

## Liberia: Staying Focused

### I. OVERVIEW

2006 is a decisive year for Liberia and with it West Africa. Just as Liberia once dragged its neighbours into a horrific war, it could now – with good policy and strong donor support – become an anchor for stability in Sierra Leone, Guinea and Côte d'Ivoire.

Ellen Johnson-Sirleaf's inauguration as president on 16 January 2006 completes a credible election process, the first of the country's four major peacebuilding challenges. Economic governance and security sector reform, the second and third challenges, are being addressed and must remain priorities: getting them right will give Liberia an excellent chance at long-term success. But inadequate follow-through on the Governance and Economic Management Assistance Plan (GEMAP) and the training of the new army will endanger the entire reconstruction and peacebuilding process.

Donors imposed the intrusive GEMAP regime on the transitional government because of their acute concern at the lack of accountability for reconstruction funds: accepting GEMAP is a heavy price for any government to pay, and donors have as a result some further responsibilities of their own. They must now put money on the table, including funding slowed or frozen in 2005, and channel as much of this as possible through government ministries. The urgent need is to repair decimated infrastructure as soon as possible: there is no electricity, piped water, telephone lines, or sewage system, and many roads are often or always impassable. There also needs to be established quickly an IMF Staff Monitoring Program and an accelerated path for forgiving the country's \$2.9 billion debt.

The fourth challenge, judicial reform, needs much more attention. Very little has yet been done: the new government will have to find creative solutions, and donors will need to provide significant funding.

### II. THE ELECTIONS

#### A. THE FIRST ROUND

The run-up to the 11 October 2005 presidential and legislative elections went smoothly.<sup>1</sup> Civic education was surprisingly broad, the National Electoral Commission (NEC) did a good job of registering voters, parties and candidates, and there was little obvious vote-buying. This was all far better than most Liberians and outside observers had dared hope at the beginning of the year, when many expected Varney Sherman, the presidential candidate of the LAP party of transitional government chairman Gyude Bryant, to buy his way at least into the runoff.<sup>2</sup>

There was a last-minute hitch: the successful appeal to the Supreme Court by three presidential candidates whom the NEC had barred from running on 13 August 2005. When it looked as if the election would have to be delayed so new ballots could be printed, former Nigerian President Abubakar managed to persuade all three to stand down. Liberians universally believed they were paid to do so.

On 8 October, football star George Weah, Roland Massaquoi of Charles Taylor's National Patriotic Party (NPP), and Sherman held final rallies that were remarkably orderly and good-natured, in contrast to the unruly marches and demonstrations of the past year.<sup>3</sup> Supporters crossed paths as they returned home from the rallies and exchanged casual hellos.

Campaigning was banned on the next two days, which passed quietly. On election day, voters began queuing around midnight; by daybreak most lines were hundreds of metres long, and citizens waited good naturedly, some for up to twelve hours. In the toughest neighbourhoods of Monrovia, Paynesville and Red Light, crowd control problems had been resolved by the time a Crisis Group researcher visited.

<sup>1</sup> Crisis Group Africa Report N°98, *Liberia's Elections: Necessary but not Sufficient*, 7 September 2005.

<sup>2</sup> Liberia's Constitution stipulates that if no candidate receives a majority in the first round of the presidential vote, a runoff is held between the top two candidates.

<sup>3</sup> It was even more surprising given that there had been large inter-ethnic riots as well as a violent rampage after the Liberian football team lost to Senegal in the 12 months before the election.

Election night was surprisingly quiet. The transitional government announced that polls would remain open until midnight, instead of 6 pm, so all could vote. The presidential count began immediately,<sup>4</sup> and results trickled in slowly. The next day Monrovia radio station Star Radio began announcing partial returns from individual polling stations as called in by observers or poll agents. Residents all over the capital could be seen listening attentively and tallying up the figures.

The top two vote getters,<sup>5</sup> who qualified for the second round, were George Weah (275,265 and 28.3 per cent) and Ellen Johnson-Sirleaf (192,326 and 19.8 per cent).<sup>6</sup>

## B. THE SECOND ROUND CONTROVERSY

In an 8 November runoff that African Union (AU) and Economic Community of West African States (ECOWAS) observers declared transparent, Johnson-Sirleaf won the presidency with 478,526 votes (59.4 per cent) to Weah's 327,046 (40.6 per cent). Turnout was 61 per cent.<sup>7</sup> Many Weah supporters and West Africans further afield felt that if the ex-footballer had led the first round handily, Johnson-Sirleaf could only have won fraudulently.<sup>8</sup> However, many factors could have reversed the contenders' standing.

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<sup>4</sup> Ray Kennedy, director of the UN Mission in Liberia (UNMIL)'s electoral division, read Crisis Group a passage from one observer's report, describing party representatives asleep on the floor and in chairs of the classroom as NEC officials read out the vote on ballots. Crisis Group interview, Monrovia, 12 October 2005.

<sup>5</sup> The results for other candidates were: Charles Brumskine, 135,093 (13.9 per cent); Winston Tubman, 89,623 (9.2 per cent); Varney Sherman, 76,403 (7.8 per cent); Roland Massaquoi, 40,361 (4.1 per cent); Joseph Korto, 31,814 (3.3 per cent); Alhaji Kromah, 27,141 (2.8 per cent); Togba-Nah Tipoteh, 22,766 (2.3 per cent); William "Shad" Tubman, 15,115 (1.6 per cent); John Morlu, 12,068 (1.2 per cent); Nathaniel Barnes, 9,325 (1.0 per cent); and others, 46,490 (4.8 per cent). A total of 973,790 valid ballots and 38,883 invalid ballots were cast, a 74.9 per cent turnout.

<sup>6</sup> Johnson-Sirleaf, an economist with a Master's degree in public administration from Harvard, was Minister of Finance in 1972-73 and has had a long international career, including as Director of the UNDP Regional Bureau for Africa. She is a former member of the International Crisis Group's Board of Trustees.

<sup>7</sup> Total vote was 825,716, including 2.4 per cent invalid.

