

# **Liberia's Road to Recovery**

## **Trends, Prospects and Challenges**

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Liberia, once synonymous with independence owing to its unique status in Africa of not being colonised – along with Ethiopia – now evokes images of war, death and destruction. The country's brutal civil war, which lasted well over a decade, resulted in a complex emergency whose impact was felt far beyond the country's borders. The combination of large numbers of refugees, internally displaced persons (IDPs), the proliferation of small arms and light weapons (SALW), coupled with the easy accessibility of extractive natural resources such as diamonds, proved to be a deadly cocktail. The combination of these factors manifested itself in atrocious civil wars in Sierra Leone, and Côte d'Ivoire, and the intermittent instability in Guinea's south-eastern region.

Moreover, civilians bore the brunt of the suffering as all sides to the conflicts deliberately targeted them – a major characteristic of the conflicts in the Mano River basin. Among other factors, this phenomenon triggered a rethinking at regional and international levels about the need to intervene in situations of gross violations of human rights, especially when the government of the state in question is either reluctant or incapable of providing security for the civilian population, or is itself directly involved in crimes against humanity and human rights abuses.

Consequently, in the post-Cold War era humanitarian interventions, stretching from the Balkans to Africa, have been undertaken by the UN, the international community and sometimes regional coalitions. Yet, despite their projected humanitarian intentions, these interventions have been divisive and controversial. However, the scale of the humanitarian crises in the post-Cold War era, vis-à-vis the slow response by the Security Council, has strengthened calls for interventions in defence of unarmed civilians, even if carried out without the authorisation of the UN Security Council, the only international body with the mandate to authorise such actions.

In this regard, history was made in Liberia in 1990 when the Economic Community of West African States (ECOWAS) took the unprecedented move of deploying troops to that country without the expressed authorisation of the Security Council. ECOWAS's deployment of its Ceasefire Monitoring Group (ECOMOG) in August 1990 was projected as a humanitarian intervention to save thousands of Liberian and West African nationals trapped by the fighting.

The upsurge of fighting in Liberia in early 2003 created yet another humanitarian crisis, reminiscent of the humanitarian catastrophe in the 1990s. Unlike the 1990s, however, this crisis met with remarkable regional consensus and attracted considerable international attention and support for the rapid deployment of the ECOWAS Mission in Liberia (ECOMIL) and the United Nations Mission in Liberia (UNMIL).

As the chapters in this book make clear, the humanitarian nature of the interventions by ECOWAS in 1990 and 2003 in Liberia in particular and West Africa in general accord with the elements espoused by the International Commission on Intervention and State Sovereignty (ICISS, 2001), namely *prevention, reaction and rebuilding*. However, the study shows that the validation and implementation of these principles involve two layers: the normative and the operational.<sup>1</sup> At the normative level, given the momentum towards international consensus on intervention and state sovereignty, there was a groundswell of regional and international understanding on the applicability of international humanitarian law and such other treaty-based conventions to the Liberian situation. At the operational level there was manifest speed to react to the escalation in the conflict, based on the regional perception that the state in Liberia was unable to protect the civilian population. The combination of these two-layered responses contributed to the timely establishment and deployment of ECOMIL, followed soon after by the Security Council mandated deployment of UNMIL. This explains the significant success of the intervention in Liberia; unfortunately that has not been the case elsewhere in Africa, as the situation in Darfur testifies.

Equally important, a comprehensive validation of the three principles of the responsibility to protect requires an understanding of security that transcends physical protection, especially during the *reaction* phase; it ought to encompass other factors that contribute to substantive peacebuilding and therefore should inform decisions and actions across the broad spectrum of the principles. As highlighted in this volume, some of the key factors to be considered are:

- political will and consensus;
- force generation and deployment;
- mandates and rules of engagement;
- disarmament, demobilisation, rehabilitation and reintegration (DDRR);
- restoration of civil authority and rule of law;
- security sector reform;
- transitional justice;
- redressing gender imbalance; and
- humanitarian access.

