



Post-Conflict Peacebuilding in Liberia

Much Remains to be Done

Report

Third Annual KAIPTC / ZIF Seminar

Accra, Ghana

November 1 – 3, 2007

Center for International Peace Operations (ZIF)
Kofi Annan International Peacekeeping Training Centre (KAIPTC)

Post-Conflict Peacebuilding in Liberia – Much Remains to Be Done –

Report of the Third ZIF/KAIPTC Seminar,
November 1–3, 2007, Accra/Ghana

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Introduction

On 1–3 November 2007, the *Kofi Annan International Peacekeeping Training Centre* (KAIPTC) and the *Center for International Peace Operations* (ZIF) convened a high level Lessons Learned Seminar in Accra, Ghana, on the current status of the post-conflict peacebuilding process in Liberia¹.

In September 2003 UNMIL, the United Nations Mission in Liberia, was established by the Security Council of the UN (Res. 1503). Five years later, the aim of the Accra Seminar was to take stock, debate unsolved problems and lessons learned and to develop recommendations. It was the stated objective of the Seminar that these recommendations should inform and enhance the future work of the Liberian government, national NGOs, the UN, ECOWAS and other international agencies to consolidate peace in Liberia.

To achieve this goal, KAIPTC and ZIF invited leading members of the Liberian government and civil society as well as senior staff members and experts from ECOWAS, UNMIL, international NGOs, and research

1 The Seminars are a strategic component of KAIPTC-ZIF cooperation since 2004 in close coordination with ECOWAS, and cover predominantly problems, perspectives and lessons learned of peace processes in West Africa. The project is funded by the German Federal Government and conducted by KAIPTC and ZIF in cooperation with GTZ (Gesellschaft für Technische Zusammenarbeit).

The following Reports on previous seminars have been published:

■ “Challenges of Peace Implementation in Côte d’Ivoire.” Report on an Expert Workshop by KAIPTC and ZIF, May 31 – June 2, 2004,

http://www.zif-berlin.org/Downloads/Cote_d_Ivoire_08_04.pdf

■ “The Role of ECOWAS in Election Observation.” Expert Workshop with the ECOWAS Council of Elders, Accra, June 14–16, 2004,

http://www.zif-berlin.org/Downloads/zif_ECOWAS_web.pdf

■ “Post-Conflict Peacebuilding and National ‘Ownership’ – Meeting the Challenges of Sierra Leone.” Report of the Second Annual KAIPTC/ZIF Seminar, Accra, December 1–3, 2005,

http://www.zif-berlin.org/Downloads/Report_Sierra_Leone_02_06.pdf

institutes (see list of participants, pp. 116). The Seminar dealt with a range of the issues relating to the four key areas identified by the current Liberian administration as being of primary importance to ensure successful peacebuilding in the war-ravaged country:

- peace and security;
- governance and rule of law;
- economic recovery;
- rebuilding of infrastructure and provision of basic services.

We would like to express our gratitude to all participants of the Seminar for the high calibre of their input as well as the frankness of the ensuing discussions.

This report captures the essence of presentations and discussion of the Seminar. The Executive Summary provides a brief, yet very rich, overview of the issues raised, problems addressed and lessons learned. We would like to express our gratitude to Rosalie Amani, Adibeli Nduka-Agwu and Dorcas Onigbinde (KAIPTC), and Amelie Hinz, Christoph Luettmann and Kai Mueller-Berner (ZIF) for their contribution to this report.

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Director ZIF

Executive Summary

I. Peace and Security in Liberia – Drawing an Interim Balance Sheet

The Liberian government and the international community have achieved significant progress in stabilizing the country. However, there remain many loose ends. The Liberian government is still lacking a clear vision for the country's security priorities, especially with regard to the establishment of the new Armed Forces of Liberia (AFL) as several participants of the Seminar noted. There is, for example, a need to clarify explicitly that the AFL's primary task must be the safeguarding of the country's peace process and its citizens. A clear delineation of the respective fields of responsibility of the AFL and the Liberia National Police (LNP) is also missing.

As a result, many overlaps exist in the mandates of the Liberian security services creating conflict potential for the future. It is also not clear how the civilian authority and legislative oversight over all security services mandated by the Liberian constitution are implemented in practice. In addition, the record of the restructuring program undertaken by the Liberian government in cooperation with international partners is decidedly mixed and numerous challenges remain:

- an initial re-documentation of all security services revealed that they were over-size, over-age, top-heavy and poorly trained. Following a lustration process, re-training has been completed for nearly 3,000 LNP officers with UNMIL assistance;
- LNP presence outside of Monrovia was minimal and morale was low due to insufficient salaries and lack of basic equipment. So far, the minimum LNP salary has been raised to US\$ 90 per month;
- there remains a considerable gender and geographical imbalance among LNP personnel;
- the quality of AFL re-training programs seems questionable, as it is implemented by a private US security company and lacks civic education or human rights elements;

- budgetary problems have led to a decrease of the total training time for AFL personnel from 15 to eight weeks;
- so far, only 500 out of the targeted 2,000 AFL personnel have been re-trained but international donors have promised funding for an additional 550.

Despite encouraging beginnings, the peace process in Liberia remains fragile and the success of the Security Sector Reform was held to be crucial by all Seminar participants. Setbacks in the Disarmament, Demobilization, Reintegration, and Rehabilitation (DDRR) process, however, could still destabilize the country through a rising crime rate and even lead to a new outbreak of open conflict.

II. The DDRR Process in Liberia

The Disarmament and Demobilization (DD) phase was well funded and proceeded quickly under the leadership of UNMIL, particularly after the conflicting parties were given a greater role in designing and implementing the program. The total number of former combatants disarmed and demobilized between December 2003 and October 2004 was roughly 104,000, among those 24 percent were female and 11 percent were children. Participants identified and discussed several difficulties and open questions, such as:

- irregularities in the registration of ex-combatants and the payment of subsistence allowances caused by the underestimation of the number of participants in the program;
- a lack of cooperation between implementing partners and the logistical challenge of moving large quantities of cash money outside of Monrovia;
- the lack of gender-sensitivity of the DD process; the special needs of women, especially non-fighters, were often overlooked and generally women found admission to the DD program more difficult than men;
- the uncertainty whether all foreign combatants within Liberia as well as Liberian fighters in the more inaccessible counties have been disarmed;
- recent assessments indicate that, despite largely successful DD program, some militia structures remain active in remote counties and could yet endanger the peace process.

The Reintegration and Rehabilitation (RR) of the almost 12,000 Children Associated with Fighting Forces (CAFF) is one of the most encouraging aspects of the Liberian DDDR program. It was brought about because all actors involved made a concentrated effort from the planning stage to focus on the special needs of children, including those associated with armed groups in non-combatant roles.

However, the reintegration of adult ex-combatants proved much more difficult and is far from completion. Local and international actors were faced with a dilemma between careful planning and fundraising for long-term reintegration and the need to “get the boys off the streets quickly.” In Liberia, as in most other post-conflict societies, no satisfactory solution for this dilemma has yet been found. Seminar participants pointed out the following shortcomings:

- the criteria for admission to the DDDR program were lowered to one fire-arm or 150 rounds of ammunition per person, leading to an increase of the number of participants and a decrease in the number of collected weapons;
- this increase in the number of beneficiaries to almost 70,000 more than originally foreseen created considerable difficulties for planning and funding the RR phase;
- until late 2007, about 20 percent of the registered ex-combatants had not received their reintegration assistance and there was a considerable urban bias in RR activities with some remote counties seeing practically no RR activities;
- not enough emphasis was put on employment opportunities in the agricultural sector, resulting in less than two percent of ex-combatants opting for agricultural training and benefits and a lack of funding by international donors led to a shortening of both formal education and vocational training programs;
- no psychological treatment for ex-combatants is available, which – together with high unemployment – has led to rising drug abuse and criminality among ex-combatants;
- the public awareness campaign for the DDDR program created unrealistically high expectations among ex-combatants and the population at large, leading to growing criticism of the government and the international community.

Seminar participants were unanimous that the main stumbling block to successful reintegration of ex-combatants into Liberian society consists of the very limited capacity of the economy to provide sufficient employment opportunities. The ultimate success of reintegration will thus be determined by factors outside the control of the actors in the field of DDDR, most importantly by the economic recovery of the country. Efforts by several international actors are underway to improve the existing program for the residual caseload estimated at 9,000 to 23,000 persons by including job placement and apprenticeships.

III. Building a Criminal Justice System and Traditional Justice Mechanisms

It is no exaggeration to say that the criminal justice system inherited by the new democratic government of Liberia was, as one participant put it, “in shambles.” The entire prosecution system had only two fully qualified prosecutors available, six of Liberia’s fifteen counties had no prosecutors at all, and several counties did not have any functioning criminal court. There was exactly one juvenile court in Liberia with one trained lawyer who had some experience with juvenile justice cases.

Clearly, the greatest obstacle to making the criminal justice system accessible to all Liberian citizens is the lack of qualified legal personnel. Today, there are only 275 trained lawyers in Liberia, one per 12,725 inhabitants. In comparison, in the UK there is one per 400. The only law school graduates no more than 30 students per year. At this rate, it would take ten years to fill all current vacancies in the legal system – if every single graduate entered public service. Yet the majority opt for employment in the private sector where wages are much higher. To overcome this trend, participants put forward several recommendations for increasing the quantity and quality of Liberia’s legal personnel:

- stop competition from UNMIL and international NGOs for legal professionals’ services, specifically, refrain from using Liberian lawyers in purely monitoring/reporting functions;
- provide international funding to increase the recruitment of qualified lawyers from the private sector to serve as judges and prosecutors;

- as the situation is particularly urgent in rural areas, offer financial incentives to legal professionals willing to work outside of Monrovia and increase the judicial presence throughout the country by creating mobile courts with teams of judges adjudicating cases in the hinterland;
- reform the law school curriculum to foster more practical skills and introduce legal clinics where law students learn public defense and human rights counselling while doing pro-bono work during their education;
- create a state-financed scholarship scheme whose beneficiaries would be required to serve in a public function for a minimum period after their graduation, with penalties for defaulters.

While access to the formal justice sector is already difficult for urban dwellers, it is next to impossible for rural Liberians. As a consequence, the great majority of citizens in the hinterland and a considerable part in the cities make use of different kinds of traditional conflict resolution mechanisms. The Seminar highlighted some of the advantages of these traditional mechanisms: they are locally accessible, quick, and cheap, they are perceived as less prone to corruption than the formal legal system, there is no language or cultural barrier, and the traditional procedure as well as its result have a high degree of legitimacy in the eyes of all parties involved. Despite these positive elements of the customary justice mechanisms, there exist a number of possibilities for abuse:

- the formal justice sector normally allows for only one form of justice – retributive, restorative, or reparative – while traditional mechanisms often combine several forms with the goal of consensual re-admission of offenders into the local community;
- common traditional justice mechanisms include mediation, arbitration, and compensation – retribution plays a much smaller role;
- the central goal of traditional justice mechanisms is peaceful resolution of conflict and the consensual re-admission of offenders into the local community, often after a cleansing ritual;
- the strong social pressure to submit to traditional justice procedures and abide by their decisions means that in practice there exists no right to appeal;
- powerful individuals do not only receive preferential treatment, they also enjoy the advantage of “jurisdiction-shopping,” choosing traditional or formal mechanisms based on convenience;

- trial by ordeal, although officially largely outlawed, is still pervasive and in some forms the accused are forced to give evidence against themselves or to undergo life-threatening tests;
- traditional justice mechanisms are almost entirely male-dominated and there is widespread discrimination against women in the fields of marital rights and inheritance.

Given on the one hand the central importance of traditional justice mechanisms to the lives of the great majority of Liberians and on the other the possibility of abuse, it is vital to review these mechanisms and address their shortcomings. In particular, it is necessary to provide for their better integration with the formal justice system. At present, a number of customary norms contradicting statutory laws are allowed to remain in force, for example with regard to polygamy, communal land tenure, and certain forms of trial by ordeal. Liberian legal experts participating in the Seminar presented a number of concrete proposals to improve the traditional justice system:

- the revision of the *Rules and Regulations Governing the Hinterland* of January 2000 which instituted state-sponsored traditional courts, with a view to removing contradictions;
- the enforcement of the exclusive jurisdiction of formal courts in criminal cases;
- the replacement of the current system where the Ministry of Internal Affairs acts as court of appeal for traditional courts by establishing the *Provincial Circuit Courts of Assize*, thus putting the Ministry of Justice in charge of all judicial proceedings;
- the establishment of a *Law Reform Commission* to research, review, and revise all existing Liberian laws, including customary laws and procedures, for the purpose of reforming those laws for consistency and to conform to the constitution, national laws and international standards.

IV. Improving Liberia's Economy, Infrastructure, Ecology, and Basic Services

As in many other war-torn societies, the importance of agriculture in Liberia's economy grew throughout the period of conflict, from about 33 percent of GDP in 1985 to over 50 percent in 2005, with over 70 percent of Liberians working

in the agricultural sector. This was a relative increase resulting from the dramatic decline of GDP in general. Significantly, the production of rice, the nation's staple food, also fell by 73 percent in that same period. Liberia therefore remains heavily dependent on food imports with around 40 percent of the consumption of rice being met through imports. In light of these developments it is obvious that the government of Liberia has made agriculture reform aimed at improved food security, poverty reduction and employment generation a cornerstone of its agenda of economic recovery without repeating the mistakes of the past when government support was totally focussed on commercial farming. Among the concrete proposals for agricultural reform presented at the Seminar were:

- promoting the introduction of new farming techniques and improved inputs and crop varieties through farmers' associations, NGOs, and public extension services to improve yields in small-scale farming handicapped by low productivity;
- developing rural financial institutions to supply the credit needs of small-holders;
- solving land property disputes and end inconsistent public concessions policy that plague commercial farming operations;
- rebuilding transport infrastructure linking the countryside to urban centers and provide market structures and post-harvest storage facilities to increase marketing opportunities.

One of the recurring themes of the Seminar was the central importance of creating employment opportunities for Liberians in order to prevent the recurrence of violent conflict. The lack of employment was once more cited as the key obstacle to the reintegration of ex-combatants.

Earning a living wage, however, is a challenge in an economy that had collapsed almost completely in the course of the civil war: from 1980 to 2005, Liberia's national GDP shrank by 85 percent, the government's budget by 90 percent. To improve this appalling situation, it is necessary both to stimulate domestic private sector growth and attract foreign investment. As a precondition to success, participants of the Seminar identified five issues the Liberian government should focus on:

- creating an “enabling environment” for private businesses through good governance, the minimization of corruption, predictable legal parameters and the reduction of regulatory hurdles;
- providing stable macroeconomic framework conditions through a balanced budget, low inflation, access to international markets and debt relief;
- restoring Liberia’s physical infrastructure such as roads, bridges, harbour and airport installations, water and sanitation, telecommunication, housing, etc.;
- fostering capital formation by improving credit opportunities, especially for smaller enterprises;
- supporting the dissemination of business know-how, particularly to Liberian-owned businesses.

While the rapid improvement of Liberia’s economy is vital for the nation’s stability, it must be achieved in a manner that does not endanger the health of its present inhabitants or the economic prospects of future generations. Ecology is therefore, as some participants pointed out, a key dimension of Liberia’s economic development. Current practices in extractive industries such as mining and forestry pose health hazards to local inhabitants and are wasteful of natural resources and thus unsustainable in the long term.

One example given was the practice of clear-cut logging that destroys all possibility of forest regeneration and yet leaves many valuable logs to rot in the forest. Similarly, some mining operations dump sludge and contaminated water into rivers where they poison the population’s water supply and damage downstream fisheries. In order to stop these abuses, the government of Liberia was urged to enforce existing rules and punish offenders. Several participants also demanded a regulatory framework for extractive industries to ensure that local inhabitants are more involved in planning processes and profit more from the income generated.

The rehabilitation of the Liberian education system is of prime importance for successful peacebuilding in Liberia. It was pointed out that education is not only a precondition for individual economic success. It is also a necessity to instil civic values and promote the peaceful resolution of conflicts. Improved delivery of basic educational services is thus crucial to the future stability of

the country and a major effort will have to be made to achieve it. Tasks to be implemented by 2010 include:

- the rehabilitation of education infrastructure to the point where 65 percent of pupils have seats and desks and 60 percent of schools will have access to clean water and sanitation;
- the development, production and distribution of instructional material with the goal of a two-to-one pupil-to-textbook ratio;
- the implementation of a revised primary curriculum in at least two grades;
- the improvement of teacher development with a target of 90 percent of teachers trained to use textbooks.

V. Local Ownership and Robust Civil Society – A Long Way to Go?

While the support for the peacebuilding process in Liberia by a multitude of international actors was indispensable in the past and will remain important for a considerable time, ultimate success depends on the government and civil society of Liberia taking full ownership and responsibility. This much remained uncontroversial during the Seminar. There was considerable disagreement, however, among and between Liberian and international participants about the degree to which local ownership has already been achieved and the best way forward. In particular, the progress towards local ownership is uneven in the different areas of post-conflict peacebuilding. The picture that emerged from the discussion can be summarized as follows:

- there is strong civil society involvement in the establishment of the Truth and Reconciliation Commission (TRC), the Independent National Human Rights Commission (INHRC), and other activities in the field of rule of law;
- security-related fields such as SSR and DDDR, show a serious over-all lack of local participation, the absence of sufficient local input into the development and implementation of training curricula for the armed forces and the police was seen as particularly unfortunate.

UNMIL personnel reported that the mission had to refuse some offers for cooperation by Liberian NGOs and conceded that some groups might therefore feel excluded. As in other post-conflict societies, the international mission is confronted with a large number of local actors whose expertise and legitimacy

are often hard to ascertain. Several Liberian participants agreed with the fact that local civil society organizations still suffer from various weaknesses, such as:

- civil society organizations are often founded as the result of international demand for local partners and lack a societal base and legitimacy;
- local NGO representatives have accepted appointments in government, thereby weakening their ability to credibly criticize official policies;
- lack of coordination between local NGOs has in some cases led to wasteful duplication of efforts.