<sup>8</sup> In conversation from Dakar to Abuja, Crisis Group researchers have heard the opinion that since Ellen Johnson-Sirleaf was the chosen candidate of "the West", the election must have been rigged in her favour. This probably says more about many West Africans' deep mistrust of North American and European governments than the quality of the Liberian election.

Five candidates each gained more than 5 per cent in the first round, while the remaining seventeen won 21 per cent – more than Johnson-Sirleaf's total. A great many votes were thus up for grabs. Charles Brumskine, who finished a strong third (13.9 per cent), refused to endorse either candidate. Varney Sherman, the fifth place candidate, publicly backed Weah, though his vice presidential running mate backed Johnson-Sirleaf. Their Coalition for the Transformation of Liberia (COTOL) most likely split its votes. Roland Massaquoi, the candidate of Charles Taylor's NPP, and Alhaji Kromah, former leader of the United Liberation Movement for Democracy in Liberia (ULIMO-K) rebel faction, who finished sixth and eight respectively, supported Weah but that may have been a poisoned gift because to many they represented warlord politics. One of Weah's primary appeals was that he had nothing to do with the civil war, a perception perhaps weakened by support from such tainted sources. An election observer noted:

All in all, both rounds were smooth. I saw plenty of instances of presiding officers with only fuzzy understanding of some parts of the process, and lots of minor mistakes, but nothing too worrying.... During the runoff, the Unity Party was clearly better organised locally. They were in closer communication with their head office and they did more campaigning.... CDC officials told us they felt their head office was taking them for granted and not giving them the support they needed.... Also, before the first round Weah made a trip to [the county]....his presence had a surprising effect. It turned many people off because they recognised faces from the war in the people surrounding him. And the ostentatious security contingent brought up negative associations with Taylor. I heard this from many people.<sup>9</sup>

Weah's camp charged fraud on the day of the runoff election and presented a number of ballots that appeared to be marked for Johnson-Sirleaf and stamped with the NEC's seal in advance. The next day, Weah called NEC chair Frances Johnson-Morris biased and said she should step down. On 10 November, with 90 per cent of the votes counted and Johnson-Sirleaf with a twenty-point lead, the CDC filed a formal complaint, and supporters at Weah's compound chanted "No Weah, no peace!"<sup>10</sup>

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<sup>9</sup> Crisis Group correspondence with a European election observer, 23 November 2005. Another question is whether those who voted for Johnson-Sirleaf and Weah in the first round did so a second time, when turnout dropped 14 per cent. Unfortunately, there is no data about who stayed home.

<sup>10</sup> See "Liberia: Sirleaf heads for victory as authorities study Weah's complaint", IRIN, 10 November 2005.

By 11 November, events had taken a violent turn. Weah claimed the results were rigged, and his supporters marched on the NEC and the U.S. embassy, throwing rocks, though he pleaded: “While we are looking into the (fraud) case, I want you to remain calm. The streets of Monrovia do not belong to violent people. In the name of peace do not go on the streets and riot”.<sup>11</sup> UNMIL peacekeepers fired tear gas at the youths in front of the embassy. On 15 November, CDC legislators threatened not to take their seats unless the fraud claims were addressed.

In the wake of the 23 November official announcement of the results, rumours circulated about a split within the CDC between those who wanted Weah to concede and those who wanted to appeal to the Supreme Court. Over the following weeks, while Weah visited France, South Africa and Ghana to drum up support for his fraud claim, Johnson-Sirleaf visited Côte d’Ivoire, Guinea, Sierra Leone, Nigeria and the U.S.

A final spate of violence erupted on 11 December, when Weah returned from his tour and reportedly stated: “I am President of this country – whether you like it or not, it will not change. I told President Mbeki this. I repeat that I was cheated in the elections”.<sup>12</sup> He threatened to disrupt Johnson-Sirleaf’s inauguration, and his supporters clashed with police. Five officers were injured and 38 CDC supporters were arrested and later released. Eugene Nagbe, a Taylor stalwart turned CDC secretary general,<sup>13</sup> emerged as one of the most vociferous in the party opposing a concession.<sup>14</sup> The NEC made its ruling on 16 December, rejecting the CDC challenge and stating that, “The evidence adduced was grossly insufficient. There were some errors but they were not willful or intentional acts that would constitute fraud.”<sup>15</sup>

<sup>11</sup> “Liberia: Tear gas fired as Weah supporters take to streets”, IRIN, 11 November 2005.

<sup>12</sup> “Liberia: Riots erupt as Weah claims presidency”, IRIN, 12 December 2005.

<sup>13</sup> Nagbe was chosen by the Taylor faction as minister of post and telecommunications in the transitional government. He had worked at *The Patriot* newspaper and KISS FM, both considered Taylor mouthpieces, under the old regime.

<sup>14</sup> Defeated CDC legislative candidate George Kailondo specifically accused Nagbe and his wife, Claudia, of making death threats and inciting CDC supporters to attack him because he had supported concession to Johnson-Sirleaf. M. Karnga, “Kailondo complains of death threat”, *The Analyst*, 13 December 2005. Kailondo, who assured the press that “Eugene and his wife are not more violent than me”, is being sued by the Nagbes, who deny his charge. See M. Karga, “Nagbe’s wife drags Kailondo to court”, *The Analyst*, 14 December 2005.

<sup>15</sup> A. Toweh, “Liberia election body dismisses Weah claim.” Reuters, 16 December 2005.

On 21 December, Weah announced the CDC had dropped its case. Without conceding, he read a statement that, “our decision is based on our desire to see the Liberian people achieve durable and genuine peace and have the opportunity to carry on the business of national recovery and redemption in an atmosphere of tranquillity”.<sup>16</sup> While the government and donors should make it clear they will not be held hostage by threats of violence, they should pay serious attention to the south-eastern counties. Aside from Maryland County, which voted strongly for the Unity Party, most of them backed Weah, including Grand Gedeh, which gave him 96 per cent. This was Samuel Doe’s home county, and has spawned several rebel groups. There are reports of cross border recruitment in this area and Côte d’Ivoire’s volatile West, and significant funds should be devoted to giving south easterners incentives to work with the government rather than again resort to force.

