

Enhancing post-Conflict Democratic Governance through effective Security Sector Reform in Liberia

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INTRODUCTION

Over the last decade and a half, more than 50–60% of previously protracted conflicts on the African continent, which had been ended through peace agreements, have again erupted into internecine war. Part of the explanation for this phenomenon has been the lack of capacity by central government to exert its authority throughout the post-conflict country. On the other hand, former rebel or ethnic groups have tended to retain residual military capacity, which they are quick to employ against generally weak central governments, if their demands – mostly economic – are not fulfilled or are not available in the emerging state. This nexus has produced the feature of weak or collapsed states, concrete examples of which include Somalia, Sierra Leone, Liberia, the Democratic Republic of the Congo (DRC), Uganda, Sudan and Burundi.

The impact of this development has been the increased internal insecurity of ordinary peoples, effectively undermining their ability to engage in productive and economic activities. Against this background, a major tool that has emerged, motivated by the international community, the African Union (AU), and the United Nations (UN) is the implementation of comprehensive security sector reform (SSR) in the immediate post-conflict peace-building process. In this context, SSR attempts to facilitate the disarmament of all belligerent groups, strengthening policing and border control measures, while at the same time motivating for an adequate, economically sustainable and legitimate ‘core’ armed force. Stated differently, comprehensive SSR seeks to engage at the strategic level, providing a conducive political environment, but also offering constructive guidelines at tactical/technical and operational levels.

Conducting SSR and enhancing law enforcement as part of a comprehensive post-conflict peace-building exercise in Liberia has thrown up immense challenges for the UN Mission in Liberia (UNMIL). The framework for the process in Liberia had initially been launched in the 1990s by ECOMOG but was not fully implemented. As a result of the resumption of the conflict in 2002/03, a second attempt was set in motion in 2004, following the signing of the Comprehensive Peace Agreement in Accra, Ghana, in 2003.

Clear historical challenges faced the NTGL and UNMIL in facilitating permanent peace and reconstruction efforts that included the disarmament, demobilisation, reintegration, resettlement and rehabilitation of Liberia's former combatants and reviving attention towards sustainable development. Given the level of state collapse witnessed in Liberia, the scale of human suffering in the face of minimal investment of resources by the international community provides important lessons for post-conflict recovery and democratic consolidation in Africa.

Liberia's spectacular socio-economic and political collapse lies in the nature of the society, which was artificially carved out for the resettlement of freed slaves after the abolition of the slave trade in the United States in the 1820s. At the core of the conflict is an entrenched enmity between 'settler' and local indigenous groups. Consequently, an unequal relationship developed between the two groups – the basic feature appeared to be slavery in reverse placing the former slaves returning from the Americas at the apex of the new social order to the exclusion of the ethnic groups. In spite of the introduction of a unification policy by President William Tubman and partly pursued by his successor, William Richard Tolbert, Jr, indigenous aspirations for inclusion remained marginal and peripheral. The result was the eruption of pent-up anger, which manifested itself in the 'rice riots' of 1979, which some believed culminated in the bloody military coup led by Master-Sergeant Samuel Doe in 1980. In spite of its bloody nature, the military takeover initially enjoyed popular support largely from the indigenous population who had been marginalised since the arrival of the settlers in the 1820s.¹ For many of us, A-F Musah has aptly captured the complexity and unfortunate turn of events in Liberia at this time when he asserts that:

“Unable or unwilling to lead societal transformations that would have guaranteed the security of the majority, and fearful of societal backlash, the post-independence African leadership yielded to their instincts of

self-preservation. The preoccupation with assuring personal and regime security blocked any moves towards democratic institution building.”²

The process of state collapse in Liberia also had a major impact on the ability of the state to guarantee the rule of law. As sufficiently argued by Abiodun Bashua in Chapter Six, the rule of law, coupled with good governance, respect for human dignity, and sustainable economic development, is the *sine qua* non for sustainable peace and stability. This facet was missing in the Liberian environment, which encouraged further fratricidal tendencies.³ Meanwhile, the plight and suffering of ordinary peoples continued to escalate, despite the intervention by the international community through authorising one of the largest peacekeeping missions on the continent. The daunting task faced by UNMIL has revealed serious dysfunctions and deserves serious attention, to identify the challenges confronting a successful SSR in Liberia, and suggest suitable policy options.

The second factor that is uniquely related to the challenges of SSR in Liberia concerns ‘exportable or hired guns’ in the Mano River basin and by extension Côte d’Ivoire. According to the latest Human Rights Watch report on *Youth, poverty and blood: the legacy of West Africa’s regional warriors, March 2005, Vol 17, No 5 (A)* recently completed conflicts in Liberia, Sierra Leone, Guinea and Côte d’Ivoire “have forced thousands of young men and boys to become mercenaries”.⁴ In this region, bands of up to 60 000 young people of military age offer themselves for hire in any of the conflicts in the region, managing to present the worst case of ‘residual rebel military capacity’ in the post-conflict period. This band of mercenaries resorts to ‘paying themselves’ by looting from the civilian population if they do not find someone to hire them or if that ‘employer’ is unable to maintain them. This phenomenon creates a challenge that is beyond the capacity of many of the small and weak states to confront and reflects the absence of political ethos in the youthful rebel movements that characterise the region. In undertaking any nationally focused security sector reform, the presence of the hired gangs has to be seriously considered as part of the national dynamics of insecurity.

This chapter seeks to provide an evaluation of the dynamics of the implementation of the 2003 CPA by the national transitional government of Liberia (NTGL) with the support of UNMIL. Premised on this, the chapter briefly provides a conceptual framework of SSR. It then moves on to highlight the rule of law deficit in Liberia, as a basis for the reform of the post-conflict security sector. In making the case for SSR, the chapter

also focuses on the restructuring and retraining of the Liberian National Police (LNP), Correctional Services, or Prisons, and other allied security institutions, such as Intelligence and Border Police, as well as the core force, the Armed Forces of Liberia (AFL). The discussion is set against the parameters of intervention by the international community through key actors, such as the ECOWAS and UN. The analysis will focus on the activities of the UN civilian police (CIVPOL) or the International Police Service (IPS), as well as bilateral partners in reforming the country's security services. Attention is paid to Liberia's security complex and makes the case for contextualising Liberia's security sector reform within the framework of a reincarnated Mano River Union. The chapter concludes by underscoring the need for comprehensive SSR, highlighting the importance of paying attention to the establishment of functional and professional security forces, as well as fostering democratic civil-military relations informed by the rule of law and respect for human rights.

THE CONCEPT OF SECURITY SECTOR REFORM

Briefly, security sector reform can be defined as being “concerned with the ‘provision of security within the state’” although the final word, ‘reform’, denotes the provision of security in a preferred manner or way. Accepting the normative implication in the definition, security sector reform relates to “the provision of security within the state in an effective and efficient manner and within the framework of civilian democratic control”.⁵ The important elements in the concept, which we have identified as subjectively oriented, rest on the notion of propagating a democratic framework in which elected civilians in charge of the security sector reign supreme. Furthermore, this framework accepts participation in the process of reforming the security sector by the ‘international community’ and also imbibing related ideas about values, standards and guidelines. These create the entry points for structures within the international security system and the UN, as well as regional organisations, to engage at local and national level in reforming national components of the security sector.

BACKGROUND TO SECURITY SECTOR REFORM ASSISTED BY UNMIL IN LIBERIA

The history of Liberia, one of Africa's first independent countries, has masked a struggle between the freed slaves from the US and the local indigenous peoples. With better access to Western education the freed

slaves dominated the indigenous population for almost a one and half centuries. The relationship between the pre-dominantly Americo-Liberian True Whig Party (TWP) and the indigenous peoples was one of a slave-master relationship, characterised by political exclusion and socio-economic subordination. Throughout the period, Liberia's rule of law was predicated on a culture of uninhibited impunity. This persisted throughout the history of the country, and was accentuated by the 14-year conflict that broke out in 1989. Within this restricted climate, an economy emerged that was characterised by extractive activities based on exclusive-land tenure and taxation of the majority without their being represented in the structures of power. This produced a three-tiered society with settlers at the apex, Middle Eastern and other economic immigrants in the middle and the indigenous people at the bottom of the strata.

