

# **Liberia: Parliamentary Oversight and Lessons Learned from Internationalized Security Sector Reform**

**Dr. Thomas Jaye<sup>1</sup>**

## **I. Introduction**

Following the signing of the 2003 Comprehensive Peace Agreement (CPA) ending the Liberian civil war, there have been revitalized efforts for security sector reform, led principally by the United States and the UN Mission in Liberia (UNMIL). The purpose of this paper is to provide an analysis of (i) the extent and effect of international support for parliamentary oversight of the security sector relative to other reform priorities, and (ii) to assess the potential impact of the reform process on preventing conflict recurrence in Liberia.

The paper is divided into the following sections: (i) a brief historical background to the current security sector reform (SSR) process in Liberia; (ii) the scope of security sector reform (SSR) as provided for under the 2003 Comprehensive Peace Agreement (CPA); (iii) oversight mechanisms, including parliament; (iv) the role of civil society, and (v) security providers outside of state structures. The conclusion summarizes key findings concerning the importance of civil society participation and strong constituent-representative relations in helping to legitimize the state security apparatus and empower the legislature relative to the executive, as well as the importance of addressing the causes of instability within both a developmental and regional framework.

## **II. Background to Security Sector Reform in Liberia**

The process of security sector reform in Liberia has its roots in the Comprehensive Peace Agreement (CPA), signed on August 18, 2003. The CPA ended 14 years of war in Liberia. But the challenges faced by the reform process arise from over a century of deficient security sector governance.

Liberia was founded in 1822 for the resettlement of freed American slaves. The Liberian legislature declared independence on July 26, 1847. The Constitution of Liberia called for a tripartite state structure based on the US model in which there would be three co-equal branches of government: the Executive, Legislature and the Judiciary. Although the constitution was based on the ideals of a democratic government, including popular sovereignty, the Americo-Liberian elites governed post-independence Liberia as a single-party state with a strong, almost “imperial” presidency. Indigenous ethnic groups were marginalized. Americo-Liberian dominance lasted until the 1980 coup d'état led by Samuel Doe, an indigenous Liberian. Rather than ending the repression of the past regime, however, Doe merely sustained such practice and even militarized the society.

Under the strong presidency of successive Liberian regimes, the shaping of the security sector became the individual prerogative of the President. Party loyalty dominated the decision-making processes of Liberia, subverting legislative and judicial checks and balances as envisioned in the country's constitution. The security legislation crafted by the Executive and rubber-stamped by the Legislature made no provision for the latter's oversight. In fact, the only provision related to parliamentary oversight had to do with the approval of presidential appointments. Members of the Legislature were handpicked through party caucuses dominated by the President and his close associates. Party loyalty and job security considerations ensured that the Legislature would not challenge the Executive through the exercise of their oversight responsibilities, thus removing any process that could ensure transparency and accountability.

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<sup>1</sup> Senior Research Fellow at the Kofi Annan International Peacekeeping Training Centre, Accra, Ghana.

Like the legislature, the judiciary was weakened by single party rule. The removal of judges was a simple process that required only the introduction of a "Joint Resolution" by the Legislature. As this body was firmly under the control of the executive, such a resolution was easily achieved. The judiciary, as such, has been an instrument of manipulation and a means of legitimizing the activities of government; since there were few bars to the removal of judges, key decisions were made in "meetings of leading citizens – the same group of influential citizens who made other national decisions."<sup>2</sup>

In the face of these realities, the exercise of legislative oversight of the security sector in pre-war Liberia suffered immensely. Public debate of security issues was taboo; civil society groups could not easily discuss the subject. Nevertheless, during the 1970s, civil society groups including social movements began to point out the problems with the security sector. Groups like the Liberia National Students Union (LINSU), University of Liberia Students Union (ULSU), All-Peoples Freedom Alliance (APFA), and the Movement for Justice in Africa (MOJA) played a significant role in exposing the excesses of the security sector in particular and the government as a whole. Unfortunately, their attention could not ensure democratic civilian oversight of the security sector. On the contrary, regime security continued to dominate security practices in Liberia.

The Doe-led coup marked the beginning of a rapid downturn in Liberian stability, culminating in the invasion by Charles Taylor's National Patriotic Front of Liberia (NPFL). During the ensuing civil war (1989-1996), the status of the security sector only worsened. Members of the Liberian security agencies aligned with one or another of the factions involved in the conflict, resulting in "an amorphous array of warlords and renegade combatants [that] succeeded in holding the Liberian population hostage, whilst perpetrating horrendous atrocities."<sup>3</sup>

In response to the NPFL, the Economic Community of West African States (ECOWAS) deployed the Monitoring Observer Group (ECOMOG) to Monrovia in 1990. Following a ceasefire in 1996, Taylor was elected president of Liberia in 1997. In response, anti-Taylor groups organized the Liberians United for Reconciliation and Democracy (LURD), which invaded Liberia in 2000 from Guinea, and the Movement for Democracy in Liberia (MODEL). Their military offensive, combined with existing UN, US, and UK sanctions, and an indictment for war crimes eventually forced Taylor into exile in August 2003.

The Comprehensive Peace Agreement, signed in Accra, Ghana on August 18, 2003, led to the establishment of the National Transitional Government of Liberia. The issue of security sector reform constituted an integral part of the peace dialogue in Accra. There were a number of actors who presided over the crafting of the peace agreement including the ECOWAS, the International Contact Group on Liberia (ICGL), and Liberian stakeholders. Of these actors, the ECOWAS mediation team played the leading role. The inclusion of SSR into specific articles within the peace agreement may have been influenced by their past experience with security sector reform in 1997 after the election of Charles Taylor. Invoking national sovereignty, Taylor had expelled ECOMOG from Liberia without restructuring the AFL (as provided for in the 1996 Abuja II agreement) and proceeded to establish a network of rival security forces loyal to him.

In the 2003 CPA, Article VII called for the disbanding of "irregular forces;" and it also called for the restructuring of the AFL under a new command. Article VIII called for the "immediate restructuring of the National Police Force, the Immigration Force, [and] Special Security Service units. These restructured security forces shall adopt a

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<sup>2</sup>Amos Sawyer, "The Emergence of Autocracy in Liberia: Tragedy and Challenge". San Francisco: Institute for Contemporary Studies, 1992: 270.

<sup>3</sup> Festus B Aboagye and Martin Rupiya, "Enhancing post-Conflict Democratic Governance through effective Security Sector Reform in Liberia," in F. Aboagye and Alhaji M.S. Bah, eds., "A Tortuous Road to Peace: The Dynamics of Regional, UN, and International Humanitarian Interventions in Liberia." Pretoria: Institute for Security Studies 2005:253.

professional orientation that emphasizes democratic values and the avoidance of corrupt practices.”<sup>4</sup>

The main focus of SSR efforts in Liberia has reflected these two articles, to the detriment of a more holistic approach to reforming the security sector. Thus, SSR at the Accra peace dialogue was restricted to training, restructuring, and professionalizing the security agencies. The issue of security sector governance was not factored into the discussions, or into the resulting peace agreement. In fact, several of the problems facing the entire SSR process in Liberia today emanate from the CPA. SSR was seen purely as a technical exercise. As events have unfolded, key actors have come to realize that it is also highly process-based and, ideally, should be pursued in a sequential manner.

