security Agency MNS)

- Ministry of National Security

- National Bureau of Investigation (NBI)

- Drug Enforcement Agency (DEA)

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[48] Thomas Jaye, 'Challenges of Security Sector Governance in Post-War Liberia', in Olonisakin, Bryden and Ndiaye (eds.), *The Challenges of Security Sector Governance in West Africa*, DCAF, Geneva, forthcoming.

[49] Comfort Ero and Jonathan Temin, 'Sources of Conflict in West Africa' in Chanfra Sriram and Zoe Nielsen (eds.), *Exploiting Sub-Regional Conflict for Prevention*, Lynne Rienner, Boulder and London, 2004. p. 105.

[50] Thomas Jaye, op. cit., p. 4.

- Special Security Services (SSS)

- Bureau of Immigration and Naturalisation (BIN)

- National Fire Service (NFS)

- Monrovia City Police

The Liberian security sector underwent a profound degree of decay during the war, and effective command and control was lost. The (dis)functioning of the security sector is directly related to the (lack of) governance and the character of the Liberian state, focused as it was on suppressing internal dissent and unrest. The state was a mechanism for the facilitation of exploitation and extraction of natural resources from Liberia. From 1997 to 2003, the Liberian state was an instrument for facilitating Taylor's numerous (often illegal) business dealings. As the International Crisis Group report has rightly observed, 'Taylor consciously criminalised the country by stopping salaries, and corruption flourished…Taylor took what he wanted and encouraged his large entourage and security apparatus to support themselves through looting'.[51] By the time the NTGL came into office, the salaries of state workers, including the armed and security forces, had not been paid for two years. Taylor's version of security sector reform was the dismissal, without benefits, of some 2,800 armed and security force personnel all at once in 2001. It is therefore evident that the Liberian security system is in dire need of not only reform, but of transformation, in order to depersonalise it and ensure its effectiveness, within the framework of democratic civilian control.

3.1. New Armed Forces for Liberia?

Proposals for restructuring the Liberian armed forces during the war bore no fruit. The Abuja peace accord, which led to a break in the fighting in 1996 and general elections in 1997, had stipulated that the West African peacekeeping force (ECOMOG) would retrain a new national army based on fair ethnic and geographical representation. However, Charles Taylor, who won the 1997 elections, sidelined the issue, saying the restructuring was solely a matter for the elected government. A year later a commission created by Taylor recommended the establishment of a new 6,000 man strong army. The proposal was never implemented.

The former Special Representative of the Secretary General (SRSG) Jacques Klein was not favourably disposed to addressing the reform of the armed forces as a priority. Klein favoured the abolition of the armed forces. In his view, 'armies sit around playing cards and plotting coups'. As an alternative, Klein canvassed a well-trained police force, in addition to a border security force of 600 to 700 men.[52] This rationale may have contributed to the delay in addressing the reform of the armed forces.

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[51] International Crisis Group Report No. 75, op. cit., p. 22.
[52] Reuters, 'Liberia: US Hires Private Company To train 4,000 Man Army', 15 February 2005. Available at www.corpwatch.org/article.php?id=11857

Part Four (Articles VII and VIII) of the CPA is devoted to 'Security Sector Reform'. The CPA stipulates that 'all irregular forces shall be disbanded'[53] and that the AFL shall be restructured and will have a new command'.[54] Article VII (2) of the CPA stipulates the principles for the restructuring of the armed forces:

a. Incoming service personnel shall be screened with respect to educational, professional, medical and fitness qualifications as well as prior history with regard to human rights abuses;

b. The restructured force shall take into account the country's national balance. It shall be composed without any political bias to ensure that it represents the national character of Liberia;

c. The Mission of the Armed Forces of Liberia shall be to defend the national sovereignty and *in extremis*, respond to natural disasters;

d. All Parties shall cooperate with ECOWAS, the UN, the AU, the ICGL and the United States of America.

Liberians have demonstrated a consistently high sense of expectation of American involvement, and arguably guidance, in ending the war, and in security sector reconstruction in particular. The CPA stipulates that 'the parties also request that the United States of America play a lead role in organising this restructuring programme' (Article VII (1b).[55] The US subsequently pledged $35 million towards the restructuring of the Liberian armed forces. The total package pledged for security sector reconstruction by the United States is $200 million, which would include refurbishment of the Ministry of Defence, retraining of staff, and refurbishment of military barracks. To this end, from 22-24 March 2004, the Defence Advisory Committee (DAC) of the Ministry of National Defence conducted a Consultative Workshop in Monrovia.[56] The purpose of the workshop was to update the AFL Restructuring Plan developed in 1998 and to affirm a national consensus on the way forward with respect to the formation of the new military of Liberia.[57] The workshop concluded that:

A four-phase implementation strategy should be followed in a sequential manner: first, re-documentation; second downsizing through demobilisation; third, downsizing through retirement and discharge; and fourth recruitment to form the new army.[58]

According to the DAC workshop, the new force would be known as the Liberian National Defence Force (LNDF), and would be 6,500 strong. The LNDF, according to

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[53] Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconcilation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, Accra, 18 August 2003, Article VII (1a). (See Annex 1)

[54] Ibid., Article VII (1b).

[55] It is noteworthy that UNMIL's mandate also requires it 'to assist the transitional government in the formation of a new and restructured Liberian military in cooperation with ECOWAS, international organisations and interested states'. There however seems to be a consensus that reform of the security sector, in particular the restructuring of the armed forces, is the responsibility of the United States.

[56] The Defence Advisory Committee was not envisaged at the signing of the CPA but has since been created. It comprises the Chiefs of Staff of the three factions, GOL, LURD and MODEL, and is located in the Ministry of National Defence.

[57] See Defence Advisory Committee, Consultative Committee Conclusion, 'AFL Restructuring Plan Revised', 22-24 March 2004, Monrovia, Liberia.

[58] Ibid, p. 4.

the DAC plan, would be composed of the Army, the Air Reconnaissance Unit (ARU), the Liberian National Coast Guard and the Reserve Unit. The workshop also drafted a new mission and recruitment policy for the LNDF.[59]

After the DAC Workshop, and evidently not related to it, the Headquarters of the United States European Command (Marine Corps Forces, Europe) developed an 'Employment and Structure Brief' for what it called the New Armed Forces of Liberia (NAFL), and not the LNDF as stipulated by the DAC Workshop. The US document provided for a Mission Statement, Force Structure, Employment Plan, Force Structure Plan, among others. At the strategic level, it recommended a General Staff. It further recommended the creation of:

- Rapid Reaction company

- Maritime Patrol Squadron

- Aerial Reconnaissance Squadron

- One Infantry Brigade, comprising Brigade HQ, three light infantry battalions, engineer battalion, and a brigade service support battalion made up of a transport company, medical company, supply company, and maintenance company.[60]

A main difference between the two initiatives is that the DAC was uncomfortable with the notion of a 'rapid reaction company', on the grounds that it evokes the impression of the various strike forces with which previous governments have oppressed and brutalised the Liberian people.[61]

In the final analysis, the restructuring of the Liberian armed forces has been subcontracted out to a US-based private military company known as DynCorp. DynCorp is owned by a US company, Veritas Capital, which specialises in security and aircraft maintenance services. Over the past three years DynCorp has been contracted by the US government to train new police forces in Afghanistan and Iraq. However, the commencement of the restructuring was made conditional upon the documentation and disengagement of officers and men serving in the old AFL, which according to the NTGL would cost some $267,000. Deputy Minster of Defence, Joe Wylie, offered details of the disengagement package:

> With our initial plan, those recruited into the army after the civil war broke out in 1989 will get $540. Those who had been serving in the army before that period will get $2,025 and upwards depending on rank and length of service.[62]

The delay in the commencement of the exercise has led to criminal behaviour on the part of the troops. In mid-June 2005, Liberia's largest military barrack was looted, following a riot in Monrovia over non-payment of salaries (for April and May) and severance

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[59] Ibid.

[60] United States European Command (Marine Corps Forces, Europe), 'Employment and Structure Brief' for the New Armed Forces of Liberia (NAFL).

[61] Author's interview with a senior member of the Ministry of National Defense, Monrovia, 28 July 2004.

[62] IRIN News, 'Liberia: Soldiers Loot Their Own Barracks To Protest Their Pay Arrears', Monrovia, 15 June 2005. Available at www.irinnews.org/report.asp?ReportID=47600. (accessed on 29 June, 2005).

benefits. About 100 soldiers were reported to have set up road blocks around the Defence Ministry.[63] Two weeks later, the government announced that the payment exercise would begin in July and would last 45 days. This would be followed by recruitment and training of new troops in batches of 300, to last 12 to 16 weeks. According to this plan, the first batch of the new army should be operational by January 2006, when a new democratically elected government is billed to be sworn in. As at 24 August 2005, 8,164 of the 9,086 irregular armed forces had been demobilised. However, Phase II of the programme faces a funding shortfall of $11.5 million for the demobilisation of 4,095 regular personnel of the AFL. It is however noteworthy current plans are to train a 2000 strong army only, a 50% reduction form initial plans of 4000, and a far cry from the DAC's initial target of 6,500.[64]

Overall, it would appear that there is no coherent security sector reform framework so far in the Liberian reconstruction process. At best, each component of the security system is undergoing changes in the expectation (assumption?) that pieces of the puzzle would all fit together once reform has been accomplished. According to one assessment:

> The restructuring plan produced by the MoD with the assistance of the US (Pentagon) focuses largely on the military and does not envisage a broader scope for Security Sector Reform, including civilian management. Furthermore, other security agencies, including, for example, the National Security Agency, National Bureau of Investigation and Bureau for Immigration and Naturalisation are completely left out of the plan.[65]

The restructuring of the armed forces has not resulted from, nor is it a reflection of, a comprehensive review of Liberia's security environment, with a clearly articulated national strategy and security policy. It is also noteworthy that the prominent role of the US in the restructuring of the armed forces was written into the CPA, 'because the army is modelled on the US military, and many older fighters have been trained by US officers…'[66] It is also important however to reiterate that the opportunities presented by post-conflict reconstruction are perhaps not best utilised by simply remodelling the armed forces entirely after the American model. The point has already been made elsewhere that African armed and security forces have largely been unable to evolve beyond their colonial origins.[67] Beyond a cloning of the American operational procedures and institutional ethics, local and regional realities need to be factored into the reform of the armed forces. It is unclear how the 2,000 strong army can effectively respond to its volatile local security environment as reflected by the political disquiet in Côte d'Ivoire and Guinea. Moreover, given West Africa's emerging security architecture in which an ECOWAS Standby Force is central to regional peacekeeping, the new army should be able to respond to demands for peace operations in West Africa. The advanced decay of infrastructure can also benefit from a development-oriented security sector, in which armed and security forces deploy their specialised skills to contribute to civil engineering,

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[63] Ibid.

[64] United Nations Security Council, *Eighth Report of the UN Secretary General on the United Nations Mission in Liberia*, S/2005/560, op. cit.; See also IRIN News, Liberia: New National Army to have 2,000 troops, half as many as expected'. Monrovia, 29 June 2005. Available at www.irinnews.org/report.asp?ReportID=47888

[65] CSDG-DCAF Report, op. cit., p. 3. (See Annex 2)

[66] International Crisis Group Report No. 75, op. cit., p 18.

[67] Liberia has never been formally colonised by the USA but has had close historical links with it. See Adedeji Ebo, Security Sector Reform As An Instrument of Sub-Regional Transformation in West Africa', in Alan Bryden and Heiner Hänggi (eds.), *Reform and Reconstruction of the Security Sector*, Lit Verlag, Munster, 2004. p. 80.

agriculture, and health, to mention a few critical sectors. The mission and structure for the new armed forces should reflect from the threats that face the country, and should go beyond its historical links with the United States.

3.2. From 'Taylor's Police' to Liberian Police

The reform of the police force is evidently of very high priority in a society that has witnessed years of brutal war, and particularly the centralisation, personalisation and militarisation of the police under Taylor. The police had essentially been a means of keeping some of the NPFL fighters employed when Taylor came to power in 1997. Police reform is therefore an important aspect of UNMIL's mandate. The Liberian National Police is heavily politicised. Under Charles Taylor, they were militarised and used weapons indiscriminately against civilians; most of the estimated 4,000 LNP came from Taylor's NPFL militias.[68]

The CPA gives policing responsibilities during the transition period to the United Nations Civil Police (UN CivPol). CivPol was charged the training of a new police force (CPA Article VIII 4, 5). Article VIII (1) also stipulates that:

> There shall be an immediate restructuring of the National Police Force, the Immigration Force, Special Security Service (SSS), custom security guards and such other statutory security units. These restructured security forces shall adopt a professional orientation that emphasises democratic values and respect for human rights, a non-partisan approach to duty and the avoidance of corrupt practices.

The National Police Academy was reopened on 12 July 2004. Candidates for the new force could come from within and outside the Liberia National Police. The UNMIL gender component works with UNMIL civilian police to ensure 15% are women. Training commenced for an initial group of 132 cadets in July 2004. According to the latest report of the UN Secretary General to the Security Council, as at June 2005, '401 National police and 33 Special Security Services officers have graduated from the National police Academy, 439 are participating in an initial three month basic training; 684 cadets have moved on to field training; and 34 Special service officers are in close protection training'.[69] The new Liberian police force is due to reach its full strength of 3,500 officers in 2006. It is projected that 3,000 officers will have been trained before planned national elections on 11 October 2005.[70] The UN is to be responsible for police salaries for two years. The police reform programme has been criticised for incorporating too many of those who served in previous regimes:

> After first promising to recruit and train a new Liberian police force from scratch, the United Nations Mission in Liberia (UNMIL) ended up last year by retraining a

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[68] International Crisis Group Report No. 75, op. cit., p. 19.

[69] United Nations Security Council, Report of the Secretary General pursuant to Security Council resolution 1579 (2004) regarding Liberia, S/2005/376, op. cit., p. 7.