### C. LEGISLATIVE RESULTS

Although Weah lost the presidency, his CDC party did well in the parallel legislative elections on 11 October, winning more seats (fifteen) in the House of Representatives than any other. Seats by party in the two houses<sup>17</sup> were as follows:

Party	House seats	Senate seats
All Liberia Coalition Party (ALCOP)	2	1
Alliance for Peace and Democracy	5	3
Congress for Democratic Change (CDC)	15	3
COTOL	8	7
Liberty Party	9	3
National Democratic Party of Liberia	1	2
National Patriotic Party (NPP)	4	4

<sup>16</sup> “Liberia: Weah drops fraud allegations in interests of ‘genuine peace’”, IRIN, 22 December 2005.

<sup>17</sup> Liberia has a bicameral legislature based on the U.S. model. Each of fifteen counties elects two senators (a total of 30), and each county elects a number of representatives proportional to its population, but not less than two. Montserrado County, including Monrovia, has the most seats (fourteen); Nimba County has seven and Bong County six. Others have between two and four.

National Reformation Party	1	1
New Deal Movement	3	0
United Democratic Alliance	1	0
Unity Party	8	3
Independents	7	3
<b>Total</b>	<b>64</b>	<b>30</b>

Significant senatorial winners included Jewel Howard-Taylor, Charles Taylor's (separated) wife, who won the most votes in Bong County on the NPP ticket; Prince Johnson, former leader of the Independent National Patriotic Front of Liberia (INPFL),<sup>18</sup> who personally oversaw President Samuel Doe's murder by torture before becoming a born-again preacher in Nigeria; and Adolphus Dolo, a Taylor commander whose nom de guerre was "General Peanut Butter". The former Taylor network has spread out: Dolo ran as the candidate of Varney Sherman's COTOL coalition. Other significant results included a Senate seat for the ethnic Mandingo ALCOP party<sup>19</sup> in Lofa County, where the Mandingo population is heavily concentrated around Voinjama;<sup>20</sup> both seats for Weah's CDC in Montserrado County; both seats for the NPP in Grand Cape Mount County; and both seats for Johnson-Sirleaf's Unity Party in Maryland County.

The diversification of former Taylor associates has been widely commented-upon. Edwin Snowe, the former managing director of the Liberian Petroleum and Refining Corporation (LPRC), who was married to Taylor's daughter, won a Montserrado County seat. He is believed to have amassed much wealth at LPRC and has been accused of facilitating money transfers to Taylor in Nigeria.<sup>21</sup> He is campaigning hard to become Speaker of

the House, the number three government post. Former NPFL commander and Taylor-era police officer Saah Richard Gbollie won a Margibi county House seat for the NPP. Accused of presiding over the torture of several Liberian civil society leaders during the Taylor years, he is on the UN travel ban list.

Weah's CDC did very well in Montserrado, taking ten of its fourteen seats. In the interior, Kromah's ALCOP party picked up two of Lofa County's four House seats. Kai Farley, the Movement for Democracy in Liberia (MODEL) general, was elected from his native Grand Gedeh County.<sup>22</sup> Although the NPP took both Senatorial seats in Sherman's Grand Cape Mount County, his COTOL coalition won all three House seats. Brumskine's Liberty Party swept the four House seats in his native Grand Bassa County.

Three main observations can be made: first, no party has a big enough bloc to dominate either the Senate or House. The most powerful parties are COTOL, CDC, Unity, Liberty, and NPP, which fielded five of the six top presidential candidates, but they account for only about two thirds of the seats. Johnson-Sirleaf will need to make deals and form coalitions to advance her agenda.

Secondly, the strength of the CDC in the House and to a lesser extent the Senate should make the party a major force but emerging splits threaten to leave its votes up for grabs. CDC members will have to decide whether their party was simply a vehicle for Weah's presidential campaign or has a real future.

Thirdly, the Taylor "hangover" many feared was moderately strong. Certain counties, including Bong and Grand Cape Mount, voted heavily for the NPP, and the two candidates most closely linked with Taylor aside from his estranged wife – Dolo and Snowe – did not even run as NPP candidates. UN Security Council Resolution 1638 (11 November 2005) mandates UNMIL to arrest Taylor "in the event of [his] return to Liberia" and lessens the possibility that legislators tied to him will try to ease the way for his return. However, the worry is well-founded that his current and former associates may use their positions to maintain financial and political networks through which Taylor could continue to influence Liberian politics, and the issue bears continuing scrutiny.<sup>23</sup>

<sup>18</sup> The INPFL was a rebel group that split off from Charles Taylor's National Patriotic Front of Liberia (NPFL) in 1990.

<sup>19</sup> To the surprise of many observers, ALCOP, led by former ULIMO-K rebel leader Alhaji Kromah, received a significant vote, while Liberians United for Reconciliation and Democracy (LURD) rebel leader Sekou Conneh's party, like Conneh himself, won very few. In Lofa County, home to many Mandingoes, Kromah was second to Johnson-Sirleaf with 9,059 votes to Conneh's 523. Conneh did best in Montserrado, with 1,400 votes, but Kromah had nearly ten times as many, 13,408.

<sup>20</sup> Fomba Kanneh, the ALCOP candidate, beat Saa Phillip Joe, a CDC candidate and a civil society leader in the transitional government. Senior members of the transitional government were barred from competing but those members who did run mostly fared poorly.

<sup>21</sup> See, "Following Taylor's Money: A Path of War and

Destruction", Coalition for International Justice, May 2005.

<sup>22</sup> Farley, along with Edwin Snowe, Adolphus Dolo and Jewel Taylor, were stopped at Robertsfield International Airport on their way to a World Bank-sponsored governance conference in Accra, Ghana. See "Liberia: UN enforces travel ban on newly elected lawmakers", IRIN, 3 January 2006.

<sup>23</sup> Such manoeuvres would be most likely in several years, if international attention on Taylor diminishes, and he evades extradition to the Sierra Leone Special Court.