Against this background, Master Sergeant Samuel Doe led the first military coup in 1980, bringing an end to more than a century of Americo-Liberian hegemonic rule. His subsequent rule, however, has been condemned as being characterised by a lack of rule of law and respect for human rights,⁶ plunging the country into a series of devastating wars in the 1990s, initiated by the invasion of the National Patriotic Front of Liberia (NPFL) in 1989. As a demonstration of the existence of weak state structures, Charles Taylor's National Patriotic Party (NPP), which won the elections in 1997, was challenged by the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL), that emerged in 1999.

While the methods used by the protagonists in the Liberian conflict and their effects on Liberian society have horrified the world community, our task here is to recapitulate some of the more significant contours not only to provide clarity, but also to demonstrate the level of degeneration during the conflict.

During the conflict, which spanned the 1990s, an amorphous array of warlords and renegade combatants (estimated at about 33,000) succeeded in holding the Liberian population hostage, whilst perpetrating horrendous atrocities. As a consequence, an estimated 200,000 people were killed, while another 700,000 were forced to flee the country and seek refuge in neighbouring states, leaving approximately 1.5 million internally displaced.

In socio-political terms, the protracted conflict polarised Liberian society, reducing most to ferreting for survival or fleeing the country. This deepened the already strained ethnic fault lines of the society, leading

to alliances such as that between the Mandingo and Krahn, against the Kongo, Gio and Mano ethnic groups. Further societal fracturing characterised relations between political parties, which proliferated to over 13, all significantly based on ethnic lines, in the 1990s.

In economic terms, the war wrecked the already fragile lines of production and left the treasury bare.⁷ In addition, vital sectors such as education; health; trade and commerce, agriculture, forestry, rubber plantation; mining; water and power supply; road, rail and telephone communications were destroyed. In their place, a war economy emerged, based on looting; criminal activities, armed violence; petty trading with capital surreptitiously obtained from the ongoing disarmament, demobilisation reintegration and rehabilitation (DDRR) voluntary refugee repatriation packages; food handouts in IDP camps; and an artificial temporal injection of peacekeeping funds, as the backbone of a rather temporal alternative economy. In addition, the post-war Liberian society became burdened under the weight of the social costs of the war, which included the breakdown of social morals and prostitution on a scale hitherto unseen in the small country. The phenomenon of broken homes, single parent homes and, of course, the attendant increase in the incidence of HIV/AIDS became commonplace.⁸ Finally, the Liberian conflict precipitated regional conflicts into the rest of the Mano River Union (MRU) – comprising Guinea, Sierra Leone (1991–1998), and Côte d’Ivoire (2002–2003).

The absence of capacity within Charles Taylor’s government, which assumed power in 1997, coupled with adherence to the principle of attaining peace at all costs, compromised efforts to bring to justice former combatants who were accused of atrocities. It is not surprising therefore that this contributed in part to the emergence of new groups who perpetrated further rounds of atrocities in the recent conflict. In the human rights abuses that followed, the protagonists carried out arbitrary killings, torture, cruel and inhuman treatment of prisoners, summary executions, rape, hostage taking, forced displacement of civilians, and forced labour, including recruitment of child soldiers.

Can West Africa hope to break the cycle of impunity and deliver sustainable peace-building through transitional governance reforms if it blatantly glosses over transitional criminal justice? We believe that even though the CPA (2003) makes provision for the establishment of a truth and reconciliation commission (TRC) and an independent national commission on human rights (INCHR), the lack of substantive provisions for a criminal tribunal to deal with human rights abuses and

crimes against humanity, coupled with the fact that the CPA has allowed Taylor and other key players in the conflict to escape justice, makes it doubtful whether these crucial ideals will be achieved.

Within the context of this chapter, however, although the regional peace initiative was disposed towards a blanket amnesty for perpetrators of human rights abuse,⁹ the UN System has come out strongly against the regional political expediency. The UN Security Council, in its preamble to Resolution 1509 (2003), has:

“... deplored the violations of human rights, particularly atrocities against civilian populations, including widespread sexual violence against women and children ... mindful of the need for accountability for violations of international humanitarian law”.

This therefore throws down the gauntlet to the region and, indeed, to the regional lead nation, Nigeria, to review its decision to grant asylum to former president Taylor – an indicted war criminal. Although some might argue that the decision was politically expedient at the time, it runs the risk of robbing the victims of the conflict in the sub-region of their principal culprit.

THE CASE FOR HUMAN RIGHTS, RULE OF LAW AND TRANSITIONAL JUSTICE REFORMS IN LIBERIA

Against the above background, what should be the real focus of reform of the rule of law in Liberia? As a minimum, it has to entail two critical dimensions. One of these relates to the restoration of the rule of law during the transitional period by promoting law and order, preventing crime and, devoid of corruption, ensuring due process for offenders. This dimension will address the culture of endemic violence and lawlessness and set the country on the path towards the rule of law, but this will entail measures to revamp human resource and logistical infrastructural capacities – including re-equipping and funding the judicial, law enforcement and correctional services, departments and agencies. However, these measures will not suffice, unless they are accompanied by reform of security sector organisations and institutions.

The second dimension relates to human rights abuses and impunity, it being the considered view again that, whether now or later, the ends of the rule of law would be better served by ensuring that the transitional justice includes mechanisms to bring persons suspected of gross abuse of

human rights to trial. Unless this is done, the cycle of impunity that has become endemic in Liberia and the MRU area will be more difficult to break. If perpetrators of war crimes and crimes against humanity who escaped justice in the 1990s walk away again in the 2000s it will send the wrong signal to aspiring warlords and make the next generation of warlords deadlier, with no restraints on the means and methods that may apply for attainment of their objectives.

In this context, the vital importance and symbiotic linkages between the rule of law and security of the state were duly recognised in the CPA (2003), as well as in UN Security Council Resolution 1509 (2003), which established the UNMIL. To begin with, the CPA called for the establishment of the TRC that would provide a forum for truth-telling and national healing, but not for punishing those who had committed crimes against the people, outside the norms of the laws of armed conflict.¹⁰ It is significant that the CPA (2003) provided the mandate for the re-establishment of the rule of law by the LNTG, composed of members of all the warring factions, in conjunction with other international partners. The second provision was also informed by the nature of the war and foot-soldiers employed in the conflict, most of whom were children and needed special efforts for their urgent and effective rehabilitation.¹¹

One may therefore argue that:

- The regional peace instruments providing for a TRC alone are flawed and amount to a miscarriage of justice that is detrimental to sustainable peace-building in Liberia and West Africa. As a result, the regional peace initiative needs to realign itself with the stated opposition of the UN System to the blanket amnesty.
- The desirability of a criminal court notwithstanding, the establishment of such a court will have to be carefully timed so that it does not compromise the effectiveness of the TRC or the peace process.
- In addition, there is a need for mechanisms to build on the strengths of the Special Court for Sierra Leone (SCSL), in order to make such a court process for Liberia more effective. As eloquently argued in Chapter 9 of this volume, such mechanisms may include the use of the SCSL to deliver justice for Liberia.

To support the institutionalisation of human rights and the rule of law in Liberia, Resolution 1509 (2003) mandated UNMIL to focus

on responsibilities ranging from the facilitation of humanitarian assistance by helping to establish the necessary security conditions to the promotion of human rights monitoring activities in Liberia, through UNMIL's presence, capacity and expertise. In addition, the Resolution enjoined the missions to restructure the security sector, particularly the police, and to consolidate its legal framework, coupled with the reform of judicial and correctional institutions.¹²

Among a range of measures to fulfil its mandate, UNMIL established the Human Rights and Protection Unit, comprising child protection, rule of law, transitional justice, gender and trafficking advisors, for advocacy on human rights, as well as the institutionalisation and operationalisation of the TRC and INCHR, in pursuance of the CPA (2003). By focusing on a constant assessment of the implementation and application of the law, the rule of law advisory group has contributed to:

- plugging legal gaps in laws relating to detention and trial;
- improving legal procedures relating to access to justice, including the realignment of traditional practices contravening or impeding human rights;
- supporting the retraining and education of law enforcement officers at the LNP academy, focusing strongly on human rights;
- building the capacity of civil society organisations by involving the media and a legal resource base in the implementation of the law;
- advocating, with the NTGL, INCHR and other institutions, the ratification of international agreements relating to human rights.¹³

In spite of these efforts, such a purely technical advisory and advocacy role, devoid of sufficient funding and logistical assistance, does not go far enough to rebuild the capacity for functioning transitional governance and the rule of law, including transitional justice. Liberia's constitution, statutory and customary laws, coupled with the international laws acceded to by the country,¹⁴ constitute only the software of the rule of law. The courts and law enforcement agencies, notably the police, criminal investigation and intelligence, constitute the hardware that is indispensable to the rule of law in Liberia, etc, as well as correctional institutions. Thus, unless the capacity of these institutions is enhanced and maintained through the provision of such mundane things as office facilities, office furnishings, equipment and adequate monthly and other remunerations that are paid on time, technical advice, advocacy, and retraining and education may not be sufficient to sustain effective

rule of law, given the brain drain of the professional elite. However, if the corrupt practices of legal and other public officials are not checked, this will continue to undermine effective implementation of the rule of law.