[70] United Nations Mission in Liberia (Civil Affairs Section), 'Proxy indicators: Status of restoration of State Authority and recovery in Liberia', April 2005. Available at www.humanitarianinfo.org/liberia/infocentre/general/docs/Restoration%20of%20State%20Authority.doc

large number of former policemen who served under Taylor's disgraced government.[71]

In defence of CivPol however, other sources affirm that the recruitment process has been thorough in investigating the background of recruits. According to the International Crisis Group, recruits are vetted several times to ensure they are not war criminals.[72] The report also observed, as part of this process, the names of recruits are also published in Monrovian newspapers, with requests for citizens to come forward with information on anyone who committed crimes during the wars. The report further notes that 'as part of efforts to verify that LNP recruits do not have criminal records, UNMIL has established an "integrity bank", which compiles background information on candidates for use in screening by the Liberian National Law Enforcement Association.[73]

There is also danger of a parallel composition within the present structure of the Liberian Police. Disgruntled Senior Police Officers have written a dissenting document against UN CivPol for being sidelined.[74] Perhaps most alarming are reports of continuing police brutality among officers of both the old LNP and the new CivPol created force.[75] A newspaper editorial found it necessary to be blunt on this concern:

> Without mincing words, and for good reasons, the public is beginning to dislike what it sees in the new police cubs. What it sees is smoke emanating from the fire of friction. And invariably the opinion being formed (is) that our little angels (recruits) are catching the virus of maverick policing so early…They are seemingly relying more on brute force than on the persuasive power of the law.[76]

What is beyond doubt is that the situation has improved somewhat, and erring police officers can no longer assume impunity.[77] Though serious as the problems of policing are, they cannot be seen in isolation of the criminal justice system since the police are only an implementing agent of the criminal justice system.[78]

3.3. Judiciary: Don't Blame it on the war!

The role of justice and the rule of law in security and sustainable development can hardly be over-emphasised. Bringing an end to impunity and infusing the notion of equality

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[71] Reuters, op. cit.

[72] International Crisis Group Report No. 87, op. cit., p. 17.

[73] Ibid. The LINLEA is a civil society organisation, headed by Cecil Griffiths.

[74] B. J. Samukai, Jr, 'Military And Security Reforms In Post-War Liberia', presented at the 'All Liberian National Conference', Columbia, Maryland, USA, 15 April 2005, Available at www.uniboa.org/samukai.html

[75] See for example, The Analyst, 'Police Brutality Again!: Student Leaders, School Administrator Flogged', 24 June 2005. Available at www.analystnewspaper.com/police_brutality_again.htm. See also, The Analyst, Editorial, 'Monitor Police Trainees Fussily'; Available at www.analystnewspaper.com/editorial_monitor_police_trainees_fussily.htm

[76] The Analyst (Editorial), ibid.

[77] In October 2005, the Ministry of Justice suspended a police officer, Major James Yarmah, without pay for one month for assaulting a reporter of The Analyst Newspaper, Mr. Nathaniel Daygbor. See The Analyst, 5 October 2005.

[78] J. Kayode Fayemi, 'Governing Insecurity in Post-Conflict States: The case of Sierra Leone and Liberia', in Alan Bryden and Heiner Hänggi (eds.), *Reform of Reconstruction of the Security Sector*, LIT Verlag, Münster, 2004, p. 195.

before the law is a necessary condition for creating stability after conflict.[79] In this regard, it is necessary to rebuild effective, legitimate and transparent institutions and structures 'that support the functioning of an equitable and right-respecting state that are accountable to the citizens that live within it'. It is noteworthy that there has been a tendency to blame the civil war for all Liberia's ills.[80] To allow this exaggeration with the judicial system would amount to diverting attention away from the root causes of the inadequacies of the Liberian judicial system. To be sure, the system was corrupt and devoid of any claim to justice long before the war. According to a senior advocate, executive intervention in the judicial process has been practically constant throughout much of Liberia's history.[81] It is tempting to be corrupt in the Liberian judiciary. Magistrates are required to be law school graduates but it has been difficult to implement this requirement. Magistrates earn between $1,000 and $1,200 Liberian dollars (about $20 US monthly), which is not even regularly paid. Like most public servants, they have suffered years of salary arrears. Even before the war, many of the counties were not accessible to judicial services and, where available, were ineffective.

The new Supreme Court was inaugurated in January 2004, and the judicial reform timeline is divided into five phases beginning in January 2005 and ending in December 2005.[82] The Liberian judiciary suffers from a serious credibility crisis. According to a member of the NTGL 'some charged with reforming the judiciary have a history of intimidation and criminalisation of the judicial process.[83] At the February 2004 donor conference nothing was pledged for judicial reform. The prospects for judicial reform were however enhanced in September 2004 when the United States government donated $1 million towards judicial reform. The United States and the United Nations have also provided training for administrators and judges of the lower courts and have donated reference materials and data processing equipment to the courts. Within the transition government however, the judiciary continues to suffer from a lack of funding which was one of its major challenges in previous regimes. The Chief Justice in June 2005, complained about the persistent funding shortfall. Only 25% of its 2005/6 budgetary allotment has been disbursed by the Ministry of Finance. Morale is low:

> Only 13 of the 22 circuit judges needed to run the system are currently available. Of this number, 4 are on sick leave while another 4 are nearing retirement. In other words, there are only 5 qualified judges to run the courts of Liberia.[84]

Given the role of impunity and injustice in the decay that led to the civil war, the importance of judicial reform can hardly be over-emphasised. There remains an urgent need for training, including but not limited to workshops and seminars for lawyers, bailiffs, registrars. The focus on police reform is unlikely to produce tangible results in the absence of corresponding to judicial reform.

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[79] See United Nations Development Programme, 'Crisis Prevention & Recovery: Justice and Security Sector Reform'. Available at www.undp.org/bcpr/jssr/

[80] For the structure of the Liberian judicial system, see Thomas Jaye, in Olonisakin et al (eds.), op. cit.

[81] Interview in Monrovia, 29 July 2004.

[82] For details of the judicial reform timetable see www.humanitarianino.org/liberia/infocentre/donors/doc/confab_doc/judiciary

[83] International Crisis Group Report No. 75, op. cit., p. 24.

[84] The Analyst, Editorial, 'Unshackle the Judiciary'. Available at www.analystnewspaper.com/editorial_unshackle_the_judiciary.htm

4. Enabling Environment for Democratic Governance of the Security Sector

Much of the focus of post-conflict reconstruction of the security sector in Liberia has so far focused almost exclusively on the efficiency (restructuring) aspect of reform. The governance dimension of reform, as encapsulated in mechanisms for democratic control of armed and security forces, has hardly been addressed.[85] The efficiency of armed and security forces is emphasised in the reform process because improved performance of security functions can have a substantial impact on a country's stability. However, improved performance per se is not sufficient for peacebuilding, as the security forces may merely become more efficient at brutalising and repressing the population.[86] Hence the need for democratic civilian oversight which ensures that the armed and security forces function according to the priorities, and under the control of the population which they should serve and protect. In this section, our discussion focuses on factors which affect the prospects for the infusion of the democratic oversight principles of accountability, transparency and participation into the process of reforming the security sector in post-war Liberia:

4.1. Constitutional Framework

As indicated earlier, the constitution is a vital instrument of security governance, as it provides the overall legal framework for security policy. The Liberian Constitution has created an all-powerful presidency which represents a difficult challenge to effective democratic control of the armed and security forces. Article 56(a) grants the President absolute power over all appointees, including those in charge of the security system. The President is practically in singular and absolute control over the armed and security forces. Apart from the AFL, which is headed by a Chief of Staff and responsible to the Minister of Defence, all agencies report to the Minister of Justice and are headed by Directors who are appointed by the President. Thus, even though Article 34(c) empowers the legislature 'to make rules for the governance of the Armed forces of the Republic', the wide-ranging powers of the president casts a shadow over the entire security governance framework, further enhanced by the President's control of public finances. As Amos Sawyer has pointed out:

> A president who has the sole authority to appoint prison wardens, sheriffs, district commissioners, county attorneys, superintendents, the minister of justice, and judges of the courts, including the Supreme Court, is legally entrusted with all-inclusive prerogatives to shape the rule of law and the course of justice in society. This is too much power for any person, no matter how humble, compassionate and knowledgeable that person may be. A president who has the sole authority to determine disbursements of public funds through a warrant prepared by his assistant and passed unchecked by any other independent authority is empowered to exercise exclusive control over the public purse. [87]

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[85] See Report of CSDG-DCAF, op. cit.

[86] Clingendael, International Alert, and Saferworld, 'Towards a Better Practice Framework in Security Sector Reform: Broadening the Debate', Occasional Paper No. 1, August, 2002, p. 6.

[87] Amos Sawyer, *Beyond Plunder: Toward Democratic Governance in Liberia*, Lynne Rienner, Boulder and London, 2005, p. 106.

The democratic credentials of the Liberian constitution are further devalued by the racist undertone of aspects of its provisions. This is illustrated by Article 27 which states explicitly that 'in order to preserve, foster and maintain the positive Liberian culture, values and character, only persons who are Negroes or of Negro descent shall qualify by birth or by naturalisation to be citizens of Liberia'. These and other shortcomings of the constitution would need to be addressed in order to enhance accountability and transparency in the reform process.

4.2. The Role of the Governance Reform Commission (GRC)

The GRC was created by the CPA, with a mandate to promote the principles of good governance and sound public sector management in the reform process. Its mandate also includes ensuring transparency and accountability in all government institutions and activities. In the execution of its mandate however, the GRC has given little or no attention to the security sector. The GRC has not discussed the security sector at any length, nor has it been in any other way involved in the SSR process.[88] This conceptual and implementation gap between the SSR process and the overall governance reform process is, at least partly, attributable to the traditionally closed nature of security sector governance in Liberia and would need to be bridged.

4.3. The Role of DynCorp: Private Response to a Public Challenge?

The announcement in February 2005 of DynCorps's contract marked the first time in the history of West Africa that a private military/security company has been contracted to restructure a national army. This raises issues relating to governance of the reform process, as PMCs are 'not accountable to the people and parliament, nor are employees of private contractors subject to the military code of justice'.[89] In the particular case of DynCorp, the company's employees were reported to have been part of a prostitution racket while under a UN subcontract in Bosnia.[90] Secondly, the engagement of a PMC is an indication that external engagement in Liberian security sector reform is a short- to medium-term venture, 'as only statutory armed forces can impart the long-term principle of security, based on democratic governance, that is conducive to durable peace'.[91] Thirdly, while statutory armies have clear hierarchies and are subjected to democratic control processes by their governments, the extent to which a PMC can infuse principles of accountability and transparency into a national army, and the level and length of

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[88] Comments at the Liberia National Dialogue on Security Sector Reform, jointly hosted by the Ministry of Justice and the United Nations Mission in Liberia, and held at the Corina Hotel, Monrovia, 3-4 August 2005.

[89] Fred Schreier and Marina Caparini, 'Privatising Security: Law, Practice and Governance of Private Military and Security Companies', Geneva Centre for the Democratic Control of Armed Forces, Occasional Paper No. 6, Geneva, March 2005, p. i.; Liberians have expressed concern that there is little public information and input on the details of DynCorp's plans for the reform of the Liberian armed forces. See Annex 3: Report of the Liberia National Dialogue on Security Sector Reform.

[90] IRIN News, 'Liberia: Government Ready To Form a New Army', Monrovia, 19 May 2005. Available at www.irinnews.org/report.asp?ReportID=47204. See also Schreier and Caparini, op. cit. Even though a number of employees were fired, they were not prosecuted. Schreier and Caparini point out that the only court cases to result involved the two whistleblowers who exposed the episode and were fired. Of the two, Hathryn Bolkovac won her suit for wrongful dismissal while the case of Ben Johnston was settled out of court.

[91] Festus Aboagye and Martin Rupiya, 'Enhancing Post-Conflict Democratic Governance through Effective Security Sector Reform in Liberia', 2005, p. 265. Available at www.iss.co.za/pubs/Books/TortuousRoad/Chap11.pdf

commitment of the present security sector reform regime, are two policy issues that need to be addressed in order to place peacebuilding on a sustainable track in Liberia.[92] The seeming short/medium-term approach which outsourcing to a PMC implies goes against the long-term attention that effective democratically governed security sector reform requires. As the ICG has aptly posited:

> … a security sector engagement of fifteen to 25 years with a smaller financial and operational footprint is more likely to build a durable peace. Training militaries is a tricky process. If done on the cheap and too briefly, foreign trainers may merely turn abusive security forces into more efficiently abusive security forces, without improving how they relate to government or civilians.[93]

4.4. The Limits of Parliamentary Oversight

The legislature is crucial in transitions because it should be a principal mechanism for checking the excesses which characterised the authoritarian and dictatorial regimes of the past. The legislature is therefore the engine of democracy, and the level of democratic and good governance in any system is a direct function of its ability to conduct oversight functions. Parliamentary oversight is a major means of operationalising the fundamental democratic principles of checks and balances and separation of powers. The Parliament needs therefore to be well positioned to play its role in ensuring the alignment of the security sector with the core values, principles and practices of democratic governance. This is the essence of security sector reform. The inclusion of a transitional legislature within the CPA is therefore commendable and should, all things being equal, enhance popular participation and oversight of the reconstruction process. However, the Liberian transitional legislature has faced various challenges which have the net effect of retarding its ability to perform its oversight functions. This remains a difficult challenge to the new administration.

Firstly, the heterogeneous composition of the transitional assembly has had a debilitating effect on its performance. Given that the NTLA is an inherent part of the CPA, membership in the transitional legislature is not through elections but rather through a negotiated exercise. It can be argued therefore that some members of the NTLA are ill-suited to parliamentary responsibilities and lack the support and mandate of Liberians. For example, allegations of corruption and malpractice have been rife within the legislative arm of the transitional government. Following an investigation by a special committee, the Speaker of the National Transitional Legislative Assembly and his Deputy, the Chairman of the Ways and Means Committee, and the Chairman of the Rules and Order Committee were suspended for fiscal and administrative improprieties. Moreover, some of its prominent members, including the suspended Speaker of the NTLA, are widely accused of committing gross human rights abuses before and during the war.[94] Others elements within the NTGL and NTLA are perceived to represent no

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[92] For more detailed analysis of PMCs in Africa, see Abdel-Fatau Musah and J. Kayode Fayemi, *Mercenaries: An African Dilemma*, Pluto Press, London, 2000; David Francis, 'Mercenary Intervention in Sierra Leone: Providing National Security or International Exploitation?', Third World Quarterly, Vol. 20, No. 2, 1999. For a broader perspective, see Peter Singer, *Corporate Warriors: The Rise of the Privatized Military Industry*, Cornell University Press, Ithaca and London, 2003; David Shearer, 'Private Armies and Military Intervention', IISS Adelphi Paper No. 316, London, 1998.