Several remedies were suggested for strengthening Liberian civil society organizations. The idea of providing government funding to these organizations remained controversial because Liberia's public finances are severely limited and public funding would undermine the independence of NGOs in the eyes of the population, thus damaging their credibility. Capacity building measures for local NGO personnel by international partners were judged to be a better alternative.

Berlin, April 2008

I. Peace and Security in Liberia – Drawing an Interim Balance Sheet

Brownie Samukai

Minister of National Defense, Republic of Liberia

I want to express my thanks and appreciation to the organizers and sponsors of this seminar, particularly for their interest in further understanding the many challenges we face in post-war Liberia. Indeed, there are quite a number of lessons to be learned in this process. The organizers of this seminar have asked me to make a presentation on the topic: “Enhancing Peace and Security – DDR (and another ‘R’) and SSR.”

Liberia’s path to peace and security since the inception of its civil conflict has been championed by civil society. The Banjul Conference in 1990 is a clear example. The demand for cessation of hostilities among the warring factions was spearheaded by the *Inter-Faith Mediation Committee*, a faith-based group of “wise men.” It spelled out clearly the overwhelming demand for the restructuring of Liberia’s military and security sector, without which peace and security will not be sustained. This demand for Security Sector Reform (SSR) therefore became a general consensus which was repeated in all subsequent peace initiatives, including the 2003 Accra peace talks, out of which the *Accra Comprehensive Peace Agreement (ACPA)* was born.

Intervening Initiatives

You will recall that just a few years ago Liberia had all of the characteristics of a failed state: state-sponsored violence, general breakdown of law and order, citizens could not avail themselves of the protection of their government, the military and security services were

seen as instruments of brutality, and a general displacement of the entire population, due to unrelenting violence, among others.

The following intervening initiatives were undertaken during the 14 years of the Liberian civil conflict: peace conferences, ECOWAS intervention through ECOMOG, United Nation missions, the Cotonou Accord, the Akosombo Conference, the Abuja Accord, and finally the ACPA. In all of these interventions there was general consensus that sustaining the gains of peace and security required detailed attention to Disarmament, Demobilization, Reintegration, and Rehabilitation (DDR) of former combatants as well as Security Sector Reform.

Peace and Security – SSR Process

The environment for sustaining peace and security in Liberia in 2003 was dependant on ECOWAS spearheading an initial military presence, followed by a robust United Nations military mission, continuous civil society engagement, and Security Sector Reform. Acting under its resolution, UNMIL engaged the Transitional Government and civil society to begin the process of SSR. Credible records were either not available or inadequate on the status and personnel of military and security institutions. Consequently, UNMIL put in motion the process of re-documentation of all members of security institutions, including the *Liberia National Police (LNP)*, *Special Security Service (SSS)*, the *Bureau of Immigration*, and the *Liberia Sea Port Police*.

Similarly, the United States took the lead role in the restructuring of the *Armed Forces of Liberia (AFL)* as well as the SSS. An assessment mission was sent to Liberia in 2004 to work along with civil society, UNMIL and the Transitional Government to fully understand the institutional status of the AFL and the SSS. The result from this assessment mission led to the contracting of a private US security firm to begin the process of restructuring.

Rationale for SSR Options

Re-documentation of the civilian security sector of nearly 6,300 LNP, SSS and Immigration personnel revealed that the average age of serving personnel was 38.5 years of age. Less than 10 percent of them had quality university education, and less than 23 percent had undergone regimented training in their area of specialization. The AFL did not differ much from this reality. Of the nearly 13,650 AFL personnel re-documented, nearly 65 percent had been conscripts with junior high school education, limited or lack of regimented military training, and a disproportionate ratio of officers to men, largely based on patronage. The average age of the regular army in 2005 was 39.5 years old, with tenure of service ranging from 14 years to nearly half of century. This was an aging military.

In this regard, multiple SSR options were considered in the Liberian context. They included a sensitization campaign, disarmament, deactivation, demobilization, retirement disability, pension, and/or discharge due to general worthlessness. Payment packages included demobilization packages, as well as deactivation payments for security personnel. The AFL personnel were paid a combination of demobilization packages, severance, retirement and pension payments.

With these completed, the restructuring process got underway. For the LNP, Immigration, the SSS and other civilian security services a lustration program was undertaken and some personnel were retained and others deactivated or retired. For the AFL, an *Empirical Vetting Paradigm* (EVP) was put in place. Everyone had to reapply and must now meet minimum educational standards: finished high school for soldiers and non-commissioned officers, a college degree for potential officers. Recruits must also meet standards on physical agility, medical clearance, unblemished character, and credible geographic representation among others. The EVP is not a judicial proceeding, nor

does it undertake any action for future judicial use against the person or persons being vetted. It seeks to determine the suitability of the applicant to join and is dictated by the integrity of the methodology, the integrity of those conducting the vetting, and the engagement of civil society and other stake holders.

Thus, the basis for an accountable military and security services was laid by a process of joint engagement by Liberians, the UN mission, ECOWAS partners, and the United States.

Enhancing Peace and Security

Enhancing peace and security is directly linked to the democratic governance of our military and security institutions. It transcends the operational capability of these military and security institutions and includes the general environment, public perception of safety, human security, as well as mechanism for accountability, judicial transparency, and inclusiveness. Enhancing peace and security is derived from among others the following:

- constitutional provisions;
- statutory authority and jurisdictional limitation;
- civilian authority;
- legislative oversight;
- third-eye-rule: the press, civil society, and traditional norms;
- inclusiveness;
- civilian strategic management.

The Liberian constitution provides the fundamental legal basis for the existence of the state and government. It is the directional antennae through which everything else is guided, either operationally or in governance. The strength of the constitution is guaranteed by a democratically credible political leadership in the executive, in conjunction with members in the legislative and

judiciary branches. Liberians elected a credible political leadership in 2006, thus establishing civilian control of the military and security institutions. The Liberian constitution under chapter VI, article 50, grants authority to the president over the military and other officials, including officials of security institutions.

Liberia's statutory provisions set the jurisdictional limitation of military and security institutions. With a credible political leadership, and in obedience to the constitution and our laws, civilian authority is further established through the appointment of civilians to head security institutions such as the Ministers of Justice and National Defense, as well as the Commissioner of Immigration, the Inspector-General or Director of Police. Legislative oversight or further civilian control of military and security institutions is exercised through legislative committees. These committees are expected to engage with the political leadership of those appointed to serve these military and security institutions.

Whereas the Liberian constitution provides specific authority to the legislature over the military and security institutions, political agreements for security sector reform remained as legacy of the political consensus and agreement derived from the 2003 peace agreement.

The third-eye rule provides for the engagement, advocacy, and oversight of civil society, the press, and traditional norms to serve the governance process over our military and security institutions. This may take the form of consultative engagement by the government with non-state actors including civil society or initiatives by civil society, the press, or traditional leaders in shaping the formulation of national security policies, reflecting Liberia's national security interest. The national security architecture and the national defense strategy take their cue from the national security policy. Thus, the governance process reflects inclusiveness of the government, civil

society, the people, and other branches of government in enhancing peace and security.

Finally, civilian strategic management of the military and security forces further strengthens the enhancement of peace and security through the proper management of resources and personnel, skilled and specialized personnel, accountable practices, transparent jurisdiction, and responsiveness to legislative and third-eye oversight.

With the support of our regional and international partners, Liberia's peace and security has been reassured. The fundamental question we need to ask is: How do Liberians sustain this process beyond SSR, the UN Mission, and the attention of the international community? I am inclined to believe that the answer may lie in the general consensus of Liberians to agree never again to pursue the path of war, violence, and undemocratic principles as options in settling differences.

The democratic process and democratic good governance, assured through the rule of law and due process, must remain the pivotal principle of the political process. Institutional credibility must be seen to be transparent and accountable through the political leadership and engagement of civil society. The relevance of civil society must never be diminished or intimidated by the political environment. Civil society must be proactive in engaging the political leadership to ensure that democratic gains are irreversible for the benefit of larger society.

Steven Ursino

former UNDP Country Director, Liberia

In addition to the *Accra Comprehensive Peace Agreement* (ACPA), UN Security Resolution 1509 and others, the work of the regional institutions such as ECOWAS and the AU (and now the revitalized Mano River Union under the chairmanship of Liberia), and the support of the international community, we have in process the rebuilding of Liberia seen through the prism of the primary coordinating structure and mechanism established by the government of Liberia (GOL), namely, the *Liberian Reconstruction and Development Committee* (LRDC), chaired by the President of the Republic, with each one of the pillars Security, Economic Revitalization, Governance and the Rule of Law, and Infrastructure and Basic Social Services headed respectively by the Ministers of Defense, Finance, Planning and Economic Affairs and Public Works.

The LRDC is the much improved version of the *Results-Focused Transition Framework* (RFTF) of the period of the National Transition Government of Liberia. The GOL has done well in learning from the lessons of the RFTF, as well as the best practices, to turn the LRDC into the coordinating instrument for policy dialogue, strategic decision making and monitoring for results. The LRDC's structure, vastly more effective than its predecessor, is the primary national reference framework for the peacebuilding approach in Liberia. We can also begin to delineate some of the factors, positive and negative, that affect the functioning of the LRDC, as well as deliverables (the term used by the GOL) in each one of the four pillars. The GOL has used this approach in formulating the *Interim Poverty Reduction Strategy* (IPRS), presented to the international community at the February 2007 Donor Forum held in Washington DC, and currently in progress until June 2008.

Pillar I – Security

Disarmament and Demobilization were successfully concluded with over 103,000 ex-combatants entering into the Disarmament, Demobilization, Reintegration, and Rehabilitation (DDRR) program. The initial projections of 38,000, based on the best estimates of specialists in the military sphere, were grossly under-estimated. The ensuing impact on formulating viable reintegration programs in a war-torn economy with little or no private sector was massive. More will be said on this point during the course of this conference.

The total deactivation of the *Armed Forces of Liberia* (AFL), *Liberia National Police* (LNP), and *Special Security Service* (SSS) was a critical exercise and necessary in order to lay the foundations for Liberia's new, modernized, and democratically established security structure currently in progress. For the men and women who were deactivated, the primary problem was enabling these people to find sustainable livelihoods if they were still in the working prime of their lives, or the regular payment of pensions for those who were pensionable.

A national small arms program and national commission to stop the illegal trafficking is fully operational, with the support of *United Nations Development Program's* (UNDP) *Bureau for Conflict Prevention and Recovery* (BCPR), with the priority on legal and regulatory framework, a sub-regional approach with a sustained outreach to the rural areas of Liberia, primarily those bordering Cote d'Ivoire, Guinea and Sierra Leone, thus making this program one of the strongest in the ECOWAS area.

There has been a general recognition that peacebuilding, conflict prevention and management mechanisms and capacities need to be incorporated within the framework of the *Poverty Reduction Strategy* (PRS) 2008–2012 (currently under formulation). Within the same framework, the role of women and youth civil society organizations

must be a prominent one. In the *United Nations Development Assistance Framework* (UNDAF) 2008–2012, presented to the government in May 2007, the UN has emphasized this approach to peace-building and conflict-sensitive programming that takes into account conflict factors when formulating its support to national interventions for recovery and development.

Pillar II – Economic Revitalization

Need I repeat the words: “It’s the economy, stupid”? While peace is being built and security restored, the new democratically elected government had to rebuild a war-torn economy with virtually no national revenue – today we are at just under US\$ 200 million (a significant increase from the \$80 million in 2004), but nowhere near the needs of a country that must re-establish its economic sovereignty.

The team put together by the executive is conscious of this and resolutely has decided to project Liberia on the basis of the IPRS and the PRS – while ensuring that the essential needs of the people are being met, but most importantly that the economy is generating jobs to deal with what is an estimated 80 percent unemployment rate in the formal economy.

Significant progress has been made in Liberia’s efforts at debt reduction, controlled budgetary expenditures, and regenerated national revenue streams. But the underlying need for an efficient, effective, and modern budgetary and financial management system with the requisite human capacities is a gargantuan task. At the same time, Liberia needs to transform the huge informal economy, mostly women, from a subsistence level to a more structured and productive system and an integral part of the formal economy in the form of small scale enterprises.

As a basis for sound strategic decision-making, it is necessary to build up Liberia's national data base and systems, through the capacity strengthening of the *Liberia Institute of Statistics and Geographic Information Systems* (LISGIS) – already we are seeing the results with the *National Health and Demographic Census* conducted, as well as the *Liberia Living Conditions Survey*.

Pillar III – Governance and the Rule of Law

By far the greatest challenge to date is in these two areas. I think that colleagues in this conference will in subsequent sessions refer to the obstacles – political, technical, financial, and human – that hinder progress, primarily when it comes to the judicial system of Liberia. A closer scrutiny of specific issues of the judicial system will reveal important capacity and funding gaps. The judicial system is one of the most under-funded sectors and requires a concerted GOL effort to build on the very good work of UNMIL and other partners in this area.

Greater accountability and transparency have benefited from a revamped *Civil Service Code of Conduct* and a Liberian-bred anti-corruption strategy. What is needed now is adoption and application of the code of conduct, as well as the implementation of the anti-corruption strategy which was well publicised in the Liberian press.

There is a determined attempt at strengthening national ownership by placing capacity development and the reform of the civil service at the heart of the governance and rule of law agenda. Civil service reform has benefited from quick injection of financial resources for *Liberia's Emergency Capacity Development Project, Transfer of Knowledge through Expatriate Nationals* (TOKTEN) and the *Senior Executive Service, Scott Fellows, the National Youth Volunteer Service*, and Liberia's leadership and entrepreneurship programs are some examples

of what can be done in a post-conflict setting to build up human capital for sustainable livelihoods.

Pillar IV – Infrastructure and Basic Social Services:

Uppermost in the minds of the approximately 76 percent of Liberians that live below the poverty line is indeed how the essential social services such as education, health, water and sanitation, road infrastructure, and housing are being dealt with. Again, without progress in the other three pillars, addressing the delivery of basic social services becomes well nigh impossible.

The strategic choices and decisions again exemplify new approaches, especially the area of road rehabilitation. Liberia is the first country to enter into a special quadripartite arrangement allowing the UN Mission to make available under certain conditions important human and physical assets through the engineering battalions of the UN peacekeepers, with the UNDP providing financial management and procurement services, the World Bank financing the operation and the GOL through the Ministry of Public Works providing oversight within the Pillar and participating in the overall execution of works on critical primary road infrastructure of the country.

Urban rebuilding has benefited from a World Bank fast-track mechanism which has allowed it to disburse funds for quick-impact, high-job-content public works again in close collaboration with the Ministry of Public Works, the Ministry of Finance and UNDP.

The strategic decision of making universal primary education available is already yielding results in a rising net enrolment ratio, albeit under very difficult conditions. Teacher training requires considerable improvement as does the revamping of the education system to a more holistic education policy at primary, secondary, and tertiary level. The

low ratio of boys to girls needs a sustained effort in terms of reaching parity, at least by 2015.

The health sector has benefited from a concerted GOL effort to address the delivery of health services. This is one of the important issues facing the Health Ministry as it must deal with the dilemma that the vast majority of health services are currently being delivered by international NGOs.

Conclusion

That arduous task of nation-building in Liberia today will succeed if the recommendation from Kofi Annan's "Prevention of Armed Conflict" is heeded: "Progress in the eradication of poverty and addressing, in particular, inequality, justice, and human security issues in developing countries would greatly contribute to conflict prevention in the long term. For that reason, it is important that currently declining levels of official development assistance be reversed as a matter of urgency."

Discussion

Security Sector Reform

According to some participants the Liberian government is still lacking a clear vision for the country's security priorities, both nationally and internationally. They argued that this was especially the case with regard to the establishment of the new armed forces. There is for example the need to clarify that the national interest should be the protection of the country's peace process and its people. Some participants also cautioned that a clear delineation of the respective fields of responsibility of the armed forces and the police is missing. There exist many overlaps in the roles and mandates of the new security services in Liberia. Such overlap contains some conflict potential for the future.

In addition, both security providers are facing numerous challenges. The integration of women into police and armed forces remains insufficient although it was agreed that the deployment of the all-women Indian special police unit has been a strong positive symbol which helped at least to increase the number of female LNP recruits. But the lack of diversity continues to be a problem that needs to be answered through training, education, and scholarships. The same is true with respect to the still unequal geographical distribution of new recruits. Finally, participants felt that human rights, a democratic attitude, and the adherence to the Rule of Law should be central objectives in the re-establishment of both the AFL and the LNP and should be treated as such in training courses. There is still clearly room for improvement in this area.

The discussion then focused on the role of private security companies, in particular the US security provider *DynCorp International*, in the

training and vetting of the new Liberian armed forces. There was a generally critical attitude towards the quality of the services delivered. The program – sponsored by the US government – ran out of funds after the first class graduated, accounting for only five percent of the targeted 2,000 members of a future army. According to one participant the budgetary problems led to a decrease of the total training time from 15 to eight weeks, partially at the expense of the much needed civic education, including human rights. By late 2007, about 500 persons have been trained and the US government has provided the budget for 550 more.

Seminar participants also urged the Liberian government to acknowledge the necessity to embed the nation's security within a regional context. The Mano River Union and ECOWAS were seen as the key institutions for regional stability and several experts expressed the hope that the government would develop a regional security strategy around these organizations.