THE CASE FOR SECURITY SECTOR REFORM IN LIBERIA

For decades, the conduct of the security sector has shown partisanship to the incumbent regimes demonstrating the undue party-political influence by the dominant parties in office. Institutions such as the AFL, LNP, the Prisons Services, the Liberian National Coast Guard (LNCG) and related agencies, including intelligence services in their conduct and relationship with the society, reflected decades of interference by the ruling elite. The origin of these components of the Liberian security sector was no different from the experience in other former colonies. In historical terms, in Ghana, a former British colony, the Gold Coast Regiment (GCR) had a similar experience. The GCR had emerged from elements of militias that were established in the 19th century. Known as the Royal African Colonial Corps of Light Infantry (RACCLI), its purpose at the time was to subjugate recalcitrant ethnic groups such as the Ashanti, in the expansion of the colonial frontiers, and to impose and enforce the collection of poll taxes.¹⁵

Similarly in Liberia, as a result of the consolidation of the Liberian Commonwealth from about 1877, a 500-man force, the Liberian Frontier Force (LFF), was established to guarantee settlement against potential challenge. The mission of the force was “to patrol the border in the Hinterland [against British and French territorial expansions] and to prevent disorders.”¹⁶

The LFF’s brutal behaviour left an enduring legacy as a physical instrument for the occupation of indigenous territories, including the imposition and collection of taxes, labour recruitment and, overall, the establishment of political control over the indigenous ethnic group. Not surprisingly, the LFF engendered unrest through its own ruthless tactics.¹⁷ Given the common experience of the colonial constabulary origins of Africa’s security forces, the police role of the LFF gained it a reputation of brutality, indiscipline and corruption. In part, this was forced upon it by the poor remunerations that compelled the force to live off the resources of the communities in which it operated.

The LFF saw little action outside its national borders. Even though Liberia participated in both World Wars, only a few troops were sent

to France in World War II, without direct participation in combat. Like the Ghanaian Army, the LFF took part in the UN Congo operations between 1960 and 1963, but its contingent of a special US-trained infantry units of six 250-man companies was described as “uneven in their test of military capabilities”.¹⁸

In the early days, colonial security forces were officered by a foreign officer corps, making it an instrument of foreign ideology that was inimical to local interest. Thus, in similar circumstances to the Gold Coast, the LFF between 1912 and 1922 was under the direction of officers drawn from the US Army, but of African descent. These had been loaned to Liberia at the request of the (settler) government.¹⁹ When locals replaced these seconded officers, many were also drawn from families of former slaves and freemen/women who had returned from the US. As a result, appointments of institutional leaderships, training, ethos and acquisition of equipment were tainted by nepotism, which manifested itself in the organisation as a lack of professionalism. For the ordinary foot-soldier, this translated into poor management, low morale and an uneasy relationship with the civilian population. In 1962, the AFL was established from the foundations of the LFF, which by now was synonymous with brutality.

THE POST-1980S INFLUENCE ON LIBERIAN SECURITY SECTOR REFORM

The long-standing questionable professionalism of Liberia’s security services was exacerbated by considerable politicisation during the military rule of President Doe. The coup effectively drew the security services (especially the AFL) into the realms of national politics. In the civil strife that was to characterise life in Liberia after the 1980s, the security sector was among the hardest hit.

In his attempt to redress the imbalances in Liberian society, particularly the exclusion of the indigenous majority from mainstream Liberian politics, Doe failed to establish a benign inclusive rule by the indigenous people and, particularly in terms of the AFL, tilted the balance in favour of his ethnic Krahn group. But where Doe failed, Taylor was even more culpable by turning the AFL and other units into a personal security force and a spearhead for regional destabilisation. Taylor probably exceeded all the previous levels of ethnicisation of Liberia’s security forces – arraiging the Kongo, Gio and Mano people against the Mandingo and Krahn ethnic groups. In addition, the LNP – and the AFL – were often accused of corrupt practices and human rights violations, as its officers,

with meagre remunerations falling into arrears for many months on end, tried to make ends meet.

Consequently, public confidence in the security forces was at its lowest ebb by the end of the civil war; the security forces, which were responsible for safeguarding the protection of society, had become complicit in the gross human rights abuses perpetrated against civil society. Although some might argue that human rights violations in Liberia date back to the 1980s or even earlier, the notoriety and complicity of the security forces and other warring factions in the massive systematic human rights violations against the civilian population during the conflict are not in doubt, underscoring the need for security sector reform.

However, besides the negative legacies of history, the need for the reform of the security sector arises from the symbiotic nature of democratic civil-military relations. The simple equation is that durable peace-building depends on the rule of law. Hence, reforms in this sector call for the reform of the security sector in tandem to achieve effective civil-military relations to deepen democratic governance in post-conflict Liberia, and to gain the safety and security of the civilian population, as well as regional peace and stability.

AN OVERVIEW OF UNMIL'S REFORM EFFORTS

As explained in Chapter Five of this volume, UNMIL derives its reform mandate from Article VIII of the CPA (2003), which enjoins it to restructure the LNP and other security services – the National Police Force, the Immigration Force, Special Security Services (SSS), custom security guards and other statutory security units – adopting a professional orientation that emphasises democratic values and respect for human rights, among others.²⁰ Resolution 1509 (2003) also mandates UNMIL, through the IPS, within the framework of its advisory routine law enforcement, to assist the NTGL in monitoring, restructuring and retraining the LNP, consistent with democratic policing. This intervention was grafted into the security sinews of the regional organisation, ECOWAS, as well as the international community.

By concentrating on reforming and restructuring of the police and not the armed forces, UNMIL now stands accused of going for the soft belly and not the hard aspects demanded by the dynamics of the security situation. Put simply, there was a mismatch of programme intentions, capacity and expected outcomes at the number-crunching level. There

is always a chicken and egg situation in undertaking DDRR, in which the funding is not only limited, but becomes available from the World Bank when combatants are disarmed and the levels of viable economic options become evident in a post-conflict environment. For instance, UNMIL was offering US\$300 as the first tranche, while combatants in Côte d'Ivoire were being paid US\$900. This had the effect of luring Liberian combatants to Côte d'Ivoire, where they expected a triplefold payment for handing in their weapons.

Because it is almost impossible to distinguish between combatants and because of their penchant for operating laterally across state borders, peace implementers are finding it almost impossible to confine returnees to a specific country. Second, the Mano River area's youthful male combatants are not imbued with restraining nationalistic ideologies and have been known to make themselves available for hire in conflicts in neighbouring states. As a result, UNMIL failed to take into account the regional realities in the DDRR process in Liberia. As a result combatants who take the limited US\$300 retrenchment packages in Monrovia move almost immediately to join local civil wars in adjacent states, such as Côte d'Ivoire and more recently, according to unconfirmed reports, Guinea.

Third, there is the problem of lack of political leadership for the disarmament project. The residual rebel movement military capacity that we referred to earlier is prevalent in Liberia. Because membership of the transitional government was drawn from factions that were at war with each other, the discernible mistrust and lack of confidence at the political level has filtered down to the armed factions. The chairman of the NTGLC has been described as 'weak', and given to relying upon a 'parallel' set of advisers based in the Executive Mansion. The perceived presence of a shadow cabinet has also affected policy because some key ministries – such as education – have been left out of the DDRR process. While some leaders remain in the NTGL for personal reasons, most appear resigned to the resumption of war and have therefore retained direct links with and control of their former armed factions, which were supposed to have been disarmed, disbanded or reintegrated in the new AFL. To this end, Charles Taylor's presence in Nigeria, following the negotiated peace agreement, adds ignitable fuel to persistent rumours that some of the forces still owe allegiance to him and can return in future.