It is only by addressing these issues that the principle of civilian protection will be guaranteed on a sustainable basis. It is our view that a deficit in any of the priority factors will undermine civilian protection. These issues do not necessarily need to be addressed simultaneously but it is crucial to seek their implementation in a carefully considered integrated plan incorporating logical timing and sequencing of delicate aspects, such as transitional justice. For instance, the establishment of accountability mechanisms such as special courts and criminal tribunals could have serious impact on a peace process; the timing for the establishment of such mechanisms needs to be seriously considered. A poorly timed mechanism could have the unintended consequence of unravelling an often-fragile peace process.

To expatiate further on the principles and their relevant factors, this chapter has attempted to illustrate the complex dynamics of the most recent regional, UN and international interventions in Liberia. In this vein, the authors have focused on a broad range of issues starting with an introduction to the country's chequered peace processes and the protection dilemma, and issues of transitional justice and security sector reform, as the key pillars to the country's post-conflict peace-building process. In order to contextualise the peace-building process, the contributors interrogated the evolution and complex nature of the protection of civilians, vis-à-vis the principle of sovereignty and non-intervention. Through incisive analysis they brought to the fore the complexity of moving from principle to practice. In other words, they exposed the inherent challenges in enforcing compliance with internationally agreed legal frameworks and norms, such as the Geneva Conventions, as well as international humanitarian and human rights laws.

Furthermore, the authors examined the evolution of ECOWAS's "second-generation" peacekeeping in the sense that ECOMIL marked

the consolidation of ECOWAS's second-generation regional peace support operations. Prior to ECOMIL, ECOWAS deployed its mission in Côte d'Ivoire (ECOMICI) to assist in maintaining that country's fragile peace process. In their analysis, the authors discuss issues such as mandate, force generation, deployment, sustainment, interoperability, and most importantly political consensus relating to the deployment of ECOMIL. While ECOMIL encountered some logistical and other operational challenges, perhaps the most significant aspect of the mission was the level of cooperation between ECOWAS member states.

The relatively smooth deployment of ECOMIL has been attributed, among other things, to the unwavering political consensus among the leaders of West African states, a situation that starkly contrasts with the bickering that dogged earlier ECOWAS deployments in the 1990s. It is also true that the second-generation deployments took place against the backdrop of the adoption of a regulating protocol, the ECOWAS Protocol on Conflict Prevention, Resolution, Management and Peacekeeping adopted in 1999. Finally, the smooth handover from ECOMIL to the UNMIL is viewed as a positive development. In addition to saving thousands of lives and paving the way for the deployment of the larger UN-led multinational force, ECOMIL is evidence of a significant, albeit emerging, practice in peacekeeping – the absorption of regional troops into a larger UN force. Given the institutional expertise of the UN and the capacity of UNMIL that took over from ECOMIL on 1 October 2003, the mission has been able to pursue short- to medium-term programmes towards peace-building in the country, and to ensure protection of the civilian population.

Nevertheless, recent UN interventions in West Africa – Liberia and Côte d'Ivoire – suggest strongly that whether as a follow-up to a regional peace operation or otherwise, the deployment of UN peace operations should be more predictable. One way of doing this is to review the Cold War doctrine of UN peace support operations to de-emphasise benchmarks that set difficult, sometimes impossible, end-states for regional peace operations as conditions for the deployment of UN peace operations. Within the international community, this demands rethinking of the policy of withdrawal and disengagement of major Western countries from UN peace operations within the continent.

However, the dithering by the international community over the ongoing crisis in Darfur betrays the will and commitment to protect vulnerable groups such as women, children and the elderly. Though much has been said and written about the need to protect civilians, these commitments

have not been matched by action. In this respect the Liberian study has provided a considerable number of scenarios for an examination of the principles and issues relating to the responsibility to protect civilians. Practically speaking, therefore, there is a need for effective mechanisms to operationalise the implementation of the existing principles.