[93] International Crisis Group Report No. 87, op. cit., pp. 20-21.

[94] International Crisis Group Report No. 75, op. cit., p. 24.

constituency, and no interests, but themselves. The NTLA may not have done much to endear itself to Liberians.[95] Thus, it has for much of its existence been faced with a crisis of credibility and legitimacy.

Secondly, the NTLA has lacked the resources and facilities with which to perform its functions. Few telephones are functional in the entire parliament building. There has been no library, no research facilities, and the transitional legislature has been working under considerable operational constraints. Even the carpets in the parliament building have been looted. There is no parliamentary support. At best, university students volunteer as parliamentary staff.

4.5. Restructuring the MoD

A continuing challenge to the reform of the security sector, and one which will be even more relevant for the newly elected government, is the need to place the Ministry of Defence under effective civilian leadership. In the transition period, the leadership of the MoD has consisted largely of ex-military members of the former warring factors, following the terms of the CPA. Once the transition has ended and an elected government takes office, the task of staffing the MoD with effective civilian leadership would have direct and significant consequences for the governance and reform of the security sector. In addition, restructuring the MoD would need to address management capacity over the security services, including budgeting functions.

4.6. The Role of Civil Society

Three major roles can be attributed to civil society as actors in the democratic governance of the security sector: as agents of change, as watchdogs, and as sources of technical input.[96] Civil society is essential for the operationalisation of the major principles underlining democratic governance of security sector, such as accountability, transparency and participation. Though Liberia has historically had a vibrant civil society, the authoritarianism and brutality of the Taylor regime and the deterioration in the country's social fabric have had a debilitating effect on civil society in Liberia. 'In the view of the Taylor regime, there was little to distinguish civil society from the political opposition… Critics of the Taylor government were increasingly subjected to routine

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[95] At various meetings with the CSDG-DCAF Assessment Mission (July/August, 2004), civil society members expressed dissatisfaction with the NTLA, often describing them as corrupt and self-serving. Many made reference to the NTLA's 'priority' of awarding a $12,000 'resettlement allowance' to each member in the midst Liberia's difficult financial situation. Some also accused NTLA members of collecting money for official trips without actually travelling.

[96] For more detailed discussions of the role of civil society as security actors, see Nicole Ball and Kayode Fayemi (eds.), *Security Sector Governance in Africa: A Handbook,* Centre for Democracy & Development, Lagos, 2004; Eboe Hutchful, 'A Civil Society Perspective', in Anicia Lala and Ann Fitz-Gerald (eds.), *Providing Security for the People: Security Sector Reform in Africa,* Global Facilitation Network for Security Sector Reform, Shrivenham, 2003, pp. 35-41.

harassment, with the more articulate among them arrested, tortured, and imprisoned'.[97] By the time of Taylor's departure, civil society in Liberia was dissipated and in disarray.[98]

However, the Accra Talks that led to the signing of the CPA manifested a fundamental change by Liberian civil society; from being mere watchdogs of the government they became direct actors in the transition government. Out of the total of 76 seats in the NTLA, 7 are filled by civil society representatives, including the Chair of the Peace Process and National Reconciliation Committee, which is responsible for monitoring implementation of the CPA. The agreement also distributed the running of state-owned enterprises and agencies, of which civil society was allocated not less than 16. The direct participation of civil society in politics has led to concerns about conflict of interest:

> While civil society normally functions outside the government in an oversight or advocacy position, the Accra Agreement outlines an unprecedented role for Liberian civil society representation within the transition authority. By holding formal positions in the NTGL and serving as representatives to the NTLA while trying to maintain their watchdog roles, civic leaders and their supporters are grappling with a number of unforeseen conflicting interests and constituencies.[99]

Even though traditional civil society mechanisms exist (the Poro), these were corrupted by Taylor in his bid to capture and maintain power.[100] However there are emerging signs that civil society in Liberia is in the process of self-evaluation and consolidation. From 22-24 March 2005, the Liberia National Law Enforcement Association (LINLEA) hosted a three-day conference for civil society under the theme 'Building and Maintaining Vibrant Coalitions'. The conference, which brought together some 115 civil society leaders, set up a committee to 'develop a framework by which Liberian civil society organisations can effectively collaborate and coordinate their efforts in addressing human rights and other crucial issues'[101] The committee recommended the creation of a National Coalition of Civil Society Organisations in Liberia (NACCSOL).

4.7. UNMIL Unlimited?

Just as Charles Taylor is reputed to have cast a shadow over Liberian politics even from exile, the former Special Representative of the Secretary General (SRSG) Jacques Klein is reputed to have had virtually unlimited influence over post-conflict reconstruction in Liberia during his tenure. There developed a gulf between a wide spectrum of Liberians and the leadership of UNMIL during the tenure of General Klein which has left a deep scar regarding Liberians' perception of UNMIL. Independent observers have also

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[97] J. Peter Pham, 'A Nation long Forlorn: Liberia's Journey from Civil War Toward Civil Society' *The International Journal of Not-for-Profit Law*, Vol. 6, Issue 4, September 2004, p. 11. Available at www.icnl.org/journal/vol6iss4/ar_pham.htm

[98] For example, on November 28, 2000, security officials broke into and ransacked the offices of the Centre for Democratic Empowerment (CEDE) in Monrovia. CEDE was chaired by former Head of the Interim Government (1990-1994), Prof. Amos Sawyer. He and his staff were physically assaulted on the occasion, following which Sawyer went into exile.

[99] National Democratic Institute for International Affairs (NDI), 'Liberia: Civil Society's Role in the Political Transition', January 2004. p. 5. Available at www.accessdemocracy.org/library/1710_lr-civil society_010104.pdf

[100] International Crisis Group Report No 75, op. cit., p. 21.

[101] 'Framework for the Establishment of a Vibrant and Effective Coalition for Liberia', Report submitted by the Committee selected during the New Tactics Conference in Advancing Human Rights, June 7, 2005. Email from Cecil Griffiths of the LINLEA to the author, dated 2 July 2005.

expressed disquiet, ranging from the most blunt, to the more tactful. According to one observer 'the Special Representative of the United Nations Secretary General in Liberia, General Jacques Klein, behaves like the Viceroy in Liberia, eliciting mixed reactions from stakeholders'.[102] According to the Report of the CSDG-DCAF Mission of July/August 2004,

> Although Liberians appreciate immensely the security and stability provided by UN presence in Liberia, particularly Monrovia, there is a strong public perception that the UNMIL senior leadership disregards their views on how the country's problems should be addressed. An issue of particular concern is the relationship between the chairman of the NTGL and the UN SRSG which has been characterised as 'too cordial', in effect making a system of checks-and-balances impossible. Overall, the team sensed that there is a general lack of confidence between SRSG/UNMIL and Liberians.[103]

Given the enormous and multidimensional challenges of post-conflict reconstruction, a person in the position of the SRSG could not have escaped some criticism. However, the cynicism and frustration with which many Liberians spoke of Mr Klein gave the impression that the former UNSG was fast becoming part of the problem for which he was appointed to find the solution. Several Liberians referred to him as 'Governor-General'. Without prejudice to the validity of such criticisms, the essential point to note is that such perceptions have negatively affected the impression which many Liberians have of UNMIL, which the new UNMIL leadership would need to urgently address following Mr Klein's sudden departure in April 2005.

V.   Conclusion and Recommendations

The character of the security sector in Liberia is a product of the historical domination of the country by a settler population, and the concomitant contradictions which such domination has generated. Thus even though Liberia was never formally colonised by another state, it was effectively subjugated by freed slaves from the United States and their descendants, who appropriated the state, created and sustained a personalised security sector, and prevented popular participation. Even though it would amount to a gross over-simplification to attribute all of Liberia's complex array of challenges to this singular factor, it must be recognised that the asymmetrical social relations which ensued has created a wide cleavage between the state and the vast majority of Liberians. The ensuing dichotomised existence has been at the core of Liberia's socio-economic and political frictions. The seeds of what grew to be the Liberian security sector were sown by the elite to create a security structure for the preservation and protection of privileged interests. Liberia has been in the throes of instability and conflict since Doe attempted in the 1980s to supplant Americo-Liberian domination with Krahn ethnic domination. Thus, de facto, the *raison d'être* of the Liberian security sector has been the security of the state, often at the expense of the state of security.

This paper analysed the general post-conflict reconstruction process in Liberia from a security governance perspective, and identified various factors which singularly and

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[102] Kayode Fayemi, op. cit., p. 192.

[103] CSDG-DCAF Report, op. cit., p. 6. (See Annex 2)

collectively condition and constrain peacebuilding in Liberia in general, and security sector reform in particular. The paper assessed post-conflict SSR within this larger context and observed that the there is no coherent comprehensive framework for the reconstruction of the security sector in Liberia. An overview of the security sector reconstruction process showed a focus on police reforms at the expense of other security institutions and democratic oversight. Despite the focus on police reform, reports of police brutality have persisted, allegedly involving the new recruits.

The restructuring of the armed forces has not been a priority and has manifested a shifting agenda which eventually culminated in the decision to subcontract the training of a new army to an US-owned private military company. This decision raises issues of democratic governance and oversight over the PMC implementing the restructuring programme, its suitability to infuse democratic principles into the new army, and the level and length of commitment to the reform process.

Overall, the reform of the security sector betrays an overwhelming focus on operational efficiency and inadequate attention and emphasis on the need for democratic control and oversight of the armed and security forces. It was argued that, given the excesses displayed by these forces in precipitating war in Liberia, this is a discrepancy which needs to be urgently addressed. The paper identified factors which complicate and retard the prospects for democratic oversight of the security sector in post-conflict Liberia – including the use of private military company for SSR, the limits of the transitional legislature, shortcomings in the role of civil society, and the effects of the domineering approach of UNMIL on local ownership and participation.

A coherent and accountable framework security sector reform in Liberia needs to be articulated, based on a comprehensive and inclusive review of national security policy. Such a framework should be predicated on a collective vision of security and identify specific governance and oversight mechanisms. The paper therefore puts forward the following policy recommendations:

- a broad-based and comprehensive security policy review

- Post-conflict reconstruction of the security sector should include regional burden-sharing and enhance regional capacity. Regional peacebuilding should be integrated into the formation of the new armed forces. It is therefore recommended that the reform programme should be reviewed with a view to giving ECOWAS a role in training the new forces. The new Liberian army should be able to defend not only the state and Liberians but also the sub-region.

- In order to address the governance deficits identified in the paper, there is a need to devise an oversight mechanism over the activities of DynCorp, so as to ensure an element of democratic control which would have applied if the restructuring exercise was being implemented by statutory US troops. Such an oversight mechanism could comprise the UN Peacebuilding Commission, ECOWAS, ICRC, representative of the United States government, and Veritas, proprietor of DynCorp.

- A capacity-building programme should be put in place for the MoD to address its ability for oversight and management within an accountable, accountable and responsive framework.

- In addition to the oversight recommendations made below, particular emphasis should be put enhancing parliamentary oversight capacity.

- With a view to addressing the imbalance identified in the paper between the efficiency aspect and the governance aspect of SSR, and also the tendency towards short term approaches to reform, new sources of funding should be identified (such as the newly initiated UN Democracy Fund and Peacebuilding Commission) to address long-term peacebuilding by supporting mechanisms which would strengthen democratic control of armed and security forces. In the case of Liberia and Sierra Leone, two areas to which focus should be directed are reintegration (of ex-combatants) in a holistic manner, and secondly, funding long term projects and support for processes and interventions which contribute to the capacitating of democratic oversight actors. In particular, the legislature (especially standing committees of defence, security and intelligence), civil society and the press. Focus should be on the entire range of security actors

- The holding of elections should not be perceived as the end of post-conflict reconstruction. Disarmament and reintegration should extend beyond the 2005 elections. This is necessary to promote national reconciliation particularly in view of the seeming polarised nature of the polity following the 2005 elections.

- There is a particular need to follow through on the DDR process and bridge the DD-RR gap which currently exists. It should be borne in mind that DDRR failure was an important part of the lost chance in 1997, facilitating the recruitment of fighters that subsequently devastated the country.

- UNMIL should explore avenues for enhancing local participation in, and ownership of the reconstruction process.

- There is a need to focus added attention on a comprehensive youth development programme since the youth form the majority of the population and provide a potential pool of fighters.

The guns are silent but not absent from Liberia. Silence of the gun is a necessary but insufficient condition for peace. There is a danger of a reversal in the reconstruction process if the gains of reconstruction are not consolidated. The international community has a responsibility to assist Liberians in the task of national building, including and particularly the reform of the security sector. Beyond mere restrcturing however, it is essential that international intervention is predicated on local ownership, which alone can guarantee sustainable security and development. The bridge to peace is good governance of the entire society, including of the security sector, which has for many years been an instrument of oppression and insecurity for most Liberians.