Finally, UNMIL's concentration of its reform efforts on the police has circumvented the root of the problem, leaving the main perpetrators

of armed conflict in limbo with no early prospects of reintegration and rehabilitation.²¹ This focus has ignored other crucial elements such as Immigration, Intelligence and Special Forces created by each successive regime at critical junctures since the 1990s, as well as Correctional Service, a branch that has enjoyed only token attention.

WHY THE DECISION TO FOCUS ON THE POLICE IN THE LIBERIAN DDRR?

In the implementation of the restructuring of the LNP, the UNMIL-IPS, working through the Joint Rule of Law Implementation Committee (whose Reform and Restructuring Unit is co-located with LNP Headquarters), formulated major policy decisions relating to the reform and restructuring of the LNP. A memorandum of understanding, which provides the operational framework for implementing reform and restructuring measures, was signed by the parties.²² The NTGL and UNMIL have undertaken a number of reform measures, including the screening, vetting, registration, training and deployment of old and new personnel of the LNP. The LNP academy was refurbished through bilateral US assistance. Similarly, improvements have been made to the standard operating procedures (SOP) to guide security measures around vital installations in the country.²³

The UNMIL Correctional Advisory Unit, guided by the Integrated Mandate Implementation Plan (IMIP), handled the reform of Liberia's Correctional Service. The unit provides for a revision and improvement in penal legislation, policies and procedures to international standards of prison administration. At the core of the international norm for correctional service is its adherence to human rights as well as motivation for suitable correctional facilities design.²⁴

Other reasons have been advanced by observers.. The first is the general perception that the relationship between the chairman of the NTGL and the Special Representative of the UN Secretary General is 'too cordial' and gives the impression that the chair is being dictated to. If the public lack confidence in the intervention by UNMIL, this may undermine its facilitation of a just and equitable solution. Almost conversely, this has given rise to some unexplained support among the electorate for some of the rebel groups. Furthermore, given the lack of effective political leadership from the NTGL, the marginalisation of the armed combatants has become associated with the perceived inevitable delay in the elections in October because of missed targets. Meanwhile in the view of ordinary Liberians, this is touted as a 'must-do' before the

NTGL is retired, so that the issue may not be misused to prolong the life of the transitional authority.

BUT WHAT HAS BEEN THE SUCCESS RATE?

In the restructuring of internal policing, the IPS has achieved the registration of 3,730 LNP out of an overall total of 9,727 personnel for all law enforcement agencies. This is roughly a third of the available figures but well beyond the target figure of 1,800 trained officers required to be in place before the October 2005 elections. The achievement is also well above the targeted 3,500 by 2006. This figure represents the full complement currently envisaged as adequate and in line with available resources. The current restructuring and training have also progressed beyond the classroom stage, with a small deployment of 197 LNP personnel to 15 locations. The presence of a retrained police is expected to generate confidence between the population and the security force. The CIVPOL/IPS, as well as civil society organisations and other stakeholders, from the beginning had incorporated human rights, gender and the protection of vulnerable groups into the training programme. What appears to be deficient, however, is gender balancing in the LNP.²⁵

The success story, however, is different if we consider progress in the Judiciary and Correctional Service, despite the efforts of the UN Civilian Police (CIVPOL)/IPS and judicial units. Preliminary evidence reveals deficits and the need for improvements in the area of justice delivery. Part of the explanation lies in the lack of capacity on the part of the NTGL, including inadequate correctional facilities.²⁶

The situation of human rights and the rule of law is therefore far from being satisfactory. For instance, owing to an acute shortage of holding cells, the pattern of mixing age and gender groups, and the denial of justice as a result of delayed trials continue to plague the system. Reform of the security sector therefore needs an injection of external material and financial assistance, to gain substantive institutional capacity.²⁷ However, if there has been limited progress in the restructuring of the police and obvious lack of improvement in the judiciary, this initiative must not fail in its efforts with the armed forces.

A TASK THAT NEEDS TO BE 'DONE WELL': REFORMING LIBERIA'S ARMED FORCES

Possibly the task of reforming the AFL should have been accomplished by ECOMOG in 1997. However, owing to the intransigence of Charles

Taylor, the plan was aborted and ECOMOG was redeployed to Sierra Leone the following year, to pacify the operations of the Revolutionary United Front (RUF).²⁸ The development reflects the intricate nature of the conflicts and the ability of combatants to switch from one conflict to another.

It is paradoxical that the reform of the AFL, which bears the greatest responsibility for the country's misfortune, should be last on the peace-building agenda and should be shrouded in mystery. It appears that rather than tackle the challenge head on, UNMIL chose the softer niche area of police reforms, given its lack of resources and capacity, but also given the UN Charter position that tends to 'preclude' UN peace operations from the reform of national armed forces and leaves that task to coalition or bilateral arrangements. With ECOMIL subsumed and unable to complete ECOMOG's task, the responsibility for the reform of the AFL therefore devolves on bilateral technical arrangements, substantively the US, which has indicated its interest in undertaking the task. However, by mid-2004, the US policy – from unofficial sources – for the reform of the AFL was still ambiguous.²⁹

Among other reasons, the delay is owing to the debate in some sections of the UN System, particularly the UNMIL, whose SRSG, Jacques Paul Klein, had argued that Liberia should totally abolish its army and make do with a "decent police force and a well-trained border security force of between 600–700 men".³⁰ However, the debate over the country's legitimate need for armed forces is considered a non-issue. Given the history of the process of state formation in Africa and the specificities of Liberia's politico-military history, particularly in recent decades, it is unrealistic to argue against the need for the retention of the AFL, when other regional neighbouring states foreshadow a possible relapse into conflict or an implosion. On the contrary, it would be more rational for one to argue that the reform of the AFL should involve mechanisms to make it more relevant to the country's political and socio-economic development. Between October 2004 and February 2005 it has gradually become clearer that the US will outsource the restructuring, recruitment and retraining of the new AFL to DynCorp International, a private military company (PMC), on a budget of US\$35 million, as an implementing partner. In contrast, the entire Liberian security sector programme has received pledges amounting to US\$200 million.³¹ Against the background of the United States' preference for secondment of PMCs, the UN has submitted a further funding proposal to continue its

efforts with the police, in a process that we have argued is flawed. After receiving critical comments from the field on its policy focus, the UN has sought to address this by seeking the assistance of the US, towards undertaking the reform of the AFL within the framework of the UNMIL 'Blue Paper'. This provides for a new "defence policy outline, aimed at securing the territorial integrity of the Liberian state. Sensitive to its geographical location, the new policy threat assessment and response includes setting up a new coastguard to provide maritime patrols."³²

The dynamics of US, UN and NTGL positions and approaches to the DDRR question suggest a lack of coordination or convergence of purpose and create a framework that accelerates the collapse of weak central regimes in post-conflict Liberia. Into an equation in which the factions have not been effectively disarmed PMCs have been introduced, robustly bankrolled from Washington, but whose long- to medium-term impact is unknown.

Without concrete evidence in the Liberian situation, we are left with only an opportunity to make extrapolative analogies. For instance, one of the major tenets of comprehensive security sector reform should result in increased transparency. However, this is certainly not one of the characteristics that one finds among PMCs. Second, the engagement of PMCs demonstrates a short- to medium-term commitment, as only statutory armed forces can impart the long-term principle of security, based on democratic governance, that is conducive to durable peace.

The involvement of a PMC in the reform of Liberia's security sector therefore arouses concern because functional democratic civil-military relations devolve on the principles of transparency and accountability to the civil authority. These are principles to which some PMCs and private security companies (PSCs) have not lived up, or have not demonstrated sufficient commitment.³³

To make matters worse, plans for the reform of the AFL are still not clear. All that is known is that the project will involve the creation of a 4,000-strong state-of-the-art AFL – effectively an operational brigade of just below 65% of its pre-conflict strength. The process will begin with the training (and equipping) of two motorised battalions, with refurbished military camps, including Camp Scheffelin, which is designated the training base. The PMC-dominated technical military assistance had been projected to begin in the first half of 2004. However, it appears to be currently bogged down by the need to forcibly remove some of Liberia's 500,000–600,000 displaced persons, who continue to occupy Camp Scheffelin.