### III. REFORMS UNDERWAY

In addition to reinstating peace and organising elections in 2005, Liberia and its partners prepared two ambitious programs that aim to change economic governance and the army from the ground up in 2006. Both could fail if they are not implemented in good faith and if donors do not nurture them over years and even decades – timeframes that do not mesh easily with national electoral cycles.

#### A. GEMAP

Past Crisis Group reports have discussed economic governance and the GEMAP plan at length.<sup>24</sup> Why such intrusive measures are needed was underlined again in November 2005, when there were new discussions over Jeep Cherokees bought by the members of the transitional legislature for themselves with government funds.<sup>25</sup> The deputies said they intended to keep the expensive cars, arguing that their salaries and other expenses had not been paid. They passed a “binding resolution” to this effect despite the veto of Chairman Bryant. When Ambassador Donald Booth announced that those who kept the cars would be denied visas to the U.S., the deputies threatened to declare him *persona non grata* for his “undiplomatic intervention into Liberia’s domestic politics”.<sup>26</sup>

The international experts who are to supervise government funds under GEMAP are being recruited and should reach Monrovia shortly after the new president’s inauguration. Johnson-Sirleaf has been somewhat ambivalent about the program, but GEMAP offers her important advantages. It is a commitment inherited from the preceding administration that sets up anti-theft and fraud mechanisms which, if fully and transparently applied, should greatly diminish the haemorrhage of state funds and restore donor confidence. Johnson-Sirleaf would have to take little of the political heat for sacking and prosecuting those who break the law and not giving concessions and contracts to friends, family, and supporters: the responsibility should be attributed to experts without links to her.

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<sup>24</sup>See Crisis Group Africa Report N°87, *Liberia and Sierra Leone: Rebuilding Failed States*, 8 December 2004 and Crisis Group Report, *Liberia’s Elections*, op. cit.

<sup>25</sup> This purchase, which incensed ordinary Liberians who still had no access to public transport, is described in Crisis Group Report, *Liberia and Sierra Leone*, op. cit.

<sup>26</sup> B. Tapson “NTLA considers U.S. envoy *persona non grata* as rift over public vehicle widens”, *The News*, 22 November 2005. Liberian law does not give the legislature power to declare a diplomat *persona non grata*.

But in politics few things work this smoothly, and there is bound to be further friction around GEMAP. It is important that both the government and its partners find ways to make GEMAP work and that once donors get what they want, the money that is their part of the deal flows quickly, and preferably into government ministries. GEMAP must also be subject to the strictest oversight – international experts are not unfailingly trustworthy, as the UN oil-for-food scandal in Iraq demonstrated.

#### B. THE SECURITY SECTOR

Security sector reform has two phases. In the first, UNMIL’s civilian police simultaneously trained new police officers and stood in to assure law and order in the interim. In the second, the U.S. will train a new army. The State Department subcontracted this responsibility to DynCorp, one of two private companies<sup>27</sup> that have five-year contracts to provide military support services.

This process has begun with complete demobilisation of the Doe-era (1980-1996) and Taylor-era (1997-2003) forces, as well as the defence ministry. Army and ministry will then be built up from scratch, with recruits passing physical and skills tests and a rigorous vetting to ensure they have not committed human rights abuses, war crimes or felonies. Then they will undergo a fifteen-week program based on U.S. basic training, with particular emphasis on the law of war, human rights, and the principles of civilian control of the military.

The new force of 2,000 will have an officer corps structured like that of the U.S. army.<sup>28</sup> While the former military had more officers than soldiers, the new will have only a handful of generals, colonels, and lieutenant colonels and a drastically reduced number of lieutenants and captains. Some non-commissioned officers will be chosen during basic training for leadership potential and given further training. Others from the old forces will be re-recruited, vetted and trained. The new ministry, of approximately 100, will be schooled in a small staff college for eight to twelve weeks. At least at first, the military will not have tanks, artillery, an air force, or coast guard.<sup>29</sup>

If realised, this plan may produce a lean and efficient force that would be a model for the continent but several points

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<sup>27</sup> The other is Pacific Architects and Engineers.

<sup>28</sup> The U.S. military uses a quasi mathematical equation to determine the number and type of officers necessary for each battalion and brigade headquarters.

<sup>29</sup> DynCorp and Pentagon officials spoke of possible later air reconnaissance and coastal patrol capabilities. Crisis Group interviews, Washington 22, 23, 27 November 2005.

must be clarified and tested on the ground, starting with cost. There is disagreement as to how the U.S. arrived at the figure of a 2,000-man army. The official explanation is that this is how many Liberia's government has shown the ability to pay; and that if it demonstrates it can afford more soldiers, Washington will consider additional training. This is sensible, though on the recent record it would be difficult to show the government can pay even 500 soldiers regularly.

Some military experts interviewed by Crisis Group suggest that 2,000 is all the Americans are willing to fund and that this is too few to perform the duties assigned to the army, but others believe the small number may be a blessing in disguise.<sup>30</sup> In any event, it is vital that the Liberians and Americans planning the new army be clear about where corners can safely be cut and where not. A crucial area that must not be done on the cheap is ongoing mentoring and training by uniformed military personnel.

The model for this mentoring should be British training in Sierra Leone, where some 110 soldiers work in an army of 10,500. The same 1:100 ratio would require twenty officers to be embedded in Liberia's two battalions, brigade headquarters, and defence ministry to cement DynCorp training. Crisis Group interviews in Liberia and Washington indicate at best ambiguity about doing this and at worst lack of political will to find the necessary men and funds. Such short-sightedness risks sabotaging over \$100 million in training to save several hundreds of thousands of dollars and the time of twenty officers.

Vetting deserves close attention. It left much to be desired with the national police,<sup>31</sup> and DynCorp must avoid the same problems. The challenge is more complex than simply ensuring each recruit has a clean human rights record. The army will succeed or fail largely on the quality of the top non-commissioned (NCO) and company-grade officers who are in constant contact with the rank-and-file.