Annex 1 – Liberian Comprehensive Peace Agreement

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
Accra 18th August, 2003

Peace Agreement Between the Government of Liberia (GOL), The Liberians United for Reconciliation and Democracy (LURD), The Movement for Democracy in Liberia (MODEL) and the Political Parties
Accra, Ghana, 18th August 2003

We, the Government of The Republic of Liberia, The Liberians United for Reconciliation and Democracy (LURD), The Movement for Democracy in Liberia (MODEL) and the Political Parties

Having met in Akosombo and Accra, Ghana, from 4 June, 2003 to 18th August 2003, to seek a negotiated settlement of the crisis in Liberia, within the framework of the ECOWAS Peace Process for Liberia, under the auspices of the current Chairman of ECOWAS, His Excellency John Agyekum Kufuor, President of the Republic of Ghana, and the mediation of General Abdulsalami Abubakar, former Head of State of Nigeria;

Gravely concerned about the current civil war that has engulfed our country leading to loss of innumerable lives, wanton destruction of our infrastructure and properties and massive displacement of our people;

Recalling earlier initiatives undertaken by the Member States of ECOWAS and the International Community, aimed at bringing about a negotiated settlement of the conflict in Liberia;

Moved by the imperative need to respond to the ardent desire of the people of Liberia for genuine lasting peace, national unity and reconciliation;

Reaffirming the objective of promoting better relations among ourselves by ensuring a stable political environment in which our people can live in freedom under the law and in true and lasting peace, free from any threat against their security;

Determined to concert our efforts to promote democracy in the sub-region on the basis of political pluralism and respect for fundamental human rights as embodied in the Universal Declaration on Human Rights, the African Charter on Human and People's Rights and other widely recognised international instruments on human rights, including those contained in the Constitution of the Republic of Liberia;

Guided by the principles of democratic practice, good governance and respect for the rule of law enunciated in the ECOWAS Declaration on Political Principles of 1991 and the ECOWAS Protocol on Democracy and Good Governance adopted in 2001;

Committed to promoting an all inclusive participation in governance and the advancement of democracy in Liberia, as well as promoting full respect for international humanitarian law and human rights;

Concerned about the socio-economic well being of the people of Liberia;

Determined to foster mutual trust and confidence amongst ourselves and establish mechanisms which will facilitate genuine healing and reconciliation amongst Liberians;

Also Determined to establish sustainable peace and security, and pledging forthwith to settle all past, present and future differences by peaceful and legal means and to refrain from the threat of, or use of force;

Recognising that the Liberian crisis also has external dimensions that call for good neighbourliness in order to have durable peace and stability in the Mano River Union States and in the sub-region;

Re-committing ourselves to the scrupulous observance of the Ceasefire and Cessation of Hostilities Agreement signed at Accra, Ghana on 17th June, 2003, which constitutes an integral part of this Peace Agreement and is thereby appended as Annex I to the present Agreement;

Re-calling the establishment in 2002, of an International Contact Group on Liberia to support the efforts of ECOWAS in bringing durable peace to Liberia;

Committed to the establishment of an orderly transition process, to prevent the outbreak of future civil conflict in Liberia and the consequences of conflicts;

Desirous of seeking international assistance and support in restoring peace and stability to Liberia;

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HEREBY AGREE AS FOLLOWS:
PART ONE
ARTICLE I

</div>

DEFINITIONS

For the purpose of this Agreement:

"AU" means the African Union;

"Ceasefire Agreement" means the Ceasefire and Cessation of Hostilities Agreement signed by the GOL, the LURD and the MODEL on 17th June 2003;

"CMC" means the Contracts and Monopolies Commission;

"DDRR" means Disarmament, Demobilization, Rehabilitation and Reintegration;

"ECOWAS" means the Economic Community of West African States;

"EU" means the European Union;

"GOL" means the present Government of Liberia;

"GRC" means the Governance Reform Commission;

"ICGL" means the International Contact Group on Liberia;

"ICRC" means the International Committee of the Red Cross;

"IMC" means the Implementation Monitoring Committee;

"INCHR" means Independent National Commission on Human Rights established under Article XII of this Agreement;

"Irregular Forces" mean all forces that are not established in accordance with the Constitution and laws of the Republic of Liberia

"Interposition Force" means the ECOWAS Mission in Liberia which will be part of the ISF;

"ISF" means the International Stabilisation Force established under paragraph 7 of the Ceasefire Agreement;

"JMC" means The Joint Monitoring Committee established under paragraph 6 of the Ceasefire Agreement;

"JVT" means the Joint Verification Team established under paragraph 3 of the Ceasefire Agreement;

"LNP" means the Liberian National Police;

"LURD" means Liberians United for Reconciliation and Democracy;

"MODEL" means Movement for Democracy in Liberia;

"NCDDRR" means the National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration established under Article VI of this Agreement;

"NEC" means the National Electoral Commission;

"NTGL" means the National Transitional Government of Liberia;

"NTLA" means National Transitional Legislative Assembly;

"Parties" means the Parties to this Agreement;

"Political Parties" means Political Parties registered under the laws of the Republic of Liberia.

"The Agreement" means this Comprehensive Peace Agreement;

"Chairman" means the Head of the NTGL;

"Vice-Chairman" means the Deputy Head of the NTGL;

"TRC" means Truth and Reconciliation Commission established under Article XIII of this Agreement;

"UN"means the United Nations Organization;

"UNCIVPOL" means the United Nations Civil Police Component of the United Nations Stablisation Force;

"UNICEF" means United Nations Children Fund;

"UNHCR" means the United Nations Office of the High Commissioner for Human Rights;

"UNDP" means the United Nations Development Programme.

PART TWO
CESSATION OF HOSTILITIES

ARTICLE II
CEASEFIRE

The armed conflict between the present Government of Liberia (GOL), the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) is hereby ended with immediate effect. Accordingly, all the Parties to the Ceasefire Agreement shall ensure that the ceasefire established at 0001 hours on 18th June, 2003, results in the observation of a total and permanent cessation of hostilities forthwith.

ARTICLE III
CEASEFIRE MONITORING

1. The Parties call on ECOWAS to immediately establish a Multinational Force that will be deployed as an Interposition Force in Liberia, to secure the ceasefire, create a zone of separation between the belligerent forces and thus provide a safe corridor for the delivery of humanitarian assistance and free movement of persons.

2. The mandate of the ECOWAS Interposition Force shall also include the following:

   a. Facilitating and monitoring the disengagement of forces as provided under Article V of this Agreement;

   b. Obtaining data and information on activities relating to military forces of the parties to the Ceasefire Agreement and coordinating all military movements;

   c. Establishing conditions for the initial stages of Disarmament, Demobilisation and Reintegration (DDR) activities;

   d. Ensuring respect by the Parties for the definitive cessation of hostilities and all other aspects of the Ceasefire Agreement;

   e. Ensuring the security of senior political and military leaders;

   f. Also ensuring the security of all personnel and experts involved in the implementation of this Agreement in collaboration with all parties;

   g. Monitoring the storage of arms, munitions and equipment, including supervising the collection, storage and custody of battlefield or offensive armament in the hands of combatants;

3. The Joint Monitoring Committee (JMC) established under the terms of the Ceasefire Agreement, and composed of representatives of ECOWAS, the UN, AU, ICGL and Parties to the Ceasefire Agreement shall continue to supervise and monitor the implementation of the Ceasefire Agreement. ;

4. Prior to the deployment of the International Stabilisation Force, a representative of ECOWAS shall chair the JMC.

5. The JMC shall:

   a. Resolve disputes concerning implementation of the Ceasefire Agreement, including the investigation of any alleged violation and also recommend remedial action for confirmed ceasefire violations.

   b. Submit for approval, its recommendations to the Implementation Monitoring Committee (IMC) referred to under Article XXVIII(2) and (3) in this Agreement which is seized with the responsibility of monitoring the implementation of this Peace Agreement.

6. The Parties shall provide the JMC with any relevant information on the organisation, equipment and locations of their forces, and such information will be kept confidential.

ARTICLE IV
INTERNATIONAL STABILIZATION FORCE

1. The GOL, the LURD, the MODEL and the Political Parties agree on the need for the deployment of an International Stabilization Force (ISF) in Liberia. Accordingly, the Parties hereby request the United Nations in collaboration with ECOWAS, the AU and the ICGL to facilitate, constitute, and deploy a United Nations Chapter VII force in the Republic of Liberia to support the transitional government and to assist in the implementation of this Agreement.

2. The ECOWAS Interposition Force is expected to become a part of the International Stabilisation Force.

3. The Parties request the ISF to assume the following mandate:

   a. Observe and monitor the ceasefire;

   b. Investigate violations of the security aspects of this Agreement and take necessary measures to ensure compliance.

   c. Monitor disengagement and cantonment of forces of the Parties and provide security at disarmament/cantonment sites;

   d. Collect weapons at disarmament sites and elsewhere and ensure that the weapons so collected are properly accounted for and adequately secured;

   e. Assist in the coordination and delivery of humanitarian assistance to displaced persons, refugees, returnees and other war-affected persons;

   f. Facilitate the provision and maintenance of humanitarian assistance and protect displaced persons, refugees, returnees and other affected persons;

   g. Verify all information, data and activities relating to the military forces of the Parties;

h. Along with ECOWAS and the International Contact Group on Liberia, provide advice and support to the Transitional Government provided for in this Agreement on the formation of a new and restructured Liberian Army;

i. Assist with security for elections;

j. Take the necessary means whenever the need arises and as it deems within its capabilities, to protect civilians, senior political and military leaders under imminent threat of physical violence;

k. Coordinate with ECOWAS in the implementation of this Agreement;

4. The Parties expect that units of the ISF shall be selected from countries acceptable to all the Parties to the Ceasefire Agreement.

5. The Parties to this Agreement call on the ISF to remain in place until otherwise determined by the UN Security Council and the elected Government of Liberia.

ARTICLE V
DISENGAGEMENT

1. There shall be immediate disengagement of forces of the Parties to the Ceasefire Agreement in line with the principles of that Agreement.

2. Disengagement of forces shall mean the immediate breaking of tactical contact between opposing military forces of the GOL, the LURD, and the MODEL, at places where they are in direct contact or within range of direct fire weapons.

3. Immediate disengagement at the initiative of all military units shall be limited to the effective range of direct fire weapons. Further disengagement to pull all weapons out of range shall be conducted under the guidance of the ISF. The Parties to the Ceasefire Agreement undertake to remain in their disengagement positions until the conclusion of cantonment plans by the International Stabilisation Force and the NCDDRR established under Article VI(8) of the Agreement. They are also responsible for armed groups operating within their territories.

4. Where immediate disengagement is not possible, a framework and sequence of disengagement shall be agreed upon by all parties to the Ceasefire through the Joint Monitoring Committee (JMC).

5. Wherever disengagement by movement is impossible or impractical, alternative solutions requiring that weapons are rendered safe shall be designed by the ISF.

PART THREE

ARTICLE VI
CANTONMENT, DISARMAMENT, DEMOBILIZATION REHABILITATION AND REINTEGRATION (CDDRR)

1. The Parties commit themselves to ensuring the prompt and efficient implementation of a national process of cantonment, disarmament, demobilization, rehabilitation and reintegration.

2. The ISF shall conduct the disarmament of all combatants of the Parties including paramilitary groups.

3. Following disengagement, all forces shall withdraw from combat positions to cantonment locations in accordance with the withdrawal and cantonment plan to be published by the International Stabilisation Force and the NCDDRR, no later than thirty (30) days after installation of the NTGL. The current Armed Forces of Liberia shall be confined to the barracks, their arms placed in armouries and their ammunition in storage bunkers.

4. All arms and ammunition shall be placed under constant surveillance by the ISF.

5. The JMC shall verify the reported data and information provided by the GOL, the LURD and the MODEL about their forces. All forces shall be restricted to the declared and recorded locations and all movements shall be authorized by the JMC and the ISF.

6. All combatants shall remain in the declared and recorded locations until they proceed to reintegration activities or training for entry into the restructured Liberian armed forces or into civilian life.

7. The ISF is requested to deploy to all disarmament and demobilization locations in order to facilitate and monitor the program of disarmament.

8. There shall be an interdisciplinary and interdepartmental National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR), to coordinate DDRR activities.

9. The NCDDRR shall comprise representatives from relevant NTGL Agencies, the GOL, LURD, MODEL, ECOWAS, the United Nations, the African Union and the ICGL.

10. It shall oversee and coordinate the disarmament, demobilization, rehabilitation and reintegration of combatants, working closely with the ISF and all relevant international and Liberian institutions and agencies.

11. Upon the signing of the present Agreement, the Transitional Government provided for in this Agreement, shall request the International Community to assist in the implementation of the Cantonment, Disarmament, Demobilization, Rehabilitation and Reintegration program through the provision of adequate financial and technical resources.

PART FOUR
SECURITY SECTOR REFORM

ARTICLE VII
DISBANDMENT OF IRREGULAR FORCES, REFORMING AND RESTRUCTURING OF THE LIBERIAN ARMED FORCES

1. The Parties agree that:

    a. All irregular forces shall be disbanded.

    b. The Armed Forces of Liberia shall be restructured and will have a new command structure. The forces may be drawn from the ranks of the present GOL forces, the LURD and the MODEL, as well as from civilians with appropriate background and experience. The Parties request that ECOWAS, the UN, AU, and the ICGL provide advisory staff, equipment, logistics and experienced trainers for the security reform effort. The Parties also request that the United States of America play a lead role in organising this restructuring program.

2. The following Principles shall be taken into account in the formation of the restructured Liberian Armed Forces:

    a. Incoming service personnel shall be screened with respect to educational, professional, medical and fitness qualifications as well as prior history with regard to human rights abuses;

    b. The restructured force shall take into account the country's national balance. It shall be composed without any political bias to ensure that it represents the national character of Liberia;

    c. The Mission of the Armed Forces of Liberia shall be to defend the national sovereignty and in extremis, respond to natural disasters;

    d. All Parties shall cooperate with ECOWAS, the UN, the AU, the ICGL and the United States of America.

3. All Parties together shall organise Information, Education and Communication (IEC) programs to sensitise the Liberian public as to the mission and activities of the restructuring plan.

ARTICLE VIII
RESTRUCTURING OF THE LIBERIAN NATIONAL POLICE (LNP) AND OTHER SECURITY SERVICES

1. There shall be an immediate restructuring of the National Police Force, the Immigration Force, Special Security Service (SSS), custom security guards and such other statutory security units. These restructured security forces shall adopt a professional orientation that emphasizes democratic values and respect for human rights, a non-partisan approach to duty and the avoidance of corrupt practices.

2. The Special Security Units including the Anti-Terrorist Unit, the Special Operations Division (SOD) of the Liberian National Police Force and such paramilitary groups that operate within organisations as the National Ports Authority (NPA), the Liberian Telecommunications Corporation (NTC), the Liberian Refining Corporation (LPRC) and the Airports shall be disarmed and restructured.

3. Until the deployment of newly trained national police, maintenance of law and order throughout Liberia shall be the responsibility of an interim police force.

4. The Parties call on the United Nations Civil Police components (UNCIVPOL) within the ISF to monitor the activities of the interim police force and assist in the maintenance of law and order throughout Liberia.

5. The Parties also call on UNCIVPOL and other relevant International Agencies to assist in the development and implementation of training programs for the LNP.