It is thus too early to pass a verdict on UNMIL's police reform efforts, or the 'bilateral' efforts of the US in respect of the AFL.

LIBERIA'S SECURITY COMPLEX AND CONCERNS: THE WAY FORWARD FOR SECURITY SECTOR REFORM

The security sector in Liberia and elsewhere in post-conflict Africa cannot slough off its colonial character. Whether post-conflict or otherwise, the process of security sector, transformation has to be part of, if not the result of, a similar drive to transform and modernise the state in Africa.³⁴ As a result of this dilemma, the Liberian security complex devolves on a number of issues and dynamics. These include:

- social, political and economic tensions between the settler and indigenous societies, as well as among some of the ethnic groups;
- national fratricide and its impact on professionalism of the security forces;
- the dislocation and disorientation of the AFL and militia and their role in threatening human security in Liberia;
- the involvement and role of non-state actors in undermining human security in Liberia;
- the proliferation of small arms and light weapons;
- the calculated exportation of the conflict into neighbouring states and its fuelling through a network of regional warlords;
- the endemic presence of regional mercenaries;
- the illegal exploitation of natural resources through the force of arms and cross-border criminal networks;
- the new paradigm of civil society involvement and engagement in influencing and shaping the processes and ends of peace-building, including constitutional, socio-political, judicial and security reforms; and
- the disconnect between the UNMIL's DD and RR components informed by the funding deficit for effective sustainable reintegration and rehabilitation.

Security sector reform in Liberia is therefore underscored by these dynamics and issues that have seriously eroded the monopoly of the state over the use of coercive instruments of violence, which have been traditionally exercised through statutory security forces. Liberia's security sector, as in many other countries afflicted by conflict, is characterised by state (statutory) and non-

state (non-statutory) actors, who have demonstrated paradoxical selective security agenda and objectives, sometimes to protect civilian populations, but at other times, to threaten other civilian populations.³⁵

To be able to restore a modicum of the authority of the state over the use of coercive force in Liberia, the state should first appreciate the broad spectrum of these statutory and non-statutory actors.³⁶ In consideration of the complicity of the state in abusing the human rights of the very people it was established to protect,³⁷ the post-conflict state in Liberia is confronted with the challenge of regaining the trust of the people after successive governments compromised their side of the social contract. The gross failure of the state to provide security as a public good, however, should not provide a pretext for the privatisation of Liberia's national security. For statutory security forces, the issue of accountability to civilian authorities demands training not only in established academies and depots, but by commissioned and non-commissioned officers and men who have sworn oaths of allegiance to functioning democratic governments. It is therefore unacceptable for such external states actors to outsource the reform of Liberia's security forces to quasi para-statal with questionable track records in human rights and rule of law, and principled commitment to international norms and conventions. Dyncorps and its like may have been involved in training other forces around the world but this does not necessarily mean that this paradigm can be replicated in West Africa and achieve comparable outcomes. The democratic culture and climate, as well as regional security dynamics in the various regions, are significantly different.

There is a real danger that the training of such forces by nondescript PMCs and PSCs will seriously undermine the rule of law in Liberia, West Africa and Africa in general. In the absence of knowledge about the proposed security policy for post-conflict Liberia, and because UNMIL's reform efforts are focusing primarily on the LNP, one can only proffer some general guidelines for consideration. The reform of the security sector should therefore be informed by a number of requisites, including but not necessarily limited to the following:

- a security policy paper that provides a clear assessment and definition of what constitutes the national interests of Liberia, the relevant threats to such interests, and the best means of addressing these threats, in order to safeguard those interests;³⁸
- appropriate quantitative levels of manpower, coupled with a qualitative goal of achieving ethno-regional balance and professionalism;

- a measurable programme to rid the society of the illicit weapons in circulation, coupled with gainful programmes to absorb the disarmed, displaced and returned refugees; and
- regional and international community engagement to deepen the process of sustainable peace-building.

The collapse of the state should provide Liberia and its people, as partners in peace-building, with a new opportunity to undo the legacies of their colonial past by transforming – reconstructing – the entire national security landscape.³⁹ In the words of Montesquieu:

“True political liberty can only occur when the security of the people is ensured.”⁴⁰

As espoused by the AU in its Common African Defence and Security Policy (CADSP), security in Renaissance Africa means more than the security of regimes, it means:

“... ensuring the common security of Africans involves working on the basis of a definition which encompasses both the traditional, state-centric, notion of the survival of the state and its protection by military means from external aggression, as well as the non-military notion which is informed by the new international environment and the high incidence of intra-state conflicts. The causes of intra-state conflict necessitate a new emphasis on human security, based not only on political values but on social and economic imperatives as well.”

According to this approach:

“This newer, multidimensional notion of security thus embraces such issues as human right; the right to participate fully in the process of governance; the right to equal development as well as the right to have access to resources and the basic necessities of life; the right to protection against poverty; the right to conducive education and health conditions; the right to protection against marginalisation on the basis of gender; protection against natural disasters, as well as ecological and environmental degradation.”

As a layered approach, it also means that:

“At the national level, the aim would be to safeguard the security of

individuals, families, communities, and the state/national life, in the economic, political and social dimensions. This applies at the various regional levels also; and at the continental level, the principle would be underscored that the security of each African country is inseparably linked to that of other African countries and the African continent as a whole."⁴¹

Liberia does not need convincing that this is not the 19th century with its strategic doctrinal emphasis on the absoluteness of the military instrument of state power.⁴² Since the end of the Cold War, national interests may be articulated and pursued with calculable degrees of effectiveness through other means: diplomatic, political, economic, mediation, sanctions, peacekeeping, and peace-building, the use of military force, pre-emptive, preventive or intervention, being the last resort. Thus, Liberia's national security should not continue to be at the expense of any of its regional neighbours, immediate or distant,⁴³ but ought to be based on a 'non-offensive defence (NOD)' framework that emphasises a national defence posture involving such simple, but effective confidence-building mechanisms as exchange of defence attachés, military students and directing staff, as well as joint training exercises and observation.⁴⁴ In general, the transformation ought to focus on efforts and mechanisms to realign those internal and external dynamics that have shaped its national security in the past. A similar view is expressed by Rupiya:

"... reforming the security sector is basically part of a process designed to fit the bureaucracy within states, especially those structures that have/had the role of exercising monopoly of violence on behalf of 'one-party' or such like, in line with the new liberal democratic dispensation – and subordinated to the existing international security system".⁴⁵

The reform of the security sector is not a simple question of dealing with statutory security sector institutions. The voluntary disarmament of 101,449 ex-combatants, coupled with the removal from circulation by December 2003 of about 27,894 weapons, and some 33,000 rounds of heavy munitions and seven million rounds of small arms ammunition,⁴⁶ is a laudable achievement by UNMIL, even without comparison with those undertaken by ECOMOG in 1993–1994 and 1996–1997.⁴⁷ However, if care is not taken, the disconnect between the DD and RR components that is still being occasioned by the funding gap for the reintegration and rehabilitation of disarmed ex-combatants⁴⁸ will prevent the economic absorption of idle labour, which may then provide a pool for recruitment

by warlords. The reform of the security sector has to involve effective mechanisms to rehabilitate and reintegrate non-statutory ex-combatants after the weapons of death and destruction have been removed from their hands, in order to dissuade them from any predisposition to return to the bush or live off the gun criminally.

The problem this presents is that the maintenance of inordinate numbers and types of security forces will be detrimental to efforts towards the recovery of a collapsed national economy by further diverting limited national capital from other productive and developmental sectors of society. While security sector institutions do contribute to human security as a public good, the security they provide has an optimal value in relation to economic development. Large security forces therefore consume more resources but are not matched by a commensurate increase in national security. Security budgets beyond the optimal level therefore tend to divert resources – human, material, financial – from developmental policies and programmes. One view expressed by Rupiya and held with generic validity is that: “Bloated security sectors were seen as impeding development and [were] cast as blights to achieving poverty reduction.”⁴⁹

In effect, while security sector reform may entail a degree of downsizing, the objective is not necessarily a numbers game, but one relating to economies of scale. In practical terms, therefore, the reform of Liberia’s security sector will have to involve downsizing because their sizes have been skewed by the dynamics and imperatives of the politico-military conflict. The transition to democratic governance and the rule of law and human rights underscores the need to bring the strength of these institutions to peace-time minimum force levels – not exceeding 33–50 per cent of established strength – requisite for national interests, in a milieu of regional peace and stability.