Ideally, the SSR process in Liberia should have begun with a serious national debate about the future task of the different constituent elements of the country’s security architecture such as defence, intelligence and security. This debate should have included issues concerning changes in these institutions and their personnel. More importantly, the entire process should have begun with a national security policy that would have served as the basis for defence, police, intelligence and other policies. Unfortunately, this did not happen. Instead, the national security strategy was adopted in January 2008, about two years into the SSR process.

In addition to overseeing the start of the security sector reform process, the NTGL, with assistance from the UN Mission in Liberia (UNMIL) – which took over from ECOMOG in September 2003 – was tasked to oversee the cessation of conflict, to initiate governance reforms, and to conduct presidential and legislative elections in 2005. Ellen Johnson-Sirleaf of the Unity Party won a run-off election and took office as Liberia’s president on January 16, 2006.

### **III. Security Sector Reform under the Comprehensive Peace Agreement**

There are a multitude of actors that constitute the security sector of Liberia. Apart from the legislature and judiciary, the core state security agencies include: the Armed Forces of Liberia (AFL); Special Security Service (SSS); Liberia National Police (LNP); Monrovia City Police (MCP); National Bureau of Investigation (NBI); the National Security Agency (NSA); Bureau of Immigration and Naturalization (BIN); the Roberts International Airport Base Security (RIA); National Port Authority–Liberian Seaport Police (LSP); Bureau of Customs and Excise – Financial Security Monitoring Division (FSD); Drug Enforcement Agency (DEA); the Ministry of National Security (MNS), Ministry of Justice (MoJ), Ministry of National Defense (MoD), the National Security Council; the security forces of the Liberia Petroleum Refining Corporation (LPRC), the Forestry Development Authority (FDA), and Liberia Telecommunications Corporation Plant Protection Force; and National Fire Service (NFS). President Johnson-Sirleaf has also considered re-establishing the Coast Guard of Liberia, a goal incorporated in the 2008 Defense Act.<sup>5</sup>

An assessment report for the GRC found that differentiation in responsibilities among these security actors – with the exception of the AFL whose sole purpose is protecting national integrity – is unclear.<sup>6</sup> This leads to tensions among agencies. As Malan points out, at least five security agencies are authorized to arrest and detain, while five others have the authority to collect internal intelligence.<sup>7</sup> Few, if any, are subject to sufficient

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<sup>4</sup> Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, Accra, Ghana, August 18, 2003, [http://www.usip.org/library/pa/liberia/liberia\\_08182003\\_toc.html](http://www.usip.org/library/pa/liberia/liberia_08182003_toc.html).

<sup>5</sup> Telephone interview with a Liberian parliamentarian, July 1, 2008, the date the Liberian House of Representatives passed the Defense Act; it became law following passage by the Senate on April 29, 2008.

<sup>6</sup> Thomas Jaye, “An Assessment Report on Security Sector Reform in Liberia,” Report submitted to the Governance Reform Commission of Liberia, September 23, 2006.

<sup>7</sup> Mark Malan, “Security Sector Reform in Liberia: Mixed Results from Humble Beginnings,” Strategic Studies Institute, March 2008, [www.strategicstudiesinstitute.army.mil/pdf/PUB855.pdf](http://www.strategicstudiesinstitute.army.mil/pdf/PUB855.pdf), accessed August 8, 2008.

oversight and civilian control. According to Article III, Section 2 of the CPA, these institutions should have been disarmed and restructured as part of the SSR process,<sup>8</sup> but there is little evidence to suggest that this is happening.

Outside of the state security system is diverse array of non-statutory security bodies, including commercial and private security companies, which provide protection for elites who can afford it, commercial houses, and public buildings; community policing groups in certain areas where state provision is considered inadequate or illegitimate; and, in the rural areas, traditional authorities who exercise control over their areas based on cultural norms and practices. (These actors are examined in further detail in section VI below.)

Under the CPA, SSR was considered a core element of the post-conflict statebuilding process. The signatories realized that the security sector, above all the military and police, were so ineffective, factionalized, and fragmented that reform had to constitute an integral part of the overall process of post-war reconstruction. Yet, the SSR process has focused mainly on the reform of the AFL and the Liberia National Police (LNP), which are being trained by the United States and UNMIL, respectively.<sup>9</sup> A major criticism of the process has been its emphasis on the training of the police and the army to the neglect of the other important parts of the security architecture, including the judiciary and prison services; border security, customs and immigration; drug enforcement; intelligence; and, perhaps most important from the standpoint of Liberia's history, effective oversight and management mechanisms.<sup>10</sup>

The lack of attention to these sectors highlights the fact that the reform process – despite improvements in public consultation – has yet to sufficiently respond to the security threats facing both the state and its citizens. According to an assessment of the country's security sector,

“There was an overwhelming concern about the lack of local ownership of the SSR process in the country. For example, the Legislative Committees on Defense and Security see themselves on the periphery; ex-senior servicemen argue that they were left out of the SSR debate and process; and some [security] agencies were not even aware of the review carried out by RAND Corporation.<sup>11</sup> Civil society groups feel completely marginalized and argue that most of the policies and decisions about SSR are made by external experts and others like DynCorp and UNMIL.”<sup>12</sup>

This has created the perception among many Liberians that the reform process is designed to serve the interests of its external supporters, not Liberia or its people.

### *Restructuring of the Army*

Article VII, section 1(b), of the CPA states that,

“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 Government of Liberia (GOL) forces, the LURD, and the MODEL, as well as from civilians with appropriate background and experience. The Parties request that ECOWAS, the UN, African Union (AU), and the

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<sup>8</sup> See Article III of the CPA

<sup>9</sup> In addition to the UN and the US government, the United Kingdom, the Netherlands, Norway, and other governments are providing support to the SSR process in Liberia.

<sup>10</sup> Interviews, Monrovia, Liberia, June 26 – 27 2008.

<sup>11</sup> The RAND Review was conducted in 2006 and included all agencies of the sector.

<sup>12</sup> Thomas Jaye, “An Assessment Report on Security Sector Reform in Liberia,” Governance Reform Commission, Republic of Liberia, September 22nd 2006:13

International Contact Group for Liberia (ICGL) provide staff, equipment, logistics, and experienced trainers for the security reform effort. The parties also request that the United States play a lead role in organizing this restructuring program.”Footnote?

The restructuring and training of the AFL has been one of the most debated issues of the Liberian SSR process. The Government of Liberia has come under serious criticism for the way in which the restructuring of the army has been undertaken. While the peace agreement envisioned a “restructuring” of the army, it was instead disbanded entirely. This was not only impractical, but led to a number of interrelated issues:

First, the decision to fully disband the AFL was contrary to the terms and conditions of the CPA. The CPA envisaged that the AFL would be reorganized with a new command structure. For the leadership of the army, the disbandment brought into question their future. Currently, the low level of expertise within the army means that it will take time before any of the new recruits can assume leadership positions. Thus, in order to address the issue of the leadership of the army, the government has been forced to employ the services of a Nigerian General as Chief of Staff of the Liberian army.

According to a former official of the Ministry of National Defense, the National Transition Government of Liberia initially proposed that part of the army should be “retained.” According to this plan, those retained in the AFL would be given a waiver and would not need to go through a re-application process like new recruits. Those retained would be officers who had acquired various levels of training both in Liberia and abroad; and they would provide leadership over the new recruits.<sup>13</sup> However, this plan was abandoned; and the army was rebuilt from scratch.