6. The interim police force will only be allowed to carry side arms.

7. All large calibre weapons shall be turned over to the ISF.

PART FIVE
RELEASE OF PRISONERS AND ABDUCTEES

ARTICLE IX
RELEASE OF PRISONERS AND ABDUCTEES

All political prisoners and prisoners of war, including non-combatants and abductees shall be released immediately and unconditionally by the Parties.

ARTICLE X
ASSISTANCE TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND RELEVANT NATIONAL AND INTERNATIONAL AGENCIES

All Parties shall provide the International Committee of the Red Cross (ICRC) and other relevant national and international agencies with information regarding their prisoners of war, abductees or persons detained because of the war, to enable the ICRC and other relevant national and international agencies visit them and verify any details regarding their condition and status before their release.

ARTICLE XI

The Parties call on the ICRC and such other relevant national and international agencies to give all the necessary assistance to the released persons, including re-location to any part of Liberia.

PART SIX
HUMAN RIGHTS ISSUES

ARTICLE XII
HUMAN RIGHTS

1a. The Parties agree that the basic civil and political rights enunciated in the Declaration and Principles on Human Rights adopted by the United Nations, African Union, and ECOWAS, in particular, the Universal Declaration of Human Rights and the African Charter on Human and People's Rights, and as contained in the Laws of Liberia, shall be fully guaranteed and respected within Liberia.

b. These basic civil and political rights include the right to life and liberty, freedom from torture, the right to a fair trial, freedom of conscience, expression and association, and the right to take part in the governance of one's country.

2a. The Parties agree on the need for the establishment of an Independent National Commission on Human Rights (INCHR).

b. The INCHR shall monitor compliance with the basic rights guaranteed in the present Peace Agreement as well as promote human rights education throughout the various sectors of Liberian society, including schools, the media, the police and the military.

3. The INCHR shall work together with local Liberian human rights and civil society organizations, international human rights organisations and other relevant U.N. agencies to monitor and strengthen the observance of human rights in the country.

4. Technical, financial and material assistance may be sought by the INCHR from the U.N. Office of the High Commissioner for Human Rights (UNHCR), the African Commission on Human and People's Rights and other relevant international organizations.

ARTICLE XIII
TRUTH AND RECONCILIATION COMMISSION

1. A Truth and Reconciliation Commission shall be established to provide a forum that will address issues of impunity, as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation.

2. In the spirit of national reconciliation, the Commission shall deal with the root causes of the crises in Liberia, including human rights violations.

3. This Commission shall, among other things, recommend measures to be taken for the rehabilitation of victims of human rights violations.

4. Membership of the Commission shall be drawn from a cross-section of Liberian society. The Parties request that the International Community provide the necessary financial and technical support for the operations of the Commission.

PART SEVEN
HUMANITARIAN ISSUES

ARTICLE XIV
HUMANITARIAN RELIEF

1a. The Parties re-affirm the commitment made in the Ceasefire Agreement, to provide security guarantees for safe and unhindered access by all humanitarian agencies to vulnerable groups throughout the country, in order to facilitate the delivery of humanitarian assistance in accordance with international conventions, principles and norms governing humanitarian operations.

b. Accordingly, the Parties agree to guarantee the security and movement of humanitarian personnel, that of their properties, goods transported, stocked or distributed, as well as their projects and beneficiaries.

2. The Transitional Government provided for in this agreement shall ensure the establishment of effective administrative and security infrastructure to monitor and support the implementation of these guarantees contained in sub-paragraph 1b of the present Article XIV.

3. The said Transitional Government shall request the International Community to assist in providing humanitarian assistance for those in need, including internally displaced persons, refugees and returnees.

4. The Parties shall ensure the presence of security guarantees for the safe return and resettlement of refugees and internally displaced persons and the free movement of persons and goods.

ARTICLE XV
INTERNATIONAL HUMANITARIAN LAW

The Parties undertake to respect as well as encourage the Liberian populace to also respect the principles and rules of International Humanitarian law in post-conflict Liberia.

PART EIGHT
POLITICAL ISSUES

ARTICLE XVI
ESTABLISHMENT OF A GOVERNANCE REFORM COMMISSION

1. A Governance Reform Commission is hereby established. The Commission shall be a vehicle for the promotion of the principles of good governance in Liberia.

2. The mandate of the Commission shall be to:

    a. Review the existing program for the Promotion of Good Governance in Liberia, with the objective of adjusting its scope and strategy for implementation;

    b. Develop public sector management reforms through assessment, reforms, capacity building and performance monitoring;

    c. Ensure transparency and accountability in governance in all government institutions and activities, including acting as the Public Ombudsman;

    d. Ensure subsidiarity in governance through decentralisation and participation;

    e. Ensure a national and regional balance in appointments without compromising quality and integrity;

    f. Ensure an enabling environment which will attract private sector direct investment;

    g. Monitor, assess and report to the NTLA on the implementation and impact of activities undertaken to encourage the practice of good governance in Liberia.

3. The Structure of the Commission shall be as follows:

    a. The Commission shall be established as an independent Commission with seven (7) permanent members appointed by the Chairman and confirmed by the NTLA, from a list provided by civil society organisations. It shall have a chairperson who must be from the civil society. Its membership shall include women.
    b. The members must have experience in one or more of the following: Public Sector Management, Corporate Law, Finance and Auditing Regulations, Trade Policies and NGO activities. They must be men and women of known integrity with national and/or international experience.

4. The Commission shall submit quarterly reports directly to the NTLA who shall make recommendations thereon to the Chairman for action.

5. The NTGL calls on the UNDP, relevant international organisations and the ICGL to provide financial, logistics and technical support for the Commission.

ARTICLE XVII CONTRACT AND MONOPOLIES COMMISSION (CMC)

1. A Contract and Monopolies Commission is hereby established in Liberia to oversee activities of a contractual nature undertaken by the NTGL.

2. Its mandate shall include:

a. Ensuring that all public financial and budgetary commitments entered into by the NTGL are transparent, non-monopolistic and in accordance with the laws of Liberia and internationally accepted norms of commercial practice;

b. Ensuring that public officers will not use their positions to benefit from any contract financed from public funds;

c. Publishing all tenders in the media and on its own website to ensure maximum competition and transparency. The Commission shall also publish on its website the result of tenders as well as a record of all commercial entities that have participated and succeeded in reviewing contracts;

d. Ensuring the formulation and effective implementation of sound macro-economic policies that will support sustainable development goals;

e. Collaborate with the international institutions to provide finance to Liberia in carrying out its functions

3a. The Commission shall consist of five (5) members appointed by the Chairman, on the approval of the NTLA, from the broad spectrum of civil society, who may or may not be technocrats.

b. The members shall be persons of sound judgement and integrity who are independent of the commercial sector. The members must have sufficient experience to be able to review contract documents and procedures to ensure that public funds are used without favour and with complete transparency.

c. The members of the CMC shall be assisted by independent national and international experts.

ARTICLE XVIII
ELECTORAL REFORM

1. The Parties agree that the present electoral system in Liberia shall be reformed.

2a. In this regard and amongst other measures that may be undertaken, the National Elections Commission (NEC) shall be reconstituted and shall be independent. It shall operate in conformity with UN standards, in order to ensure that the rights and interests of Liberians are guaranteed, and that the elections are organized in a manner that is acceptable to all.

b. Appointments to the NEC shall be made by the Chairman with the advice and consent of the NTLA within three months from the entry into force of this Agreement. It shall be composed of men and women of integrity.

ARTICLE IX
ORGANISATION OF ELECTIONS

1. The Parties agree that, given the present circumstances, and until appropriate conditions are met, the Presidential and General elections scheduled for October, 2003 shall be postponed.

2. National elections shall be conducted not later than October, 2005.

3. In order to create appropriate conditions for elections, a re-demarcation of constituencies shall be carried out in order to take account of newly created Counties.

4a. The Parties agree that the Transitional Government provided for in this Agreement shall request the United Nations, the African Union, ECOWAS and other members of the International Community as appropriate, to jointly conduct, monitor, and supervise the next elections in the country.

b. Voters education and registration programs shall be organized by the newly reconstituted NEC, in collaboration with other national and International organisations under the supervision of the United Nations.

ARTICLE XX
INTERIM PERIOD

1a. With the exit of the President Charles Taylor of the Republic of Liberia, the GOL shall be headed by the Vice President for an interim period.

b. The Vice President shall assume the duties of the current President for a period not beyond 14th October 2003, whereupon the Transitional Government provided for in this Agreement shall be immediately installed.

ARTICLE XXI
ESTABLISHMENT OF A TRANSITIONAL GOVERNMENT

1. An all-inclusive Transitional Government to be called the National Transitional Government of Liberia, (NTGL), is hereby established to replace the present Government of Liberia.

2. The NTGL shall be inaugurated and fully commence operations by 14th October, 2003 and its mandate shall expire on the third Monday of January 2006 when the next elected Government of Liberia shall be inaugurated.

3. Immediately upon the installation of the NTGL in Liberia, all cabinet Ministers, Deputy and Assistant Ministers, heads of autonomous agencies, commissions, heads of public corporations and State-owned enterprises of the current GOL shall be deemed to have resigned. This does not preclude re-appointment according to the appropriate provisions of this Agreement.

4. The authority of the NTGL shall be established and recognised throughout the territory of the Republic of Liberia, immediately upon its installation in Monrovia. The NTGL shall have control over the entire territory of Liberia.

5. The LURD, MODEL, and all irregular forces of the GOL shall cease to exist as military forces, upon completion of disarmament.

6. There shall be no restriction on members of the LURD and MODEL to engage in national politics through the formation of political parties or otherwise, save and

except those restrictions imposed on all parties and associations by the relevant laws of Liberia.

ARTICLE XXII
MANDATE OF THE NATIONAL TRANSITIONAL
GOVERNMENT OF LIBERIA

1. The primary responsibility of the NTGL shall be to ensure the scrupulous implementation of this Peace Agreement.

2. In addition to normal State functions, its mandate shall include the following:

   a. Implementation of the provisions of the Ceasefire Agreement;

   b. Overseeing and coordinating implementation of the political and rehabilitation programs enunciated in this Peace Agreement;

   c. Promotion of reconciliation to ensure the restoration of peace and stability to the country and its people;

   d. Contribution to the preparation and conduct of internationally supervised elections in October 2005, for the inauguration of an elected Government for Liberia in January 2006.

ARTICLE XXIII
STRUCTURE OF THE NTGL

The NTGL shall consist of three branches, namely:

   i.   The National Transitional Legislative Assembly (NTLA);
   ii.   The Executive; and
   iii. The Judiciary.

ARTICLE XXIV
THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA)

1. There is hereby established a National Transitional Legislative Assembly (NTLA) in Liberia which shall reflect a broad spectrum of the Liberian society.

2. The NTLA shall be unicameral in nature and shall replace, within the transitional period, the entire Legislature of the Republic of Liberia.

3. The NTLA shall have a maximum of Seventy-six (76) members who shall come from the following entities:

a. Each of the fifteen (15) Counties.

b. The present Government of Liberia, the LURD, MODEL, the Political Parties, Civil Society and Interest Groups including the National Bar Association, the Liberian Business Organisations, Women Organizations, Trade Unions, Teachers Union, Refugees, the Liberians in the Diaspora/America and the Youth.

4. The formula for the composition of the NTLA shall be as follows:

GOL -12 seats LURD -12 seats MODEL -12 seats Political Parties -18 seats Civil Society and Special Interest Groups -7 seats Counties -15 seats

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5 a. Selection of members of the NTLA shall be carried out in Liberia and shall be subject to internal consultations amongst the different entities identified in paragraphs 3 and 4 above.

b. The Mediation Committee from the Accra Peace Talks may be present during consultations for the selection of members of the Legislative Assembly and shall ensure that the members of the Assembly meet the criteria prescribed in Appendix 1 to Annex 2

6 a. The NTLA shall elect a Speaker to head the Assembly as well as one (1) Deputy Speaker.

b. Guidelines for the elections are defined under Annex 2 which is attached to this Agreement and is an integral part of the Peace Agreement.

c. The Speaker and Deputy Speaker within the NTGL shall not contest for any elective office during the 2005 elections.

7. The NTLA shall have responsibility for the following:

a. Assuming responsibility for the country's legislative functions;

b. Approving the policies and programs of the NTGL for implementation by the Cabinet;

c. Encouraging and supporting the emergence of a new democratic space, particularly in the areas of human rights and freedom of expression.

8. Two-thirds (2/3) of members of the NTLA shall form the quorum for meetings of the Assembly.

9. The decisions of the NTLA shall require the approval of at least 51% of the entire membership of the NTLA.

10. The NTLA shall adopt rules of procedure for the conduct of its proceedings.

ARTICLE XXV
THE EXECUTIVE

1. The NTGL shall be headed by a person to be called the Transitional Chairman. The Transitional Chairman shall be assisted by a Transitional Vice-Chairman.

2. Selection of the Transitional Chairman and Vice-Chairman shall be by consensus arising from a process of consultations undertaken by the accredited delegates and observers to the Peace Talks. The selection procedure is defined in Annex 2 to this Agreement.

3. The positions of Chairman and Vice-Chairman shall be allocated to the Political Parties and the Civil Society.

4. The Chairman and Vice-Chairman, as well as all principal Cabinet Ministers within the NTGL shall not contest for any elective office during the 2005 elections to be held in Liberia.

ARTICLE XXVI
THE CABINET

1. The NTGL shall maintain the profile and structure of the Executive Branch of the present Government of Liberia.

2. In addition to the Commissions established by this Agreement, all existing public corporations and autonomous Agencies/Commissions shall operate under the present transitional arrangement, excluding the existing Commissions that have already been referred to under Articles XII and XIII of this Agreement.

3. The ministers, deputy and assistant ministers, heads of autonomous agencies, commissions, public corporations and state-owned enterprises, who should preferably be technocrats, shall be representatives of a broad cross-section of the Liberian society.

4. Allocation of ministerial positions, deputy and assistant ministerial positions, headship of autonomous agencies, commissions, public corporations and state-owned enterprises shall be made to the Parties to this Agreement through a process of negotiation. The allocations as agreed to by the Parties are contained in Annex 4 attached to the Agreement. Annex 4 is an integral part of this Agreement.