Needless to say, the quantitative aspects of Liberia’s security sector should be accompanied by qualitative aspects involving roles, missions, tasks and employment on the one hand, and improved professionalism and capacities on the other. Against the background of the country’s history and the objective performance of the security forces, Liberia’s security forces should exist for one purpose only, to provide and guarantee the security of its citizens, where human security becomes a public good⁵⁰ and not an evil. Consequently, pursuant to relevant international norms and conventions, these forces should not be employed on tasks that jeopardise the security of the country’s population and people. The reforms should transcend the notions of regime security to instil a culture

of democratic civil-military relations, based on respect for human rights that is influenced by professional leadership. In this context, it is essential to aim at achieving a balance among the various ethnic groups,⁵¹ in order to ensure a fair representation in the reformed armed forces.

Liberia's civil society organisations should be acknowledged for their constructive roles in the peace processes since 1989–90. Given this contribution and engagement, and coupled with the transformation of African states and societies to provide spaces for civil society engagement in democratic governance, civil society and the general public in Liberia have a justifiable right to partner the state in building peace. In the words of Le Roux:

“Consultation is imperative for national consensus on defence ... transparency and consultation increase the quality of the debate and enhance the capacity of all participants for future contributions.”⁵²

However, consultation with civil society organisations should not be a licence for them to act presumptuously as political opposition or an alternative to government. Indeed, in the post-conflict period, Liberia's civil society needs far greater capacity and expertise,⁵³ to ensure, among other things, that the excessive powers of the presidencies to manipulate the security forces are curtailed through constitutional and other statutory reforms aimed at institutionalise appropriate civilian oversight bodies.

Security sector reform in Liberia should be informed by ECOWAS's collective regional security mechanism. Pursuant to relevant ECOWAS principles of non-aggression and peaceful settlement of disputes, as well as to the principles and objectives of the 1999 ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, Liberia needs to acknowledge the immutable fact that because countries cannot change their neighbours, they must coexist peacefully. Peaceful coexistence in the MRU area, within the multilateral framework of the MRU, is essential to enhance the safety and security of the respective populations, accelerate socio-economic development, mitigate the impact of poverty and disease, and contribute to regional peace and stability. In order to gain a rational framework for security sector reform in the MRU area, there may be the need to put a ceiling on security sector expenditures. In the absence of any rationalised data for the MRU countries, including Côte d'Ivoire, it is only a suggestion that such expenditures could be capped at a rational percentage factored on one or a combination of the following ceilings:

- a level not exceeding 1.5% as proposed by the UN Secretary General;
- an MRU average that is negotiated between the member states;
- a West African average GDP informed, among others, by the principles of the Moratorium on SALW.⁵⁴

These mechanisms will certainly contribute to a reduction of the spiralling defence and security expenditures necessitated by conflicts with their concomitant humanitarian catastrophe. Thus, rather than be buried in conflict, the MRU needs to be resurrected.

Beyond the confines of the MRU, there is considerable scope for peace-building intervention by ECOWAS, which also has a moral right and obligation for substantive contributions towards durable peace in Liberia, in order to secure the gains of its previous peacekeeping and peace-building interventions by preventing a relapse into conflict. The Liberian conflict is convincing evidence that because intra-state conflict may not necessarily be contained within state borders – and may be exported as an active deliberate policy of regional destabilisation – regional organisations such as ECOWAS constitute key stakeholders in not only resolving the conflicts, but also preventing their future recurrence. As argued by Adedeji, ECOWAS's security interventions in Liberia and the MRU area have largely shaped the regional environment for security sector reform thus:

“... for peace to be embedded, the objects of reform should not be confined merely to the security sectors of the target countries but should also incorporate the broader global structures and agents that condition them ... While it may yet be ambitious to configure an integrated West African security sector, it can be argued that there are emerging discernible elements of a West African security architecture, which are crucial for peace and security ... the trans-national and cross-border nature of conflicts in the [sub]-region means that many conflicts cannot be resolved or transformed exclusively within borders ... [Sub]-regional security mechanisms ... form an important component of security sector reform and can be an input and output of security sector reform.”⁵⁵

ECOWAS has achieved more collective regional integration in the realm of security than in the realm of economics, in equal measure to its regional security complex and challenges since 1989, even though

economic integration constituted its original and fundamental objective and purpose.⁵⁶

ECOWAS's experience and the deepening of the understanding and approach to collective security could serve as a model for other troubled regions, notably the Great Lakes and the Horn of Africa. Even though the region may not have the economic capacity for substantive post-conflict reconstruction, it could contribute to Liberia's national security by using the DDRR in the MRU countries to strengthen the implementation of ECOWAS Moratorium on SALW in post-war Liberia.⁵⁷

Furthermore, ECOWAS could guarantee Liberia's national security by 'policing' the transition beyond the withdrawal of the UNMIL. In collaboration with Liberia and external partners, ECOWAS could utilise the services of the Peace-building Commission and the Peace-building Support Office proposed by the UN Secretary General under the reform of the UN to persuade Liberia to:

"Make use of the Peace-building Commission's advice and could request assistance from a standing fund for peace-building to build their domestic institutions for reducing conflict, including through strengthening the rule-of-law institutions."⁵⁸

Beyond this initiative, in addition to maintaining a small regional political office, ECOWAS, through an appropriate forces technical agreement with the transitional or substantive government, could consider leaving a rearguard force to maintain a regional security presence in the country. It is timely that ECOWAS is making efforts to establish and operationalise the ECOWAS Standby Brigade (ECOBRIg). This scenario provides an operational opportunity to prepare the force for its future tasks and missions. The ECOBRIg rearguard, composite in nature – military, police, corrections, civilian experts – could continue to offer training assistance, bolster the country's security and provide a bridgehead for the expansion of ECOBRIg in the event of potential and possible conflict.

Finally, ECOWAS needs to engage its external partners to shift their regional peace-building assistance agendas – US African Contingency Operations Training Assistance (ACOTA), France's RECAMP, the extant British Peace Support Training (BPST) and other similar assistance agendas from Canada and the Nordic countries – towards real needs for the enhancement of ECOBRIg's capacities. The existing focus of these agendas on bare-bone training should shift to commensurate ECOBRIg

capacity for strategic airlift, logistical equipment, mission sustainment and operational funding.

CONCLUSION

We admit that SSR is neither an exact science nor a concept that is globally acceptable and applicable. Our approach has therefore been to identify elements of SSR that need to be captured in a discussion of the peculiar dynamics of post-conflict Liberia. The first is the historiography of Liberian society since the 19th century as manifested in the political dominance of the Americo-Liberian elite. The impact and ramifications of this dominance have resulted in the second element, namely democratic civil-military relations. In this context, the affected professionalism of the AFL has in turn considerably undermined Liberian national security. In addition, the fracturing of the state since the 1990s, as a result of the civil war unleashed by Taylor's invasion, has exacerbated the country's national security with dire implications for security in the West African region. Even though the interventions by ECOWAS and the UN have had a positive impact on efforts towards the restoration of national and regional security, the study reveals the need for a comprehensive SSR in Liberia. Against this imperative, we wish to emphasise that the UN has chosen the path of least resistance, focusing its efforts on police reforms to the exclusion of the armed forces, among other security institutions, which are now left to the US to reform through a PMC, within a bilateral framework. Herein lies the disjuncture between the reform of the security sectors, especially in terms of a holistic review of Liberian national security, and the choice of responsible actors.

Against this background, this chapter uses these elements to highlight the determinants and prerequisites of SSR in Liberia. One of the enduring impacts of the war is the gross abuse of human rights by all the factions and its legacy for the rule of law in post-conflict Liberia. After investing so much human, material and financial capital in efforts towards the resolution of the Liberian conflict from 1990, the political expediency of ECOWAS regarding an open-ended amnesty for Charles Taylor and the cohorts of warlords could undermine peace-building efforts in Liberia. The bitterness of that failure will be more regrettable if Liberia relapses into a conflict that is accompanied by the third round of humanitarian catastrophe.