Second, the full disbanding of the army failed to take into consideration the practical challenges that this would pose. For example, retirees have challenged the government over the issue of their retirement packages, which they claim are not sustainable. The other issue is that by throwing 17,000 former soldiers into the streets where the prospects for employment are extremely slim, they constitute a potential risk to the security of the country. It was not possible that all of these former soldiers could be retained in the army, not least because some of them were involved in the abuses of the pre-NTLG regimes, as well as during the conflict. However, for those that were not tainted, a retained strength should have been pursued as envisaged by the NTGL. Unfortunately, because of the contracted and dislocated nature of the economy, finding jobs through the reintegration program is difficult for the deactivated personnel from the police, the Special Security Service, and other security agencies, as well as the more than 100,000 ex-fighters.

Third, the peace agreement called for the army’s forces to be “drawn from the ranks of the present Government of Liberia (GOL) forces, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL), as well as civilians with appropriate background and experience.”<sup>14</sup> Instead of a systemic effort to balance representation of faction members in the army, a nation-wide recruitment process was opened to all Liberian citizens in an effort to rectify the historic lack of representation from rural areas. A Joint Personnel Board was established to vet recruits. In absence of any data as to the character of the current army, it is difficult to determine whether it does, in fact, reflect a truly national army. Nonetheless, the process did provide new legitimacy for the AFL and the MoD in the eyes of Liberians.

Fourth, the CPA envisaged that the United States would have the *lead* role in retraining the army. However, in practice the United States is now the *only* donor involved – a

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<sup>13</sup> Interview with a former official of the Ministry of National Defense, Accra, Ghana, October 2008.

<sup>14</sup> Comprehensive Peace Agreement, 18 August 2003, in Thomas Jaye, *Liberia’s Security Legislation*, Geneva: DCAF, 2008:114-115.

reflection of the fact that the US is also the sole donor for restructuring the AFL. This contravenes not only the intent of the CPA, but also UN Security Council Resolution 1509, which provides for the involvement of UNMIL. A related issue of concern is that the contract to train the army was awarded to US private military companies, DynCorp International (recruitment, basic training, basic facilities) and Pacific Architects Engineers (base construction, structuring the AFL, and providing officer training). As Adedeji Ebo points out, DynCorp's role in Liberia marked the first time in the history of West Africa that a private military company has been contracted to restructure and train an entire national army.<sup>15</sup>

Both the dominance of the US and its use of private security companies have led to tensions with the AFL and with civil society. Members of the AFL expressed frustration to the Liberian Ministry of Defense (MoD) that while they were "in full support of the Vetting and Training of the new Army in accordance with the CPA, the draft Vetting and Training Plan document produced by DynCorp seems to completely deviate from the Restructuring of the AFL to an entire demobilization of the Regular Service Personnel of the AFL. This, the AFL views as a violation of the CPA".<sup>16</sup> The US's role in reform of the army has also proven unpopular locally. Questions have been raised as to its motivation for funding and assistance. While the US has strong historic ties with Liberia, much of the population felt that, during the armed conflict, the US did not bring its full weight to bear in assisting peace.

### ***Reforming the Liberian National Police***

UN Security Resolution 1509 mandated UNMIL to support security sector reform by

"monitoring and restructuring the police force of Liberia, consistent with democratic policing, and to develop a civilian police training programme, and to otherwise assist in the training of civilian police, in cooperation with ECOWAS, international organizations, and interested States;"<sup>17</sup>

Though provided a mandate, UNMIL did not have a budget from which to start up a new police force. Neither did SCR 1509 grant UNPOL powers of arrest, forcing it to initially rely on limited number of vetted LNP officers. Nonetheless, UNMIL has managed, together with the Liberian government, to train over 3,500 police officers. There has been an effort to deploy police out into the counties where their presence is needed to address rural insecurity, but they face challenges in infrastructure, logistics – including gasoline – necessary for routine operations, and budgetary constraints. As a result, UN police maintain a key role not only in reforming the LNP, but in continued direct operational support.

The deterioration of professionalism and related command and control over the police in the years prior to the start of the reform process remains a lingering challenge, particularly concerning the ability of the police service to deal with disciplinary problems and misconduct within its ranks. In an effort to address this, the UN police are working to establish a professional standards division. In part, this problem stems from inadequate vetting of police early on. There are differences of opinion between UNPOL and the US SSR team as to whether more could have been done; the latter point to the fact that UNMIL rejected only 10 percent of recruits compared with 75 percent rejected under the more rigorous process for the AFL. A second factor concerns a shortage of funding, which delayed severance packages for redundant LNP until June 2007, as well as low and irregularly paid wages.

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<sup>15</sup>Adedeji Ebo, "The Role of Security Sector Reform in Sustainable Development: Donor Policy Trends and Challenges", *Conflict, Security, and Development* 7 (1), 2007:37.

<sup>16</sup> Letter dated October 12' 2005 from Members of the AFL to Hon. Daniel Chea, Minister of Defense, Republic of Liberia :2.

<sup>17</sup> UN Security Resolution 1509, September 19, 2003.

Rather than measuring progress on the basis of quantity of police, as UNPOL does, there has been a call by critics for measuring police performance. But, as Malan notes, “it is difficult to measure police performance in a country where there was no police service to speak of 3 years ago; where the new police service is still being recruited, trained, and equipped; where there are no authoritative statistics to measure crime trends over time...Individual police officers still solicit bribes, but the practice is no longer condoned by the authorities.”<sup>18</sup> A major hurdle to more effective crime prevention and prosecution is the disconnected manner in which police reform has been pursued without proper linkage to the justice system as a whole. Many Liberians, if they have access to courts, are unwilling to pursue cases for fear of reprisal.

#### **IV. Strengthening Oversight over the Liberian Security Sector**

Initially, the role of the national legislature was left out of the SSR process in Liberia. Those responsible for crafting the CPA viewed SSR from a purely technocratic perspective, failing to take security sector governance into consideration.

The involvement of the ASSN, the Conflict, Security, and Development Group (CSDG) at King’s College in the UK, and the Geneva Centre for the Democratic Control of the Armed Forces (DCAF) resulted in the eventual inclusion of the legislature in the SSR process. Their engagement began in July 2004 with research identifying the entry points and key issues concerning SSR in Liberia. From the research, it became apparent that there was a governance deficit in the SSR discourse. These groups provided training for parliamentarians and security agency personnel on governance issues through policy seminars held in Liberia, Ghana, and the United Kingdom. The training also incorporated elements of peer learning, for example; parliamentarians from Ghana and Sierra Leone participated in these seminars, sharing experiences with their Liberian counterparts. It was through these efforts that the issue of security sector governance in general and parliamentary oversight in particular was injected into the SSR debate and policy-making.

The cooperation of then-Minister of Justice Kabineh Ja’aneh helped create an enabling environment for the SSR dialogue. His support was especially important since, in Liberia, the Ministry of Justice has civilian line management authority – legally, if not always in actual practice – over the LNP, the Bureau of Immigration and Naturalization, the National Bureau of Investigation, and the Drug Enforcement Agency. The Minister of Justice’s office took the lead in organizing (with UNMIL, CSDG, DCAF, and the Centre for Democracy and Development) the first national dialogue on SSR in Monrovia in August 2005. This dialogue was soon followed by another meeting in March 2006, this time under the auspices of the Governance Reform Commission (GRC).