5a. The Parties shall forward to the Transitional Chairman within a period of seven (7) days, the name of one nominee for each position allocated to them.

b. The Transitional Chairman shall within a three (3) day period, forward from the individual list of nominees from the Parties, the candidate for each position, to the NTLA. The NTLA shall, within seven (7) days, confirm or reject the candidate from each of the Parties' list for each position.

c. Where the NTLA is unable to confirm a candidate from any of the Parties' list so submitted, the Chairman shall, following the same procedure as in 'b' above and within three (3) days of receiving notification of non-confirmation from the NTLA, submit other name(s) which shall be obtained for the relevant Parties to the NTLA. The NTLA shall thereafter, within the same seven (7) day period, make a final selection thereon.

6. The mandate of the Cabinet shall include:

a. Implementation of the decisions of the NTGL.
b. Conduct of the usual activities of government ministries.
c. Initiation of policies and recommendation of same to the Transitional Chairman for approval.

7. The Parties call on the United Nations, the ECOWAS, the AU, the International Monetary Fund, the World Bank, African Development Bank and other international institutions in a position to do so, to assign trained personnel and international experts for the purpose of providing technical support and assistance to the NTGL, especially for the functioning of its ministries and parastatals.

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ARTICLE XXVII
THE JUDICIARY

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1. The Judiciary shall be the third organ of the NTGL. Its structure shall remain unchanged.

2. Immediately upon the installation of the NTGL, all members of the Supreme Court of Liberia i.e. the Chief Judge and all its Associate Justices shall be deemed to have resigned.

3. Under the NTGL, all new judicial appointments shall be made by the Chairman of the NTGL and approved by the NTLA. Nominations for such judicial appointments shall be based on a shortlist of candidates for each position recommended by the National Bar Association, including the female lawyers.

4. The Chief Justice and all Associate Justices within the NTGL shall not contest for any elective office during the 2005 elections to be held in Liberia.

ARTICLE XXVIII
NATIONAL BALANCE

The Parties shall reflect national and gender balance in all elective and non-elective appointments within the NTGL.

PART NINE
POST-CONFLICT REHABILITATION AND RECONSTRUCTION

ARTICLE XXIX
INTERNATIONAL ASSISTANCE

1. In view of the recent appointment of the UN Secretary-General's Special Representative in Liberia, the Parties call for the urgent establishment of a consolidated United Nations Mission in Liberia that will have the resources to facilitate the implementation and coordination of the Political, Social, Economic and Security assistance to be extended under this Agreement.

2. The Parties also call on ECOWAS, in collaboration with the UN, AU, EU and ICGL, to set up a monitoring mechanism in the form of an Implementation Monitoring Committee (IMC) in Monrovia that will ensure effective and faithful implementation of the Peace Agreement by all the Parties.

3. The Parties agree on the need for regular joint meetings between this Implementation Monitoring Committee and representatives of the NTGL, in order to assess implementation of the provisions of this Agreement and agree on recommendations for enhanced implementation.

4. The Parties also agree on the need for ECOWAS, in collaboration with the UN, AU and International Community, to organise periodic donor conferences for resource mobilisation for post-conflict rehabilitation and reconstruction in Liberia.

ARTICLE XXX
REFUGEES AND DISPLACED PERSONS

1a. The NTGL, with the assistance of the International Community, shall design and implement a plan for the voluntary return and reintegration of Liberian refugees and internally displaced persons, including non-combatants, in accordance with international conventions, norms and practices.

b. Refugees or internally displaced persons, desirous of returning to their original Counties or permanent residences, shall be assisted to do so.

c. The Parties commit themselves to peaceful co-existence amongst returnees and non-returnees in all Counties.

ARTICLE XXXI
VULNERABLE GROUPS

1a. The NTGL shall accord particular attention to the issue of the rehabilitation of vulnerable groups or war victims (children, women, the elderly and the disabled) within Liberia, who have been severely affected by the conflict in Liberia.

b. With the support of the International Community, the NTGL shall design and implement a

program for the rehabilitation of such war victims.

2a. The NTGL shall, in addition, accord special attention to the issue of child combatants.

b. It shall, accordingly, mobilize resources with the assistance of the International Community, especially in cooperation with the Office of the U.N. Special Representative for Children in Armed Conflict, UNICEF, the African Committee of Experts on the Rights and Welfare of the Child and other relevant agencies, to address their special demobilization and re-integration needs.

3. The NTGL, in formulating and implementing programs for national rehabilitation, reconstruction and development, for the moral, social and physical reconstruction of Liberia in the post-conflict period, shall ensure that the needs and potentials of the war victims are taken into account and that gender balance is maintained in apportioning responsibilities for program implementation.

PART TEN
IMPLEMENTATION OF THE PEACE AGREEMENT

ARTICLE XXXII
RESPONSIBILITY OF THE PARTIES

1. The Parties to this Peace Agreement undertake that no effort shall be spared to effect the scrupulous respect for and implementation of the provisions contained in this Peace Agreement, to ensure the successful establishment and consolidation of lasting peace in Liberia.

2. The Parties shall ensure that the terms of the present Peace Agreement and written orders requiring compliance, are immediately communicated to all of their forces and supporters.

3. The terms of the Agreement shall concurrently be communicated to the civilian population by radio, television, print, electronic and other media. An Implementation Timetable for the Agreement is hereby attached as Annex 3

ARTICLE XXXIII
ROLE OF THE INTERNATIONAL COMMUNITY

The Parties call on ECOWAS, the UN, the African Union and the International Contact Group on Liberia (ICGL), to use their good offices and best efforts to ensure that the spirit and content of this Peace Agreement are implemented in good faith and with integrity by the Parties.

ARTICLE XXXIV
AMNESTY

The NTGL shall give consideration to a recommendation for general amnesty to all persons and parties engaged or involved in military activities during the Liberian civil conflict that is the subject of this Agreement.

ARTICLE XXXV
SPECIAL PROVISIONS

1a. In order to give effect to paragraph 8(i) of the Ceasefire Agreement of 17th June 2003 signed by the GOL, the LURD and the MODEL, for the formation of a Transitional Government, the Parties agree on the need for an extra-Constitutional arrangement that will facilitate its formation and take into account the establishment and proper functioning

of the entire transitional arrangement.

b. Accordingly, the provisions of the present Constitution of the Republic of Liberia, the Statutes and all other Liberian laws, which relate to the establishment, composition and powers of the Executive, the Legislative and Judicial branches of the Government, are hereby suspended.

c. For the avoidance of doubt, relevant provisions of the Constitution, statutes and other laws of Liberia which are inconsistent with the provisions of this Agreement are also hereby suspended.

d. All other provisions of the 1986 Constitution of the Republic of Liberia shall remain in force.

e. All suspended provisions of the Constitution, Statutes and other laws of Liberia, affected as a result of this Agreement, shall be deemed to be restored with the inauguration of the elected Government by January 2006. All legal obligations of the transitional government shall be inherited by the elected government.

PART ELEVEN

ARTICLE XXXVI
SETTLEMENT OF DISPUTES

Any dispute within the NTGL, arising out of the application or interpretation of the provisions of this Agreement shall be settled through a process of mediation to be organised by ECOWAS in collaboration with the UN, the AU and the ICGL.

ARTICLE XXXVII
ENTRY INTO FORCE

The present Peace Agreement shall enter into force immediately upon its signature by the Parties.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have signed this Agreement.

Done at Accra, this 18th day of the month of August, 2003, in three original texts in the English and French languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE REPUBLIC OF LIBERIA (GOL)

FOR LIBERIANS UNITED FOR RECONCILIATION & DEMOCRACY (LURD)	FOR THE MOVEMENT FOR DEMOCRACY IN LIBERIA (MODEL)
FOR NATIONAL PATRIOTIC PARTY	FOR UNITY PARTY
FOR LIBERIAN PEOPLE'S PARTY	FOR NATIONAL REFORMATION PARTY
FOR LABOR PARTY	FOR LIBERIA UNIFICATION PARTY

FOR LIBERIAN ACTION PARTY

FOR PEOPLE'S DEMOCRATIC PARTY

FOR NATIONAL DEMOCRATIC PARTY

FOR FREE DEMOCRATIC PARTY

FOR REFORMATION ALLIANCE PARTY

FOR ALL-LIBERIAN COALITION PARTY

FOR TRUE WHIG PARTY

FOR UNITED PEOPLE'S PARTY

FOR LIBERIA NATIONAL UNION

FOR EQUAL RIGHTS PARTY

FOR PROGRESSIVE PEOPLES PARTY

FOR NEW DEAL MOVEMENT

AS WITNESSES:

FOR INTER-RELIGIOUS COUNCIL
FOR LIBERIA (IRCL)

FOR THE MANO RIVER WOMEN
PEACE NETWORK (MARWOPNET)

FOR LIBERIAN BAR ASSOCIATION

FOR LIBERIANS IN DIASPORA

FOR LIBERIA LEADERSHIP
FORUM

FOR CIVIL SOCIETY
ORGANISATIONS IN LIBERIA

THE MEDIATOR

FOR ECOWAS

FOR UNITED NATIONS

FOR THE AFRICAN UNION

FOR THE EUROPEAN UNION
CO-CHAIR OF THE INTERNATIONAL
CONTACT GROUP ON LIBERIA

FOR THE REPUBLIC OF GHANA
CO-CHAIR OF THE INTERNATIONAL
CONTACT GROUP ON LIBERIA

Annex 2 – Report of the CSDG-DCAF Liberia Consultations

CSDG -DCAF Liberia Consultations

28 July to 01 August 2004

OBJECTIVES AND PROGRAMME

An *Action Research* team from King's College London visited Liberia from 28 July - 1 August 2004, nearly one year after the signing of the Comprehensive Peace Agreement (CPA) in Accra. The team comprised members of both the Conflict Security and Development Group (CSDG) at the International Policy Institute, King's College London, and the Geneva Centre for Democratic Control of Armed Forces (DCAF). This visit was conducted as part of CSDG's *Liberia Action Research project*, established in 2003, which provides a forum for dialogue on governance and security issues in Liberia by bringing together a broad cross-section of Liberian and international actors through regular briefings and seminars.

The specific aim of the *Liberia Action Research Project* is two-fold: first, to provide intellectual leadership and support to the rebuilding effort in Liberia by harnessing and utilizing the skills of Liberians and non-Liberians to inject critical, policy-relevant analysis and thinking into the transitional process; second, to help build local capacity for timely and rigorous analysis of key issues affecting the transition process, and thereby to help strengthen local governance and oversight mechanisms through the transfer of relevant skills to Liberians.

Objectives

The objectives of the visit to Liberia were to:

 witness firsthand the situation on the ground and assess efforts to implement the Comprehensive Peace Agreement (CPA);

bring the *Liberia Action Research Project* to the attention of local stakeholders and explore their needs and options for participation;

initiate discussions with local research institutions, in particular the University of Liberia*,* regarding options for collaboration that might lead to the establishment of a research centre on Security and Development at the University.

explore possible ways of facilitating and assisting civil and parliamentary oversight of the security sector.

follow-up on previous discussions with the Liberia Minister of Justice on ways in which the *Liberia Action Research* team could facilitate a broader dialogue on Security Sector Governance among key stakeholders.

Meetings

The team met with a broad cross-section of relevant actors, including members of the National Transitional Government of Liberia, the Legislative Assembly, the UN Mission in Liberia, the security forces, the University of Liberia and civil society (Annex A provides a full list of the groups and officials consulted).

While this report focuses primarily on the outcome of the *Liberia Action Research Team's* visit to Liberia, it also presents some general impressions on the state of the international response to the situation in Liberia, nearly one year after the deployment of the UN Mission in Liberia (UNMIL).

II.   GENERAL IMPRESSIONS

The team's visit was limited to Liberia's capital, Monrovia, and its suburbs including a brief stop at the Firestone Rubber Plantation and neighbouring Harbel. On the streets of Monrovia and its suburbs, there was a general atmosphere of confidence with a full resumption of commercial and social activities currently underway. The presence of the UN appears to have created a general sense of security and confidence among ordinary Liberians in the capital. The team was nonetheless struck by the dilaplidated state of the public infrastructure and, in particular, the poor working conditions in Government offices and Ministries and in the National Transitional Legislative Assembly. The level of poverty and deprivation in some of the areas visited was striking. Furthermore, there were striking divergences of view between the different groups working to bring long-term peace to the country, with the feelings of optimism of some tempered by the real concerns raised by others that the road ahead contains many obstacles .

None of this should come as a surprise in a situation where there are numerous actors from different armed factions, political parties and civil society groups working together - particularly those former adversaries who signed the CPA. Yet it is also worth noting that there are significant issues at stake for the future of Liberia. In a country that has experienced considerable destruction during its 14-year conflict, it was therefore not surprising to the team that Liberians have a tendency to highlight almost every area of reconstruction and rehabilitation as urgent without necessarily identifying clear priorities. Furthermore, despite ongoing efforts to build a new Liberia, it is also evident that there are still certain typologies of behaviour, which triggered the divisions of the past, which remain present in post-war Liberian society. Consequently, in spite of the general atmosphere of confidence and security that greets visitors to Monrovia, there was general concern across the board among people we consulted that a sustainable peace will not materialise unless it is built in the right way.

OBSERVATIONS

Implementation of the CPA is being played out against the backdrop of serious challenges to governance and security in Liberia. The following are some of the group's observations concerning the policy responses required by Liberia's new Government, UNMIL and other actors:

Security Sector Reform (SSR): While there is a general recognition that the peace cannot be sustained without more effective and accountable, state security provision, a comprehensive strategy for SSR has thus far not been developed. This worrying gap is due to a number of factors: a deliberate policy of some within both Government and the donor community of marginalising security actors who are largely held responsible for the conflict and killing which has engulfed Liberia over the past 16 years; competing demands on the attention and resources of both donors and Government for reconstruction; and the lack of a holistic response to Liberia's security problems. This oversight is perhaps most glaring in the context of the UN Secretary General's own quarterly assessments of Liberia's reconstruction needs which gloss over the challenges of SSR, presenting them largely in terms of 'police reform'.

This is short-sighted. Transformation - as opposed to 'reform' - of the entire state security apparatus should be at the heart of the peace and reconstruction process. Unless the limitations of past security models are addressed, there is a danger of recreating the conditions that gave rise to Liberia's war in the first place. The challenge is not simply to demilitarise, but to create a new framework for state security action that can help to avoid the conflicts of the past between the security interests of Liberia's political regimes and the security interests of its population. Achieving this will be a long and complicated process, but it will involve fundamentally reviewing the very objectives and means of state security provision, including institutional cultures, systems and processes.