### **POLITICAL WILL AND CONSENSUS**

*To effectively implement the principles of civilian protection in violent armed conflicts, there is a need, first, for substantive regional security mechanisms and, second, for broad regional and international consensus at the political and diplomatic levels. At the regional level there must be a commitment to engage fully and forcefully with all parties to conflicts and, if necessary, to strongly admonish recalcitrant civilian leaders whose misrule could engender conflicts. Indeed, at the political level, the validation of the ICISS principle of prevention will demand not only strong action against such leaders, but also strong measures to sanction them appropriately.*

West Africa, more than any other region, is aware of the crippling effect of lack of political consensus. The deployment of its first peacekeeping mission, ECOMOG, was marred by controversy arising, among others, from the lack of consensus between member states. The ensuing tug-of-war between the intervening states and those opposed to it, undermined ECOMOG's potential legitimacy and therefore effectiveness. The community's dilemma was exacerbated by the opposition of the international community to the intervention and the minimalist approach of the UN at that time.

In response to the above challenge and fresh from its troubled intervention in Liberia, ECOWAS adopted a Protocol on Conflict Prevention, Resolution, Management and Peacekeeping in 1999. The adoption of this protocol marked a radical shift from the *ad hoc* approaches that characterised its interventions in the 1990s. The need for consensus in cases of intervention is one of the principles of the protocol. As was mentioned earlier, the ease with which ECOMIL deployed has been partially attributed to the consensus and political goodwill that existed among member states. For instance, unlike ECOMOG, ECOMIL had troops from the three linguistic divides in the sub-region, that is, English, French and Portuguese. It should be remembered that Guinea-Conakry was the only French-speaking country that contributed troops to the initial ECOMOG. This provided ammunition for the predominantly

francophone critics of the force, who pointed to its disproportionate anglophone composition.

But it is vital that prevention should seek to identify and resolve the causes of conflict, especially the structural causes. For instance, in Liberia, peace-building efforts should not focus only on the basic aspects of peacekeeping and socio-economic reconstruction, they should also seek to address the ethnic imbalances and those factors that engendered the conflict in the first place. Unless this is done, it will be difficult to guarantee durable peace.

Without such political will and consensus, regional and international efforts could be undermined and will fall short of credible measures required to prevent conflicts and, where such measures fail, to *react* effectively to the onset of violent armed conflicts and their negative consequences.

#### **GAINING AND SUSTAINING EARLY ENTRY POINTS**

*In undertaking humanitarian interventions, especially during the reaction phase, time will always be of the essence, as lives, livelihoods and property will be destroyed with each passing day. Timely political and diplomatic entry points for mediation and negotiations towards comprehensive ceasefires establish congenial conditions for dialogue, which then minimise acrimony and spoiling tactics.*

For instance, the early engagement of ECOWAS, the international community and the UN with the various belligerent groups through the Accra peace process contributed to the relatively smooth deployment of ECOMIL and UNMIL, because of their acceptance by all the parties. This success was possibly aided by the holistic nature of the facilitation of the peace talks by Accra.

When peace talks move from one capital to another, the resultant migration affects continuity, shifts the centres of effort and prolongs the peace process. In the 1990s the Liberian peace process was characterised by a migrating facilitation and member state tendencies to gain political mileage.

These aspects sharply contrast with the 1990s when ECOMOG was deployed without the consent of all the warring parties, which then raised questions about the legitimacy and neutrality of the force. ECOWAS's pivotal role in negotiating the Comprehensive Peace Agreement (CPA) gave it the necessary political legitimacy for its deployment of ECOMIL and its continued involvement in the implementation of the agreement. While the ECOWAS Protocol on Conflict Resolution and the AU's Peace

and Security Council Protocol call for interventions without consent in grave circumstances of crimes against humanity, human rights abuses and genocide, it is still prudent to gain the trust of the parties through an early entry, instrumentally through a regional peace initiative. This is made all the more important because the principle of sovereignty will continue to shape international relations into the foreseeable future.

*While the compliance of the parties with such peace accords makes verification easy, it is enhanced by the guarantees that brokers provide to ensure that all parties respect the relevant provisions.* The challenges experienced in the implementation of ECOWAS's JVT provide lessons for the smooth, effective and early verification of future ceasefire agreements. However, regional peace initiatives are made more credible with international collaboration. Regional peace initiatives should be informed by the dynamics and the inherent challenges in the verification of fragile cease-fires.