The risks are similar to those with the police, where many already talk of "contamination" of recruits by officers. This does not necessarily refer to human rights abuses but rather to small abuses that become daily practice under conditions of little or no pay and near total impunity. Senior NCOs cannot be trained up from among promising recruits, so DynCorp will likely try to retrain the best of the old. The situation calls for creative thinking. For

example, some Liberian veterans of the U.S. military might be willing to serve their native country in order to maintain army professionalism long after trainers have left.<sup>32</sup>

#### IV. THE NEXT STEP: JUDICIAL REFORM

The executive branch's long domination has made the judiciary a weak appendage of the presidency. Judges are grossly underpaid, while UNMIL estimates that half the rural magistrates are illiterate, though literacy is almost the job's only criterion. If Liberia is to leave behind its history of "Big Men" literally getting away with theft and murder, reform is centrally important.

In Liberia as in much of West Africa, one of the greatest sources of injustice is the long period – often many years – spent by prisoners in miserable pre-trial detention conditions.<sup>33</sup> Many arrested for petty misdemeanours die of malnutrition or disease before reaching trial because the justice system is so overwhelmed and the prisons so overcrowded. Improved access to justice is vital, and solutions will have to be creative, involving both the training of community-based paralegals and construction of new prisons and courts.

The situation in villages is problematic, with justice meted out in customary courts where elders and chiefs collect sizeable sums for themselves from both accuser and accused and then decide whether to impose a further penalty. Liberians understand that these problems, and the impunity they have fostered, were root causes of the devastating war, even if calls for judicial reform are not as well-articulated as those against corruption.

It is hard to have faith that the judicial system renders predictable, consistent justice, treating men and women, elders and youths, rich and poor alike. In such an environment, it is difficult to convince potential investors to do business, though investment is needed to create jobs for the estimated 80 per cent unemployed. The approach to judicial reform must incorporate the police, prisons, the formal justice sector and the various forms of customary justice in a comprehensive manner.<sup>34</sup>

<sup>30</sup> Crisis Group interviews with security experts, Washington, November 2005.

<sup>31</sup> "Liberia at a Crossroads: Human Rights Challenges for the New Government", Human Rights Watch, 30 September 2005. Similar police concerns were raised by UNMIL's human rights division and Liberian civil society groups. Crisis Group interviews, Monrovia, May, July, October 2005.

<sup>32</sup> These and other issues relating to security sector reform in Liberia will be the subject of a subsequent Crisis Group report.

<sup>33</sup> See M. Wines, "Wasting away, a million wait in African jails: many were never tried, crowding is rife", *The New York Times*, 6 November 2005.

<sup>34</sup> Judicial reform will be the subject of a subsequent Crisis Group report on Liberia.

An unreformed judiciary could well sabotage sectors that have seen real progress. Thus, questions about the judiciary arose during the elections. As noted, when presidential candidates barred from running agreed to stand down despite a favourable Supreme Court ruling, everyone in Monrovia, from taxi drivers to diplomats, believed part of the deal had involved a payoff to the judges as well as the candidates.<sup>35</sup> Crisis Group has no evidence to prove such payments but the assumption by so many that the Supreme Court could easily be corrupted reveals a serious crisis of confidence.

Addressing impunity is essential. Johnson-Sirleaf has already promised to utilise laws passed by the transitional legislature against rapists.<sup>36</sup> This is the right message to send if a comprehensive overhaul of the judicial system is to aim at providing all Liberians equal access to justice. The two most important biases to correct are along gender lines and the urban-rural divide; they must be comprehensively addressed if the overall reform program and national reconciliation are to move forward.

A weak judicial sector could also quickly nullify GEMAP, whose bedrock assumption is that it will help promote transparent economic governance and punish law-breakers. The GEMAP document recognises the importance of judicial reform for reconstruction only in a cursory and vague way. But corrupt officials and those who offer bribes are not likely to be prosecuted successfully unless the judiciary is independent. Liberia's judges serve at the president's pleasure, and over the years successfully stealing government funds depended upon whether one enjoyed the president's protection. This system is so entrenched that it is not clear even a president of good will can dismantle it. The greatest help Johnson-Sirleaf could receive is from honest, tough judges paid respectably and without fear of losing their jobs because of unpopular decisions.

However, judicial reforms risk being stalemated if similar reforms are not applied in other ministries. If ministers and other senior bureaucrats can still collect salaries for ghost employees, rather than eliminating such abuses and doubling or tripling salaries for everyone, it will be difficult to convince any officials to make sacrifices. Reforms like these must accompany changes in

procurement, budgeting and accounting already stipulated by GEMAP.

Incentives should be positive as well as negative. It would be useful to show Liberian civil servants that those who take bribes or divert funds will go to jail but they will also want to know the rewards for being honest. Raising a \$50 monthly salary to \$100 is unlikely to be a good enough answer. Donors will have to work with the new administration to find sweeteners in the form of training, scholarships and other perquisites. It is important to facilitate "reverse brain drain", bringing highly-qualified Liberians (lawyers and others) home from the diaspora. This too, requires incentives and creative thinking. The U.S. may have to guarantee Green Card (residency) applicants that they will not be penalised for working in Liberia. Others coming from the U.S. with families are likely to worry about health care, education and infrastructure, so improving those sectors would also accelerate the process of luring people home to rebuild their country.

## V. DONOR RESPONSIBILITIES

2003 was the year Charles Taylor was pushed out of Monrovia, and the international community established a large peacekeeping force. 2004 was the year of disarmament and demobilisation, when UNMIL brought security for most people in most parts of the country. 2005 saw an attempt to address large-scale corruption as an essential element of peacebuilding and credible presidential and legislative elections.

The key tasks for 2006 include implementation of GEMAP, training of a new army, judicial reforms and the start of reconstructing the shattered physical and administrative infrastructure. There are many ways these initiatives can fail but only one way they can succeed: with the quick, flexible and full participation of the new government, including its legislature, and of donors. The latter's money must come quickly, in significant quantities, and give President Johnson-Sirleaf something to show her constituents.

### A. THE UNITED STATES

The signs of Washington's willingness to make the necessary investment in Liberia's future are not encouraging. Despite the obvious importance of training a new, apolitical and professional army and the consensus that DynCorp should not begin that training until the old army was fully demobilised, it took until December 2005 to

<sup>35</sup> Crisis Group interviews, Monrovia and Kakata, October 2005.