II. The DDRR Process in Liberia

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This paper attempts to assess and discuss the reintegration process of the DDRR program in Liberia by critically considering what was done right, what went wrong, and how to proceed beyond December 2007. The program was established against the background of the *Accra Comprehensive Peace Agreement* signed by the warring factions in August 2003 and the UN Security Council Resolution 1509, which provided the legal framework for the deployment of peacekeeping operations in Liberia. It was designed in October 2003 and presented to the donors for adoption in November 2003. It was then subsequently presented to the *National Transitional Government of Liberia* (NTGL) and the Policy Committee of the NCDDRR. DDRR activities in Liberia have been strictly donor driven with the DD led by UNMIL as a military process and the RR by UNDP as mandated by the international partners through a memorandum of understanding. The interim government for its part created the political environment for DD, free and fair elections, RR and Security Sector Reform.

The RR program in Liberia commenced in June 2004. Its key components included: agriculture, vocational skills training, apprenticeship (on-the-job) training, labour based activities (public works), and formal education. 67 percent of the caseload was managed by UNDP and funded through its Trust Fund. The remaining 33 percent was conducted by the European Union, the *US Agency for International Development* (USAID) and other bilateral partners. The total number of former combatants disarmed and demobilized between December 2003

and October 2004 was 103,912 of which 99,000 became eligible for reintegration assistance, assuming two percent spontaneous reintegration. 24 percent of those disarmed and demobilized were female and eleven percent were children.

Reintegration and Rehabilitation in Liberia – What Was Done Right?

Firstly, let me deal with the RR of *Children Associated with Fighting Forces* (CAFF). Studies by UNMIL, UNDP, the *UN Children's Fund* (UNICEF) and even the NCDDRR come to the overarching conclusion that the program succeeded in disarming, demobilizing, rehabilitating and reintegrating its beneficiaries. This also applies for the RR of CAFF.

A memorandum of understanding was signed between UNICEF and UNDP which mandated UNICEF to coordinate the reintegration activities for children. 11,780 children were demobilized and expected to be targeted with reintegration assistance. Of those, 9,042 were boys and 2,738 girls. It was estimated that up to 4,000 CAFF never went through the DD process.

According to a UNICEF study, the children's DD process in Liberia had the unique feature of focussing on the rights and special needs of the children. The various networks of agencies that worked within the framework addressed the identified issues of CAFF in a coordinated manner. As another interesting and strong feature of the process, the program considered the *Cape Town Principles* right from the planning stage. They made it possible to include in the DD process not only children that had weapons but also those associated with fighting groups as cooks, porters, messengers or for sexual purposes.

The DD process began preparations to enhance the rehabilitation and reintegration of children into their communities. In the *Interim Care*

and Drop Centers demobilized children were provided with programs designed to facilitate the psychological recovery and reintegration of children. Psychological support and counselling modifies the behaviour of CAFF so that they would be accepted by members of their communities. According to UNICEF, 99 percent of the demobilized children were reunited with their families. Presently, 4,929 (3,048 boys and 1,881 girls) children are enrolled in skills training, while 2,079 (1,104 boys and 975 girls) have graduated from skills training programs.

It should be emphasized that social reintegration for children has been successful at both the individual and community level. As the study by UNICEF clearly indicated, ex-CAFF are not seen as a problematic group and are rarely identified as security threats in their communities. They are generally accepted and treated as normal community members. Interviewed community children reported they usually cannot distinguish between former CAFF and other children.

Let me now turn to the RR of adults. The following plans were implemented to facilitate productive activities of RR beneficiaries and their return to families and communities: Post-discharge resettlement support in the form of reinsertion benefits, access to short-term reintegration and employment opportunities, acquisition of basic skills, access to basic agriculture inputs and supplies, self-employment and formal education, and counselling services to strengthen relationships in community-based activities.

The program initiated phased payments to each of the groups that were demobilized, starting three month after discharge. By the end of February 2005, 101,495 ex-combatants had received cash benefits. As an initial allowance, the money supported the resettlement and maintenance of ex-combatants and families for the immediate period following demobilization and discharge. The payment significantly

helped to bridge the critical gap between demobilization and reintegration, particularly in parts of the country that have been inaccessible to any form of services.

The *Joint Implementation Unit (JIU)/UNDP* preliminary study conducted in February 2005 to track the use of the cash received by beneficiaries found a very positive influence of payments on the overall DDDR program and the peace process in general. The results also indicated that money was used by recipients to initiate small-scale business and purchase of basic consumer items. These basic investments became the first major injections of cash into local economies in districts long occupied by ex-fighters.

Although the program paid the benefit with very limited problems, some disturbances must be acknowledged. Among these were the absence of banks in large parts of the country, the logistical and security challenge to move huge quantities of cash across counties, and coordination of various agencies involved within a limited time-frame.

In view of the preferences of registered beneficiaries, four key sectors of support were identified: formal education (41 percent), vocational and skills training (55 percent), agriculture (2 percent), and public works, job placement and empowerment (1 percent).

Formal Education. Formal education began in November, 2004 with over 7,000 students enrolled in 103 institutions including also secondary and tertiary institutions. Originally, the formal education component was intended to last three years for each beneficiary. But at the end of the academic year 2004/2005, the policy was changed at a *Technical Coordination Committee (TCC)* meeting and endorsed by *Project Approval Committee (PAC)*. The time was set to three years for the entire component of formal education. This meant that those who did not enter the first year had less time to benefit. The program

ended leaving over 24,000 students stranded to pay tuitions and fees. Additionally, many counties did not benefit at all during the first year, especially in the south-eastern and part of the south-western regions.

Vocational Training. Vocational training provided support for the acquisition of skills in various trade areas such as carpentry, auto mechanic, plumbing, electrical installation, local craft practises and tailoring. The program also relied on apprenticeship and informal sector capacities to provide on-the-job training. Due to a lack of additional funding, vocational training could not be concluded alongside formal education. Additional funds are needed to conclude vocational training activities. Meanwhile, programs are strengthened through the standardization of psycho-social counselling, small-business skills development, literacy, job referral and placement with established public and private partnerships.

Agriculture. The total number of beneficiaries in agriculture (including fisheries and animal husbandry) stands at 6,188. The support for agriculture is mostly input-based with the exception of fishing and animal husbandry. Crop-based farming has attracted less participation. Possible reasons are the intensive nature of work in agriculture, as well as the question of land ownership and limited extension support services.

Public Works and Related Activities. At the beginning of the program it was generally assumed that more RR beneficiaries would be attracted to the job opportunities available in this sector, especially for unskilled persons. In reality, many jobs are not available and most beneficiaries preferred opportunities in formal education and vocational training.

Reintegration and Rehabilitation in Liberia – What Went Wrong?

Generally, it can be pointed out that the political requirements drove the DDDR process against the technical and operational realities resulting from the *Camp Scheiffelin* incident in December 2003 and challenged the technical work that had been prepared. Several shortcomings have been identified:

- lack of an integrated approach to coordinate, monitor, and evaluate all partners involved in the program;
- irregularities in ex-combatants registration, validation, and payment of subsistence allowances by some implementing partners operating under the JIU framework;
- inability of short-term beneficiaries of labour programs (public works) to participate in formal training activities. For example, the 18,000 participants in roadside brushing did not consider their work as training and requested training in formal education or vocational training. 6,000 were permitted re-entry and engaged in training while 12,000 have not had the opportunity;
- insufficient provision of training materials;
- inability of ex-combatants that were left out of the DD process (mainly because their former commanders took away their weapons) to subsequently take advantage of the RR process;
- lack of job opportunities for those who have completed training due to the inability of the program to determine the relevance of various skills areas given the needs of society;
- lack of direct ownership of the DDDR process by the Liberian government;
- difficult security situation in remote counties where combatants have not yet fully disarmed and demobilized. Some counties are practically inaccessible due to damaged road networks. Therefore security remains fragile and must be kept in mind especially in light of UNMIL's departure.

It is also significant to note that the Liberian DDRR program has been criticized for not being gender-sensitive enough. According to the *DDRR Strategic Framework*, there should have been a comprehensive program addressing the specific needs of women. However, no agency took up this challenge. As a result, women were largely treated like men during the DD process. Notably, the special needs of women (especially non-fighters) and vulnerable groups were largely overlooked and they had more difficulties being screened and admitted into the program. UN Security Council Resolution 1325 was not considered in the disarmament process and only partly in demobilization activities. The limited publicity of RR did not stimulate the participation of females.

Key Lessons Learned

- It is the government's responsibility to reintegrate and rehabilitate its citizens and therefore it must be able to support and sustain its ownership and leadership by providing the requisite funding for the RR program as it enters the final phase.
- The lack of governmental ownership hinders the inclusiveness of rehabilitation processes that require long-term intervention linked to the broader processes of capacity building at the national level, recovery, reconstruction, and development.
- The involvement of warring parties should be allowed during initial planning and implementation of the DDRR process, particularly to ensure full cooperation of combatants. In Liberia, 16 former generals from each of the three warring parties were brought in and allowed to participate in the re-designing and implementation of the DDRR process after a major incident in December 2003.

- The government ownership and funding should strengthen its partnership with donors in defining the way forward for long term rehabilitation and reinsertion activities.
- The special needs within the gender context must be taken into account.
- The relative limited coordination of the RR process led to a lack of coherent and accurate information and statistical data, e.g. on the residual caseload.
- The RR of foreign combatants must be taken seriously. It must discourage cross-border mercenary activities which lead to sub-regional and regional instability.
- The prime objectives of a DDRR program must be formulated carefully. The RR program in Liberia focused on economic sustainability with minimum emphasis on reconciliation, psychological counselling, and long-term income-generation that could lead to healing and transformational changes in behaviour.

How to Proceed

Given the outlined successes, constraints and challenges of the DDRR program, it is imperative to map a way forward for the final phase. While many beneficiaries have been trained, evaluation reports have cited limited relevance and quality of the acquired skills to generate employment. To address the reintegration needs of the residual caseload, while at the same time creating job opportunities, the *International Labour Organization* (ILO) and UNDP fielded a mission in August 2007 to assist the NCDDRR to develop an integrated framework. The framework emphasised that the strategy of providing skills training to the residual caseload must be extended to include job placement in order to ensure the employability of ex-combatants. In this vein, a program mix has been adopted by the policy committee.

More apprenticeships, on-the-job training, and internships as a way of obtaining marketable skills are recommended.

With respect to the gender-insensitivity of the program, the new phase will make efforts to effectively meet the needs of women. Examples of making the program more gender-sensitive are to move away from training women for poorly paid and low-prospect jobs such as home economics, pastry, hairdressing, etc. Women are encouraged to get career counselling and enrol in apprenticeship programs and other available job opportunities in the business sectors that have real career prospects.

The final program also includes related line ministries and agencies of government at the policy and technical levels of the *Project Steering Committee* (PSC) and *Technical Working Group* (TWG). Exit strategies were dovetailed into mainline activities that may not be completed at the time of NCDDRR expiration.

Conclusion

It can be concluded that the Liberian DDRR program was generally successful, with a completion rate of about 80 to 85 percent so far and the remaining 15 to 20 percent to be completed. The formal education component has been successfully completed and closed as of June 30, 2007. The vocational skill training is expected to be completed within eight months subject to the availability of funds which are presently being sourced. The residual caseload is estimated to be between 9,000 and 23,000 ex-combatants. The actual figure is to be identified through enrolment, validation, and career counselling of actual RR card holders who have not yet accessed the program. Employment remains a problematic and decisive issue, especially for underage persons.

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The enigma of societal reintegration in post-conflict civil war settings continues to harass the implementers of DDRR programs worldwide. Four years since the closing of formal hostilities in Liberia with the signing of the Comprehensive Peace Agreement in August 2003 and well into the reintegration phase of the national Disarmament, Demobilization, Reintegration, and Rehabilitation program, we must now take inventory of where we stand in the process and determine how to best proceed. In order to examine the Liberian reintegration program effectively, however, we must understand the context from which it was derived. And while the reintegration program is still very much an effort in progress and difficult to evaluate at this point in time we can, however, examine with better clarity the linkages between the DDR and the R.

The rehabilitation facet of the national program was (and is) ill-defined, marginally incorporated, and virtually unfunded. Directed to be incorporated within the DDRR program, the rehabilitation element was relegated to a small portion of the ex-combatants' short time of programmed demobilization. This remark is meant to bring clarity to the often misconceived notion that the program was designed to be DD and then RR. Reintegration "success" (or lack of it), therefore, will not be examined in this discussion through a methodical survey of ongoing programs and interim outcomes, but will instead attempt, with hindsight and a modicum of empirical evidence, to evaluate the transition to the reintegration phase.

Identifying the Challenges

Through my evaluations of the Liberian reintegration process – for UNDP in March 2006² and for UNMIL’s *Return, Reintegration, and Repatriation Section* (UNMIL-RRR) in October 2006 – I have come to understand that the reintegration phase of a DDRR intervention is inexorably linked to two confounding preconditions – the execution of the DD and how a mission is originally scoped at its outset. For each of these topics, I will revisit the conventional wisdom and posit whether we – the international community – have learned our lessons or if we still do not fully understand the impact of the program. Possibly, with the benefit of some time and distance from the chaos of program implementation, we might gain some knowledge by assessing the challenges under a different light.

The Implications of Disarmament and Demobilization Execution

United Nations missions are easy for externals to criticize but difficult to fully understand and synthesize. Three issues are presented here for further examination – challenges identified within the DDRR process with linkages to reintegration:

- When to begin an intervention in a hostile environment? Was the DDRR mission in Liberia unprepared and ill-advised to commence the disarmament process?
- Did the mission do all it could have done to adequately project the number of beneficiaries? Were the criteria for entrance into the DDRR rightly defined? Was it wrong for “non-combatants” to receive benefits?
- With over 100,000 registered combatants, where are all of the guns?

² The full report can be found at <http://www.lr.undp.org/UNDPwhatFightersSayLiberia-2006.pdf>

Mission Scope: Impacts on Reintegration and Evaluation

Injecting an international intervention into a hostile environment has always been quite problematic. Disarming combatants and securing an environment conducive for rebuilding a peace, while precarious at times, has proven to be a strength of most missions. The more enigmatic process of post-conflict societal reintegration has proven somewhat more challenging and as a result has endured much criticism. Fundamentally, the international community lacks a consolidated approach and doctrine not only to peacekeeping but in executing DDR missions as well. The strategic management tool utilized by the United Nations – *Results-Based Management (RBM)* – requires targeted, quantifiable deliverables. These deliverables require funding and the requirements of a long-term intervention program like reintegration often makes programming and implementation quite difficult. The challenges to reintegration programming that result from a question of scope include:

- defining a holistic approach to understanding all major dimensions of reintegration;
- addressing the popular connotation that a DDR program is a “jobs program”;
- defining a test for the efficacy of reintegration programs that is founded in proper monitoring and evaluation activities.

The above challenges have increased the burdens of implementation due to the nature of the reintegration process – it simply takes a long time – and when a process is rushed in order to accomplish a near-term goal at the expense of a desperately needed long-term objective, the mission fails.

Looking Ahead

The international community must recognize the preconditions required for a successful reintegration program to be achieved. The planning and execution of the reintegration phase of a DDR program is inexorably linked to how well the DD portions of the intervention are conducted and whether the proper level of funding and donor stamina can be secured. For the case of Liberia, we must emphasize the positives of the national DDDR program and seek to counter misinformation as the intervention nears its end. Finding the capacity to provide opportunities for the tens of thousands of newly trained beneficiaries will be quite a daunting task. Without a proper evaluation and documentation of the lessons learned, the international community will be doomed to repeat the mistakes of the past.

Discussion

The DDRR Process in Liberia – Gaps and Achievements

There was a general consensus among participants that the experience of most other post-conflict DDR programs to date also held true for Liberia: the Disarmament and Demobilization (DD) proved to be easier to implement in Liberia than the long-term Reintegration and Rehabilitation (RR) of ex-combatants. While the DD part was well funded and thus quickly accomplished, the reintegration activities lacked resources and commitment by the international community. As a result, until late 2007, about 20 percent of the registered ex-combatants have not received their promised reintegration assistance.

The main reason identified by participants was the increase in the number of beneficiaries to almost 70,000 more than originally foreseen which made planning and fund raising very difficult. Some blamed UNMIL and the NCDDRR for this increase because the criteria for admission to the program were lowered to one firearm or 150 rounds of ammunition per person. This low threshold also led to a decrease in the collection of small arms and light weapons (SALW). After the completion of the Disarmament and Demobilization phase the overall ratio had dropped to less than one weapon per three accepted ex-combatants. The wide accessibility of SALW, therefore, remains a major security problem. Other participants stressed that the short time frame in which the DDRR program had to be set up at the end of the civil war in Liberia clearly limited its success. At this point there were no comprehensive UN *Integrated DDR Standards* (IDDRS) to serve as a guideline. UNMIL had to start several parts of the program from scratch.

There was a general feeling that the DDRR program had created too high expectations. Ex-combatants expected that it would provide long-term employment while it was actually focussing on the distribution of benefits and the training and education of ex-combatants for social and economic reintegration. In addition, the awareness campaign of the DDRR program publicly announced employment opportunities that the struggling economy of Liberia was not able to create, for example drivers and IT programmers. Several participants also criticized that the program did not put enough emphasis on employment opportunities in the agricultural sector. As a result the program saw less than two percent of ex-combatants opting for agricultural training and benefits.

Participants also noted that the DDRR program was caught in the dilemma between long-term planning for sustainable reintegration and the need to “get the boys off the streets” in order to increase immediate security. In fact, the program was widely praised not only for successfully removing the combatants from the streets, but also for breaking most of the military hierarchies of the rebel groups. But when it comes to sustainable economic reintegration participants of the seminar questioned the impact of the program. However, this was mostly seen as caused by the slow overall economic recovery in the country. It would be unfair to blame the DDRR program for the general economic situation.

The discussion then addressed the so-called “lost generation” of Liberia: the young men who grew up during the civil war whose only experience is violence. They are very difficult to rehabilitate due to their extensive traumatisation and complete lack of education or applicable skills. One participant argued that the lack of adequate psychological treatment for ex-combatants in the DDRR program also contributed to the increasing drug abuse by ex-combatants in Liberia.