#### **MANDATES AND RULES OF ENGAGEMENT**

*As recommended by the Brahimi Panel (2000), peace operations should have the military capacity to accomplish assigned mandates. In the light of these realities, we contend that in addition to being clear and precise, assigned mandates should be achievable. In simple terms, this means that they should relate to the broad spectrum of issues (political, security, humanitarian, etc) on the ground and should be matched by operational capacities that have been informed by sufficiency of resources to deliver on the mandate.* In consideration of the gravity of the situation of civilian populations in conflict zones, it is no longer sufficient to mandate the deployment of peace missions to support the implementation of ceasefires and ambivalently task them to ensure the protection of such civilians, within their capacity. If there is ever one issue on which so much has been said and yet so little attention paid, it is the issue of mandates. To put it mildly, it is one thing to prescribe mandates on paper, and it is another to ensure their accomplishment. Although UNMIL is one of the new generation of peacekeeping missions with a Chapter VII mandate allowing the use of force to protect their personnel and, where necessary and possible, to protect civilian populations, interpretation remains a challenge. For example, in some instances UNMIL narrowly interpreted its mandate to exclude crucial issues such as action in defence of the civilian population.

A unilateral prerogative of TCCs to decide on national mandates has two interrelated implications. First, they may not deploy with

commensurate capacities for mandate accomplishment. In addition, the national rules of engagement for their contingents may not always be 'in sync' with the mandate of the mission. National contingents may therefore decline to undertake enforcement actions within the mission owing to lack of authorisation by national authorities in defence of unarmed civilians. Consequently, when the use of force becomes necessary, the supposedly robust mandate is rendered toothless.

*Because the protection of civilians approximates to warlike operations, the use of force must not only be implicit, it must be explicitly stated and must be an object of the deployment itself.* It is therefore futile to deploy forces for political expediency, especially if such forces allocate much of their resources towards their own protection, at the expense of the protection of the civilian population. In the long run the presence of such a force does little or no good for these populations. *But given the lack of substantive capacities of some African militaries, consideration should be given to the proposal to complement the operational combat capacities of regional peace deployments with external support assets.*

#### **IMPOSITION AND ENFORCEMENT OF SANCTIONS**

*There is a compelling need to institute mechanisms to strengthen the enforcement of sanctions. We therefore propose that where a sanctions regime is in place a sanctions implementation unit/office should be established to ensure the effective enforcement of the sanctions regime.*

In many instances, the use of sanctions as an instrument of peace-building has not worked effectively or failed altogether. In part, this has been owing to lack of enforcement mechanisms, even by UN peace operations. In Liberia, however, there is sufficient reason to argue that in conjunction with changing regional dynamics, the sanctions imposed by the UN Security Council in 2001 helped immensely to deprive Taylor's forces of weapons that would have enabled him to perpetuate or prolong his retention of power. Even so, there is some evidence to suggest that the travel ban imposed on Taylor and some of his top lieutenants is not being enforced to the letter by the UN mission.

To the contrary, we are of the view that enforcement of sanctions, including travel bans, should constitute key peace-building instruments that need to be factored into the implementation of mandates. *If peace operations do not enforce arms embargoes and travel bans, no one else will, and that will degrade mandate implementation.* Failure in this area can have incalculable repercussions on the mandate of peace operations

and fragile post-conflict peace processes as opportunities are allowed, rather than denied, to negative elements to use freedom to travel to further their nefarious plans.

#### **MISSION READINESS AND REGIONAL CAPACITIES**

*In the immediate aftermath of ceasefires, timeliness of deployments will be crucial, beyond verification, to provide security umbrellas for the safety and security of civilian populations. Because the UN and the international community may be slow to mobilise international political will for action, this underscores the need for substantive regional standby force arrangements and structures, with capacities that will enable timely and effective deployments.*

#### **MISSION READINESS**

*In addition to the development of regional SOPs to provide for generic force structures, the tables of organisation and equipment types of units and their capabilities for peace support operations, the region should be up to speed with the operationalisation of its standby brigade arrangements, within the framework of the African Standby Force (ASF). As discussed in Chapter Four by Festus Aboagye and Theophilus Tawiah, in deploying and conducting its operations, ECOMIL faced numerous challenges, which need to be addressed so that improvements are built into future operations. Starting with pre-deployment, the process of mobilising troops for the operation took a relatively long time because of the absence of standard operating procedures (SOPs) and operational mobilisation mechanisms. Probably owing to national commitments elsewhere, the mobilisation and concentration of the troops pledged by member states proved difficult. The establishment of the Mission Planning Management Cell (MPMC)<sup>2</sup> at the ECOWAS Secretariat should improve planning and the spade work before the appointment of a force commander.*