<sup>36</sup> Laws relating to rape were widely perceived to be ambiguous and inadequate. New legislation provides harsher sentences for statutory and gang rape and a broader definition of the offence to include a range of sexual violence. J. Paye-Layleh, "Getting tough on Liberian rapists", BBC 19 October 2005; "Liberia: No impunity for rapists, vows president-elect", IRIN, 5 December 2005 and L. Polgreen "Many Liberian women see the ballot box as a step up", *The New York Times*, 14 October 2005.

scratch together the remaining few million dollars required to cashier out the former officer corps.<sup>37</sup> The Department of State Economic Support Fund has dedicated \$50 million to Liberia, but the U.S. Appropriations Bill for Foreign Operations in Fiscal Year 2006 has no money earmarked for Liberia, unlike Zimbabwe, Nigeria, Sierra Leone, Ethiopia, Sudan and Rwanda. Given U.S. commitments to training the new army, rebuilding infrastructure and the needs in other sectors like judicial reform, Liberia should have more funds guaranteed.

Secretary of State Condoleezza Rice and Assistant Secretary for Africa Jendayi Frazier have publicly stated that Liberia is a priority.<sup>38</sup> If this is true, the U.S. must play a bigger role in reconstruction. Before their war, Liberians were fond of calling themselves “the 51<sup>st</sup> state” and referring to historic ties between the countries but the term is rarely heard today. That may be for the best but Liberians have also become skeptical, even cynical, about a government that refused to send in Marines when they could have made a big difference in 2003.

The U.S. is doing more in Liberia than any other donor, including taking on the training of the new army. However, if only out of enlightened self-interest, still more is needed. Major funds should be dedicated to infrastructure projects. The kind of project that could pay large dividends would be to restore water to Monrovia within six months.<sup>39</sup> The World Bank has done the feasibility study and is just waiting for a donor to put in the money. Clean water is a prerequisite for better sanitation and hygiene in a capital that is terribly overcrowded after years of war. Potable water would reduce communicable diseases, and the manual work involved in laying the pipes for the new system would occupy many ex-combatants not enrolled in reintegration plans.

Such projects are not glamorous but the stakes are high. If Johnson-Sirleaf is not helped to solidify her administration in the next months, there will be opportunities for detractors, ex-combatants, and other spoilers to try their luck with new violence. The consequences might not become evident until after the peacekeepers leave in several years, but the U.S. and others might then have to return to clean up another humanitarian catastrophe at far higher cost than jump-starting the new government today.

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<sup>37</sup> The shortfall was also due to European reticence in the face of exaggerated demands from the transitional ministry of defence.

<sup>38</sup> Rice and Frazier are expected to accompany President Bush's wife, Laura, to the 16 January inauguration.

<sup>39</sup> Johnson-Sirleaf has said she intends to switch on Monrovia's electricity in her first six months in office and has private investors prepared to finance this project. See “Liberia: ‘Humbled’ Ellen Johnson-Sirleaf confirmed Africa's first female president”, IRIN, 23 November 2005.

## **B. THE BRETTON WOODS INSTITUTIONS**

Liberia owes more than \$2.9 billion: \$416 million to the World Bank, \$717 million to the International Monetary Fund (IMF), \$192 million to the African Development Bank and \$1.6 billion to Paris Club bilateral donors. Until a comprehensive arrears clearance plan is agreed, the World Bank and IMF cannot give credits or grants. A World Bank official said: “Clearly such a plan will involve the kinds of reforms which comprise the GEMAP, which may in turn lead to an IMF Staff Monitored Program which is [a] tracking institution of key reforms around accountability, budget transparency and macro-economic stability”.<sup>40</sup>

Once it establishes a track record of such reforms, Liberia can qualify as a Highly Indebted Poor Country (HIPC), and its bilateral and multilateral debt can be forgiven. However, the HIPC arrangements have a sunset clause – the end of 2006. The question is whether Liberia will have time to create a record of reform and transparency. It would be inappropriate to penalise the Johnson-Sirleaf administration for the poor records of Taylor and the transitional government. If the country is making reasonable progress by late 2006, the HIPC decision period should be extended. Moreover, if GEMAP is being fully implemented, the IMF should accelerate the evaluation process through which debts can be forgiven and it can obtain grants and loans for reconstruction.

For now, the World Bank can fund Liberia only from the Low Income Countries Under Stress (LICUS) trust, which granted some \$8 million in 2004. President Paul Wolfowitz can also disburse income from the International Bank for Reconstruction and Development (IBRD), the bulk of whose country program to date has been a \$25 million pre-arrears grant. Further IBRD grants depend on Wolfowitz and the World Bank Board.

## **C. THE EUROPEAN COMMISSION**

The other main donor, the European Commission (EC), makes up for traditional slowness in disbursing funds with its relative transparency and predictability. It is essential that EU member states engage with Liberia, as Germany has done, in financing road projects in the politically sensitive south east, while the EC continues to play a lead role with the U.S., World Bank and UNDP in funding infrastructure and development. The EC should learn from the Sierra Leone experience of its member state, the UK, what can work also in Liberia – such as long-term commitment to security sector reform – and what cannot.

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<sup>40</sup> Crisis Group correspondence with World Bank adviser, 22 December 2005.



## VI. THE REGIONAL CONTEXT

### A. SIERRA LEONE

Sierra Leone is three years ahead of Liberia in the process of ending war and building peace with the assistance of a UN mission. On 31 December 2005, UNAMSIL officially bade it farewell,<sup>41</sup> as the Secretary-General's outgoing Special Representative (SRSG), Daudi Mwakawago, spoke "of remarkable turnaround",<sup>42</sup> after the ambush and capture of over 700 peacekeepers seven months into their work, in April-May 2000. The mission disarmed over 72,000 ex-fighters, collecting 46,000 weapons, and there have been no major security breaches for two years.