In the words of another participant, this trend is “a recipe for short-term crime and long-term possible political instability.”

One participant raised the issue of an urban bias of the DDDR program and much of the other recovery activities in Liberia which tend to focus exclusively on Monrovia. The divide between Monrovia and the hinterlands had been present before the war but, according to the opinion of some participants, the uneven coverage DDDR program is reinforcing the old partition. This judgment was shared by UNMIL personnel present at the seminar. They revealed that a recent joint assessment by UNMIL and the government of Liberia looking into the situation of ex-combatants included some disturbing results. A high number of ex-combatants in hinterland counties have not only been neglected in the implementation of the reintegration benefits but actually have never been registered or passed through the disarmament and demobilization part of the program. The assessment also disclosed that some of the militia structures remained active. Some commanders use their former soldiers as employees in legal and illegal businesses such as mining, logging, or motorcycle taxi services. The question lingers if such structures can be called upon, again, if the overall peacebuilding process stalls.

The discussion then turned to the issue of foreign ex-combatants who participated in the conflict in Liberia and were not properly disarmed and demobilized. Currently, about 2,000 are estimated to remain in the country. This group could pose a security threat in the future. A further problematic group are Liberian ex-combatants who were not demobilized and who have now joined other armed groups fighting in the sub-region, for example in Cote d’Ivoire. They could return home without undergoing any DDDR processes. The return to Liberia and reintegration of such groups need to be monitored closely.

III. Building a Criminal Justice System and Traditional Justice Mechanisms

Tiawan Gongloe

Solicitor General, Republic of Liberia

Peacebuilding in Liberia is a collective undertaking by both the international community and the Liberian people, with the United Nations playing a major role in providing security and mobilizing logistical support for capacity building. We view this seminar as an opportunity for stock-taking with regard to the advancement of the Rule of Law by the joint efforts on the Liberian government, Liberian civil society organizations, and the United Nations, the African Union, ECOWAS, the International Contact Group on Liberia, international non-governmental organizations and religious institutions.

The success of the peace process in Liberia must be judged by the extent to which the process is Liberian-driven. It started as a Liberian initiative in 1990, led by the *Interfaith Mediation Committee*, supported by ECOWAS, and later by the larger international community led by the United Nations. The peace efforts in Liberia must be seen as a partnership between Liberia and the international community, with Liberia playing the role of a manager of this partnership. It is against this background that we should examine what has happened thus far in the process of moving Liberia from conflict to sustainable peace and putting Liberia in a state of no return to conflict.

Both the international community and the Liberian people and government have concluded that the only way to put Liberia on the path to sustainable peace is to build a strong justice system – a system based on the equal protection by the law, irrespective of background, economic or social status, political affiliation, gender,

ethnic identity or belief, as laid down in Article 11 of the Constitution of Liberia. Specifically, Article 11(c) states that “all persons are equal before the law and are therefore entitled to equal protection by the law.” This obligates the Liberian state to recognize and guarantee the equality of all persons before the law. It also obligates the Liberian state to provide equal legal protection. The effectiveness of the law in Liberia must be judged by the extent to which the law-making, law implementation and law enforcement are consistent with Article 11(c) of the Liberian constitution.

Where are we in the rebuilding of the Liberian criminal justice system? The current government of Liberia inherited a criminal justice system that was in shambles. Not only was it made dysfunctional by ten years of brutal dictatorship in the 1990s but it deteriorated further due to the extreme greed for wealth and the failure to observe the guiding principles of governance contained in Chapter II of the Liberian constitution by the transitional government.

In January last year, when president Ellen Johnson-Sirleaf assumed power after the first free and fair election in Liberian history, there were few police officers deployed outside Monrovia, with most major cities and towns without any police presence at all. The morale of the LNP was very low as their salaries were insufficient and they had virtually had no logistics including, but not limited to, in the fields of communication equipment and vehicles.

The entire prosecution system had only two trained lawyers available – the Solicitor General and the Court Attorney of *Montserrado* County. Six of the fifteen counties had no prosecutors (*Grand Bassa, Gbarpolu, Lofa, Maryland, River Gee, and Grand Gedeh*). Some counties did not have a functioning criminal court either due to the lack of a resident judge or a lack of a courthouse or lack of defense councils. Many

counties did not have prisons. This posed a serious challenge in dealing with violent crimes such as murder, rape, and aggravated assault.

While much has been achieved since then, we still have a long way to go in strengthening the criminal justice system. Today, the LNP has been restructured and reformed and over 3,000 police officers have been trained with the assistance of UNMIL. The minimum salary of police officers is far above the minimum salary of civil servants. The minimum salary of the police is US\$ 90, that in the civil service is US\$ 50. The minimum salary, both for police and civil servants was US\$ 70 prior the Sirleaf administration. Today, there is an increase in the police presence throughout the country. Although there are some discipline problems at the low echelons, it is important that a police presence is being gradually felt throughout Liberia.

The Ministry of Justice has begun the process of strengthening its prosecution capacity by temporarily turning to the services of highly qualified lawyers in private practices and by making the recruitment of formally trained lawyers a part of its reform agenda. The Ministry of Justice has recruited and assigned formally trained lawyers in *Bong* and *Margibi* County and has strengthened the county attorney of *Montserrado* County with two additional formally trained lawyers and their assistants. In the near future, the Ministry will strengthen its prosecution with the presence of a formally trained lawyer in each county and at least ten legal counsels at the central office in the Ministry of Justice. UNMIL's legal and judicial services support the Ministry of Justice with twelve legal consultants for a period of one year. UNMIL has extended this assistance for another six months and increased the number to 15. UNMIL is also providing the same support to the judiciary by providing support for defense counsels.

Efforts are also being made by the judiciary to improve the recruitment of trained lawyers to serve as judges. All of the current judges of

courts of records are formally trained lawyers. There is, however, still a problem in appointing magistrates who are attorneys at law. The major constraint to the recruitment of lawyers is the lack of attractive remuneration. Efforts are being made to improve this situation.

The issue of judicial corruption has become a major concern to the public, the government, the international community, and the judiciary itself. In order to deal with judicial corruption, the Supreme Court has reconstituted the *Judicial Commission* and the *Grievance and Ethics Committee* of the bar. The Ministry of Justice has made it clear to prosecutors that bribery is a serious crime under federal law and that anyone suspected of bribery must be investigated. We have prosecuted a magistrate and a county solicitor both for rape. They are currently serving life sentences.

The Liberian law provides that a crime committed by a person less than 18 years of age is a subject to a separate juvenile justice system. There is one juvenile court with one trained lawyer who has had some experiences in juvenile justice issues. The law provides that magistrates have jurisdiction over juvenile issues. But many of the magistrates do not have the capacity to adequately deal with juvenile justice issues since they are not trained lawyers. One of the major challenges is what to do with a juvenile delinquent. The law provides for youth vocational training centers operated by government or private institutions. These facilities are not available.

UNMIL and some NGOs have employed lawyers and paid very good salaries. But these lawyers only monitor and report which is not the greatest need in rebuilding the Rule of Law in Liberia. What Liberia needs now are trial lawyers – lawyers in the courtrooms prosecuting or defending criminal cases. Providing financial support to the Ministry of Justice and to the Supreme Court to employ more lawyers for the trial of criminal cases is the way forward.

Koboi Johnson

former Minister of Justice, Republic of Liberia

The subject of this session – Rule of Law and building a criminal justice system – presupposes two fundamental issues. Firstly, that in a post-conflict situation the Rule of Law is the only way forward wherein individual citizens must obey the laws appertaining thereto. Secondly, that because the nation had submerged into serious crisis characterized by the commission of various crimes with impunity there is a dire need to rebuild a criminal justice system in Liberia.

It is my desire to attempt to answer some of the questions that have been raised in light of the alleged minimum achievement made in rebuilding our criminal justice system, in particular with regard to the judiciary. On first sight and from the position of a non-lawyer, this allegation appears to have some relevance. As a former prosecutor, however, I beg to differ on any notion resembling the fact that the slow pace of criminal system reform in Liberia lies squarely at the foot of the judiciary only. It is very important that we are aware of what constitutes a criminal justice system and of what institutions are the prime actors within it.

The Constitution of Liberia (1986) is extremely unequivocal on speedy trials and transparency in all matters before a court of competent jurisdiction. What obtains whilst matter lies before the court for adjudication is within the province of the prosecutor and the defense counsel and not the court because our laws prohibit the court from acting for or in favour of party litigants. The courts only play the role of arbiter and must be in readiness to hear and try any matter before it if and when the parties are ready and prepared. Our legal system has provided a safety valve in the event that a judge is suspected of rendering an erroneous or illegal ruling in a matter. Our statute

provides as a matter of right for any dissatisfied party litigant to take an appeal to a high court.

As far back as 1978, the apprentices system of practicing law in Liberia was abolished. To date, almost all circuit court judges in the country are law school graduates. The question will be, then, what about magistrates and justices of the peace? The judiciary is encouraging all magistrates to be law school graduates, but whilst that process is going on our New Judiciary Law does not grant any trial jurisdiction over criminal offences to magistrates of justice of the peace courts. The most they are authorized to do is conduct preliminary hearings with a view to establish as to whether a crime was indeed committed and whether the preliminary evidence points at the accused.

As regards the juvenile penal system, the situation in Liberia is critical and severe. In the light of the fact that Liberia is a post-conflict country and has ratified the *Convention on the Rights of the Child*, it is my view that all the requirements laid down in the convention must be followed. At present, however, the juvenile penal system in Liberia does not conform to international standards. For example, while according to international standards the age for criminal responsibility is set at 16, in Liberia children under that age are held criminally responsible via a juvenile court procedure. It is also not clear whether there are separate detention facilities for juveniles in Liberia. Furthermore, rehabilitation programs for juvenile offenders are lacking in Liberia. This is one area where Liberia needs more collaboration with international experts to train judges of juvenile courts on the specific standards set for juvenile penal systems, in particular as the number of juvenile offenders in Liberia is high as a result of the long civil war.

Jerome Verdier

Chair, Truth and Reconciliation Commission of Liberia (TRC)

The pains and hurts in Liberia go very deep. Therefore we cannot overemphasise the need for reconciliation. The Truth and Reconciliation Commission (TRC) is the leading institution in that process. The structure of the TRC is community-based, we have opened offices in all 64 districts and all 15 counties of Liberia. In December 2007 we will be conducting public hearings and presenting our findings dealing with both perpetrators and victims.

We are investigating as part of our mandate how traditional Liberian structures could be useful in enhancing reconciliation in Liberia. The various cultural groups in Liberia have their own traditional mechanisms for achieving justice. The vast majority of Liberians still consider themselves members of one of those groups and respect their traditional judicial mechanisms. Dialogue and mediation are the major features of this informal justice sector. Normally, family members and elders are closely involved in the mediation process. The perpetrator is expected to confess with an expression of remorse. This is often followed by rituals for cleansing the perpetrator. Cleansing is essential when blood has been spilt as the general conviction is that the perpetrator was possessed by an evil spirit at the time of the crime. Without cleansing the perpetrator cannot re-enter the community.

The most common punishment in the informal system is banishment from the community for three to seven years, depending on the severity of crime the person committed. 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.

At the moment there is no clearly established link between the traditional and the formal justice sector. Theoretically, one can bring a case to the formal sector by rejecting the decision of the traditional court. In such a case, the Ministry of Internal Affairs would act as a sort of appellate court and all administrative decisions by the Ministry can be reviewed by the judiciary. However, I know of no documented case where this actually occurred.

I believe it is possible to harmonize the two distinct judicial systems, but much remains to be done. For example, the traditional *Sassywood* trial by ordeal process is theoretically banned although it remains common in practice. This process is contrary to Liberian law as it requires the accused to give evidence against himself or herself. Yet it is fast and effective and people belonging to certain cultural groups in most cases readily submit to it. It must also be admitted, however, that there is often considerable communal pressure to participate in the *Sassywood* process. In terms of human rights, the process is balanced in so far as the decision making body hears both sides of a conflict before it decides.

Felicia Coleman

Association of Female Lawyers of Liberia

We have been asked to give an overview of existing informal or traditional justice mechanisms in Liberia, by assessing the character, quality, and relevance of the informal/traditional justice system with special focus on their relevance for criminal justice and the extent to which informal/traditional mechanisms can be reconciled with modern approaches and the Rule of Law.

More recently, the reform of formal criminal justice systems and the entire legal system has been recognized as a priority. However, the relationship of the informal justice mechanisms to the formal or judicial institutions is still inadequately addressed or considered entirely irrelevant. This brief overview will demonstrate the significance of informal justice delivery systems founded on custom and tradition.

Common Traditional Justice Mechanisms

Liberia is a multi-ethnic society with each ethnic group subscribing to its own traditions and customs. However, common to these groups is the use of the traditional justice mechanisms that have existed in Liberia for many years, providing a strong system of both governance and reconciliation outside the formal mechanisms imposed by the Western world. And, while the more formalized Western models often allow for only one form of justice – retributive, restorative, or reparative – these traditional institutions seek to combine several of these and other elements in keeping with the values of their communities.

Before the founding of Liberia, there were various indigenous ethnic groups living and conducting their affairs within the territory that is now Liberia. Although they may not have had statutes, books, or other written laws, disputes were resolved in the traditional or customary

manner. In many countries of Africa today, a dual legal system exists and is recognized. Liberia is no exception.

According to the Rule of Law which is a fundamental part of the Anglo-American concept of constitutional government, both the government and the governed are subject to the law. Under the principal of the Rule of Law, no government official, no single private citizen, no single group of people can claim privilege above the law. Rather, rules are set forth in advance, and are applied impartially to rulers and ruled alike. Thus, the Rule of Law is essential to ordered liberty and prevents government and individuals from deciding for themselves what the law is and how and when the law is to be enforced.

To this end, a justice system is only as good as its capacity to respond to the demands made on it. Given that many Liberians rely on the traditional or informal justice systems, this means that reform efforts must focus on those systems. Some basic changes are required to encourage people to make demands on them and enable them to respond to the justice needs of their numerous users.

The assertion that powerful men do in fact get a better deal out of the application of customary law is obvious. This is particularly the case in disputes concerning personal status, marital rights and ancestral land. This makes it possible for the rich to enjoy the benefits of statutory property law for their urban personal property, while simultaneously using customary law mechanisms to grab ancestral land in rural communities.

For the powerful, customary law affords a freedom of choice of both laws and forums based on situational convenience. When it suits them, they use the formal courts, the police and other state paraphernalia. At other times, it is also possible to deploy a cross-over of customary norms into the formal legal system through expensive judge-made laws that only the rich can afford. Besides the formal

justice system, customary law could be described as one half of a composite system of line-item public ethics that makes it possible, for instance, for a powerful man to accept marital equality (under civic law) but reject gender equality (pleading customary law) and get away with it because the patrimonial system allows it. This system of line-item public ethics creates a credibility crisis for the entire justice system and reinforces the marginalization of the average Liberian from the space of the state civic law.

A majority of Liberians experience the customary judicial system. Its norms and institutions determine the fate of a significant proportion of the country's population. 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. In many African countries including Liberia, mechanisms of formal justice delivery have been destroyed by a succession of corrupt governments or war. Where these mechanisms exist, they are dysfunctional, inaccessible, or lacking in credibility. Lawyers are too few, court houses are mostly in the capital and other metropolitan areas, judicial processes are very technical and poorly funded, judges are few and underpaid. There is insufficient penetration of the structures and personnel of formal justice delivery into communities isolated by being rural, or otherwise inaccessible. Public transport is inadequate to ensure access to the presumed portals of justice. Too few people can afford to use the formal justice systems because of the bureaucracy and the complexity of a legal system which they do not understand.

For many people in Liberia, the lack of a functional justice system is a life-and-death matter. Families are unlawfully deprived of their ancestral lands and livelihoods by the rich and powerful without notice or compensation; widows are disinherited by surviving in-laws who grab assets of the dead with calculated disregard for the tra-

ditional obligations to the surviving children; communities are driven by a long history of failed or unresponsive government to evolve mechanisms of existence outside the reach or care of the state. Each of these and similar examples that abound in everyday Liberian life present a compelling need for redress. Most of these needs will remain unfulfilled if a reform of both the formal and informal or traditional justice mechanisms is not undertaken to transform the Rule of Law and the traditional justice systems both in procedure, structure, and mechanism.

Although recognized by communities all over Liberia, traditional justice systems do not necessarily owe their existence or viability to the state. Informal justice mechanisms enjoy uneven degrees of integration into the state. There are formal traditions in which the existence of customary and traditional law are expressly recognized but limited in application to civil matters, including personal status and succession matters. Even within the different categories of tribes, the nature and relationship of customary to statutory law vary. There are good examples of the integration of informal into formal justice systems in many parts of Liberia, where the courts of traditional chiefs are integrated into the authority and power structure of government. For example, a traditional court like the *Paramount* or *Clan Chief's Court* exercises considerable statutory jurisdiction over criminal matters, extending to powers of imprisonment not to exceed three months.

Components of the Traditional Justice Mechanisms

There are a number of traditional dispute settlement mechanisms that have existed in the Liberian society for a very long time. Some follow simple forms of apology where minor disputes are settled informally between families, whilst others take on a more structured, court-like process with some kind of formal assembly of disputants and com-

munity members presided over by a designated person or group of persons, normally the elders, chiefs, opinion or traditional leaders, who act on behalf of the community to settle the dispute.

Social and family pressure of any and every kind are brought to bear on the disputing parties to shift ground, to accept, to compromise, and to settle the dispute. The common element of these various models of traditional dispute settlement in Liberia is the emphasis on peaceful settlement, compromise, and agreement where communal interests outweigh individual rights and interest. The rural community has played a large part in dispute resolution and in fact is the center of many of the local dispute resolution mechanisms. The community acts as a monitoring and arbitrating presence providing an arena for private feeling to be vented in a public manner and acting as a safety measure and a sanctioning device to the confronting parties.