##### *The Governance Reform Commission and its role in SSR*

The GRC was established in April 2004 by an Executive Order by the Chairman of the National Transitional Government of Liberia, Gyude Bryant. Later, on 9 October 2007, the GRC was enacted into law as the Governance Commission (GC). The direct involvement of the GRC in the SSR policy debate evolved from President Ellen Johnson-Sirleaf’s mandate that it provide intellectual leadership and inject critical thinking into the process. Through the GC, the issue of security sector governance has gained increasing attention. The work of the GC has been supported by the UN Development Programme (UNDP), the ASSN, and the Kofi Annan International Peacekeeping Centre (KAIPTC), which seconded the author to the Governance Commission to provide leadership on SSR policy debates.

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<sup>18</sup> Malan, op. cit: 52.

The GC is also involved in other reform issues that relate to the SSR process, including decentralization and legal and judicial reform issues. This range of responsibilities enabled the GC, when the nationwide consultation on SSR was conducted in Liberia, to make strategic and institutional linkages between the judiciary and the security sector. Further, the GC public sector reform process has had a direct bearing on the SSR process because of the changes it proposes for Liberia's security system. For example, the national security strategy of Liberia proposes a decentralized security system, which is in tandem with the process of decentralizing the governance system of the country. This is one of the mandated areas of the GC.

In 2007, the GC carried out an assessment of the security sector that resulted in the drafting of the national security strategy. The strategy was agreed upon by the National Security Council in January 2008 and now serves as a policy framework for the entire SSR process in Liberia. Key elements of the strategy are the call for: the decentralization of the country's security system from the national to the county and district levels (modeled on similar systems in Ghana and Sierra Leone); the crafting of new security legislation; the abolishment of redundant security structures and the creation of new ones.

Generating public engagement on the future of Liberia's security sector has faced several obstacles. First, several internal and external actors, including securocrats and certain government ministries responsible for security issues, as well as the US security assistance team, rejected the GC's consultation process, on the grounds that it was time consuming and would take too long to produce a strategy document. Within the Liberian executive branch, the attitude among the "securocrats" was also shaped by the lack of institutional culture for opening such issues to public debate. Many saw security as their exclusive domain, one that academics and civil society people should not discuss. Some felt that, by inviting security people to interface with civilians to discuss security policy, there was the possibility that "national security" would be compromised. This led to delays in the completion of the national security strategy. Only the external pressure of the imminent completion of the PRSP, into which the document would feed, led to the finalization of the national security strategy document. Second, many Liberians themselves were conditioned to view the security sector as secretive and not open for scrutiny and convinced by this line of reasoning.

Nonetheless, the persistence of the GC paid off. The inclusion of security into the country's Interim Poverty Reduction Strategy Paper (I-PRSP) acknowledged the "multidimensional nature of peace and security,"<sup>19</sup> and the explicit linkages between security and economic development, including employment for youth and former combatants. Importantly, it also included a broader definition of security than "state security," extending to the security needs of Liberian citizens. The national security strategy ultimately included issues of human security, including poverty alleviation. In doing so, the Government of Liberia shifted the focus of the SSR process from being an immediate post-conflict issue to a longer-term, developmental one.

### **Legislative Oversight**

Liberia's legislature, as noted above, has traditionally been a weak counterbalance to the strong executive. Yet, despite the historic inefficacy of parliament, strengthening its ability to provide checks and balances on executive authority was not viewed as a priority. In part, this may have been due to [election] of the National Transitional Legislative Authority by the CPA and corresponding suspension of the articles of the Constitution related to legislative oversight.

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<sup>19</sup> Liberia iPRSP : 31

In order for the legislature to become an effective mechanism for security governance, it requires strengthening in dimensions: authority, ability, and attitude. The way in which these qualities play a role in the Liberian context is discussed below.

### *Legal Authority*

The Liberian legislature's legal authority for oversight of the security sector derives from: the Constitution of Liberia, the rules and regulations governing the affairs of the Legislature, and the various acts that established the agencies within the security sector of the country. Until January 2006, the articles of the Constitution concerning executive, legislative, and judicial authority were suspended by the CPA, which until that time was a key source of legal authority, including for security sector reform. This led to confusion over what legal framework was supreme.

The legislation governing the security sector can play a vital role in the formation of the security sector's institutions. For example, in the past, the only role assigned to the Legislature was the approval of presidential appointments of the heads and deputy heads of the security agencies, many of which were responsible to the Minister of Justice. The Minister of Justice served at the will and pleasure of the president and therefore in most cases, the entire security sector was erected around the office of the president. Worse, in many cases, the heads of these agencies would then report directly to the office of the president, bypassing the Minister of Justice. In the past, this practice produced cronyism, lack of professionalism, and gross incompetence among the security agencies. Today, overcoming this legacy poses a challenge for the Justice Ministry and its ability to establish actual oversight over the institutions it nominally controls.

The CPA did not provide for a review of the 1986 Constitution of Liberia, though this is now being considered as part of the overall legal review process. Consequently, Liberia has maintained the centralization of power within the office of the president, disproportionately favoring the executive at the expense of the legislature or judiciary. Some critics have pointed out that fixing this arrangement will require moderating power across the branches of government because of the past experience of the executives abusing this power.

Under the Constitution, the Legislature enjoys powers to provide oversight responsibilities. Under Chapter V, Article 29 of the Constitution, all legislators "subscribe to a solemn oath of affirmation...to uphold and defend the Constitution and laws of the Republic and to discharge faithfully the duties of such office."<sup>20</sup>

Article 34 of the Constitution provides the Legislature with a wide scope of powers on all security issues, internal and external, affecting the country, from raising the army and police, and constituting courts "inferior to the Supreme Court," to approving budgets and enacting legislation for effective security sector governance. Under section (b), the Legislature "shall have to the power to provide for the security of the Republic."<sup>21</sup> Article 34 (c) declares that the Legislature has legal authority "to provide for the common defense, to declare war and authorize the Executive to conclude peace; to raise and support the Armed Forces of the Republic and to make appropriations therefore provided that no appropriation of money for that use shall be for a longer term than one year; and to make rules for the governance of the Armed Forces of the Republic."<sup>22</sup> Section (d) furthermore empowers the legislature with financial and budgetary oversight, providing that "no monies shall be drawn from the treasure except in consequence of appropriations made by legislative enactment and upon warrant of the President;...An

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<sup>20</sup>See Article 31 of the Liberian Constitution of 1983.

<sup>21</sup>Constitution of Liberia, 1983

<sup>22</sup>Constitution of Liberia, 1983

annual statement and account of the expenditure of all public monies shall be submitted by the office of the President to the Legislature and published once a year.”<sup>23</sup>

A second set of legal instruments that provide for oversight are the service acts of the various security sector agencies. In keeping with these acts, the Liberian Senate must consent to all senior appointments made in the security sector. Beyond this role, the acts do not spell out the appropriate oversight functions of the legislature. In order to strengthen democratic civilian oversight of these bodies, future acts should include provisions that explicitly identify the specific roles and responsibilities of the Legislature. This will go a long way towards strengthening the role of the legislature on security and other related matters. Furthermore, these acts can enhance the process of making security sector related agencies transparent, accountable and effective in their operations.