Thus, post-conflict peace-building in Liberia requires collaborative consensus between ECOWAS, the UN and international watchdogs

for the establishment of a criminal tribunal at an appropriate time for Liberia. Unless this is done, perpetrators of war crimes and crimes against humanity, who escaped justice in the 1990s, will again walk away from justice and return as a new generation of deadlier warlords with no restraint on the means and methods that they may apply for the attainment of their objectives.

Subsequent to the restoration of the rule of law, the reform of the security sector is fundamental to the transitional administration and long-term peace-building in Liberia. The reform of the security sector should be informed by the dynamics of Liberia's politico-military history, which have dealt a deadly blow to the monopoly of the state over the use of coercive violence, and should involve the broad spectrum of state and non-state actors.

While it may be a little early in the day to say so, it is the considered view that in spite of UNMIL's reform efforts, Liberia's law enforcement and correctional institutions are far from achieving an independent capacity to maintain a sustainable status quo after the departure of UNMIL. On the other hand, the commitment of the US to the reform of the AFL is welcome news. However, in addition to the need for the programme to be up to speed, the lack of clarity on the country's security policy, coupled with contracting a private security contractor, raises some concern about democratic civil-military relations based on the principles of transparency and accountability.

In addition to encouraging Liberia to publish, as soon as possible, a policy (white) paper on its security strategy, ECOWAS should collaborate with the UN and other external partners to revive extant mechanisms for regional integration and security, including the Moratorium on SALW. Furthermore, the region should continue to engage with Liberia after the withdrawal of the UN Mission, and should persuade the country to appeal to the proposed Peace-building Commission, in order to gain substantive post-conflict peace-building, nationally and regionally.

In conclusion, we sound a clarion call for urgent attention to a comprehensive SRR in Liberia, taking into consideration the linkages between the conflicts in the Mano River region, namely Liberia, Sierra Leone, Côte d'Ivoire and Guinea (Conakry).

NOTES

- 1 Thomas Jaye, Liberia: Setting priorities for post-conflict reconstruction, *Journal of Security Sector Management* 1(3), December 2003.

- 2 Ebo Adedeji, Security sector reform as an instrument of sub-regional transformation in West Africa, <www.decaf.ch/publications/SSR-yearbook2004_Chapter4_Ebo.pdf>, p 5, citing A-F Musah, in Small arms – a time bomb under West Africa’s democratisation process, *The Brown Journal of World Affairs* IX(1), Spring 2002, p 241.
- 3 Ibid.
- 4 See also BBC News, *Mercenaries fuel West African wars*, 13 April 2005.
- 5 Timothy Edwards, Security Sector reform in Central and Eastern Europe: Criteria for success and failure, presented at the Security Sector Reform: Concepts and Implementation conference held by the Geneva Centre for Democratic Control of Armed Forces, 22-23 November 2001, p 2, <www.dcaf.ch/news/events/2002/CSF/ws_CSFpapers.htm> (12 April 2005); an attempt to integrate the loose security sector conceptual framework with perspectives from Africa by M Rupiya, An African perspective of the reform of the security sector since the 1990s, in Len le Roux et al (eds), *Guarding the guardians: Parliamentary oversight and civil-military relations: The challenges for SADC*, Institute for Security Studies, Pretoria, 2004, pp 3–16.
- 6 See Amnesty International Report, AI Index: AFR 34/005/1997, 1 October 1997.
- 7 UNDP HDI 2003, <www.undp.org/hdr2003/indicator/indic_4_1_1.html. In 2001, Liberia remained unranked. To see how bad Liberia’s situation was at the start of the war, Sierra Leone was ranked 175 with a GDP per capita (PPP US\$) of 408 in 2001.
- 8 UNAIDS Country HIV and AIDS estimates 2003. Citing 2004 Report on the global AIDS epidemic, UNAIDS indicates that the HIV prevalence rate among Liberia’s adult population (15–49) is at an average of 5.95 (range: 2.7% – 12.4%), or an average number of 96,000 (range: 44,000-200,000), <www.unaids.org/en/geographical+area/by+country/liberia.asp>.
- 9 CPA (2003), op cit, p 23. Among its other provisions, Article XXXIV of the CPA provides that: “the NTGL shall give consideration to a recommendation for general amnesty to all persons and parties engaged or involved in military activities during the Liberian civil conflict”; See also Aboagye and Bah, ISS Occasional Paper 95, November 2004, pp 12–13 for further elaboration.
- 10 See CPA (2003), op cit, p 12.
- 11 See UN, Fifth Progress Report of the UN Secretary General (S/2004/972) dated 17 December 2004. Following the first meeting held on 28 July 2004 to work out the relevant framework, the UNMIL Human Rights Unit has collaborated with the NTGL and a wide range of civil society organisations to operationalise the TRC.
- 12 See CPA, op cit, p 11. See also UNSC Resolution 1509 (2003), op cit, p 4.
- 13 UN Security Council, Fifth Progress Report of the Secretary General, op cit. Annex II indicates that Liberia has signed the following five treaties: (a) the Optional Protocol to the International Covenant on Civil and Political Rights; (b) the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; (c) the Optional Protocol to the Convention

on the Rights of the Child on the involvement of children in armed conflict; (d) the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and (e) the International Convention on the Protection of the Rights of ALL Migrant Workers and Members of their Families.

- 14 Ibid.
- 15 Festus B Aboagye, *The Ghana Army, a concise centennial regimental history, 1879–1999*, Accra, SEDCO, 1999; See R S Rogers (Captain), *A short history of the Ghana Army*, Accra, Presbyterian Press, 1959, p 12, 14–15; See also A Haywood (Colonel), and F A S Clarke (Brigadier), *The history of the Royal West African Frontier Force*, Aldershot, Gale & Poden, 1964, pp 5, 7 and 13.
- 16 Harold D Nelson (ed), *Liberia, a country study*, Washington DC, American University, 1984, pp 33–34 and p 37. According to Nelson, Liberia lost about 40% of its territory, the Sewa-Mano protectorate annexed by Britain to Sierra Leone in 1833, the forest between the Morro and Magowi rivers, exchanged in 1911 for recognition of Sierra Leone's title to land north of the Magowi, and in 1891, France's appropriation of land up to the Cavalla River in the Ivory Coast.
- 17 Festus B Aboagye, ECOMOG, A sub-regional experience in conflict resolution, management and peacekeeping in Liberia, Accra, SEDCO, 1999, pp 11–12. The author holds the view that the episode of colonisation, albeit by freed African slaves, was no different from other purely European patterns of colonisation elsewhere on the continent.
- 18 Nelson, op cit, p 261. The Gold Coast Constabulary occasionally displayed corrupt character and was brutal against the local population, such as during the invasion of Ashanti (Kumasi) in 1874 and during pacification operations in the Northern Territories in the late 1890s; H T Alexander, (Major General), *African tightrope, my two years as Nkrumah's Chief of Staff*, London, Pall Mall Press, 1965, p 62. According to Alexander (British), then Chief of Defence Staff of the Ghana Army, the performance of the companies of the contingent was not too good.
- 19 Aboagye, ECOMOG, op cit, pp 48–49. According to Nelson, the militia became an inactive reserve liable for call-up in emergencies as the constabulary component of the LFF, in addition to its military functions until 1924, its additional functions being the maintenance of law and order, opening up the interior and assistance in tax collection. With an estimated strength of about 6,300 in the 1980s and 1990s, the AFL has since its raising in 1962 consisted of the Liberian National Guard (LNG) – including the militia and the small Liberian National Coast Guard (LNCG) established in 1959 – under the Department of National Defence and the Ministry of National Defence in 1972 (formerly the War Department of 1848).
- 20 See CPA (2003), p 10.
- 21 This section has benefited immensely from the evaluation report, *Liberia Action Research 2003*, carried out by the Kings College, London-based Conflict, Security and Development Group (CSDG) at the International Policy Institute