A key component or part of the traditional justice mechanism is conflict resolution which uses the process of mediation in which one person or a group of elders and traditional leaders act as a go-between for the offended party and the offender. Mediation is the most commonly used means of solving conflicts in many rural Liberian communities. Mediation is distinct from adjudication or arbitration in that all parties have equal power, and the decisions come out of the clans and families from the bottom up, not the top down. This is closely linked with a process of negotiation, wherein, using the Liberian wisdom, the elders and even the two parties themselves gradually come to a common agreement. In this way, individual problems can be solved and a wider societal balance achieved. These sessions of conflict resolution which are often held in a *Palava* hut are not only one of individual healing but also a process of socialization. Traditional people believe that mediation is a means for problem resolution and that a key part of any conflict resolution is mediation rather than punishment.

Arbitration is another form of traditional administration of justice where those involved in a dispute or conflict appear before a panel of wise men. Through the deliberations of a group of elders or chiefs – held in secret in some tribes or in the open in other tribes, depending on the magnitude of the crime – or through *Palava* the traditional leaders generally come to a common agreement and decide upon a suitable punishment. This retribution is linked directly with other social controls including socialization, ritual cleansing, apology, and compensation.

Another vital part of the traditional justice mechanism is compensation. Traditions and customs count compensation as a precondition for their reconciliation ceremonies. This is echoed in claims that “forgiveness comes after the payment of damages,” and calls for “reconciliation through disbursement.”

Although these traditional justice mechanisms differ between ethnic groups, it is important to note that in all cases, they serve as important elements in the process of conflict resolution. Some of those traditional justice mechanisms have been outlawed, in particular trial by native ordeal. Nevertheless, Article 73 of the revised *Rules and Regulation Governing the Hinterland* of Liberia approved on January 7, 2000 permits trial by native ordeal provided it does not endanger the life of an individual. In some parts of rural Liberia, however, traditional leaders still subject individuals to the use of *Sassywood*, even though *Sassywood* or trial by native ordeal which endangers the life of an individual has been declared unconstitutional by the Supreme Court of Liberia.

Existing justice mechanisms in Liberia thus include formal trial, mediation, apology and restitution, and acknowledgement, reconciliation, and dialogue. The traditional justice mechanisms seek to

combine several of these and other elements in keeping with the value of the community. These mechanisms include:

- dialogue and mediation;
- community healing;
- traditional elders' courts which adjudicate disputes according to traditions and customs of the particular ethnic group involved;
- community and village courts (*Paramount Chief's Court, District Commissioner's Court, and Clan Chief's Court*) which adjudicate matters according to customary law in the hinterland;
- purification and ritual cleansing using traditional healers attended by the family and community. The rituals vary depending on the degree of the conflict and on the traditions of the tribe which may involve the pouring of libations, acts of supplication, and cleansing ceremonies which may also take different form, to purify the land and the individuals (victims and perpetrators) and to appease the ancestors;
- traditional teaching, settlement and community restoration, apology;
- reconciliation which is an essential and integral part of peaceful settlement of conflict and other matters and the imposition of fines to compensate the aggrieved party.

Advantages of the Traditional Justice Mechanisms

- traditional justice mechanisms readily meet the needs of the victim rather than the criminal justice system if the matter is of a criminal nature;
- they are affordable;
- they seem to have much more legitimacy for those involved than the formal justice process;
- they are readily accessible;

- there is less risk of secondary victimization at the hand of criminal justice practitioners in cases of domestic violence and sexual abuse;
- traditional justice mechanisms advocate mediation rather than punishment and promote reconciliation and peace;
- traditional justice mechanisms swiftly hear and dispose of matters so that parties do not get discouraged that disputes will take too long before they are settled;
- there are little monetary costs for the complainant or the victim;
- there are little or no language barriers, and proceedings are familiar in procedure and outcome to rural citizens.

Disadvantages of the Traditional Justice Mechanisms

- there is almost complete male dominance and control over the administration of the traditional justice mechanism, very seldom will a woman be allowed to preside over traditional disputes in the community;
- the decisions made by the elders or chiefs who preside over a matter is final and everyone has to abide by the decision;
- individuals are forced to give evidence against themselves when *Sassywood* is employed during a trial by ordeal and inhumane measures are used to obtain evidence.

Recommendations

While I do concede that there are varied means to having access to justice, I am pleased to recommend the following for consideration in improving the traditional justice mechanisms:

- strengthen the relationship between statutory laws and state-sponsored customary laws by revising the *Rules and Regulations Governing the Hinterland*;

- establish the *Provincial Circuit Court of Assize* as provided for in the *Rules and Regulations* so that appeals from community and village courts will lie before the *Provincial Circuit Court of Assize* rather than before the Ministry of Internal Affairs, thereby ensuring that only the judicial branch hears appeals from traditional justice officials;
- establish a *Law Reform Commission* to research, review, and revise all existing Liberian laws, including customary laws and procedures, for the purpose of reforming those laws for consistency and to conform to the constitution, statutes, and international laws;
- no form of trial by ordeal should be allowed, accordingly that portion of the *Rules and Regulation Governing the Hinterland* that provides for trial by ordeal of a minor nature and which do not endanger the life of the individual should be repealed.

Conclusion

The legal and judicial sector and the entire justice infrastructure must take responsibility for not only civic and criminal statutory systems but also informal and traditional mechanisms. The mechanisms of formal or statutory justice delivery such as the police, the bureaucracies of administrative justice, and government, courts, lawyers, and judges are mostly found in urban areas. They are maintained at the expense of public taxes and appropriations. Informal mechanisms on the other hand, such as traditional chiefs, tribal courts, and other traditional institutions are found in many rural communities and some cities because of the migration of rural citizens due to the Liberian civil crises. However, these traditional justice systems do not receive the same kind of support for their survival as the formal justice system.

We must, therefore, ensure that the Rule of Law framework, the judicial system, and the informal justice structures are properly reformed to conform to constitutional guarantees and encompasses a holistic, structured, and coordinated approach to legal and judicial reform. Traditions, customs, religious beliefs, and other ways of life may influence our behaviour, but certainly they should not be allowed to serve as instruments in the denial of our rights to life, liberty, and equal protection of the law. Let us demand and work for speedy access to justice regardless of the method or forum.

Discussion

The discussion following the presentations centred on the lack of judicial capacity and legal education in Liberia, access to justice, the nature and reform of Liberia's dualist legal system, and the Truth and Reconciliation Commission.

Lack of Judicial Capacity and Legal Education Reform

To emphasize the acute lack of personnel capacity in Liberia's legal system, it was pointed out that there were only 275 lawyers registered with the Liberian bar out of a total population of approximately 3.5 millions. This ratio of one lawyer per 12.725 inhabitants is extremely low. In comparison, in the United Kingdom the ratio is one lawyer per 400, in the US it is one lawyer per 270. This situation makes it very difficult to find qualified candidates for magistrate posts. As a consequence, most Justices of the Peace are not trained lawyers, in fact many have not even completed a high school education.

To improve the personnel capacity of the legal system, several participants suggested either altering the professional qualifications required to become a magistrate or improving the output of Liberia's legal education system. At the present pace of 30 law school graduates per year it would take ten years to fill all vacant positions in the judiciary. Several Liberian legal experts also proposed that the curriculum of Liberia's only law school should be reformed to foster more practical skills. The idea of legal clinics was introduced where law students learn public defense and human rights counselling while doing pro-bono work during their education. Moreover, the question was posed whether the law school should continue with its current exclusive focus on the statutory system and with students coming

predominantly from the American-Liberian elite, or whether the law school should become more inclusive and also address customary legal traditions in its curriculum.

A further proposal was to create a state-financed scholarship scheme whose beneficiaries would be required to serve in a public function for a minimum period of three years after their graduation, with penalties for defaulters. Possibly, they could also be banned from joining the public sector again. It was also suggested to establish a judicial training institute that would coordinate training activities throughout the country and oversee training standards.

Access to Justice

A number of participants warned that as a consequence of insufficient judicial capacity, most cases in front of Liberian courts were greatly delayed and a general culture of impunity prevailed. Moreover, in the absence of a functioning judiciary, many Liberians lost trust in the formal justice system and continued to seek justice through traditional dispute settlement mechanisms.

Participants pointed out that the general lack of knowledge among Liberians about legal rights and obligations as well as about available judicial processes aggravated the problem severely. Persons ignorant about their rights in criminal proceedings are more willing to submit to harmful traditional legal practices such as trial by ordeal. They might also more easily fall victim to corruption: without the knowledge that the state prosecutes serious crimes or that a defense counsel is provided free of charge to defendants, citizens are more likely to bribe judges, prosecutors, or police officers. As a countermeasure, a public information campaign raising the awareness about relevant legal principles and procedures was suggested. A further issue that needs to be addressed is public access to Liberian legislation, as there

is neither an official gazette nor any publication of legislation on the internet. Instead, private publishing companies regard relevant laws as their intellectual property and claim copyright over the published collections of national laws.

There was universal agreement that access to justice was particularly difficult in rural areas, due to extremely low numbers of judges, prosecutors, and lawyers outside of Monrovia. A possible solution could be offering financial incentives to legal professionals willing to work in the hinterland. Moreover, several participants advocated increasing the judicial presence throughout the country by creating mobile courts with teams of judges adjudicating cases in the regions. Such measure could significantly strengthen the formal justice system, as people would otherwise seek justice before traditional dispute settlement forums close to their places of residence.

Finally, there was some controversy among the participants over how far the Ministry of Justice and the judiciary should be involved in policy-planning and -making. Referring to the Chief Justice's refusal to participate in certain inter-ministerial policy processes relating to justice and law reform, several participants stressed the importance of an involvement of representatives of the justice system. Other participants, however, found the Chief Justice's approach acceptable in the light of considerations of judicial independence and impartiality. Besides issues of law reform and judicial capacity-building, policy-making should also concentrate on increasing support and coordination of the legal aid sector, on prison management, and on the treatment of juvenile delinquents. In addition, Rule of Law policy should not only focus on judicial and prosecutorial services, but should also be geared towards fostering strategies to prevent violence.

Liberia's Dualist Legal System

Liberian legal experts drew attention to the fact that since its foundation Liberia has always had a dualist legal system with statutory law governing the so-called "civilized" people, i.e. American-Liberians, while customary law remained the applicable law for the mostly non-Christian "natives" who constitute the large majority of the population. Originally, the statutory system only applied 40 miles inland from the coast and its use was expressly prohibited for the indigenous population. The *Rules and Regulations Governing the Hinterland*, re-adopted in 2000, attempt to bring together the two systems by establishing state-sponsored customary courts intended to integrate traditional justice into the statutory system. While the Ministry of Justice represents the interests of the formal justice system, the Ministry of Internal Affairs acts as the guardian of the indigenous population. In the view of some participants, however, the Ministry of Internal Affairs still uses the *Rules and Regulations Governing the Hinterland* as a means of perpetuating the discrimination against the rural population.

There was also disagreement about how far the two legal systems have in practice been integrated. Several Seminar participants underlined that the statutory law takes precedence over the customary norms. In the area of criminal law, the statutory system has replaced the customary traditions entirely, as crimes are exclusively governed by the statutory system and must be prosecuted and tried by the formal justice system. Even if reconciliation between victims and perpetrators is sought by means of customary mechanisms such as compensation payments, recourse to the formal justice system remains possible thereafter. Statutory courts could also consider informal traditions by hearing members of tribal courts as expert witnesses with respect to any violations of customary laws or principles.

Other participants claimed, however, that in reality there existed two mutually exclusive legal systems since socio-cultural traditions forbid that a person who took recourse to traditional dispute resolution thereafter seeks help from the formal courts. Anyone attempting to do so would be ostracized by their local community, although it was admitted that different ethnic groups varied in their attitude towards such behaviour.

Participants also indicated that in certain exceptional cases customary norms contradicting established statutory principles are allowed to remain. For example, traditional family law does not outlaw polygamy or a widow's forced marriage with the elder brother of her deceased husband. In these cases, people would have to decide whether to adhere to the statutory or to the customary system since a combination of the two legal systems was not possible. A lack of legal harmonization was also found in the area of land tenure law where the community-oriented approach of the customary system conflicts with the principle of private ownership introduced by the statutory laws. While customary law prohibits individuals to sell communal lands, the state could confiscate tribal lands and then sell it to individual persons.

Attention was also directed towards certain problematic aspects and practices of traditional dispute settlement mechanisms. According to some participants, the tendency of traditional forums to produce "quick justice" with final decisions with no possibility of appeal could not be reconciled with the principle of a fair trial. The traditional requirement of the alleged perpetrator to confess his or her deeds and to take recourse to "supernatural" practices if the accused refuses to do so was also seen as highly problematic. Particular criticism was directed towards the trial by ordeal, specifically the so-called *Sassywood* procedure. The suspect is made to drink a poisonous liquid made out of a tree bark and if he or she shows any adverse effects then that

person is considered guilty. The Liberian constitutional court outlawed trial by ordeal in 1916 if it was forced upon the individual and if the practice is life-threatening or causes inhuman or degrading treatment. But no further efforts were undertaken to spread knowledge of and implement this prohibition and the *Rules and Regulations Governing the Hinterland* even today continue to authorize some minor forms of trial by ordeal.

All participants agreed that a further harmonization of the two legal systems in Liberia was necessary to avoid future conflict. In this regard, the international community and the Liberian legal professionals were urged to acknowledge the useful elements of customary dispute settlement mechanism such as its consensual approach and its strong emphasis on social cohesion and communal peace. However, intolerable practices and discriminatory elements of customary law would have to be abolished or reformed. Besides the arbitrary and at times harmful nature of traditional dispute settlement, most criticism was directed at gender issues. For example, the *Rules and Regulations Governing the Hinterland* would have to be changed with respect to their provision that women must repay their dowry after divorce and with regard of their extremely low rates for compensation payments for families of raped girls. It was also demanded to end gender discrimination in the area of inheritance law, so that women married under customary law are entitled to inherit.

One participant pointed out that Liberia was in urgent need to reform its legal system not only because of its pre-modern components facilitating the abuse of power and authority. Reforming the system was also necessitated by the large-scale destruction of the traditional society through the civil war and in the light of prevailing urbanization processes. Even if one regarded customary rules as a functioning legal framework in traditional rural environments, these rules

would not serve the people well in the more anonymous and individualistic urban context.

A serious difficulty in reforming and harmonizing the Liberian legal system is the lack of knowledge and research materials on existing customary practices. Many studies conducted between the 1960s to the early 1980s were destroyed during the civil war and current research projects are still ongoing. Customary law is not taught at the Liberian law school and is difficult to study given the secrecy surrounding many customary practices. Thus, the question was posed how outsiders could acquire relevant knowledge and how legislative reform could best be undertaken. Some suggested that Liberia could learn from the experience of other African states in reconciling statutory and customary systems, as the basic features of customary law were broadly similar in many African societies.

Participants also discussed whether it would be beneficial to codify customary laws. Some participants spoke in favour of codification, as such an undertaking could create referable standards and allow a reform of the system. Others were more doubtful. Not only would codification contradict the reality of customary law as a fluid normative system, but it might also be a futile exercise in view of the prevailing illiteracy of the Liberian population. Several participants argued in favour the establishment of a *Law Reform Commission* to make appropriate recommendations for reform and harmonization. In this context, the Ministry of Justice and the Ministry of Internal Affairs were called upon to start a meaningful cooperation, and the need was stated to consider the inter-linkage between the *Law Reform Commission* and the *Governance Reform Commission*.

Truth and Reconciliation Commission

The final part of the discussion concentrated on the work of the TRC. Its chairman explained that the Commission's work resembled the approach taken by the Rwandan *Gacaca* tribunals and applied traditional practices such as palavers and community dialogues. The transitional justice process is victim-driven and reaching forgiveness through truth-telling is a central element. Participants acknowledged that there were different narratives among Liberians with respect to the conflict causes that would have to be assessed with a high degree of honesty and sensibility.

Several participants criticized the Commission's short mandate of only two years as meaningful post-conflict reconciliation could only occur over a much longer time frame. Therefore, the work of the TRC could in their opinion only be one of several components of the reconciliation process, re-enforcing the importance of other traditional justice and community healing mechanisms. At the end of its mandate, the Commission would issue final recommendations on how to proceed with the prosecution or amnesty of war criminals.

IV. Improving Liberia's Economy, Infrastructure, Ecology, and Basic Services

Togba-Nah Tipoteh

Board Chairman, Susukuu, Inc.

Within the context of peacebuilding and national ownership in post-conflict Liberia, any relevant analysis of the Liberian economy has to respond to the question of the dynamics of the distribution of participation and benefits. By April 1998, when the government of Liberia presented its *National Reconciliation Plan* at the donor conference on Liberia, held in Paris, France, a consensus had emerged in civil society and government analyses to the effect that marginalization at the ballot box and in the market place was the principal explanatory factor for the civil war. This marginalization is synonymous with bad governance and lack of democracy.

At the level of the Liberian economy, the lack of democracy manifested itself concretely in the growth-without-development syndrome. Knowledge of this syndrome emerged from the analysis of data through the 1950s. It showed that while the Liberian economy exhibited the highest per capita growth rate in the world during the 1950s, less than one percent of the population accounted for more than 60 percent of the national income. In effect, the data indicated that the vast majority of Liberians were becoming poorer as the economy grew.

Over 2,000 years ago, Plato reminded us that a society in which income is highly skewed is headed for violence and instability. The studies of economists from Adam Smith to Simon Kuznets and Amartya Sen confirm this finding. Particularly pertinent for our

purposes is Kuznets' observation that it usually takes violent action to render highly uneven income distribution less skewed.

It is against this background that one must draw relevant lessons from the post-conflict Liberia economy. Internationally driven initiatives continue to dominate economic policies and practices in Liberia without giving primacy to the uniqueness of the Liberian reality. In August 2007 the Liberian government's *Poverty Reduction Strategy* process was launched. The government has yet to demonstrate the likelihood of success of this strategy in the face of the failure of similar strategies, called by different names, over the past six decades.