To date, UNMIL has focused exclusively on one component of this broader challenge which is police reform and the rule of law. While there has been some tangible progress in terms of training police and increasing their presence on the streets of Monrovia, and some evidence of coordination between several UNMIL components (CIVPOL, Human Rights, Corrections and Judiciary), this work has been undertaken in isolation from restructuring of the armed forces or wider governance reforms within the security sector which are yet to be launched. The US has expressed a keen interest in supporting the restructuring of the AFL which was originally based on the US model and has previously received US assistance. US support is conditional on the NTGL first demonstrating visible interest in reform by undertaking to re-document the AFL, though resources to carry this out have still not been found. Of greater concern, however, is that the restructuring plan being produced by the Liberian Ministry of Defence with Pentagon assistance does not devote adequate attention to the question of civil management of the army. Furthermore, other security agencies, including, the National Security Agency, National Bureau of Investigation and Bureau for Immigration and Naturalisation are completely left out of the plan.

Disarmament, Demobilisation, Rehabilitation and Reintegration (DDRR): The success of the Liberian reconstruction programme also hinges upon an effective DDRR programme. The fast pace of disarmament, after some early hitches in the process in December 2003, is one of the early indicators of the commitment of the armed factions to peace and disarmament. However, there are real concerns about the way in which the programme is being implemented. These concerns centre around four main issues:

First, the UN grossly underestimated the number of combatants and people associated with the warring factions that would need to be demobilised. As at 1 August 2004, more than 60,000 combatants had gone through the disarmament process, with several counties yet to be covered – compared to the UN's initial estimate of 38,000 troops. This has had cost implications for disarmament and overall reintegration, in particular. While

UNMIL authorities have acknowledged the inaccuracy of initial estimates of combatants, they however also expressed strong suspicion that some of those entering the DDRR programme were not actually fighters but rather motivated by the financial rewards.

Second, a major criticism of the Disarmament and Demobilisation programme voiced by Liberians is that it is not geared toward long-term reintegration. A number of interlocutors argued, for instance, that it would have been more effective to revamp and utilise existing vocational centres for disarmament and pre-discharge orientation rather than building new disarmament sites, as was done in many counties, which were then later dismantled. This situation is in part, a reflection of the funding gap, which persists in this and other areas.

Third, the demobilisation process is thought to be grossly inadequate in terms of the preparing ex-combatants for reinsertion. Only five days of pre-discharge orientation are being provided to combatants who have in most cases been engaged in combat for many years, after which they are then released into their old communities.

Fourth, there were complaints among Liberians that there is a general lack of consultation or local input into the DDR process.

National Transitional Government of Liberia (NTGL): The NTGL does not seem to inspire much confidence among ordinary Liberians for several reasons. First, there is a generally held view that the NTGL Chair is weak, inexperienced and indifferent to various concerns across the board. Second, there was an apparent gulf between the NTGL Chair and his Cabinet, with claims that the Chair relies on a 'parallel' set of advisers based in the Executive Mansion - a situation, which in effect sidelines the Ministers and alienates Ministries that would otherwise be the main implementing agencies for Government programmes. An example of this is the Chair's creation of an economic advisory body which duplicates the role of the Ministry of Planning. Overall public confidence in the NTGL appeared to be quite low, as both the Government and the National Transitional Assembly are seen to primarily represent their own interests rather than the interests of wider society.

Lack of capacity in Ministries and the public sector: There is a dire lack of capacity in Ministries and public offices. One of the lasting effects of the war is the "brain drain", which has left the country without a dearth of trained and qualified professionals. The relatively few qualified staff left in the Ministries have no access to modern equipment. Many offices can hardly boast of having a typewriter, let alone computers. In addition, the high levels of political appointees have resulted in a situation where many unqualified personnel are occupying key positions. This is adversely affecting output and reducing the effectiveness of the public sector.

These problems are compounded by the tendency for NTGL and UNMIL to work outside the main-line Ministries. The Education Ministry is just one example of those excluded from reintegration programmes which are being implemented by international non-governmental organizations. The lack of capacity within institutions such as the Police and the Bureau for Immigration and Nationality was also only too apparent. The Liberian Police has only 3 official vehicles to patrol the country, in sharp contrast to the hundreds of UN vehicles visible on the streets of Monrovia. At the time of the visit, the Bureau of Immigration was present at only 3 points of entry into Liberia - Robertsfield

International Airport (RIIA), Springfield and the National Port in Monrovia. The Bureau now has officials at the borders with Sierra Leone and Guinea.

Local ownership: There is a general consensus among Liberians - public officials and civil society alike - that the international community (particularly UNMIL) has failed to emphasise local ownership of the reconstruction process. Liberians feel excluded from the planning and implementation of key programmes such as DDRR and Police Reform. DDRR is one example. While UNMIL provides office space for National Commission for DDRR (NCDDRR) and pays the salary of its Executive Director, there is real concern that the blueprint for DDRR did not contain significant Liberian input and that the NCDDRR was virtually sidelined in development of the DDRR programme. There is also a feeling that UNMIL has a tendency to exaggerate the scale of the 'brain-drain' problem, as a consequence of which inadequate effort has been put into identifying suitable Liberians to perform tasks that are farmed out instead to international personnel. The assumption is that the entire country lacks skilled and educated personnel, with the result that available human resources in the country feel marginalized and ignored.

Public perception of UNMIL: Although Liberians appreciate immensely the security and stability provided by UN presence in Liberia, particularly Monrovia, there is a strong public perception that the UNMIL senior leadership disregards their views on how the country's problems should be addressed. An issue of particular concern is the relationship between the Chairman of the NTGL and the UN SRSG which has been characterised as 'too cordial', in effect making a system of checks-and-balances impossible. Overall, the team sensed that there is a general lack of confidence between the SRSG/UNMIL and Liberians.

Related to this, and equally significant, is the perception by UNMIL and the NTGL that many of the Ministers and their deputies presently serving in the Government are 'warlords' and ex-fighters solely concerned with getting good jobs. This attitude, while no doubt having some basis in reality, does not encourage national re-conciliation and casts a debilitating shadow over the entire transition process, when publicly expressed.

Legislative capacity and relevance: The CPA has resulted in many people being placed in the National Transitional Legislative Assembly (NTLA) who have no real political experience. Like other areas of Government, NTLA is plagued by poor infrastructure with parliamentarians working without furniture and telephone lines in a building that is in a poor state of repair.

As with the NTGL, the public perception of the NTLA is not encouraging. Parliamentarians are seen as serving their own personal interests rather than the interests of the public. Ordinary Liberians with whom we interacted were quick to draw attention to the Cherokee Jeeps that Parliamentarians drive around Monrovia and the relatively huge allowances that they voted for themselves in a country where the vast majority of people live below the poverty line. In particular, the credibility of the TLA is also hampered by allegedly poor human rights records of some of its members.

Parliamentarians expressed disquiet that Parliament in general, and the relevant select committees in particular, are often by-passed in the governance process. Relations between the TLA and other arms of Government are often coloured by factional politics rather than national politics. Parliamentarians themselves seemed to lack the confidence, and certainly the technical knowledge and skills necessary for the effective performance

of their oversight duties. Combined with the transitional nature of the legislature, this credibility crisis provides unique challenges to the reconstruction process and has significant implications for the future role of Parliament in the governance process in Liberia.

Elections: There is general concern among faction leaders and civil society alike that elections might take place in 2005 without the completion of crucial programmes such as reintegration and the restructuring of the security apparatus. While scepticism was expressed in some quarters that faction leaders might be advocating a postponement of elections in order to hold on to their positions (since the CPA prevents them from contesting elections), there is a real desire among ordinary Liberians to avoid a repeat of 1996/97 when Liberians were rushed into elections after the Abuja II agreement, without adequate preparation to ensure a secure and stable environment.

In this regard, there are real challenges to be overcome before elections can safely be held. Parts of the Liberian hinterland were still inaccessible at the time of our visit. There was no civil authority in some counties. Superintendents are yet to be appointed in some areas given disagreement between the NTGL Chair and faction leaders. Some Liberians are arguing for a census, creation of proper electoral constituencies and voter registration, all which will require enormous human and material resources, in addition to time, if an environment for 'free and fair' elections is to be created.

Judiciary: This branch of government has never been independent of the Executive. It suffers from poor infrastructure most visibly demonstrated by the lack of court rooms and poor salaries. Lawyers are concentrated in Monrovia because of even poorer infrastructure in the hinterland. The net result of this is that it is difficult to dispense justice in most parts of the country including Monrovia. Yet an independent and effective judiciary is crucial for promoting and sustaining a democratic culture.

Economic Reconstruction: Efforts to regenerate the national economy appear to have been sidelined. While long-term economic reconstruction is an official Government priority, practical efforts in this direction are largely uncoordinated. Attention seems to be devoted mainly to the political aspects of reconstruction without commensurate interest in ensuring that issues like smuggling, management of the country's natural resource base, etc., are addressed within the framework of post-war reconstruction.

The University of Liberia: Like other Liberian institutions, the University of Liberia suffers from poor infrastructure and poor staffing. It has a huge and growing student body (currently some 15,000 students) which it is ill-equipped to service. The main library was seriously neglected during the war, as a result of which large parts of its collection of books and documents have been lost or damaged. The university finds it difficult to attract qualified personnel given the poor terms and conditions of employment. Public resources allocated to the University from current NTGL revenue fall far short of what is required to allow the institution to operate at a minimally acceptable standard.

IV. RECOMMENDATIONS

In view of what the team witnessed on the ground and the insights gained during our discussions with national leaders, the UN and civil society representatives, enhanced collaboration between national and international actors will be required to bring sustainable peace and security to Liberia. Among the priorities are:

Coherence among key actors – For the peace process to move forward, greater coherence is required between the UN and the NTGL. There is also a need to reduce and manage tensions between the factions and the NTGL.

UNMIL - should do more to facilitate and provide support for a nationally-led reconstruction process rather than impose its blue-print on Liberians. There is a need to correct public perception that UN is imposing its will and methods rather than working with Liberians to promote home-grown solutions relevant to local needs. Similarly, the UNMIL senior leadership should demonstrate objectivity toward NTGL leadership while listening to, and respecting local opinions.

Security Sector Governance: All efforts to reconstruct Liberia and ensure a durable peace hinge on the provision of adequate security which in turn requires the right governance environment. The scope of Security Sector Reform must be broader than currently envisaged by both the Government and the UN. The reform process must of necessity include initiatives to strengthen civil management of the security sector as well as the judiciary, in addition to bringing other security agencies - particularly the intelligence agencies - on board. Significantly, UNMIL's exclusive focus on Rule of Law issues must be reconsidered as part of an overall security reform agenda.

In view of the fact that the 14-year civil war was due in part to the abuse of power resulting from inadequate oversight mechanisms within the governance system, the present transitional period is strategic and provides a unique entry point as an opportunity for creating the basis for enhancing parliamentary oversight, particularly over the security sector in Liberia.

Balancing short-term measures and long-term goals: The UN and other stakeholders should ensure that their work feeds into the long-term development agenda for Liberia. The reintegration of combatants and returnees within community settings is crucial in this regard.

Local capacity for analysis – of peace and security issues: It is important to strengthen the capacity of universities and local research centres. By promoting their participation in the reconstruction process and developing a knowledge base on various aspects of the reconstruction programme, they can in turn have the capacity to support the rebuilding process, generating public debate around crucial issues.

V. CONCLUSION

There are four other impressions we would like to underscore about the situation in Liberia:

An end to war: There seems a genuine desire among Liberians, including leaders of warring factions to avoid a resumption of armed conflict. Most people appeared to be fed up with the war, including leaders of armed factions, who seemed well adjusted to public life in the capital.

The "crisis of young people": More than 50% of Liberians are under the age of 25. A significant number are poorly educated or not educated at all. This group deserves particular attention in order remove the psyche and impact of war and provide opportunities for them to develop a real stake in the peace and reconstruction processes.

Skilled Liberians: Notwithstanding the 'brain drain' arguments frequently made in Liberia, the country still has capable and skilled people who can contribute meaningfully to the reconstruction programme if they are provided the opportunity and resources to do so.

Window of Opportunity: Despite the security and governance challenges Liberia faces, many Liberians believe it is not too late to turn things around and much can be achieved before October 2005. This might require a review of the implementation of the CPA and the convening of a national conference to identify gaps and agree on a way forward.

Annex 3 – Report of the Liberia National Dialogue on Security Sector Reform

LIBERIA NATIONAL DIALOGUE ON SECURITY SECTOR REFORM

CORINA HOTEL, MONROVIA, LIBERIA, 3-4 AUGUST, 2005

SUMMARY REPORT

Introduction

In addition to historical contradictions and inadequacies, implementation of the Comprehensive Peace Agreement (CPA) has further exposed the need to address critical issues in Liberia's security sector in order to consolidate the gains of post conflict reconstruction and to place the country on a non-reversible track towards good governance. In view of the inglorious role played by ill-governed security institutions in the Liberian civil war, the success and sustainability of rebuilding Liberia would, to a large extent, depend on the extent to which the security sector is reformed to operate more efficiently and within a framework of effective democratic control. Within this context, a dialogue on Security Sector Reform (SSR) would help broaden the constituency of actors working to develop a collective vision of security in Liberia. Moreover, such a dialogue would facilitate the inclusion of debates around the security sector in pre-elections debate, so as to sustain interest on the issue in a post-election reform agenda.[104] Significantly, a Dialogue on SSR would serve as a crucial step in bringing voice and accountability into the process of creating an inclusive, locally-driven SSR process in Liberia.

Against this background, the Ministry of Justice, Liberia and the United Nations Mission in Liberia (UNMIL), convened a National Dialogue on Security Sector Reform was held in at Corina Hotel, Monrovia, Liberia from 03 August to 04 August, 2005. The event was jointly facilitated and funded by the Conflict Security and Development Group (CSDG) of King's College, University of London, the Centre for Democracy and Development (CDD), Lagos, Nigeria, and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), Switzerland. The dialogue served as an avenue for a structured but informal conversation focused on SSR between relevant stakeholders including the United Nations, the transitional legislature, judiciary, civil society, relevant ministries, civil society, and organizations responsible for implementing reform.