The third set of legal instruments that provide authority to the Legislature are the rules and regulations of the House of Representatives and the Liberian Senate. The Constitution of Liberia authorizes the establishment by each House of its own committees and sub-committees.<sup>24</sup> The Rules of the House also provide that each standing committee can investigate any matter within its jurisdiction.<sup>25</sup>

Under the 1986 Constitution, legislative authority is divided between a 30-seat Senate and a 64-seat House of Representatives, modeled on the US system. Against the backdrop of the above, the set of rules and regulations adopted by both houses of the legislature are critical to understanding their oversight roles and responsibilities. Within each House’s own regulations, provision is made for the establishment of specific committees on security and defence, which have oversight authority over the security sector.

Each Committee comprises seven members. Committee members can “serve for three (3) years but are subject to removal by the Speaker for cause.”<sup>26</sup> Certainly, this rule puts a severe limit on the terms that legislators can serve in such committees. In addition, it does not allow enabling environment for legislators to develop and acquire skills and expertise in specific areas that would make their work effective. Further, what constitutes “cause” remains unclear, leaving the rule open to interpretation and possible abuse. Any member of the House of Representatives who is elected as a member of International Parliamentarians Union, the African Union parliament, or the ECOWAS Community Parliaments is not eligible to serve as the chair of either a standing or statutory committee, or as co-chair of a statutory committee.<sup>27</sup> However, they are not barred from serving on the committees in non-leadership roles. Currently, however, no member of the House Committees on Defence and Security serves in either the AU or the ECOWAS parliaments.

The House of Representatives has three separate committees relating to the security sector: Defense, National Security, and the Judiciary Committee. The House Committee on National Security discusses and examines all proposed legislation, messages, petitions, memorials and other matters relating to national security and intelligence. The intelligence-related activities in the various ministries and agencies of the government are included within this.<sup>28</sup> Moreover, the Committee deals with issues concerning border security and management; they make specific reference to matters relating to “checkpoints,” immigration, as well as international arms control and disarmament.

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<sup>23</sup>Constitution of Liberia, 1983

<sup>24</sup>Constitution of Liberia, 1983

<sup>25</sup>See Standing Rules of the House of Representatives of the 52<sup>nd</sup> Legislature, Republic of Liberia, 2006: 30

<sup>26</sup>See Standing Rules of the House of Representatives, 2006: 18

<sup>27</sup>See Standing Rules of the House of Representatives, 2006: 29

<sup>28</sup>See Standing Rules of the House of Representatives, 2006: 18

The Defense Committee deals with all proposed legislation, messages, petitions, memorials, and other matters relating to defense. In keeping with these rules and regulations, the Defense Committee explicitly deals with the following issues:

- Common defense, including arms, armament, recruitment, and service;
- The Ministry of Defense and all military activities including the AFL, the Coast Guard and the Army Aviation Unit;
- Pay, promotions, retirement, and other benefits and privileges of members of the Armed Forces of Liberia (AFL);
- Size and composition of the Army, Navy, Air Force, and the Coast Guard;
- Forts, Arsenal, Military Camps, and Reservations and Ammunition depots;
- Military bases and Coast Guard bases and homes of military personnel generally;
- Strategic and critical materials and weaponry necessary for common defense; and
- Military dependents and war veterans.<sup>29</sup>

However, overlapping areas of responsibility between the three committees has resulted in competition for primacy, undermining the emergence of an effective parliament. Clarification of the respective committees' roles, however, is dependent on bring greater coherence to the core security agencies themselves – to their legal underpinning, functions, management, and interactions.

The Committee on Defense, Intelligence, Security, and Veteran Affairs constitutes one of the fifteen Standing Committees of the Senate.<sup>30</sup> (Unlike the House of Representatives, which has two separate committees on Defense and National Security, the Senate has only one.) In keeping with the Senate rules, all legislations, messages, petitions, memorials and others relating to defense are referred to this committee. More specifically, it deals with the following issues:

- Common defense, generally including: arms; armament; recruitment and service pay; promotion; retirement and other benefits and privileges of members of the armed forces; size and composition of the Army, Navy, Air Force, the Coast Guard, and other security apparatus;
- The Ministry of Defense and all military activities including the Liberian National Guard, the Coast Guard and the Army Aviation Unit; and
- Strategic and critical materials, weaponry necessary for common defense, forts, arsenal, military camps and reservations, ammunition depots, military base, air base, naval and Coast Guard bases and yards, homes of military personnel, military dependents and war veterans and affairs.<sup>31</sup>

Like other committees, under Rule 23, it has the powers to summon, hold hearings, and subpoena the attendance of witnesses.<sup>32</sup> Moreover, its oversight role is specifically referred to in Rule 25:

“to assist the Senate in appraising the administration of the laws and in developing such amendments or related legislation as it may

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<sup>29</sup>See *Standing Rules of the House of Representatives*, 2006: 27

<sup>30</sup>Standing Rules of the Liberian Senate of the 52<sup>nd</sup> Legislature. Adopted March 13, 2006 and Re-affirmed July 3, 2007: 11-16

<sup>31</sup>Standing Rules of the Liberian Senate of the 52<sup>nd</sup> Legislature. Adopted March 13, 2006 and Re-affirmed July 3, 2007: 16-17

<sup>32</sup>Standing Rules of the Liberian Senate of the 52<sup>nd</sup> Legislature. Adopted March 13, 2006 and Re-affirmed July 3, 2007: 24

deem necessary, each committee of the Senate shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject of which is within the jurisdiction of such committee and for that purpose shall study all pertinent reports and data submitted to the Senate by the agencies in the Executive Branch of Government.<sup>33</sup>

Thus, the rules and regulations of both houses of the Legislature provide enough legal authority for the legislators to provide oversight responsibilities over the security sector.

### *Oversight Ability*

For parliamentarians to effectively carry out their respective oversight roles and responsibilities, it is not sufficient for them to have legal authority. They must also have the corresponding capacity to do so. Exercising oversight entails a diverse range of issues, most of which are highly complex and difficult to comprehend without either experience in the security services or accumulating years of knowledge. Committee members are expected to be conversant in security budgets, training programs, weapons systems and their procurement, deployment of troops, personnel issues, as well as intelligence matters that are cloaked in secrecy. If they do not have such knowledge and experience, attempting to exert oversight over security actors can become extremely difficult.

Secrecy poses a major challenge. Indeed, there is a danger that the “securocrats” can easily avoid accountability and transparency by hiding behind “national security interests” in order to limit the role of parliamentarians

Another challenge is turnover. Maintaining one’s committee position – and seat in legislature, generally – is the best way to develop expertise. Yet, as DCAF and the IPU point out, it is often the case that committee members – by the time they develop the expertise on defense, security or intelligence matters – are moved to another Committee or their tenure as parliamentarian will have ended.<sup>34</sup>

In post-conflict environments like Liberia, the situation is often worse, as the possibility of a large percentage of the legislature not winning reelection – and thus having entirely new and inexperienced lawmakers – is extremely high. In the 2005 legislative elections, only four members and two aides in the Liberian House of Representatives – and only four members and one aide in the Senate – carried over from the previous NTLA.<sup>35</sup> This represents a nearly 94 percent turnover in the House and 87 percent turnover in the Senate. Under these circumstances, some members of the staff have benefited from the parliamentary policy seminars conducted by CSDG, DCAF, and the ASSN. But efforts to build capacity of parliamentarians cannot be completed in a short period of time, resulting in a post-election oversight shortfall.