For ECOMIL, the ground-breaking work was undertaken by an *ad hoc* planning team that was commissioned by the Ghana Armed Forces during the peace talks. At national level, individual countries should be encouraged to develop contingency plans for the release of pledged resources and contributions, which should be coordinated regionally, for such interventions. Further to these efforts, time and resources during the pre-deployment period should be spent on joint regional and national training to sharpen skills and procedures.

*There is an urgent requirement for troops to be deployed within 14 days, in order to make the desired impact in the first few days of the operation.* Given the humanitarian situation in Liberia at the time of ECOMIL's arrival, the timelines laid down for the deployment of troops were too long. Furthermore, insufficiency of troops will imply that the operational capacity of the force on the ground will be overstretched. In such circumstances, however, the concept of operations of the force commander should identify the vital tasks that constitute the operational centre of gravity. For instance, the establishment of security control over Monrovia, including the Freeport and Roberts International Airport (RIA), constituted such a centre of gravity. The security of such operational centres of gravity requires that the force commander should resist all pressures that could lead to mission creep.

#### **EXTERNAL INITIATIVES FOR THE ENHANCEMENT OF GENERIC CAPACITIES**

Given disparities in the resources and capacities of regions, assistance should not be focused only on soft issues, such as training, although the combat multiplying effect of training and leadership is recognised and accepted. Because the burden of such mechanisms and structures will be onerous, regional standby force arrangements should be based on regional collective security mechanisms to gain greater political ownership and to lessen the per capita burden, especially on regional lead nations.

*In terms of equipment, efforts need to be made to secure adequate quantities of operational maps and equipment – laptop computers, portable printers, GPS, binoculars and satellite phones, as well as office consumables and adequate credit accounts for satellite and cellular phones – at regional secretariats for issue to missions that may be planned at short notice.* Considering the cost of satellite and cellular phones, the communications of such missions, as soon as possible, should be based on combat net radios to save scarce funding resources.

#### **COMMAND, CONTROL, COMMUNICATIONS AND INFORMATION SYSTEMS (C<sup>3</sup>IS)**

*In the run-up to the full deployment of the vanguard and main forces, there should be unity of command of verification missions. Command of such missions should therefore be vested in a single leader who alone should be the focal point for operational and administrative communications with the appropriate authority.* In addition, as much

as possible, instructions to the mission should be in writing, to serve as reference documents, even though telephone communications may be used to add background clarifications and for personal touch. Finally, when planning such missions, political authorities should keep in mind military protocol regarding ranks, including those of rebel factions, which have a preponderance of generals in their hierarchies. Co-operation with the parties, however, may be enhanced by ensuring that representatives are of appropriate ranks and are well known in the chain of command of the party's military forces, and should also be provided with effective communications to political principals and military command authorities.

*In terms of the political control and direction of the force, at political level there must be an early appointment of a special representative to provide such control and direction to the force commander.* Experience from ECOMOG shows that combining military, diplomatic and political tasks is a dangerous minefield for military commanders.

*In terms of language, there is a need to encourage more interaction, language training, and training exercises and courses among ECOWAS countries, in addition to the provision of national contingent interpreters and translators.* Operations – operational interoperability – within Africa's regions continue to be affected by the linguistic divide, as well as by differences in the military culture and operational procedures of the anglophone, francophone and lusophone countries – as well as others whose troops communicate only in vernaculars.

*There is also need for the development of ECOWAS civil military coordination (CIMIC) interface in future peace operations to facilitate liaison between the force and humanitarian agencies.* Regional peace deployments and operations must incorporate a CIMIC structure and plan for sustained cooperation.