Three examples are presented here to demonstrate fundamental problems in Liberia's national economic management. In the first place, the executive branch of government has declared its commitment to pursue the constitutional mandate of operating a free market economy. In practice, the executive granted a pure monopoly right to import rice over a period of six months, in the face of an opposing resolution by the legislative.

Secondly, the monopolistic practices and the selective application of taxation have resulted in the exacerbation of the already unmanageable unemployment problem. Suggestions made by civil society elements directed at increasing deployment have gone unattended by the government. These suggestions refer to the deployment of Liberians to replace foreigners who are engaged in occupations that low-skilled Liberians could easily fill. Another consequence of monopolistic practices and the selective business taxation is disinvestment. One of the top five business groups in Liberia has downsized its investment by 80 percent, leading to the loss of 2,000 jobs, with negative implications for more than 40,000 dependants. Through its *Liberia Emergency Employment Program* (LEEP), *Liberian Employment Action Program* (LEAP), and public works quick impact projects, the

government is making some strides in promoting employment and *Mittal Steel* plans to have 3,500 Liberian employed five years from now.

Thirdly, in March of 2007, the Managing Director of the National Port Authority (NPA) declared publicly that the NPA's *Governance and Economic Management Assistance Program* (GEMAP) Comptroller lacks basic competence for his assignment. Within days, the Managing Director was made Deputy Minister at the Ministry of Public Works and the GEMAP Comptroller was transferred with the same assignment to the Forestry Development Authority. The reasons for these transfers have never been made public, in spite of the fact that the Forestry Development Authority and the Ministry of Public Works are of crucial importance for the development of Liberia.

National economic management remains fundamentally flawed with its central reliance on the failed concept of automaticity between growth and development. This reliance manifests itself in the overdrive for government revenue. The dominant public sector view remains that with more fiscal resources available there would be a high likelihood of economic growth. This position does not reflect an understanding of the information provided by the *International Monetary Fund* (IMF) as long ago as 1985, when an occasional paper disclosed the existence of over two billion US\$ held by Liberian citizens in private bank accounts in Switzerland. Such information should serve as a guide in attending to the perennial problem of corruption in national economic management.

Taking action on the basis of the position that the public sector spends money better than the private sector, taxation proceeds without any assessment of its impact. Such an assessment would have predicted the downsizing of investment with its attendant negative impact on employment, production, prices, and national security.

This lack of assessment of strategic policies is also seen in the non-availability of a comprehensive national budget indicating all sources and uses of funds for the public sector. There is also a lack of a comprehensive evaluation of performance under an immediately past budget as the appropriate basis for formulating the ensuing public sector budget. Civil society requests for transparency and accountability with respect to human and financial resources provided by donors have also gone unattended.

Yonton Kesselley

Assistant Minister of Education, Republic of Liberia

Even prior to the devastating civil war in Liberia, the education system was relatively declining in access, relevance, equality and service delivery. The violence only worsened this situation and resulted in more disruption of basic social services. Roads and transport services became unavailable due to the extremely unstable security situation, especially in rural areas. In large parts of Liberia, walking became the only means of transport. Make-shift school buildings constructed from mud and sticks sank into the ground over the years of neglect. There was also a generalized destruction of both public and private property, thereby weakening the country's economy. Indeed, this nightmare heralded an increase in illiteracy as a result of a lack of access to basic primary education in the country.

Rebuilding the Education System

The government has prioritized access to basic primary education and with special attention to secondary and tertiary education.

In order to rebuild the education system in Liberia, eight major factors must be considered:

- infrastructure expansion and improvements;
- instructional material and curriculum development;
- teacher development;
- accelerated learning program for average students;
- supervision and assessment services;
- strengthening education sector governance;
- organization capacity building;
- institutional and implementation arrangement for the program.

By the year 2010, a very high percentage of school aged children must have access to a primary school. Also by the year 2010, 65 percent of learners must have seats and desks, 60 percent of schools will have access to clean water by 2010, and 60 percent of schools will have low-cost toilet facilities. Also by the year 2010, there should be two-to-one learner-to-textbook ratio in the four core subjects, a revised primary curriculum implemented in at least two grades, and a system of school grants should have been developed.

A significant area is teacher development. By the year 2010, the government should target 50 percent of primary teachers for training at a grade C level and target at least 90 percent as teachers trained to use the textbooks. Furthermore, the government should target 300,000 students aged 15 and over to be enrolled in the ACP programs. To accomplish the task of recovery in the education system by 2009, 100 percent of public primary schools should be visited by the District Education Officer to improve supervision and inspection.

The education system in Liberia comprises of four major sub-sectors: elementary, secondary, vocational and technical, and tertiary education.

Specific tasks which the government needs to undertake include:

- rehabilitating and refurbishing 500 formal and non-formal basic education facilities by furnishing and equipping at least 61 senior secondary schools;
- reconstructing and equipping libraries, laboratories, and workshops of 61 secondary schools and post-secondary schools;
- developing, producing, and distributing instructional materials for rehabilitated institutions;
- improving the mass literacy program as well as non-formal education status;

- decentralizing tertiary institutions by creating Public University systems in the regions;
- developing master education policies.

Conclusion

Liberia has now returned to democratic governance and needs massive support to all of its programs. The challenge is to continue the effort for a truly sustainable development that can no longer be easily destroyed. Yet we must not expect too much too soon – the development challenges facing Liberia are enormous.

James B. Logan

Deputy Minister of Agriculture, Republic of Liberia

The agricultural sector (defined to include fisheries and forestry) will have to play a key role in helping to achieve the Liberian government's objectives for economic growth, poverty reduction, and development as articulated in the *Interim Poverty Reduction Strategy (IPRS)*. It is equally clear that recovery of the agricultural sector must reflect a more integrated agricultural economy and not the dualistic structure of the past. Moreover, the deep horizontal inequalities that severely disadvantaged the small-holders as well as the vulnerability to external shocks which contributed to the conflict in Liberia must be addressed to prevent a recurrence of civil war.

Goals and Objectives of the Agricultural Sector

The goal of the sector is to contribute to inclusive and sustainable economic growth, thereby providing employment, improved food security, and measurable poverty reduction for all Liberians. The specific objectives are:

- to significantly improve competitiveness, production, and productivity, particularly from small-holder producers, in staple food and export commodities;
- to reduce risks and improve coping mechanisms for agricultural consumers and producers;
- to improve the nutritional status of vulnerable groups;
- to provide opportunities for employment and income for a wide range of stakeholders and for investments in value chains of certain commodities;
- to support institutions – both public and private – to provide necessary services, incentives, an enabling environment, and

monitoring mechanisms to encourage growth and reduce vulnerability;

- to provide greater opportunities for agricultural marketing and value addition of food, cash, and export commodities through improved infrastructure and higher value chains;
- to ensure an open and transparent governance of Liberia's natural resources consistent with the laws to achieve the inclusion of all stakeholders.

Problems, Challenges, and Opportunities

Achieving these objectives will be a major challenge, taking into account the numerous problems facing the sector, paramount among which is low productivity resulting in low returns to farmers. This, together with decades of conflict and economic mismanagement, has undermined the commercial agricultural base of Liberia. Previous neglect of the small-holder sector suggests that mere "recovery" will not be sufficient, especially since previous agricultural outputs did not meet national needs. As seen in other conflict-affected countries, the share of agriculture in the national economy is higher now than before the civil war: over 50 percent in 2005 compared to roughly 33 percent in 1987. However, per capita income is only one eighth of the pre-war level and all economic sectors are functioning far below pre-war levels. Yet evidence emerging from the *Comprehensive Assessment of the Agriculture Sector of Liberia* (CAAS-Lib) shows the strong growth potential, cross-sectoral linkages, and poverty reduction potential of the agricultural sector.

Economic data alone do not reflect the full impact of the economic collapse on each and every Liberian. But recent surveys illustrate the extent of the challenge:

- Liberia remains heavily dependent on food imports, rice remains the most important food crop with about 40 percent of annual consumption met through imports;
- over one third of households currently receive food assistance, seven percent of children under the age of five are under-nourished: this state severely limits their learning ability and their ability to reach their full economic potential later in life.

Meeting the challenges both of immediate need and of long-term development will determine the government's priorities within the framework of achieving the *Millennium Development Goals* (MDGs). The CAAS-Lib will lay the foundations for such decisions. Initial analysis has identified the following major constraints:

- household agriculture is depressed by low yields and few marketing opportunities caused by the absence of necessary inputs. There is an absence of mechanisms for farmers to learn new technologies and utilize improved inputs and crop varieties;
- agricultural value chains have been destroyed and most households have reverted to food production for home consumption. The commercial sector is struggling with unclear property rights and a challenging business environment;
- the absence of agricultural markets combined with the absence of rural-urban linkage results in a severely depressed rural economy. The potential multipliers from farm incomes through rural demand and into rural non-farm activities have yet to materialize;
- public institutions were largely ineffective at providing support to the agricultural sector and have retracted further;
- rural infrastructure, particularly farm-to-market roads, market structures, and post-harvest equipment are inadequate.

The challenges are large. But the potential is there and the commitment of the government to work with partners to support agricultural

growth – led by a private sector and embodying a balance of small-holder and commercial enterprises – is robust. The *Statement of Policy Intent* set out a broad framework for the sector. This is reflected in the IPRS and the future PRS will set the agenda for the period 2008–2013.

In a constrained environment it is essential that available technical and financial resources are deployed to maximum effect. Based on a problem diagnosis, the strategic framework and an assessment of what is feasible and realistic in terms of available capacity, the following priority interventions have been proposed.

In order to tackle low yields restricting food security and depress agricultural income:

- develop mechanisms for seed multiplication using a combination of multiplication centers, targeted support of private sector seed companies and out-grower schemes with local farmers;
- encourage the use of high-yield varieties, short-cycle livestock, and other technological innovations through NGOs, private sector, and public extension services;
- encourage the development of rural financial institutions that will supply the medium- and long-term credit needs of small-scale farmers;
- strengthen farmers' associations as the primary institution for farmer coordination;
- revitalize a decentralized and demand-driven agricultural extension system;
- rebuild the agricultural research system and support links with regional research institutions;
- facilitate land expansion particularly into the lowlands for crop and fisheries production.

In order to improve marketing and commercial agricultural production:

- encourage private sector investment including small-holder agriculture by providing an enabling environment and addressing physical and other constraints in the value chain such as processing, post-harvest storage, and marketing;
- provide necessary security to plantations and restore interim management to vacant plantations.

In order to enable government institutions to address development policy and regulatory functions:

- develop and implement a manpower development plan for the Ministry of Agriculture that would equip it to effectively perform its role;
- strengthen the Ministry of Agriculture by defining its role and function, including in generating agricultural statistics, planning, coordination and monitoring;
- re-engineer and strengthen the existing machinery for better coordination and service delivery to farmers;
- review the mandate of existing agriculture-related parastatal institutions;
- review the land tenure system including the concessions policy to ensure that they are conducive to the requirements for agricultural development;
- develop a food security strategy and implementation and monitoring mechanism that reflects the multi-agency nature of food security;
- develop a livestock as well as a fisheries policy and ensure regulatory and enforcement capacity.

Richard Tolbert***Chairman, National Investment Commission, Liberia***

Thank you for this opportunity to address briefly the vital issue of the role of private sector development in post-conflict peacebuilding in Liberia. There is no doubt in my mind about the critical importance of the private sector in the process of economic development. Indeed, this is also the vision and policy of Her Excellency Madam Ellen Johnson-Sirleaf as witnessed by the fourth pillar of her vision for Liberia: economic revitalisation and the stimulation of the private sector.

Before we proceed to discuss what is needed to stimulate the private sector, it may be useful to briefly review the extent of the problem in Liberia in order to appreciate why the private sector is so essential to Liberia's post-conflict reconstruction. When Madam Sirleaf assumed office on January 16, 2006, she inherited a nation whose entire social, economic, political, governmental, and physical infrastructure had collapsed.

For purpose of this presentation, we will focus only on the economic collapse. As was confirmed by Alan Doss' remarks, between 1980 and 2005, Liberia's GDP collapsed by over 85 percent. From a pre-coup national budget of US\$ 600 million, (which would be equivalent to over US\$ 1 billion, adjusted for inflation, today) the government of Madam Sirleaf inherited a budget of less than US\$ 100 million in 2006, a collapse of over 90 percent. By comparison with other post-conflict countries, GDP fell 18 percent in Ethiopia from 1988 to 1992, 28 percent in Mozambique from 1981 to 1986, 28 percent in Uganda from 1977 to 1981, and 52 percent in Rwanda from 1992 to 1994. Decline was almost universal across all economic sectors with production in mining, coffee and oil palm production collapsing almost completely.

In individual terms, the average GDP per capita fell from over US\$ 1,000 in 1980 to less than US\$ 150 in 2005 forcing the average working family in the public sector, for example, to survive on a salary of US\$ 20 per month, when it was paid, while the rice, which is the staple food, for an average family of four for one month cost US\$ 20–22, when it can be found.

The production of rice fell by 73 percent between 1987 and 2005, financial services fell by over 80 percent and public electricity and water supply collapsed by over 90 percent with only rubber production and some wireless telecommunication holding their own. Charcoal and small-scale domestic wood production actually increased as Liberians turned to these basic elements to meet their energy and housing needs. As we all know, employment in the formal sector fell by almost 80 percent.

So much for the problems. Now to the solutions: How can the private sector play its vital role in this massive task of economic reconstruction? Let me make clear that when we refer to the private sector, we are referring to both the domestic as well as foreign private sector actors in Liberia. Although, there are some fine distinctions in the role both of the sectors play in economic reconstruction, which I will get to later, the prescriptions for economic stimulation are broadly similar.

First, we have to get the macro-economic picture right through balanced public budgets, tight fiscal management of the public treasury, a satisfactory resolution of the debt issue, increasing government's meagre revenue primarily through more effective tax and customs collection (85 percent of timber revenues in the past were lost from the public treasury to private bank accounts), a fair and competitive tax regime, tolerable interest rates and acceptable inflation level along with investor friendly economic policies and regulations.

Secondly, we must have satisfactory international framework conditions in the form of access to international markets such as the *African Growth and Opportunity Act* (AGOA), ECOWAS, and the *World Trade Organization* (WTO), international treaties (such as double tax treaties and framework agreements for bilateral trade), international debt relief and proper management of foreign donor assistance to support the government's resources, especially in the vital area of infrastructure and provision of basic social resources such as health, education, and housing.

Thirdly, the restoration of the nation's physical infrastructure in the form of roads, lights, water, sanitation, port, telecommunication, and housing have emerged from discussions with all actors in the economic sectors as absolutely essential and necessary pre-requisites for economic revitalisation. In this regard, the private sector and especially the extractive industries can be a major part of the solution by ensuring that the infrastructure they build for their needs be integrated into the national infrastructural grid: for example, *Mittal Steel* will need between 60-80 MW of power for its needs and with a capital expenditure budget of US\$ 1.1 billion for its mines, ports, railways, and energy needs it could sell its surplus electricity to the state – which is what I believe used to happen with *Bong Mine* and the *Liberia Electricity Corporation* in the 60's and 70's.

Fourthly, beside the physical infrastructure essential for the private sector to operate efficiently is what I refer to as the "soft infrastructure" of economic revitalisation, what some may refer to as the "enabling environment" in the form of the institutional and legal framework for doing business. By this, we mean the overall atmosphere of good governance, absence or at least minimization of corruption, a stable, fair, and predictable legal parameters for carrying out commercial activities and the reduction of regulatory and practical hurdles to doing business such as the excessive number of

official inspections harassing enterprises, lengthy, and multiple steps for registering and doing business, such as the multiplicity of procedures to clear a single container through customs, etc. These are all added burdens and indirect costs which delay, diminish or discourage the private sector from flourishing.

Finally, on a micro-level, it is important for investors and entrepreneurs to have easy access to finance, fiscal incentives, technology, skilled labour, natural resources, land, and raw materials for their business. Creating the right micro-level support to business is probably the simplest and most direct way of supporting private sector development.

So what are we at the *National Investment Commission* (NIC) doing in concrete and practical terms to address some of these issues and support economic revitalisation through the private sector? But before getting into what is normally viewed as the primary role of the NIC, namely the attraction of foreign direct investment, let me just say a word about what I consider to be an equally important but often overlooked dual mandate of the NIC, namely the stimulation of the domestic, especially Liberian owned private sector. We took on this challenge as a high priority recognising that the years of social conflict had exacerbated the already chronic economic divide between the haves and have-nots.

Therefore, we have attempted to broaden the base of economic empowerment by actively seeking to provide two of the essential ingredients Liberians have identified as lacking in their ability to compete effectively in business, namely capital and business know-how. So far we have been most successful in the area of capital formation for Liberian businesses and there are three loan windows we have been able to attract for local business.

We have attracted US\$ 100,000 from *LBDI Bank* and now US\$ 250,000 from *ECO-BANK* for a small–medium enterprise window to be jointly administered by ourselves at NIC and the local bank partners.

Secondly, we have attracted a US government agency called the *Africa Development Foundation* (ADF) (which is operating out of the NIC but over whom we exercise no control) which has agreed to lend US\$ 1 million a year to between 10–15 Liberian businesses over the six years of the Sirleaf administration, thereby creating 50–60 new Liberian businesses over six years. Not only did they make this pledge within just weeks meeting us for the first time during the President’s state visit to the US in March 2006, but by May 2006 they had opened temporary offices in Monrovia. By December 2006 they had disbursed the first US\$ 1 million in loans to ten Liberian businesses (out of 105 which applied) in loan amounts averaging close to US\$ 100,000 apiece. Even more exciting is that the ADF has also pledged to lend at least US\$ 1 million a year to local Liberian owned businesses very year for the entire six years of the Sirleaf administration, thereby helping to create or sustain at least 50–60 Liberian owned businesses over the course of six years. And furthermore, for those Liberians who don’t know it, this is the best financial deal in town – because they can borrow amounts ranging from US\$ 25,000 to 250,000 over a term of one to five years interest-free! The only obligation is to repay the principal which would then go into a revolving pool to lend to other borrowers.