Objectives

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[104] According to the terms of the CPA, elections in Liberia are scheduled for October 2005.

The specific objectives of the National Dialogue were:

- To place the notion of democratic control of armed and security forces on the pre and post election agenda in Liberia.

- To explore mechanisms for, and approaches to a collective broad-based vision of security in Liberia

- To contribute to the promotion of local ownership of the post conflict reconstruction process in Liberia.

Dialogue Format

The dialogue was a combination of presentations by facilitators and relevant stakeholders which then formed the basis for open discussion under Chatham House rules and was moderated by the Chair of the African Security Sector Network (ASSN). As a roadmap, the dialogue was guided by, and sought to provide answers to the following interrelated questions. The ensuing summary report is structured along these concerns:

1. What kind of security (and security sector) does Liberia have?

2. What kind of security (and security sector) do Liberians want?

3. What are the necessary key steps for achieving the desired security?

4. Who are the critical actors for attaining such security?

5. How can a locally-driven, inclusive and accountable security sector reform process be achieved?

Highlights of the Dialogue

Liberia's Current Security Architecture and Climate

Liberia's security architecture and the concomitant security sector is characterized by the following features which need to be addressed in any reform process.

The over-bloated nature of the security apparatus: The Dialogue identified that the security sector in Liberia is over-bloated in terms of the number of personnel required, and characterized by a proliferation of agencies performing overlapping functions. It was also noted that some of the agencies were "ad-hoc" creations by governments, especially that last government by President Charles Taylor, to ensure effective grip of the management of the country's security apparatus and to provide jobs for loyalists. Apart from the National Army and the Police, other institutions that need to be considered in any reform agenda include:

- National Board of Intelligence (NBI);

- State Security Service (SSS);

- National Security Agency (NSA);

- Bureau for Immigration and Nationality (BIN);

- National Board of Investigation (NBI);

- Ministry of National Security

- Drug Enforcement Agency (DEA);

- Liberia National Fire Service; and

- Liberia City Police.

The Calibre of Personnel: The calibre of the personnel appointed into key security positions was severally called to question, noting that several security personnel were recruited on the basis of patronage and not expertise.. Various examples were cited of individuals who attained senior positions in the security agencies without requisite knowledge and experience.

Human rights abuse by security personnel: There was a consensus of opinion among participants that a key shortcoming of security institutions in Liberia has been the gross abuse of the human rights of Liberians (often with impunity) by security personnel through torture, arbitrary arrests and killings, and the use of official powers for private gains, to mention a few. Indeed, the Chairman of the National Transitional Government who declared the Dialogue opened pointed out that no security sector reform will succeed in Liberia unless the individuals to manage the process are "reformed". In the slavish support to the President, security agents have violated human rights with impunity. It was also concluded that some of the hatred the people have for security agents, especially during the Charles Taylor era, was rooted to the violation of their human rights.

Lack of Effective Oversight: There was common agreement during the dialogue that one of the main shortcoming of the Liberian security sector has been the lack of effective oversight and democratic control over the years. This derives from various factors, including excessive presidential powers, lack of independent and credible parliaments, and lack of capable parliamentary administration. Moreover, overlapping functions of security institutions has also affected and is reflected in the corresponding legislative oversight committees. In its latest manifestation in the National Transitional Legislative Assembly (NTLA), there are a number of committees contesting for supremacy in conducting security sector oversight. These include Committee on National Security; Committee on National Defence; Committee on the Judiciary, among others.

Lack of Regular remuneration: It was widely agreed at the Dialogue that a root cause of the lack of professionalism in the security services has been the issue of inadequate remuneration. It was, for example, cited that the monthly income of a soldier currently stands at less than US $15. Moreover, these inadequate salaries were irregularly paid. At the exit of ex-President Taylor, several security institutions had not received salaries for up to two years. To reform the sector, it was widely accepted that the salaries of the members of the security forces should be significantly improved. It was therefore rationalized security personnel were constantly under pressure to make up for shortfalls in their official incomes by accepting bribes, illegal assignments and other forms of corruption and nepotism.

Proliferation of Small Arms: It was noted that there is a continued proliferation of small arms despite the largely successful DDR programme and in spite of the United Nations arms embargo on Liberia. It was further noted that a major shortcoming of the DDR process has been a discernible gap between Disarmament and Demobilization (DD) on the one hand, and Reintegration and Rehabilitation (RR) on the other. Bridging the DD-RR gap would therefore be strategic importance to a viable SSR programme in Liberia.

I.   Features of Liberia's Desired Security System

The dialogue featured a consensus that Security Sector Reform exercise in Liberia should be comprehensive and should include and should address all the issues hitherto neglected in the country. The participants also agreed that there is the need for Liberia to ensure that its new security framework enhances opportunities and promotes an enabling environment for sustainable development. Such a framework should reflect a collective vision of security which should in turn emanate from broad consultations among Liberians. In this regard, the Dialogue was recognized as a positive and necessary step in this direction. Overall, it was agreed that Liberians desire a security system which is effective and efficient in the performance of its statutory functions and is under democratic oversight and control. The following characteristics reflect some of the essential elements of a new security system in Liberia that featured in the dialogue:

- Security institutions that are law abiding and respectful of the human rights and dignity of all Liberian citizens;

- A security system in which the mandate of each security institution is clear and does not overlap or conflict with the duties and responsibilities of other security establishments;

- Security institutions which are comprised of and reflect all Liberia's ethnic and religious groups;

- Security institutions which is accountable to civil authority;

- A security system which allows for and encourages constructive civil society input;

- Suitably qualified and well trained security personnel who are recruited through a transparent process;

- A security system which can effectively secure Liberia's borders and natural resource endowments;

- A security system which is sensitive to sub-regional security imperatives;

- A security system which is affordable by Liberia, though with initial international support.

II.   Necessary Steps for a New Security Sector

There was consensus in the discussions that there cannot be an oasis of viable security sector reform in a desert of lack of good governance. Security sector reform was therefore recognized as being a part and a reflection, albeit a crucial aspect, of a comprehensive post conflict peace-building process. It was further agreed that a workable security sector reform programme should derive from a comprehensive national defensive and security review. It was widely noted, with regret, that such a review is not known to have been carried out as at date. Furthermore, it was recognized that the basis for any comprehensive security sector reform in Liberia is a successful election and the establishment an enabling environment for democracy in the country. The following steps were recognized as essential for a successful reform of Liberia's security sector reform, though they were neither discussed at the Dialogue nor presented here sequentially:

Reintegration and rehabilitation of demobilized soldiers: Although the DDR has been officially completed in Liberia, there are still major issues associated with the exercise, as many of those demobilized have not been effectively rehabilitated. In this context, there are concerns that the Security Sector Reform efforts in the country have to be set against the background of the unaddressed legacies of the DDR exercises. It was noted that the special challenge of having to demobilize more than three times the number envisaged created special challenges whose consequences still linger on in the country. The Dialogue affirmed that the reintegration and rehabilitation of ex-combatants is a necessary condition for security in Liberia, especially given the country high youth population.

Proliferation of Small Arms: The issue of small arms proliferation featured prominently in the course of the dialogue as a continuing threat Liberia's security despite the declaration of the official end of disarmament   Although it was recognized that considerable weapons were retrieved during the DDR, it is believed that there are still arms in circulation. It was therefore widely recognized that there is a need for a civilian weapons collection beyond DDR.

Constitutional Reform: An issue that was widely recognized during the Dialogue was the deficiency of the constitution as related to the security sector. Two issues featured distinctly. First is the issue of overlapping responsibilities of security institutions and the need to provide constitutional backing and clarification for all statutory security institutions as a means of addressing this complication Secondly, the present Constitutions encourages abuse of power, especially by the President, who appoints virtually all the leaders of these security apparatus. The Dialogue thus concluded that any attempt at a reformation of the security sector must consider the extent to which the constitution too must be reformed.

Training: It was agreed that a necessary step for reforming the security sector is the training and re-training of security personnel in order to enhance their operational efficiency and to posit them for a disposition towards democratic civil control. Such a training would also need to recognize and integrate the sub-regional security needs of

west Africa, within which Liberia is located. It is essential that a long-term approach is adopted to such training.

III.   Critical Actors for a New Security Sector

The Dialogue noted that Liberia was about to undertake its Security Sector Reform against the background of having become a "failed State". Consequently, a number of considerations would, inevitably, be at the centre of the reform process, one of which is the deep involvement of the international community. While a number of African countries had undertaken their security sector reform, with minimal external involvement, Liberia has to undertake reform amidst extensive external involvement, not only because of financial needs, but also because of the factional basis of the CPA and the neutrality offered by external actors in the reform of the security sector.

Police Force: It was noted that the reform of the Police has been the main focus of UNMIL. There were concerns whether the new Police Force will be truly national, in terms of reflecting Liberia's local context. In this regard, there were suggestions that the Police training curriculum should include subjects such as the sociology of Liberia, civics, history and inter-group relations. The historical relationship between the Police and the society, especially students and the youth, was also raised as an issue of concern, and calls were made to ensure that Police brutality is made to stop. In conclusion, delegates raised concern that the Police cannot be immune from national realities, and that if Liberia continues to be a "beggar" society, the national police would, inevitably, become a "beggar police". The Dialogue was critical of the present situation whereby emphasis on reforming the Police does not extend to a corresponding focus on the judiciary and correctional services. It was regretted that despite Police reform, the two institutions remain grossly undefended, with the prisons functioning as 'torture chambers'.

Armed Forces: It was also noted that there were specific clauses in the Comprehensive Peace Agreement in Accra that the United States should assist in the creation of a new national army for Liberia. Concerns were, however, expressed that a private security company, the DynCorp, had been selected to take charge of the process. There were concerns as to whether the idea of sub-contracting the process was not to create room for plausible deniability on the part of the American government, regarding any shortcoming with the restructuring process. It was also argued that the Liberian people had no role in choosing DynCorp. Pointing to antecedents of DynCorp in running prostitution rings in Bosnia, the suitability of the private company to effectively undertake this role was questioned. The Dialogue concluded that there is a need for an extensive discussion on the all the issues associated with the creation of the new national army for Liberia. Among the key issues to be addressed include the military doctrine of such a force, the duties the force is to perform, its numerical strength, etc. There was consensus that the new armed forces would be need to serve not only national, but also sub regional security needs.

Civil Society: Civil society was recognized as a crucial actor in a new Liberian security system which is responsible and responsive to the security needs of the people. It was noted that the civil society so far, at best, marginally involved in SSR in Liberia. Even then, the situation can best be described as *information sharing* rather than *consultation*.

There was however heated debate about the antecedents of civil society in Liberia, with allegations that civil society had in the past allowed itself to be appropriated and misused by respective regimes, thus robbing it of much of its legitimacy. The dialogue concluded that civil society would itself need to be reformed in order to posit it to adequately perform its watchdog responsibilities.

Legislature: The legislature was recognized as a most crucial actor in the achieving a new reformed security sector in Liberia given its legislative, representative and oversight functions. The various inadequacies of the legislature were pointed out and discussed, including lack of parliamentary support, executive domination, corruption, and lack of integrity among individual legislators. The Dialogue concluded that a Parliament could only be as effective as its constituent members and resolved that the legislature itself is in need of reform.

IV.   Towards Local Ownership and Democratic Governance of the Security Sector (Recommendations)

In order to enhance the prospects for a locally-driven, inclusive and accountable security sector, the following recommendations were tabled by the dialogue:

- *The Limits of Lessons Learned:* There was a note of caution about the dangers of adapting experiences from other countries to Liberia. It was widely opined that part of the shortcomings of the UN under previous leadership was the attempt to transplant 'lessons learned' in Bosnia/Kosovo in Liberia. While it was agreed that Liberia can (and should) learn from the experiences of other countries, the idea of juxtaposing experiences from other countries upon the recalcitrant realities of Liberia was roundly cautioned

- *Enhancing capacity for Parliamentary Oversight:* It widely acknowledged that the idea of parliamentary oversight has not taken root in Liberia. Hence the need to ensure that the incoming parliament is versed in the notion of parliamentary oversight, preparation and analysis of defence budgets, and technical aspects of defence procurement.

- *Need for the Establishment of Local Research Centre on Security and Democratic Governance Issues:* The Dialogue also concluded that there is the need to have a locally-based research Centre to assist in providing an academic and policy think-tank to assist in the reform process. It was thought that such a Centre should be of strategic importance is providing the necessary analysis and knowledge for the reform process. This decision thus played into the already going dialogue between King's College London and the University of Liberia on the establishment of Centre for Conflict Transformation at the University of Liberia.

- *Taking Responsibility for reform:* The Dialogue agreed on a need among Liberians to take full and direct responsibility for the post conflict reconstruction generally, and reform of the security sector in particular. In this regard, the Dialogue recommended a change of mindset in which Liberian (including and especially civil society) expect to be invited by other stakeholders in the reform process. The dialogue recommended that Liberians and civil society groups should take a more pro-active approach to

security sector reform, with emphasis on constructive criticisms and well researched and objective analysis.

- *Sensitivity to sub-regional security environment*: the Dialogue recommended that the reform of the security sector should be conceptualized and executed in a manner which incorporates and is sensitive to Liberia's sub regional environment. The implications of Liberia's membership of ECOWAS for the envisaged security system needs to be further appreciated and incorporated into the SSR agenda.

- *The Need for Sustained Dialogue:* There was overwhelming consensus on the positive contributions of the Dialogue to Liberia's SSR process. It was agreed that such a forum should be sustained and that similar dialogues should be organized periodically.

V.   Conclusion

The Dialogue was served as an opportunity to address various entrenched animosities in Liberia between armed struggles and civil disobedience; between reconciliation and justice; between the security forces and the civilian population; and between immediate security needs and long term governance imperatives. The dialogue served as a reminder of the need to close these cleavages and of the important lesson that the consequences of a misgoverned security sector can be fatal.

The dialogue concluded that while government is crucial to SSR, it is by no means sufficient if the new security system in Liberia is to be accountable and responsive to the security needs of the generality of Liberians as opposed to the security needs of an incumbent regime. While the international community and other external actors may be available and ready to assist, Liberians have the primary responsibility for reform of not only their security sector, but for the entire post conflict reconstruction process.

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