## **LOGISTICAL CAPACITY AND SUPPORT**

*Within the ASF Policy Framework, therefore, ECOWAS should develop a comprehensive logistical policy and plan for mission self-sustainment, to provide guidance and clarity to TCCs on national and ECOWAS responsibilities during regional peace operations.* Aboagye and Tawiah further point out that ECOMIL's total dependence on the PAE for logistical support was a major challenge. More so, logistics planning was a major concern as it was difficult for ECOMIL to make its requirements known to the contractors in good time. As a result of

the lack of adequate training of logistics personnel, this lapse led to a significant gap between requests and provision of supplies. Training of the standby brigade should also cover logistical staff training.

It is evident from this volume that regional peace operations will continue to lack substantive logistical capacities for regional peace operations. This implies that the ASF and its regional standby brigade components will require external logistical assistance and support, based on regional logistical depots, or donor-held equipment that is quickly made available on deployment, or based on contracts for private logistical companies to provide in-mission support. In addition the UN System should extend logistical support from its proximity peace operations and/or from the UN Logistics Base (Brindisi), with provision for a quota of equipment for training. Such assistance, provided through a multilateral regional framework, will provide the scope for the participation of all regional countries and not only those with capacity.

*On the one hand, the vital importance of strategic lift for rapid deployment, and on the other the lack of resources and capacity within the region, ECOWAS should engage its partners to secure commitments towards the provision of strategic air- and sea-lift for ECOWAS deployments in future.* Like other regional organisations, ECOWAS lacks strategic air- and sea-lift, and land transportation capacity and resources. As a result, ECOMIL had to depend on the US government for the provision of such facilities. This dependence on external support has implications for rapid deployment and underscores the need for minimum organic ECOWAS capabilities in strategic lift in addition to securing external commitments for the expeditious provision of strategic air- and sea-lift.

#### **RESTORATION OF CIVIL AUTHORITY**

*Reforming the governance sector in Liberia should be an urgent and important priority for the UN and the international community, who should rethink their peace-building vision and strategy for Liberia.* In Chapter Six of this volume, Abiodun Bashua noted that by the time that ECOMIL and UNMIL were deployed, civil authority had virtually broken down, with different factions controlling vast sections of the country. Thus, given the collapse of national institutions manifested in weak political parties, and public sector corruption, coupled with the non-existent capacity of any transitional administration to govern the

country effectively, political and diplomatic expediency should have given way to the examples in Kosovo and East Timor. Had this been the case, the continued inter-party schism and intra-cabinet foibles between the former warlords, who were holding the nation-building project to ransom, could have been obviated. The election benchmark and exit strategy set for October 2005 may not put Liberia on a course of durable peace founded on good governance.

In addition, the ICISS espoused its third principle relating to the responsibility to protect as being the need to rebuild post-conflict societies. *In other words, there is a responsibility to provide multi-pronged developmental assistance and support to address some of the fundamental socio-economic underpinnings of the conflict that necessitated the intervention in the first place; this implies engaging in long-term and sustainable peace-building programmes.* Nation-building therefore transcends mere electoral processes or physical reconstruction. It should aim at all aspects of peace-building, namely but not exclusively, the establishment of transitional administrations; the restoration and enhancement of the rule of law, including transitional justice; and effective DDDR, within the framework of security sector reform.

To ensure that nation-building is not superficial, peace-building programmes should focus on dealing with the root causes of conflicts, which normally hinge on the crucial issue of governance. In this context, the process of rebuilding Liberia's state institutions should focus on some of the structural dynamics such as the politics of exclusion and repression; economic mismanagement; gross public and private sector corruption; and developmental stagnation which pre-date the war. Peace-building programmes that focus exclusively on superficial economic and social reconstruction without redressing the structural socio-political and economic imbalances are unlikely to lead to sustainable peace. Given that even in the pre-conflict period, countries such as Liberia lagged behind the attainment of the millennium development goals (MDG), the MDG should inform post-conflict peace-building strategies and serve as useful benchmarks for reconstruction. In this vein, instead of leaving the economic reconstruction of post-conflict societies to development agencies such as the UNDP, it is important to establish an economic affairs unit that will not only lead the process but also liaise with all the development partners.

*In reforming the governance sector, efforts should be made to mainstream gender into the statutory national institutions and legal instruments to reflect the gender balance and equity in society.* Among

others, in Chapter Seven Fatoumata Aisha suggests that this could be done through relevant constitutional and other review processes.