Thirdly, perhaps most proudly for me, with the inspiration of our president Ellen Johnson-Sirleaf to whom I introduced the American billionaire Robert L. Johnson, we were able to attract a US\$ 30 million *Liberia Enterprise Development Fund*. The bulk of this money or about US\$ 20 million incidentally comes from the US government agency called *Overseas Private Investment Corporation* (OPIC), but it was several million dollars of Bob Johnson’s personal seed capital that was

able to trigger the involvement of OPIC which requires at least a 25 percent US equity component in any venture it funds. The fund will lend to Liberian at below market rates, in amounts of US\$ 20,000–500,000 and very importantly for local businesses that have not been able to get access to long-term credit, at terms up to five years. This fund by my calculation is probably greater than the capital of all the five commercial banks operating in Liberia combined, and if it is well managed could grow to as much as US\$ 50 million over the next few years. Let me make clear, however, that although NIC was instrumental with our president in bringing this fund about, the Fund will be entirely run by an NGO selected by OPIC that has been active in Liberia for several years called *Cooperative Housing Foundation* (CHF).

Let me turn back to the traditional and primary role of NIC: the attraction of foreign direct investments. How does NIC go about performing this task? After years of a brutal and devastating “uncivil war” that left Liberia branded in one American publication “The Worst Place on Earth,” the importance of recreating a new positive national image for Liberia especially on the international scene cannot be underestimated. Fortunately, the Liberian people in their wisdom at the last moment elected as their president a tough, honest, hardworking, Harvard-educated, Citibank-experienced, World Bank- and UN-trained Liberian activist and former Finance Minister who turned out to be a woman and the first female president on the continent of Africa! No advertising person could have written a better script for a country campaign for Madam Sirleaf, just by her character, history, and charisma, has almost single-handedly turned around the image of our country 180 degrees from that of a failed state to that of a promising “future state” to which business people from all over the world are increasingly drawn as an interesting investment destination.

NIC is the principal agency of government responsible for the formulation of investment policies, laws, and regulations and we are cur-

rently actively involved in revising the entire 1975 *Investment Code of Liberia* along with the Ministry of Finance and our friends from the *Foreign Investment Advisory Services* of the World Bank. The aim of this exercise is to bring our investment laws up to modern best international practices, especially in areas such as guarantees against state expropriation, non-discrimination between domestic and foreign businesses (which may have some repercussions for laws such as the 26 businesses reserved for Liberians), the neutral settlement of commercial disputes by arbitration forums such as the *Centre for the Settlement of International Investment Disputes*, protections against the abuse of intellectual property, confirming the right to freely repatriate capital and profits and finally eliminating discretion in the granting of investment incentives by NIC and consolidation of most investment incentives with automaticity in the tax code.

In addition to national image building and investment policy formulation NIC also performs a vital function which we refer to as investment facilitation. This involves everything from providing practical assistance to investors seeking visas, work permits, hotel reservation, transportation, industrial sites, environmental clearances, and land for housing and hotel investments, to arranging meeting with ministers and relevant sectoral heads all the way up to the presidency (the latter on a highly selective basis of course).

In the area of investment promotion, we have attempted to implement more effective means of investment marketing by:

- creating a website where basic information on investment opportunities in Liberia are readily available to a global audience via the world-wide web;
- printing the first modern investment guide to Liberia in over a quarter of a century;

- hosting investment road shows such as the *Investment Forum* held in Washington DC in February 2007 following the donors conference and organised by the *Corporate Council on Africa*, which was attended by some 400 potential investors;
- creating a six-minute video on Liberia at a cost of some US\$ 25,000 that is available on youtube.com on the world-wide web (with financial support from the World Bank);
- participating in regional trade forums targeting especially Liberians in the diaspora all around the USA as well as in Nigeria, Malaysia, Europe, and next week in South Africa;
- hosting investments and trade missions in Liberia from China, Nigeria, the US, France, Malaysia, South Africa, Germany, and as far as away as Ukraine;
- placing international advertisements in major international channels such as the in-flight magazine of *SN Brussels* which will be seen by over 600,000 business travellers over the next two months and finally targeting specific industries and companies such as major agro-industries, hotels, and housing for attraction to Liberia.

Finally, NIC is engaged in a number of special projects such as:

- analysing the costs and benefits of a major *Special Economic Zone* our Chinese partners have asked us to consider;
- analysing and responding to the World Bank's *Doing Business Report* on Liberia which ranked us 170 out of 178 countries in the world in so far as ease of doing business;
- looking for land for two major potential hotel and housing investors;
- gathering macro- and micro-economic data on investment opportunities throughout Liberia;
- participating in a number of investment negotiations in rubber, oil palm, timber, mining, and telecommunications.

Sam Koffa

Sustainable Development Institute, Liberia

My task is to discuss natural resource use and management efficiency in Liberia. To do this we need to be clear about what we mean by natural resources and must put forward definitions for several other important terms in the context of sustainable development.

What Is a Natural Resource?

I am certain that everyone in the audience has an idea about what a natural resource is. What I am not certain about is whether everyone uses the same definition. Therefore, we need to define these terms for purposes of this discussion. I define natural resources on the basis of origin, renewability, and visibility:

- *Origin:* Natural resources are nature's gift to the Liberian nation, free of all costs. As such all Liberians have equal rights to using and managing these resources. There should be no particular group that has more right over others in sharing the benefits of these resources, as has been the case in the past.
- *Renewability:* Certain types of natural resources can be regenerated and at such are renewable; others are not renewable. We, however, must be careful about renewable resources because they can be abused to a point where they can no longer be renewable. I shall revisit this aspect of natural resources later in the discussion.
- *Visibility:* Depending on where they are located relative to the surface, some resources are readily seen, others are not. There are resources such as forests that grow on the surface of the earth. Others such as gold and diamond are found below the earth's surface.

This issue of visibility is critical to a country like Liberia where illiteracy is widespread and people are susceptible to misinformation and deceit. A dictator could find diamonds somewhere, for example, and could keep them to him/herself and thus rob the nation of the benefit of the resource. Of course, in cases where people know about the resource, dictators could still rob them of the benefits, but at least there is a chance that the informed public would demand a share of the resource.

Key Examples of Natural Resources in Liberia

Liberia's natural resources include the ocean, rivers, lakes, forests (terrestrial, marine), grasslands, wildlife, minerals (metallic and non-metallic), and fossil fuels. Some are renewable (forests, rivers, wildlife, etc.), others are non-renewable (gold, diamond, iron ore, etc.).

It must always be remembered that renewable resources simply do not renew themselves spontaneously but require efficient management. I shall define efficiency later. I have visited many countries in Africa and Southeast Asia where forests are now entirely replaced by millions of acres of grasslands that provide no benefits approaching those which forests provide. So just because a resource is renewable, it does not mean it can still exist if mismanaged or abused. The rest of this discussion will focus on forests (marine, terrestrial) and wildlife (animals).

What Is Efficient Management?

I define efficient management by listing what I believe are some of the key elements of an efficient resource management system pertaining to forests and wildlife:

- sound extraction plans and practices, for example logging methods that do the least damage to residual forests. In Liberia,

my experience is that during logging, thousands upon thousands of young plants (regenerants) that represent the future of the forest are damaged. In most cases, regenerants suffered about 98 percent mortality as a result of poor logging practices;

- properly valuing natural resources: In Liberia, valuable logs are left in the forest to rot or are used as makeshift bridges over streams and rivers. Forestry concessions that engage in such activities should be fined, but this is not the case in Liberia today. An efficient forest management system should do all it can to discourage these types of abuses;
- holding exploiters accountable for the damaging resource extraction methods they use: In iron ore mining, for example, the ore is cleaned of impurities through washing before it is exported. The standard practice to rid the ore of these toxic wastes (largely toxic heavy metals such as cadmium, lead, aluminium, zinc, etc.) is to dump the wastes into the rivers and finally in the sea, thus poisoning these fragile ecosystems upon which the fishery and other industries depend. These wastes also pose human health hazards by accumulating in the food chain and by the contamination of surface and ground water. Yet mining companies are never held responsible for the damage they do to this nation's natural environment and its people;
- recognition of the service and product functions of a given natural resource: an efficient management system makes serious efforts to identify these goods and services, it pays equal attention to both functions simultaneously and develops management systems that tap the best from each. Our forest resource management system pays more attention to the product function of natural resources to the total exclusion of the services these critical resources offer.

Forests and Energy: Interrelatedness

I wish to conclude this discussion with a few comments on energy and the role forests play in this equation. I also wish to address the role of Liberia's forests in the conservation of biodiversity. Energy is the life-blood of any economy. Liberia is blessed with a relatively cheap source of energy: its rivers. Liberia has six major rivers but is crying everyday for electricity. To make matter worse, Liberians even have to buy drinking water in plastic containers. Efficient forest management could contribute significantly to resolving Liberia's energy problems by keeping rivers alive in terms both of water quality and of water quantity.

Let's take a look at the current energy crisis in Ghana to make the energy-forest nexus. This country depends mostly on hydroelectricity, yet currently its giant hydroelectric power plant is running below 50 percent of its capacity. One of the main causes for this is that the river does not generate enough current to drive the turbines. Deforestation has damaged the watershed and has resulted in a reduced flow level of the river. Now think about the number of rivers we have in Liberia and the size of the country that is still covered with forests.

Liberia is part of the *Upper Guinean Forest Ecosystem* (UGFE), one of the planet's biodiversity hotspots. Biodiversity hotspots are highly threatened regions that represent only 1.4 percent of the earth's land surface but account for 60 percent of all terrestrial species diversity. There are about 25 biodiversity hotspots around the world and the UGFE ranks the fifth in number of species. The six countries of the UGFE and their percentage of the total area of the UGFE are: Togo (less than 1 percent), Sierra Leone (5 percent), Guinea (8 percent), Ghana (16 percent), Cote d'Ivoire (28 percent), and Liberia (43 percent).

Liberia plays a very a critical role in keeping rainfall alive in this eco-region. The UGFE is one of the wettest parts of West Africa, with seasonal rains of up to 3,300 mm per year. A humid-equatorial climate ensures that certain locations receive more than 5,000 mm precipitation annually. Weeks of heavy rain are punctuated by short but intense dry seasons. The seasonal variation in rainfall has critical influence on the vegetation. Seasonal temperatures range between 30 and 33 degrees Celsius during the dry season and 12 and 21 degrees during the wet season. The cold, dry Harmattan winds sweep across the Sahara Desert from December to February, lowering temperatures to as little as 12 degrees. Clearly, these accounts bear record of the fact that this eco-region has a great role to play in supporting watersheds hence the network of rivers across the six countries of this eco-region and beyond.

Thomas Jaye

Senior Research Fellow, Kofi Annan International Peacekeeping Training Centre (KAIPTC)

As a conclusion to this section, I would like to raise a number of issues relevant to the overall process of post-war reconstruction and peace-building. This three-day discussion has illustrated that Liberians, in spite of their diverse political affiliations, can find a political least common denominator to sit down and talk about the way forward. The way in which the participants were frank with each other during the entire session illustrated that not all is lost in the country. There is room for cooperation when it is needed most.

In my opinion, the situation in Liberia confirms the assumption by an eminent African political economist, Claude Ake, that the greatest enemy to development has been politics. Thus, it is fruitless divorcing politics from the economy because the two are inseparable and do reinforce each other. Liberia's problems should thus be examined within the contexts of political economy, given the strong relationship between politics and economics. This means that the state has a strong role to play in economic development. In this critical phase of post-war reconstruction and economic renewal, Liberia should begin to return to the old debate about the "developmental state" versus the "minimalist state." I would like to argue that although over the years the emphasis has been placed on the latter through the neo-liberal policies of the IMF and the World Bank, little has been achieved in terms of a people-oriented development.

Thus, Liberia should think about "bringing the state back in;" there should be a public-private partnership as opposed to leaving the challenges of development entirely to the private sector with all its glaring limitations. It has never worked and will not do so now. Even in the developed world the state has been brought back in in many

ways. For example, when banks go bankrupt in the West, in order to survive, it is the US and European states that inject money into them. These states subsidise their farmers each time they face crisis. Thus, why should states in Africa be advised to do the opposite?

I believe it is worth noting that over the years, the private sector has contributed relatively little to Liberia's development. The areas where some of the multinational corporations operated remain the poorest in the country, the poor and underdeveloped mining regions in the country are a case in point. We need to look at the surrounding towns and villages near Bong Mines; Point Four near LAMCO; Tubmanburg and its environs in Bomi Hills to verify this assumption. The situation was so bad in the 1970s that when the *Liberia Mining Company* closed down its Operation in Bomi Hills, we argued that it left behind "Bomi Holes."

Given the past history of investment in Liberia, it is about time that corporate social responsibility be exercised by all investors. As the country strives to encourage private investors, caution must be exercised so that there is no compromise on critical issues like job creation and good labour standards, encouragement of local business ventures, and environmental protection.

A further important point that has already been raised in an earlier presentation is that Liberia continues to "produce what it does not consume, and consume what it does not produce," to use a phrase coined by A. M. Babu, former Tanzanian Minister of Economic Planning. In this light, the import of almost everything Liberians eat is highly counter-productive and should therefore be curtailed. On the contrary, there is the need to revive the agricultural sector and realise that the largest private sector in Liberia is agriculture. Thus, money should be invested in this sector through incentives for small- and medium-sized farmers.

I believe it is crucial that Liberia defines what development actually means. While infrastructural development is crucial in this exercise, within the contexts of peacebuilding, the country should also place emphasis on the following: reconciliation, rule of law, good governance, food security, education, health care, sanitation, and employment. Development is about people and should therefore be people-oriented. The challenge, however, is to prioritise what needs to be done because the country at this moment cannot achieve everything simultaneously.

Moreover, I would like to draw attention to the fact that there is a strong link between natural resource management, economic growth, conflict, and political stability. Liberia should take natural resource management very seriously because while some of these resources are renewable, others are not. Herein lays the dangers of unscrupulously exploiting the natural resources without thinking about the future.

I have concentrated on the political economy of Liberia in these remarks in order to stress its critical role in the overall process of post-war reconstruction. However, as we have seen over the last three days, we have also touched upon the issues of Rule of Law, DDRR, Security Sector Reform, and basic infrastructure and social services. Certainly, all of the issues raised will go a long way to generate the sort of debates required for countries like Liberia that are emerging from conflict situations. Moreover, they could generate debates that can lead to the deepening of the democratic process that we all fought for before and during the war years.

Against the backdrop of the above, I would like to close by urging you to continue this debate inside Liberia. You do not need much to carry out this type of debate but commitment and the will to do so.

Discussion

The session on improving the Liberian economy focused on three main issues, namely revitalisation of the agricultural sector, private sector development, and natural resource management. After the presentations on these critical areas, the participants raised a number of pertinent issues relevant to the effective rejuvenation and running of the economy including the proper governance of the country's natural resources. The participants referred to the fact that over the years, the exploitation of the country's natural resources has not contributed meaningfully to the development of the country.

Liberia is endowed with enormous biodiversity, while it has one third of the forest reserve in West Africa. However, the way in which the country's resources are extracted has the potential to undermine their regeneration. The participants shared the view that once they are over-exploited, natural resources can easily become endangered. The thrust of their assertion was that without any long-term strategy for the sustainable extraction and utilization of these resources the country may end up facing, like other developing economies within the region, the depletion of its vast natural resources.

Therefore, it was proposed that environmental impact of investment contracts should be considered in any policies because this critical factor is often ignored. Thus, the *Environmental Protection Agency* (EPA) should become proactive in its regulation and enforcement of environmental standards in investment contracts. On reforestation, there was suggestion that while this is one way to secure the forest, the emphasis should not be placed on planting trees because this does not restore biodiversity of the forest vegetation that supports the ecosystem. On the contrary, what is required is sound policy on forest

management that will ensure that trees are not cut down in a discriminate way on the large scale. There should be a rotational system that will allow the trees to grow naturally because the forest has the potential to regenerate itself. Accordingly, measures should be put in place in order to ensure that economic growth, through private capital investment, does not lead to mismanagement of the forest resources.

One of the issues raised at the seminar was the concern about ensuring that public procurement law addresses the challenges of accountability and curbing conflict of interests when negotiating contracts. As some argued, in order to decongest Monrovia, which has become over-populated, there is the need to spread business opportunities in different regions of the country.

The other issue raised by the participants relates to the role of women within the Liberian economy. According to them, although women constitute the majority of the country's population, the vast majority of them do not own businesses. Often, because of the lack of collateral, they find it difficult to compete with their male counterparts for loans. Consequently, the vast majority of them are forced to remain within the informal sector. In the light of this observation, it was strongly suggested that the issue of gender be mainstreamed in Liberia's investment policy.

The other issue discussed was the need for Liberia to exploit its potential of rice production not just for local consumption but also for export purpose. In order to achieve this, there was suggestion that the agricultural sector be supported through the national budget. Agriculture, according to the participants, remains the backbone of the country's economy. It constitutes a major foreign exchange earner while it meets the food security needs of the country and the nutritional requirements of the population. Consequently, serious attention should be paid to its development.

Reference was made to the fact that there is the need for Liberians to begin to diversify their food consumption patterns in order not to rely too much on rice, as is currently the case. This, in the participants' view, would encourage the production of a variety of crops and other agricultural products that could generate income for the people.

They also made mention of the challenges of running a two currency economy, which impacts negatively on the local currency. Currently, Liberia uses the US and Liberian dollars. If the US dollar is devalued, Liberia experiences severe inflation and skyrocketing prices. For a country with such high unemployment rate, this adversely affects the security needs of the people.