Yet, most accomplishments have been partial at best. Sierra Leone in 2005 moved up one spot, from last in the UN Human Development Index (HDI), switching with Niger, but has the world's highest child mortality and maternal mortality rates. For anyone familiar with famine-stricken Niger and Sierra Leone's verdant potential, it is shocking they should even be close. Sierra Leone still has the same problems that facilitated the war's spread in 1991: almost total lack of youth prospects and the perception that wealth is monopolised by a tiny fraction, many of whom are in the political elite. Some estimates put unemployment at 70 per cent.<sup>43</sup> Many ex-combatants float between day-labour, petty criminality including selling drugs, and just doing nothing.<sup>44</sup>

The former RUF insurgents are truly out of circulation but the main risk for new violence appears to be a split within the ruling Sierra Leone People's Party (SLPP). Symptomatically, Charles Margai, a former stalwart now building the People's Movement for Democratic Change, was arrested on 7 December and faces eleven counts related to a 19 November incident in Bo, where 6,000 supporters surrounded Vice President Berewa's convoy and shouted anti-government slogans. Berewa is expected to be the SLPP candidate for president in 2007. The worry is that such tensions, which have produced violence even before the departure of the UN peacekeepers, may flare into greater conflict. Ironically, it may be a stable Liberia

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<sup>41</sup> UNAMSIL was succeeded by the UN Integrated Office for Sierra Leone (UNIOSIL), led by Victor Angelo, resident UN Development Program (UNDP) representative. It is responsible for advancing governance and economic agendas that will ultimately determine whether the peace is durable.

<sup>42</sup> "UN Council told of remarkable turnaround in Sierra Leone", UN News Centre, 20 December 2005.

<sup>43</sup> "Sierra Leone: Blue helmets quit, but 'peace elusive'", IRIN, 14 December 2005.

<sup>44</sup> "Sierra Leone: With no prospects, youths are turning to crime and violence", IRIN, 22 December 2005.

that helps to solidify the peace for "successful" UN peacekeeping graduate Sierra Leone rather than vice versa.

### B. CÔTE D'IVOIRE

Côte d'Ivoire appears caught in a precarious "one step forward, two steps back" dynamic. Unlike Sierra Leone, which has placed four years of peace between itself and significant violence, its latest deadly clashes rang in the New Year. On 2 January, light weapons and mortars were used to attack Abidjan's most important military base, deflating the hopes surrounding consensus nomination of banker Charles Konan Banny as prime minister and his selection of a cabinet answering to him rather than President Laurent Gbagbo.

The situation is the region's most worrying, because of both its seemingly intractable nature and the ethnic undertones to violence. Tensions are highest in the West, along the Liberian border. The regional economy of war has seen large movements of combatants, refugees and illegal trade across that border,<sup>45</sup> and in May 2005 over 100 people were massacred around Petit Duékoué. But a stable Liberia could help calm the troubled area.

### C. GUINEA

The situation in Guinea remains fragile and somewhat inscrutable.<sup>46</sup> On 18 December 2005, the country held municipal elections in 38 towns and 303 "Rural Development Communities". While most seats went to the ruling Parti de l'Unité et du Progrès (PUP), seven of 38 mayoral positions and 58 rural posts were won by four different opposition parties.<sup>47</sup> Voter turnout was reportedly low.<sup>48</sup> Guineans' meagre purchasing power has further

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<sup>45</sup> See Crisis Group Africa Report N°72, *Côte d'Ivoire: "The War Is Not Yet Over"*, 28 November 2003; Crisis Group Africa Report N°82, *Côte d'Ivoire: No Peace in Sight*, 12 July 2004, and Crisis Group Africa Report N°90, *Côte d'Ivoire: The Worst May Be yet to Come*, 24 March 2005. See also "Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors", Human Rights Watch report, vol. 17, no. 5(A), April 2005, and "Côte d'Ivoire: The Human Rights Cost of the Political Impasse", Human Rights Watch report, 21 December 2005.

<sup>46</sup> For in-depth discussion, see Crisis Group Africa Report N°94, *Stopping Guinea's Slide*, 14 June 2005.

<sup>47</sup> The town of Boffa went to the Union des Forces Républicaines candidate; the towns of Fria and Telimele voted for the Union pour le Progrès et le Renouveau candidates, the town of Lola for the Union pour le Progrès de la Guinée candidate, and the towns of Kankan, Kouroussa, and Kissidougou for the Rassemblement du Peuple de Guinée candidates.

<sup>48</sup> Official turnout was said by the government to be 58 per cent overall, 37 per cent for rural development communities. A

plummeted as fuel has more than doubled in cost over the past eighteen months and rice (the national staple) has nearly doubled. The general malaise that surrounds the government creeps into all areas of life: there is neither reliable water nor electricity anywhere, land line and cellular phone networks barely work, and teachers, doctors and civil servants go unpaid for months.

The elections took place against the background of political and economic reforms ushered in by technocratic Prime Minister Cellou Dalein Diallo and uncertainty about President Lansana Conté's health. The cashiering of more than 1,800 members of the army is widely perceived as preparing the way for officers favoured by Conté to take over when he leaves power. A military takeover would be disastrous for Guineans and should be opposed by ECOWAS states but would be unlikely to have an immediate effect on Liberia. However, failure to continue the small democratic opening would eventually make Guinea a prime target for one or another insurgency group, especially since many of the rebels who have fought in the Liberian, Sierra Leonean and Ivorian wars come from its forest region.<sup>49</sup> These men, like the civilians around them, need non-violent social and economic prospects or they will remain dangerous. As in Liberia, reintegration of ex-combatants, addressing economic governance issues, and reinstating rule of law are facets of the same challenge to produce economic growth and thus durable peace.

#### **D. ECOWAS, NIGERIA, AND THE TAYLOR DOSSIER**

The heads of government of Guinea, Liberia and Sierra Leone recommended in a 28 July 2005 communiqué that the heads of state meet soon after a new Liberian president was in office to take a collective decision on whether Charles Taylor has broken the terms of his temporary stay in Nigeria sufficiently to warrant extradition to the Special Court in Sierra Leone.