### **SECURITY SECTOR REFORM**

*A holistic well-planned security sector reform framework should encompass the military, police, correctional and other security services and institutions. Among other parameters, this framework should cover both statutory and non-statutory forces. Especially in fragile democracies, it should be undertaken in a transparent manner by statutory institutions of states parties and not by private military companies (PMCs), and should be informed by regional security considerations.*

That security sector reform has become a central element of peace-building does not come as a surprise. The significance of security sector reform in post-conflict societies is clearly captured by Festus Aboagye and Martin Rupiya in Chapter Eleven, when they stated that the collapse of state institutions, including the security services, necessitates a total revamping of these institutions to ensure the sustainability of peace, security and democracy. This also arises from the complicity of statutory security services and non-statutory forces in gross human rights violations, coupled with corrupt practices that undermine the civilian population's confidence in vital national institutions. The need for security sector reform is all the more urgent in West Africa, where almost all 15 ECOWAS member states have gone through one form of military and/or civilian dictatorship or another. The military's involvement in national politics created a tier in the national political spectrum that – in the absence of strong parliamentary and other oversight mechanisms – was accountable only to itself. The bloody military takeover in Liberia in 1980 essentially moved that country from a civilian hegemony to a military one. However, if public confidence was low in the 1980s, it all but ceased to exist during the civil war when all parties to the conflict used unprecedented force against the civilian population with a sense of virtual impunity.

The collapse of the central civil governing structures for clear and effective control over the security services also destroyed the internal command and control structures. This situation was aggravated by the ethnic polarisation of the security services, whose allegiance was further determined by primordial sentiments, to the detriment of the civilian population who were victimised because of ethnic backgrounds and/or perceived political sympathies.

The loss of public confidence, the collapse of the command and control systems and the total disregard for international humanitarian and human rights law by the various parties makes a compelling case for thorough reform of Liberia's security services. However, as part of the efforts to make these institutions subject to civil oversight – a major focus of security sector reform – attempts should be made to improve on their professionalism. It is only through the imparting of a professional ethos that they can reclaim their rightful place in society and deepen democracy. This underscores the need for a holistic approach in reforming Liberia's security services because neglect of any aspect could lead to an unravelling of the modest gains in other areas.

Although current efforts to reform the LNP are laudable, there are serious risks in the rather snail pace progress and the lack of transparency in the restructuring and retraining of the AFL, which is crucial to the country's and West Africa's long-term peace and stability. In addition, reform efforts should go beyond the LNP and AFL to include other vital arteries of the security apparatuses such as correctional, immigration and customs, national intelligence and other statutory bodies. On the whole, security sector reform should be situated within the larger post-conflict national reconstruction process. For instance, the development of civil oversight mechanisms such as parliaments should contribute to enhancing the management, employment and deployment of the security sector.

Moreover, reforms should also have a regional dimension to reflect the security realities in the Mano River basin. For instance, military policies, particularly force levels and defence spending, should be capped at an agreed regional level, informed by key elements of the regional security and small arms control mechanisms, to avoid a situation of regional security imbalance. In addition, the ECOWAS Moratorium on SALW should be used as an effective peace-building tool to mop up SALW in illegal circulation throughout the region. Furthermore, as soon as practicable, member states of the Mano River conflict vortex should be incorporated fully into the ECOWAS Standby Brigade (ECOBRI) and should be involved in joint training exercises and exchange of information as part of confidence-building measures. In this context, it will be more useful to seek agreement with external partners to complement such joint training with existing external initiatives, such as ACOTA and RECAMP. *The overall reform of the security services in the Mano River basin area should therefore be harmonised to allow for cooperation in combating illegal cross-border activities such as weapons smuggling.*

In the light of the growing practice of out-sourcing military assistance programmes to PMCs, as in Liberia with the reform of the AFL, we advocate the use of serving personnel through the UN or via bilateral arrangements with states parties. It is our view that the use of PMCs that lack clear accountability mechanisms will not have the same professional impact on the reformed security services as they would if they were carried out by serving personnel. This, in our view, presents a dilemma, whereby members of a PMC, often with shady backgrounds, are tasked to restructure, retrain and impart ethical standards to security personnel who might be guilty of human rights violations in a region of fragile democratic institutions and practices. *So, while we are not opposed to the temporary use of PMCs, mostly in the immediate post-conflict period, we feel strongly that they should not be entrusted with long-term reforms of security services in West Africa.*