- and the Geneva Centre for Democratic Control of Armed Forces (DCAF). We have also gleaned valuable insights from discussions with Dr Funmi Olonisakin, one of the researchers for the above report in the possession of the authors – CSDG-DCAF Liberia Consultations 28 July to 1 August 2004.
- 22 The Joint Rule of Law Implementation Committee comprises the UNMIL Rule of Law Unit and the Liberian Ministry of Justice, the National Security Advisor and the Director of the LNP. See UNMIL Press Release, UNMIL/PIO/PR/120, 30 September 2004, titled: UNMIL and Transitional Government sign memorandum of understanding on security sector reform.
 - 23 The screening and vetting measures are aiming to get rid of persons recruited by Taylor after 1997, to prevent persons with criminal records from recruitment, as well as to provide a database of human rights abuses, for use during a future criminal tribunal.
 - 24 Aboagye and Bah, *op cit*, p 11. The unit comprises the Correctional Service Advisory and Mentoring Group and the Correctional Service Training and Development Group. In addition, the CIVPOL/IPS provides collaborative assistance to the Corrections Advisory Unit in the development and implementation of correctional training, as well as operational coordination on juvenile issues, custody and detention.
 - 25 This type of training focuses on radio communications, motorcycle operation and safety, management, forensics, county commanders training, basic safety and security for Roberts International Airport screeners and customs officers, defensive tactics for Freeport police, crowd control and incident management training.
 - 26 Aboagye and Bah, *op cit*, p 11. Liberia's three prisons are Belle Yalla (Lofa County) Prison for condemned convicts; Post Stockade (Montserrado County) for political prisoners; and the Central Prison Compound (Monrovia City) serving as the general prison.
 - 27 UNMIL has established a CIVPOL Donor Aid Coordination team to manage the proper use and accounting by local authorities of bilateral equipment acquisitions and assess logistical needs and capital improvement requirements at police facilities.
 - 28 Aboagye and Bah, *op cit*, p 11. This politico-military intransigence, including the self-exiling of his political opposition, was part of his grand design to have the whole theatre to himself. It does ring a bell that Taylor signed the Status of Forces Agreement (SOFA) in June 1998, just prior to the departure of ECOMOG.
 - 29 Aboagye and Bah, *op cit*, p 17. The unofficial policy seemed to be to wait for the establishment of a more functional government in Liberia.
 - 30 See <www.CorpWatch> Liberia, 15 February 2005, for an outline of the plan. It is indicated that the US-based PMC specialises in security and aircraft maintenance and has been involved in the contract training of new police forces in Afghanistan, Iraq and Liberia.
 - 31 See www.CorpWatch Liberia, *op cit*.
 - 32 See UNSG Fifth Report (2004), *op cit*, p 7.
 - 33 See Global Peace Forum <www.globalpeaceforum.org> for pieces on PMCs. In one of such articles by Leslie Wayne, *New York Times*, 13 October 2002, PMCs

- are described as “mercenaries, the new business face of war, going where the Pentagon prefer not to be seen”, etc. See aspects of the debate by Geoff Harris, Civilianising military functions, in Geoff Harris (ed), *Achieving security in sub-Saharan Africa: Cost effective alternatives to the military*, Institute for Security Studies, Pretoria, 2004, pp 35–36.
- 34 Adedeji, op cit, p 16, citing Rocky Williams, in Africa and the challenges of security sector reform, *ISS Monograph* 46, February 2000, p 7; See also: <www.iss.org.za/pubs/monographs/No46/Africa.html>.
- 35 See Adedeji, op cit, p 6.
- 36 Adedeji, op cit, pp 3–5. A narrower definition of the security sector includes those institutions entrusted with the protection of the state and its citizens, based on a monopoly of the use (or threat of use) of coercive force, that is, military, paramilitary, intelligence, police and penal forces, but also includes the civil authorities mandated to control and oversee these agencies (ministries of defence, finance, interior, national security agencies, judiciary and parliament). He further cites the UNDP (HDI, 2002, and OECD, Paris, 2000), for a broader definition that includes non-statutory security forces (such as liberation armies, private security companies, guerrilla armies) and civil society groups. See also Martin Rupiya, An African perspective of the reform of the security sector since the 1990s, Len le Roux et al, op cit, p 6; see <www.iss.co.za/pubs/Books/guardiansaug04/Rupiya>.
- 37 Adedeji, op cit, p 4, citing I Williams, Why Africa needs security sector reform, in A Lala and A Fitzgerald (eds), *Providing security for people: Security sector reform in Africa*, GFN-SSR, Shrivvenham, 2003.
- 38 Eric Bonnemaïson, Security sector planning in Africa: Military force as a public good, *African Security Review* 11(2), 2002.
- 39 Adedeji, op cit, p 7.
- 40 See Bonnemaïson, op cit.
- 41 See AU Common African Defence and Security Policy, Sirte, February 2004.
- 42 Michael Howard, *Clausewitz*, Oxford University Press, Oxford, 1983, p 35.
- 43 See Bonnemaïson, op cit.
- 44 Bjon, Moller, Defensive restructuring of the military in sub-Saharan Africa, in Geoff Harris, (ed), op cit, p 18 and pp 26-27. In terms of professionalism, Moller emphasises Huntington’s (1957) view of the officer corps, and cites the Burundi model of power-sharing arrangements in the Arusha Agreement (2000). The view here is that this is a model that cannot be adopted for all situations.
- 45 Rupiya, Rupiya <www.iss.co.za/pubs/Books/guardiansaug04/Rupiya>, op cit, p 6.
- 46 UN Security Council, Fifth Progress Report of the Secretary General on UNMIL.
- 47 Aboagye, ECOMOG, op cit, pp 115–116 and pp 126–127. Vide the Final Report of the UN Secretary General on UNOMIL, S/1997/12: only 3,192 combatants were disarmed in 1993/94 against an estimate of between 33,000 and 60,000; the second disarmament in 1996–1997 more successfully disarmed 20,332 fighters and collected over 10,000 weapons and over 1.2 million rounds of ammunition.

- 48 See UN Security Council, Fifth Progress Report of the Secretary General on UNMIL. As of 1 December 2004, some 43,000 ex-combatants were in need of RR cover amounting to a funding deficit of about US\$60 million.
- 49 Rupiya, op. cit., p 9. *Vide* www.worldbank.org/poverty/voices, 22 June 2003.
- 50 Harris, Geoff, "Civilianising military functions," op cit, p 33. As a commodity, the author categorises military security as a public good because it constitutes a service that benefits 'one and all' with funded from public taxes.
- 51 Moller, op cit, pp 27–28. In terms of professionalism, Moller emphasises Huntington's (1957) view of the officer corps, and cites the Burundi model of power-sharing arrangements in the Arusha Agreement (2000). The view here is that this is a model that cannot be adopted for all situations.
- 52 Len le Roux, in Rocky Williams, Gavin Cawthra, Gavin & Diane Abrahams (eds), *Ourselves to know: Civil-military relations and defence transformation in southern Africa*, ISS, Pretoria, 2003, pp 167–168. These are two of the key lessons drawn by Le Roux on South Africa's Defence Review (1994).
- 53 Adedeji, op cit, p 4, *citing* E Hutchful, A civil society perspective, in Lala and Fitzgerald, op cit.
- 54 Rupiya, <www.iss.co.za/pubs/Books/guardiansaug04/Rupiya>, op cit, p 9. Here, the author cites the World Bank's proposed capping at 4–4.5%, while the UN Secretary General, in his *Agenda for the Development of Africa in the 1990s* (UN-NADAF, 46/151), proposed an expenditure level not exceeding 1.5%, followed by a ten-year moratorium.
- 55 Adedeji, op cit, p 5. See N Cooper and M Pugh, Security Sector transformation in post-conflict societies, in *The Conflict Security and Development Group*, Working Paper No 5, London, 2002, p 6.
- 56 See ECOWAS Charter (Revised), 1975.
- 57 See ECOWAS, Declaration of a moratorium on importation, exportation and manufacture of light weapons in West Africa, 31 October 1998. For a more detailed analysis of the implementation and impact of the moratorium, see Alhaji, M S Bah, Micro-disarmament in West Africa: The ECOWAS moratorium on small arms and light weapons, *African Security Review* 13(3) 2004, pp 34–35.
- 58 See Report of the Secretary General on the Reform of the UN, March 2005, <www.un.report-largerfreedom.pdf>.