A legislative needs assessment carried out for UNDP highlighted a third challenge: low educational attainment among legislators. Approximately half the members of the House lack college degrees and a third of the Senate also lack similar degrees.<sup>36</sup> Yet, in reality, this may be less of a hurdle than might be expected. Members of the House Committees on Defense and National Security have managed to assert their authority, as demonstrated in the section below. Multiparty democracy has provided an enabling

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<sup>33</sup>Standing Rules of the Liberian Senate of the 52<sup>nd</sup> Legislature. Adopted March 13, 2006 and Re-affirmed July 3, 2007: 24

<sup>34</sup> Hans Born, Philipp Fluri and Anders B. Johnson, “Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices” Lausanne: DCAF and IPU, 2003: 19

<sup>35</sup>See John Johnson and Robert Nakamura, “Liberia Legislative Needs Assessment,” United Nations Development Programme (Liberia), February 2006: 13

<sup>36</sup>Ibid. 13

environment for legislators to assert themselves on many issues concerning the broader national security interests of the country. Importantly, unlike in the past when single party rule was the order of the day, the current Legislature not only comprises members from different political parties, but the party of President Johnson-Sirleaf does not control a majority of the legislature – the first time in Liberia’s long history that power has been split between the executive and legislature.

Since 2006, Liberian parliamentarians have benefited from policy seminars and training that drew heavily on the experiences of other parliamentarians in the West African region and elsewhere in the continent. For example, one seminar organized at the KAIPTC in Accra provided Liberian parliamentarians an opportunity to interface with their Ghanaian colleagues, who shared their experiences on broader parliamentary issues including their oversight roles and responsibilities. Subsequently, the ASSN and its affiliate bodies organized an experience-sharing workshop in Monrovia in March 2008, which brought parliamentarians from Sierra Leone to share experience on defense budgetary issues. This experience sharing process has continued. At a policy seminar on border security and management organized by the GC and BIN, facilitators from Ghana shared their experiences on this issue. Already, along different borders and crossing points in Liberia, the security forces in Sierra Leone, Guinea, and Cote d’Ivoire hold regular monthly meetings on border security issues.<sup>37</sup> Such meetings constitute an embryo of the emergence of regional networks that can make border security and management effective in the long run, particularly given the history of shared security threats in the region. More broadly, the participation of Liberian parliamentarians in the ECOWAS and the African Union Parliaments has provided additional avenues both for accumulating experience and training on oversight issues, and the exercise thereof.

In as much as parliamentarians continue to benefit from the policy seminars, the issue of experience sharing with regional partners will further enhance their technical and security knowledge and strengthen their capacity. Given the current lack of human, financial and material resources including poor infrastructure, there is a need for strong and sustained support in these critical areas. For example, parliamentarians need a well-resourced library or access to an information technology system that will enable them to make use of public sources of information available on the Internet. Without addressing these critical gaps, the parliament will find it difficult to effectively perform its tasks and duties.

### *Attitude*

Since independence in 1847, single party rule and the tendency towards an imperial style of presidency conspired to undermine the will and commitment of the Legislature in effectively and independently providing oversight of the security sector. Historically, the Legislature always yielded to the will of the Executive, and party loyalty has always undermined the independence of the body. This legacy of poor governance has the potential to adversely impact the willingness of representatives in the Legislature to act differently.

Nevertheless, during the intermittent periods of respective transitional governments in Liberia between 1990 and 1997, and 2003 and 2005, some changes were observed in the attitude of the interim legislative assemblies. They have made an effort to hold successive interim executive branches accountable on a wide range of issues, including security matters. Despite knowledge constraints, members of the interim assemblies have summoned those responsible for security matters to appear before appropriate legislative committees on defense and security matters.

As indicated above, the appropriate defense and security committees in the House of Representatives and the Senate have been active in ensuring that they have a say, and

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<sup>37</sup>Discussion with cross section of personnel of border security agencies in Liberia July 18 to 24,2008

a role to play, in security matters. They have summoned the Minister of Justice to explain Liberia's increasing crime rate, called the Minister of Defense to explain the issue of severance payments for those deactivated from the Liberian army. The country's draft Defense Act was also subjected to serious scrutiny before the Legislature would consider it for enactment.<sup>38</sup> In its 160 years of political independence, the legislature had never before questioned ministers; this constitutes a major milestone and precedence for future parliamentary work. Though unsuccessful, in 2006, the Defense and Security Committees even attempted to summon DynCorp to explain its role in Liberia.<sup>39</sup>

The above suggests a change in attitude towards security matters on the part of the members of parliament. Nevertheless, like parliamentarians elsewhere, they still face the threat of coercion by the executive branch of government, as well as the potential to be bribed in order to enact laws and confirm presidential appointments. As one observer observed,

"If the attitude of the current parliamentarians is to grab quick, then the legislative body will easily and readily compromise its constitutional mandate and responsibilities. Such an attitude will certainly have an adverse effect on security sector governance in post-War Liberia. But if they continue to hold on to principles and put Liberia first, as they seem to be doing, then they will save the image of the legislature."<sup>40</sup>

It is a positive sign that even though the Liberian constitution continues to place considerable power in the hands of the president, the Legislature has begun to use its legal authority to address issues that were previously rubber-stamped by its predecessors. It is important to stress, however, that while considerable progress has been made, it is too soon to pass a definitive judgment on whether this progress will be sustained.

Historically, three of the most pervasive practices hindering effective legislative oversight have been party loyalty, patronage, and corruption. Given the current configuration of the membership of the Legislature, no single party can influence the decision of the legislature. Any party that wishes to do so requires the support of members from other political parties. Hence, party loyalty is currently not a major hindrance to good governance.

Similarly, there have been no signs of outside interference with the way in which committee members are selected. According to their rules, committee members are selected based on the consensus of the Executive Committee and the Legislature. Once selected to a committee, it is not possible for the Speaker of the House or the President Pro-Tempore of the Senate to willingly remove any member from the committee without showing just cause as to why this is necessary.

Although members of parliament are elected either through party nominations or independently, they mostly act independently without hindrance. This is possible because the political parties have not yet become strongly institutionalized. In fact a common criticism by political parties is that, once elected, members of parliament do not refer back to them. Members commonly assume an independent posture that is resented by their parties. In order to address this issue, some party causes have suspended their colleagues for not acting in compliance with the party line.

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<sup>38</sup>Interview with members of the Liberian Defense and Security Committees of the House of Representatives and Senate, Accra, Ghana, March 2007

<sup>39</sup>Interview with members of the Defense and Security Committees of the House of Representatives, Monrovia, Liberia, November 2006.

<sup>40</sup>Interview, June 26, 2008, Monrovia, Liberia.

On the contrary, parliamentarians have been careful in relating to their respective constituencies. This is mainly due to their dependence on their constituencies for re-election. For example, the summoning of the Minister of Justice to explain the increase in criminal activities was largely influenced by public outcry over this issue. Thus, members of parliament make it their abiding duty to visit their respective constituencies whenever possible. They are highly accessible to the constituencies who bring increasing development demands on them. There is therefore no comparison between the relationship of parliamentarians with their constituencies and their parties.

## V. Interaction with Civil Society

Contrary to expectations, the inclusion of civil society actors among the membership of the NTLA under the 2003 Comprehensive Peace Agreement had little positive impact on shaping the security sector reform agenda. According to one observer, civil society representatives in the NTLA saw themselves purely as law makers, pursuing agendas that had little to no input from other civil society actors and their constituencies.<sup>41</sup> Thus civil society groups played a minimal role at the beginning of the SSR process, apart from involvement as part of technical committee set up as part of the process of re-documentation of the army.<sup>42</sup> In relation to the SSR process, this had implications for the credibility of civil society actors involved in the NTLA.