Overall, it was agreed that there is a direct link between security and development. Hence, efforts should be made to improve the security situation throughout the country so that it provides an enabling environment for the attraction of investment in the country.

V. Local Ownership and Robust Civil Society – A Long Way to Go?

Augustine Toe

Executive Director, Justice and Peace Commission, Liberia

Even though the process of bringing peace to Liberia presents one of the most complex challenges the international community has ever faced in a conflict-torn country, the peace negotiations in Liberia showed a considerable input by Liberian stakeholders. While all of them may not have agreed with certain decisions, their participation in the peace talks and in the discussions on technical transition mechanisms compelled them to honour the various obligations made in the peace process. This process was, therefore, necessary for enhancing peace and security in Liberia, establishing good governance, the Rule of Law, economic recovery, the rebuilding of infrastructure, and the provision of basic services. However, it is not certain that there is sufficient and adequate local participation in the peace-building process now.

The peacebuilding process in Liberia has received immense support from the international community. International actors have been active at the center of reactivating institutions that are mainly responsible for sustaining the peace, such as the *Truth and Reconciliation Commission (TRC)*, the *Independent National Human Rights Commission (INHRC)*, the armed forces, and other parts of the security apparatus. However, there are concerns in Liberian civil society that the process may not ensure a smooth continuity after the departure of international actors. This can only be guaranteed if there is more national ownership of the process through the civil society.

The most critical elements in the Liberian peacebuilding process include local ownership of the truth and reconciliation process, the establishment of the INHRC, Security Sector Reform, legal reform, economic recovery that leads to broad based employment, infrastructure reconstruction, and the delivery of basic services to the Liberian people. We do acknowledge civil society participation in the establishment of the TRC and the INHRC. In the area of security sector reform, however, there is a visible absence of Liberian participation. The training of the Liberian army has been left exclusively in the hands of US contractors. There is minimum civil society participation in the recruitment, planning and training process. For example, an offer by the *Catholic Justice and Peace Commission* to conduct pro bono human rights education courses during the training of military recruits has not been taken up. Similarly, UNMIL personnel have been solely responsible for the recruiting and training of the Liberian police in the absence of participation of civil society and experienced local officers.

The *Accra Comprehensive Peace Agreement* (ACPA) of 2003 provided for the complete disarmament of all combatants. Prior to the beginning of the disarmament, Liberian civil society leaders met the then Special Representative of the Secretary-General (SRSG) and put forward suggestions on civil society involvement in the disarmament process. The SRSG dismissed the offer, stating that disarmament was a purely military affair. As a result of this exclusion of Liberian civil society, the disarmament process ran into serious difficulties a few days after it had begun. Only at this point were civil society leaders asked to become involved in the process and prepared suggestions that ultimately led to its successful conclusion.

Another institution that the ACPA provided for was the TRC. In order to ensure local ownership of the reconciliation process, ten civil society organizations formed the *Transitional Justice Working Group*

(TJWG). Again, however, the then SRSG refused to consider the participation of Liberian civil society and turned down the TJWG's proposals for a Liberian TRC Act. In fact, the two draft laws circulated by UNMIL were exact replicas of the Sierra Leonean and South African TRC acts, respectively. In reaction, the TJWG protested against the exclusion of Liberian civil society from the TRC process to the UN High Commissioner for Human Rights. Following this protest and a personal intervention by the UN Secretary-General, Liberian lawyers and other civil society actors were commissioned to draft the Liberian TRC Act.

In view of the above, it must be stressed that civil society remains relevant to the search for justice and peace in Liberia. But civil society organizations also need to critically examine themselves, review the relevance and effectiveness of their traditional approaches and adopt new strategies in the face of forces that seek to keep Liberia in a state of social, political, economic, and cultural backwardness.

The first approach, then, is the need for a fragmented and disorganized advocacy to be replaced by coordinated action, based on a consensus of what the national interest is and a firm resolve to protect and promote this interest. On this note, the following positions are advanced as rough guidelines to enhance the capacity of Liberian civil society to make a positive contribution to the peacebuilding process:

- achieving lasting peace in Liberia remains essentially a Liberian problem; Liberians must rise to this challenge and take the lead in solving their own problems;
- the struggle for development, social justice, empowerment, and democracy is highly complex. Therefore, we must carefully examine the possible outcomes of our actions and must never lose sight of the impact we ultimately want to create;

- the post-conflict state in Liberia is weak, politically confused, and economically dependent. It is, therefore, inclined to adopt anti-democratic tendencies when confronted with popular demands. Left unchecked, these tendencies could endanger the peace-building process. Therefore, civil society must adopt a collective approach to create an opposing force to pressure the political system to act in the national interest.

Finally, let me offer a few concrete recommendations:

- while acknowledging that Liberia needs its international partners in its quest for sustainable peace, consultation with civil society actors remains crucial to the peacebuilding process. International actors should, therefore, partner with Liberian civil society organizations to ensure national ownership of the peacebuilding process;
- more thought should be given to the inclusion – after re-training – of ex-combatants and former police and other security officers in the planning, recruiting, and training process for the Liberian security sector. Their marginalization could lead to destabilization in the future;
- institutions such as the KAIPTC should give urgent attention to and initiate programs geared towards enhancing the capacity of Liberian civil society organizations to make them effective actors able to contribute to the peacebuilding process in Liberia.

Discussion

The following controversial discussion highlighted on the one hand a consensus about the fundamental importance of local ownership in post-conflict peacebuilding and especially in security-related fields such as DDR and SSR, and on the other hand a disagreement between Liberian and international participants about the degree to which local ownership had been achieved in practice.

UNMIL representatives present at the Seminar contradicted several statements made in the preceding presentation which, in their view, did not give a fair picture of UNMIL's SSR efforts. They asserted that Liberians were involved in various aspects of the security sector training courses. In basic police training courses, for example, the majority of trainers are former Liberian police officers. Civil society input is also evident in the Human Rights modules taught in senior police officer training courses. UNMIL personnel also stated that they were not aware of any concrete offers of assistance by local NGOs being turned down by the international mission. They admitted, however, that not every proposal for training programs, curricula, etc. by Liberian civil society representatives could be implemented and allowed that some groups might, therefore, feel excluded.

In contrast, several local experts repeated the criticism made in the preceding presentation. Two issues in particular were singled out where the international community had not made sufficient use of local expertise. Firstly, while admitting that the NCDDRR had been supported by the international community with capacity building, one participant stressed that there was a lack of civil society involvement in the process even though certain Liberian NGOs had expertise in this area, in one case dating back to the implementation of the 1997 DDR

program. This NGO as well as other organizations had offered their help for the DDDR process but were ignored by the government and the respective actors at UNMIL. According to one participant, local NGOs could have been more successful than the international mission in accessing ex-combatants in the remote areas which were not covered by UNMIL.

Secondly, as in the earlier discussion of SSR, Liberian participants again expressed strong misgivings about the training of the new Liberian armed forces. They stated that the process is implemented by the private US security company *DynCorp International* without any civil society involvement. As a result, the training is purely military, without any reference to the role of the military in Liberian history, or civic education and Human Rights instruction for the recruits. In their view this approach represented the loss of an opportunity to create armed forces committed to democratic principles and respect for Human Rights which is an indispensable ingredient for peace-building in Liberia.

Next, the discussion turned to the challenges facing civil society organizations in Liberia today. Some international participants argued that the cooperation between external and local actors was in some cases hampered by the limited capacities of local NGOs. Their lack of experience meant they were sometimes unable to absorb the financial and content-related input of external actors, delaying the implementation of common projects. Several Liberian experts admitted that after decades of repression and 14 years of civil war, civil society was still weak in Liberia. As in other post-conflict societies, many NGOs existed in name only, often founded as a result of international demand for local partners. Others had been criticized for practicing selective advocacy in the private interests of its members. There were also a growing number of cases where leading civil society representatives had accepted appointments in government, weakening the

ability of NGOs to credibly criticize government policies. A further problem was the lack of coordination between local NGOs, leading to a wasteful duplication of efforts.

Finally, several participants identified the fact that Liberian civil society organizations were largely donor-driven as a factor limiting their effectiveness. Since Liberia has to compete with numerous other crisis spots for international attention and donations and the situation in the country is now widely perceived as stable, international funds for civil society activities have recently begun to decrease. As a result some NGOs are no longer able to finance their activities and projects initiated with international assistance had to be abandoned. To counteract this development, it was suggested that public funding should be made available to NGOs. Other participants opposed this proposal as Liberia's public finances were severely limited and there was no transparent mechanism to determine which NGOs were deserving of assistance. In addition, they warned that government funding would undermine the independence of civil society organizations in the eyes of the population, thus damaging their credibility.

Annex

List of Abbreviations

ABA	American Bar Association
ACPA	Accra Comprehensive Peace Agreement
ADF	Africa Development Foundation
AFL	Armed Forces of Liberia
AGOA	African Growth and Opportunity Act
AU	African Union
BCPR	Bureau for Conflict Prevention and Recovery (UNDP)
CAAS-Lib	Comprehensive Assessment of the Agriculture Sector in Liberia
CAFF	Children Associated with Fighting Forces
CHF	Cooperative Housing Foundation
CPMRD	Conflict Prevention, Management & Resolution Department
CST	Country Support Team
DD	Disarmament and Demobilization
DDC	District Development Communities
DDR	Disarmament, Demobilization, Reintegration
DDRR	Disarmament, Demobilization, Reintegration, and Rehabilitation
DSRSG	Deputy Special Representative of the Secretary-General
ECOMOG	ECOWAS Monitoring Group
ECOWAS	Economic Community of West African States
EPA	Environmental Protection Agency
EU	European Union
EVP	Empirical Vetting Paradigm
GDP	Gross Domestic Product
GEMAP	Governance and Economic Management Assistance Program

GOL	Government of Liberia
GTZ	Gesellschaft für Technische Zusammenarbeit
IDDRS	Integrated DDR Standards
ILO	International Labour Organization
IMF	International Monetary Fund
INHRC	Independent National Human Rights Commission
IPRS	Interim Poverty Reduction Strategy
JIU	Joint Implementation Unit
JPC	Justice and Peace Commission
KAIPTC	Kofi Annan International Peacekeeping Training Centre
LDRC	Liberian Reconstruction and Development Committee
LEAP	Liberian Employment Action Program
LEC	Liberia Electricity Corporation
LEEP	Liberia Emergency Employment Program
LIDS	Liberian Initiative for Development
LISGIS	Liberia Institute of Statistics and Geographic Information Systems
LNP	Liberia National Police
LRDC	Liberian Reconstruction and Development Committee
LURD	Liberians United for Reconciliation and Democracy
MDGs	Millennium Development Goals
MODEL	Movement for Democracy in Liberia
NCDDRR	National Commission for Disarmament, Demobilization, Reintegration, and Rehabilitation
NGO	Non-governmental Organization
NIC	National Investment Commission
NPA	National Port Authority

NTGL	National Transitional Government of Liberia
OPIC	Overseas Private Investment Corporation
PAC	Project Approval Committee (of the NCDDRR)
PRS	Poverty Reduction Strategy
PSC	Project Steering Committee (of the NCDDRR)
RBM	Results-Based Management
RFTF	Results-Focused Transition Framework
RR	Reintegration and Rehabilitation
SALW	Small Arms and Light Weapons
SDI	Sustainable Development Institute
SRSG	Special Representative of the Secretary-General
SSR	Security Sector Reform
SSS	Special Security Services
TCC	Technical Coordination Committee (of the NCDDRR)
TJWG	Transitional Justice Working Group
TOKTEN	Transfer of Knowledge through Expatriate Nationals
TRC	Truth and Reconciliation Commission
TWG	Technical Working Group (of the NCDDRR)
UGFE	Upper Guinean Forest Ecosystem
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Program
UNICEF	United Nations (International) Children's (Emergency) Fund
UNMIL	United Nations Mission in Liberia
UNMIL-RRR	UNMIL Return, Reintegration, and Repatriation Section
USAID	United States Agency for International Development
WTO	World Trade Organization

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Agenda

Thursday, November 1st

08:30 Registration and Coffee

09:00 **Official Opening and Introduction of the Seminar**

Commodore Albert Addison, *Deputy Commandant KAIPTC*

H. E. Marius Haas, *Ambassador of the Federal Republic of Germany to the Republic of Ghana*

Hon. Brownie Samukai, *Minister of National Defense, Republic of Liberia*

Hon. Brempong Yeboah, *Deputy Minister of Foreign Affairs, Republic of Ghana*

Winrich Kuehne, *Director ZIF*

09:30 **Session I**

**Peace and Security in Liberia –
Drawing an Interim Balance Sheet**

- What has been achieved since the deployment of UNMIL?
- What are the main lessons learned and unsolved problems?
- Assessing Liberia's internal and border security situation
- Steps to be taken by the Government of Liberia, UNMIL and other international actors to achieve success?

Speakers: Brownie Samukai, *Minister of National Defense, Republic of Liberia*

Steven Ursino, *former UNDP Country Director, Liberia*

Discussant: Dusty Wolokollie, *Chair, House Committee on Good Governance and Government Reform, Republic of Liberia*

Discussion

11:00 Coffee Break

- 11:30 **Session II**
The DDR Process in Liberia
- Reintegration: What was done right, what went wrong, how to go on?
 - Building a new army – achievement and unsolved problems
 - Building a new police force – achievements and unsolved problems
 - Coherence and coordination – have international and local actors failed?
 - How to ensure a democratic, Rule of Law oriented control of Liberia’s security forces and intelligence service?
 - Transition from UNMIL peacekeepers to Liberian soldiers
- Speakers:** Ruth Caesar, *Deputy Executive Director, NCDDRR*
James Pugel, *Centre for the Study of Civil War, International Peace Research Institute (PRIO), Norway*
- Discussant:** Napoleon Abdulai, *Programme Manager, Small Arms Project, UNDP, Liberia*
- Discussion**
- 12:30 Lunch
- 14:00 Discussion continued
- 15:30 Coffee Break

- 16:00 **Session III**
Rule of Law – Building a Criminal Justice System
- Why has so little been achieved in establishing a criminal justice system, in particular with regard to the judiciary? Reasons, issues, lessons learned, unsolved problems
 - The juvenile penal system – a source of deep concern
 - Approaches and performance of local and international actors
 - Improving international assistance and the way forward
- Speakers:** Tiawan Gongloe, *Solicitor General, Republic of Liberia*
Koboi Johnson, *former Minister of Justice, Republic of Liberia*
- Discussant:** Anthony Valcke, *Country Director, Africa Law Initiative, American Bar Association (ABA)*
- Discussion**
- 18:00 Conclusion
- 19:30 Dinner

Friday, November 2nd09:00 **Session IV****Rule of Law and Informal/Traditional Justice Mechanisms**

- Overview of existing informal/traditional justice mechanisms in Liberia
- Assessing the character, quality, and relevance of informal/traditional justice systems, with special focus on their relevance for criminal justice
- To what extent can informal/traditional mechanisms be reconciled with modern legal approaches and the Rule of Law?

Speakers: Jerome Verdier, *Chair, Truth and Reconciliation Commission, Liberia*

Felicia Coleman, *Association of Female Lawyers, Liberia*

Discussant: Anthony Valcke, *Country Director, Africa Law Initiative, American Bar Association (ABA)*

Discussion

11:00 Coffee Break

12:30 Lunch

- 14:00 **Session V**
Governance Reform
- Overview of Governance reforms in Liberia
 - Challenges of rebuilding state and societal structures in post-conflict Liberia
 - Role of international actors in the implementation of Governance reforms
 - Mechanisms for tackling corruption in post-conflict societies
 - Accountability and transparency
- Speaker:** Togba-Nah Tipoteh, *Board Chairman, Susukuu, Inc., Liberia*
- Discussant:** Steven Ursino, *former UNDP Country Director, Liberia*
- Discussion**
- 15:30 Coffee Break
- 16:00 **Session VI**
Rebuilding Infrastructure and Providing Basic Services
- Improvement of transport infrastructure
 - Rebuilding the health care system and other social infrastructure
 - Rebuilding the education system
- Speaker:** Yonton Kesselley, *Assistant Minister of Education, Republic of Liberia*
- Discussant:** Evelyn Kandakai, *former Minister of Education, Republic of Liberia*
- Discussion**
- 18:00 Conclusion
- 19:30 Dinner

Saturday, November 3rd09:00 **Session VII****Improving Liberia's Economy I**

- Implementation of the *Governance and Economic Management Assistance Program (GEMAP)*
- Efficient management of natural resources
- Creating better job and business opportunities

Speaker: Sam Koffa, *Sustainable Development Institute, Liberia*

Discussant: Thomas Jaye, *Senior Research Fellow; Conflict Prevention, Management & Resolution Department, KAIPTC*

Discussion

10:30 Coffee Break

11:00 **Session VIII****Improving Liberia's Economy II**

- Revitalizing the agricultural sector
- Role of private sector development

Speakers: James B. Logan, *Deputy Minister of Agriculture, Republic of Liberia*

Richard Tolbert, *Chairman, National Investment Commission, Liberia*

Discussant: Togba-Nah Tipoteh, *Board Chairman, Susukuu, Inc., Liberia*

Discussion

12:30 Lunch

14:00 Concluding Session**Local Ownership and Robust Civil Society**

- Local Ownership and a robust civil society in Liberia – a long way to go?
- The Liberia experience: Peacebuilding lessons for (West) Africa and beyond?

Speaker: Augustine Toe, *Executive Director, Justice and Peace Commission, Liberia*

Discussant: Asith Bhattacharjee, *Senior Advisor to the DSRSG, Operations and Rule of Law, UNMIL*

Discussion

Conclusion: Thomas Jaye, *Senior Research Fellow, Conflict Prevention, Management & Resolution Department, KAIPTC*
Winrich Kuehne, *Director, ZIF*

Center for International Peace Operations (ZIF)