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journalist visiting five Kindia polling stations a few hours before they closed found 16, 25, 49, 9, and 34 percent of registered voters had voted. See D. Balde, "Kindia: l'abstention historique aux communales du dimanche", 19 December 2005, Aminata.com. A European journalist in Conakry for the elections saw only one polling booth during the entire day with a line, and that of about five people. Crisis Group interview, Dakar, 4 January 2006.

<sup>49</sup> Many of these young men are of Manya, Koniyanke or Mandingo ethnic origin, closely related to Guinea's Malinke and Côte d'Ivoire's Dyula. The majority fought for the ULIMO-K and LURD rebel groups in Liberia.

Johnson-Sirleaf recently said of the Taylor dossier:

There are certain national and regional sensitivities which will be taken into account. Liberia is a good standing member of the United Nations and will abide by all the rules. We think with a little time we will find a solution that will preserve Liberia's peace and West African peace and meet the requirements of the international community.<sup>50</sup>

She is clearly sensitive to the potentially destabilising effects of making extradition the centrepiece of her first 100 days in office. The kinds of violence organised by former Taylor stalwarts like Eugene Nagbe in the wake of the announcement of second-round election results shows that the spectre of such destabilisation is real.

The negotiation that led to Taylor's departure from Monrovia saved many civilian lives, and, as Crisis Group has consistently argued,<sup>51</sup> the international community may need to negotiate similar solutions to desperate situations in the future. It is important, therefore, that ECOWAS base its decision on whether Taylor did in fact break the fundamental terms of his agreement. Nigerian President Obasanjo has said he would only hand Taylor over on the request of an elected Liberian head of state. This implies Taylor is a purely Liberian problem, which he is not. From the beginning of the Liberian war in 1989, he was aided by some West African states and opposed by others. He is charged with exporting the war to Sierra Leone, and he sits in Nigeria. The issue involves the entire West African sub-region, and the decision should be collective.

## **VII. CONCLUSION**

If Liberia becomes stable, it will do much to shore up the still-fragile peace in Sierra Leone and help diminish the probability of armed conflict in Guinea. If it has a growing economy, it will draw some of the floating combatants – many of them Liberians – out of the regional war economy. If Liberia slides back toward instability, it will again threaten all its neighbours.

Everything is aligned for potential success but the situation, as shown by the post-election riots, remains fragile. Peace can be sabotaged by any of three factors: the most obvious is destabilisation by ex-combatants, political losers and outside actors who may think it is in their interest to topple the new government. The second

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<sup>50</sup> S. Garnett "Impunity under attack – rights groups demand judicial reform, others", *The Analyst*, 2 December 2005.

<sup>51</sup> See Crisis Group Report, *Liberia and Sierra Leone*, op. cit., and Crisis Group Report, *Liberia's Elections*, op. cit.

is an approach by that new government which, by emphasising the sovereignty principle, gives donors an easy excuse to walk away. The third, and if history is a guide perhaps most likely, is that despite real efforts by the government, donors will lose focus, under-fund programs, fail to hold all actors to the highest accountability standards, and look for the first chance to slip away.

If the newly elected government and donors work together in a partnership of good faith that guarantees a predictable and sufficient flow of funds that are used in a transparent manner, there is little chance that outside actors will impede the country's progress. Liberians have experienced the consequences of war and want a chance to succeed. For as long as the country hosts 15,000 peacekeepers, it will also be nearly impossible to challenge the government forcibly. However, if that sensitive partnership between government and partners fails to materialise, Liberia will be in a much more delicate position, one that might open the door for a future, disastrous insurgency.

**Dakar/Brussels, 13 January 2006**

## APPENDIX A

### MAP OF LIBERIA



## APPENDIX B

### GLOSSARY

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<b>ALCOP</b>	All Liberia Coalition Party, led by former ULIMO-K faction leader Alhaji Kromah
<b>CDC</b>	Congress for Democratic Change, party of defeated presidential candidate George Weah
<b>COTOL</b>	Coalition for the Transformation of Liberia, Coalition of the Liberia Action Party, the Liberia Unification Party, the True Whig Party and the People's Democratic Party of Liberia with Varney Sherman as its presidential candidate
<b>EC</b>	European Commission
<b>ECOWAS</b>	Economic Community of West African States
<b>GEMAP</b>	Governance and Economic Management Assistance Plan
<b>HIPC</b>	Highly Indebted Poor Country, category used by the IMF to determine some countries' eligibility for debt relief
<b>IBRD</b>	International Bank for Reconstruction and Development
<b>IMF</b>	International Monetary Fund
<b>INPFL</b>	Independent National Patriotic Front of Liberia, NPFL splinter group led by former Taylor comrade Prince Johnson
<b>LICUS</b>	Low Income Countries Under Stress
<b>LURD</b>	Liberians United for Reconciliation and Democracy [Sekou Conneh's rebel group]
<b>MODEL</b>	Movement for Democracy in Liberia
<b>NCO</b>	Non-commissioned Officer
<b>NEC</b>	National Electoral Commission
<b>NPFL</b>	National Patriotic Front of Liberia, Charles Taylor's rebel group
<b>NPP</b>	National Patriotic Party, Taylor's former party
<b>PUP</b>	Parti de l'Unité et du Progrès, the ruling party in Guinea
<b>RUF</b>	Revolutionary United Front, the former rebel group in Sierra Leone
<b>SLPP</b>	Sierra Leone People's Party, the ruling party of President Ahmad Kabbah
<b>SRS</b>	Special Representative of the UN Secretary General
<b>ULIMO-K</b>	United Liberation Movement for Democracy in Liberia, the group created by Alhaji Kromah and resulting from the split of ULIMO in 1994 along ethnic lines, which largely represented the Mandingo ethnic group
<b>UNAMSIL</b>	United Nations Assistance Mission to Sierra Leone, which ended on 31 December 2005 with a withdrawal of all UN troops
<b>UNDP</b>	United Nations Development Program
<b>UNIOSIL</b>	United Nations Integrated Office for Sierra Leone, the successor of UNAMSIL
<b>UNMIL</b>	United Nations Mission in Liberia