Despite a history of strong civil society in Liberia, most organizations that survived the Taylor regime or were newly created during the transitional period were unable to sufficiently organize themselves to have a voice early on in the security sector reform process. This was partly due to their traditional avoidance of security-related issues, viewed by previous regimes as a matter not for outside scrutiny. But international actors can be blamed for not seeking their participation, or supporting them when they tried. Prior to the establishment of the civil society SSR working group, over eighty civil society groups had signed a petition calling on the government to set up an Independent Technical Advisory Committee on SSR. It was envisioned that this committee would undertake a review of the reform process and make recommendations for its progress. However, this role was instead given to the RAND Corporation by the US government, without the authorization of Liberia.<sup>43</sup>

In response to the absence of civil society voice in SSR debates, a group of Liberian NGOs led by the Liberian National Law Enforcement Association (LINLEA) organized the Civil Society Working Group on SSR in 2006 to strengthen their role and participation. The working group comprises five institutions representing human rights, pro-democracy, women, youth, and the media, and, with support from the International Center for Transitional Justice, continues to provide a forum for public discussion on reform policy issues.<sup>44</sup> LINLEA, an organization of serving and retired police officers, had begun advocating on human rights issues during the Taylor regime and was thus well positioned to play an active role early in the transition process.

Currently, the working group holds public lectures and trainings on security issues, and serves as member of the national task force on SSR, which was organized by the Governance Commission. The GC has encouraged the participation of the working group in its SSR activities in an effort to bring greater coherence to the activities of multiple civil society actors. This has enabled it to engage with the Ministry of Defense and other critical actors in the SSR process.

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<sup>41</sup>Interview with Caroline Bowah, Representative of FODHR on the Civil Society SSR Working Group, June 27, 2008.

<sup>42</sup>Interview with Joe Wylie, former Deputy Minister of Defense for Administration, NTGL, June 27, 2008, Monrovia, Liberia.

<sup>43</sup>LINLEA Newsletter, November 2006: 1

<sup>44</sup>Interview with Caroline Bowah, July 27, 2008, Monrovia, Liberia

The working group does not monitor parliamentarians in their conduct of civilian oversight roles, but it has used forums organized by the ASSN, ICTJ, and other organizations to engage with them. The participation of civil society groups in such policy seminars has provided a forum for regular exchanges, but actual monitoring of parliament has not been institutionalized.<sup>45</sup> The establishment of a secretariat for the civil society working group is expected to enable them to fulfill this role more effectively.

## VI. The Relationship between State and Non-State Security Actors

A majority of people in Liberia today feels that their security needs are not being adequately met by the state, or remains wary of state institutions due to their past abuses. As Bruce Baker asserts, in Liberia

Senior government positions, including the security agencies, were distributed among the former rebel and government faction leaders irrespective of merit. They in turn absorbed many of their largely unqualified followers into the state internal security ...The immediate aftermath of the war, therefore, was not a context where communities unquestioningly wanted to work with the state in rebuilding policing.<sup>46</sup>

During a nation-wide consultation on SSR issues, there were recurring references to the inadequacy of security personnel in different parts of the country. The existing national security services are incapable of providing security throughout the country. Although 2,000 soldiers are being trained and 3,500 police have been trained and deployed throughout the country, these numbers have proved unable to make society feel secure. In Lofa County, for example, there are 110 police officers for approximately 400,000 people; only two of these are policewomen.<sup>47</sup> It is not only the *quantity* of security forces that matters. The poor vetting process of police, described above, of police as part of the NLP reform allowed people of questionable character and past to be recruited into the force; some crimes have been attributed to the police themselves. In some areas, the issue of lack of discipline among the new police service was mentioned repeatedly. Similarly, the lack of basic logistic capacity, infrastructure, and incentives for police to effectively carry out their duties further contributes to the lack of confidence and trust among Liberians in the police. The lack of courts and prisons in certain areas of the country also means that many criminals enjoy impunity for their crimes.

In both the rural and urban areas, there exists a security void that needs to be filled. As a result, there is a range of non-state actors providing security in Liberia. According to Adedeji Ebo,

“The starting point to understanding insecurity in Africa is the recognition that the post-colonial African state has hardly had a monopoly of legitimate force at any point in time. Just as African states have operated dichotomized regimes of formal and informal economies, the security sector has also typically manifested both formal and informal tracks.”<sup>48</sup>

Historically, there have been dual administration systems in Liberia with one set of rules governing the “hinterland” and another set governing the urban areas. Under this system, the traditional institutions exercise considerable control over the population. Despite the

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<sup>45</sup>Caroline Bowah, June 27, 2008

<sup>46</sup>Bruce Baker, “Post-War Policing by Communities in Sierra Leone, Liberia, Rwanda,” *Democracy and Security*, 3 (2) 2007: 215-236.

<sup>47</sup>Mark Malan, “Security Sector Reform in Liberia: Mixed Results from Humble Beginnings,” March 2008:54, [www.strategicstudiesinstitute.army.mil/pdf/PUB855.pdf](http://www.strategicstudiesinstitute.army.mil/pdf/PUB855.pdf), accessed August 8, 2008.

<sup>48</sup>Adedeji Ebo, “The Role of Security Sector Reform in Sustainable Development: Donor Policy Trends and Challenges,” *Conflict, Security and Development*, 7 (1) 2007:37

urban-rural distinction, the prominence of traditional institutions is true in both the rural and urban areas, though they are more prevalent in rural areas. Traditional institutions play a critical role even in the case of the provision of physical security, where core security actors are insufficient to the task leaving room for their involvement. As Felecia Coleman argues, “the reality is that for most of the country’s people, the obstacles in the path of making demands on the formal structures of justice delivery are overwhelming...There is insufficient penetration of the structures and personnel of formal justice delivery into the communities isolated by being rural, or otherwise inaccessible.”<sup>49</sup>

Today, as a result of the legacies of government predation and conflict, two systems of customary law exist. The first is sponsored by the state through recognition of paramount and clan chiefs, and of “governors” for minority groups, The Rules and Regulations Governing the Hinterland of Liberia provide the legal framework for these customary courts, which are part of the executive.<sup>50</sup> “State-sponsored customary law was the compromise between the government’s attempt to co-opt the traditional sphere and villages’ desire to maintain their autonomy.”<sup>51</sup> The second, which functions outside the state, includes councils of elders, and Poro and Sande secret societies. According to Jerome Verdier, the Chair of the Liberia TRC, “the great advantages of the informal sector are that these mechanisms are widely available, fast, inexpensive, and seen as less susceptible to corruption than the formal justice sector, although it must be said that manipulation within the informal sector is certainly possible.”<sup>52</sup> And, in fact, one study cites cases of bias, excessive fines, illegal detention, and forced labor practices arising from lack of payment by the state to sponsor customary institutions, lack of knowledge by officials of their role, and opportunism.<sup>53</sup>

Land disputes, including encroachment, poor boundary demarcation, and unauthorized resale, are a principle source of conflict in Liberia; one that the Truth and Reconciliation Commission (TRC) and European Union have warned could threaten the prospects for long-term stability in the country.<sup>54</sup> In addition to land disputes, illegal mining and other forms of natural resource exploitation, petty crimes, and domestic and sexual violence are the main security concerns in these areas and are often resolved through these institutions.<sup>55</sup>

Insecurity cuts across ethnic and religious lines in Liberia; public complaints that security needs is not limited to any one religious or ethnic group. But differences, both real and perceived, in security do affect Liberians depending on their social status and place of residence. For example, during the national consultation, residents of Monrovia cited the high incidence of armed robbery and petty crimes as major sources of concern. Liberians living in the upper class neighborhood of Mamba Point, where the US Embassy and certain UN offices are located, do not describe the same level of crime as those living on Du Port Road.<sup>56</sup> Two additional groups of non-state security actors therefore bear mention: private security companies and vigilante groups.

Elites are able to provide for their own security by employing the services of private security or guard companies. Under Liberian law, private security companies must be registered in order to operate legally. The Ministry of Justice issues a certificate of

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<sup>49</sup>Felecia Coleman, “Building the Criminal Justice System” in Tobias von Gienanth and Thomas Jaye, *Post-Conflict Peacebuilding in Liberia: Much Remains to be Done*. Report of the Third ZIF/KAIPCT Seminar, November 1-3, 2007. Accra, Ghana Berlin: Center for International Peace Operations, 2008: 57.

<sup>50</sup> Ministry of Interior, Rules and Regulations Governing the Hinterland of Liberia, revised January 7, 2000.

<sup>51</sup> International Crisis Group, “Resurrecting Liberia’s Justice System,” *Africa Report 107* April 2006: 7.

<sup>52</sup> [CITATION Missing info?](#)

<sup>53</sup> International Crisis Group, *op cit.* 8.

<sup>54</sup> [See results of six-month survey undertaken, October 2008.](#)

<sup>55</sup> Author? “Building the Criminal Justice System” in Tobias von Gienanth and Thomas Jaye, *Post-Conflict Peacebuilding in Liberia: Much Remains to be Done*, Report of the Third ZIF/KAIPCT Seminar, November 1-3, 2007. Accra, Ghana Berlin: Center for International Peace Operations, 2008: 53.

<sup>56</sup> Discussions with a cross section of Liberians, July 28, 2008, Monrovia, Liberia.

clearance before such companies can register with the Ministry of Commerce and Industry. Like public security agencies in the country, the Ministry of Justice maintains oversight responsibility over private security institutions. The heads of these firms must hold a certificate in law enforcement or be a graduate of the Police Academy.<sup>57</sup>

Employing private security is an opportunity that most ordinary Liberians cannot enjoy because they are unable to afford it. Instead, driven by fear of crime or violence – and by the impunity of those responsible, many communities have vigilante groups, “task forces,” or “watch teams” that are made up of male youth armed with machetes, slingshots, or home-made weapons. These groups mete out instant justice, often leading to the killing of suspected armed robbers dependant on the whims and passion of the crowd.<sup>58</sup> There have been efforts to bring greater state supervision to some of these informal security groups through institutionalization. For example, some youth groups have been incorporated into the Community Police Forum that patrols with the Liberia National Police (LNP) every night in the communities.<sup>59</sup> Another effort includes the creation of work-based community security forces.

## VII. Conclusion

The provision of external support to Liberia’s SSR process has produced mixed results. On one hand, it has collectively provided necessary advice and financial resources for the implementation of critical reforms, particularly of the AFL and LNP. Without the involvement and support of external actors – above all the US and UNMIL – the Government of Liberia would have found it extremely difficult, if not impossible, to carry out the SSR process.

On the other hand, external support has also led to a decision-making process that is heavily top-down and, during the initial years, lacked consultation with local people. As a result aspects of the SSR process – much like the donor-driven structural adjustment policy of the 1980s – have not adequately reflected the security needs of Liberian society. The disbanding of the AFL, for one, literally threw an army of unemployed former combatants into the streets to fend for themselves. With few viable economic options or employable skills, their return to predation and criminality poses a serious threat to Liberia’s stability. Likewise, deactivation of the officer corps has left the force with neither institutional memory nor leadership. The host government must show commitment by taking a lead role; otherwise, the process may become donor-driven, responding to the priorities and interests.

Public meetings, nation-wide consultations, and general debates have proven essential to the design and implementation of a SSR strategy that has the support of both the government and the Liberian people. The donor-led SSR process in Liberia initially lacked space for such dialogue, but efforts by national and international actors were able to bring the issue to bear. Through such fora people were able to shape the direction of the national security discourse and gain a greater sense of ownership.

The legislature and civil society therefore pose two avenues for the Liberian people to ensure that the violence perpetrated by the state in the past remains in the past. The emerging role of the legislature in oversight should incrementally help to legitimize the state security apparatus and empower the legislature relative to the executive. The independence of legislators from party politics, and their dependence on their

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<sup>57</sup> Liberia Criminal Justice System, 2002: 72-73.

<sup>58</sup> Bruce Baker, op cit. 12. Baker notes, however, that not all non-state-sanctioned groups fit into the category of vigilantism. The Liberia Marketing Association, for example, has its own force that covers the main markets of Monrovia. This force controls where market stalls are located, ensures stall-holders are authorized to trade, seeks to deter thieves and, if necessary, summons the police. Ibid. 16.

<sup>59</sup> Bruce Baker, op cit.16.

constituencies for reelection has so far made them highly accessible to the demands for security and development by ordinary Liberians.

Currently, the security sector reform process is not embedded in the overall development agenda of the country, however. Reintegrating the ex-service personnel and ex-fighters into “civil” society is not a narrow military-security issue; it is a social and economic development issue as well. Thus, while the emphasis on guaranteeing physical security by addressing irregular and regular security structures is important, this goal cannot be pursued separate from the human security needs of the people. Within the context of Liberia, where narrow, militaristic, and state-centric ideas still exist among securocrats and other state officials, it is vital that a broader and deeper notion of security should be shared by the new administration. Such notions have already been incorporated into Liberia’s national security strategy, which provides the policy framework for the overall security reform process in Liberia.

Parliamentarians have been involved in consultations leading to the national security strategy and the draft Defense Act. But there is no evidence to suggest that they have been involved in other important decision-making processes concerning the shape of Liberia’s SSR programme. Despite attempts, they do not yet have full access to the details of the contractual agreement between the governments of Liberia and the United States for the employment of foreign security contractors to train and restructure the AFL.

Finally, security issues in the wider Mano River region continue to threaten Liberia’s fragile stability and remain an area of recurring concern. The crises in Cote d’Ivoire and Guinea not only underscore the inter-linkages of security in the region, but also the importance of regional approaches to security. Indeed, the cross-border movements of arms, rebels, refugees, and now drugs, as well as the exploitation of natural resources, are all issues that cannot be addressed by any one country alone, particularly when those affected are themselves struggling to overcome weak security and justice sectors. As noted by the GRC’s security sector assessment report, “a harmonization of legislation and cooperation with other countries in tackling subregional problems through collective efforts,” should be pursued at the subregional level.<sup>60</sup>

The ability of Liberia to contribute to – and benefit from – regional security arrangements is dependent, in part, on its own national process of reform. For this reason, the narrow focus on restructuring the national army and police at the expense of other security agencies, and of the overall management and governance of the security sector, may increase Liberians’ sense of insecurity and undermine the attainment of lasting peace and stability within and beyond Liberia.

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<sup>60</sup> Jaye, *op. cit.* 18.