#### **DISARMAMENT, DEMOBILISATION, REHABILITATION AND REINTEGRATION**

*DDRR should constitute a crucial and urgent component of a holistic security sector reform framework. An effective DDRR is crucial to the restoration of peace, security and stability in a war-torn society.* This explains why DDRR programmes are high on the agenda in most post-conflict societies, including Liberia – a subject that is exhaustively addressed by Festus Aboagye and Alhaji M S Bah in Chapter Five of this volume. Liberia's relapse into violent conflict was partially attributed to the failure to carry out an effective DDRR programme following the 1997 elections, which brought former president Taylor to power. Taylor's refusal to allow ECOMOG to complete the restructuring and retraining programme greatly undermined prospects for peace and security in Liberia and the region as a whole. Cognisant of this development, as part of its implementation plan, UNMIL identified DDRR as one of its priority areas; it succeeded, by end of the voluntary phase of the DD programme on 31 October 2004, in disarming over 101,000 ex-combatants from all factions.

*However, speed and progress in the DD aspects should be matched by progress in the RR aspects.* While significant progress was recorded from the DD phase, however, the same cannot be said of the RR phase. Of a total number of disarmed ex-combatants, only about 19% had received full RR cover, with some 39% awaiting planned projects, while another 42% were not covered at all by the RR programme, owing to funding shortfalls.

The disconnect between DD and RR phases raises serious concerns over the sustainability of fragile peace processes in post-conflict countries, especially following the withdrawal of UN peace operations after UN-supervised elections. Moreover, it raises further security concerns at regional level, because if these ex-combatants are not fully rehabilitated and reintegrated, they could offer their services as mercenaries in neighbouring countries such as Sierra Leone, Guinea and Côte d'Ivoire or even further afield. Currently, this pattern was being observed in Côte d'Ivoire where ex-combatants from Liberia and Sierra Leone were believed to be recruited by belligerent groups.

There is therefore a compelling need to ensure the establishment of concrete RR programmes to complement the DD programme. It is important, however, to strike a balance between resources that are meant for the rehabilitation of ex-combatants and those intended for the rebuilding of the society at large. Directing a disproportionate amount of resources into RR programmes risks painting a picture of 'compensating' ex-combatants who are responsible for the destruction of the country's infrastructure. Such an approach creates a perception of 'victimising' the civilian population twice and sets a dangerous precedent whereby, in the event of a relapse into violence, civilians could be tempted to take up arms in the hope of benefiting from similar RR programmes at the end of hostilities. *Thus, in addition to ensuring the development of comprehensive RR programmes, similar efforts and resources should be geared towards the revival of the economic livelihoods of the civilian population.*

## TRANSITIONAL JUSTICE

*In spite of the need to time the commencement of transitional justice programmes properly, they should be included at early stages of peace processes. Unless human rights abuses, crimes against humanity and genocide are dealt with through effective local or international judicial frameworks, it will be difficult to lay a sound foundation for justice in the post-conflict period.*

Using strong legal arguments, in Chapter Nine Alhagi Marong and Chernor Jalloh point to the gross violations of international humanitarian and human rights law by all sides to the conflict in Liberia and the Mano River basin, which brings to the fore the need to institute mechanisms to deal with those responsible for such violations. There is no doubt that the various belligerent groups in Liberia committed crimes against

humanity. What is not clear, however, is the kind of accountability mechanisms needed to deal with the perpetrators of such crimes, without undermining efforts to restore peace and security. Regardless of the lack of clarity about the kinds of transitional justice mechanisms that are needed, there is unwavering consensus that perpetrators of war crimes should be brought to justice because if the culture of impunity is allowed to gain ground, it will seriously undermine efforts to protect the vulnerable civilian population.

Two aspects of impunity need rethinking. The first relates to the nature of post-Cold War conflicts in Africa and elsewhere. The second relates to the confusion and lack of international consensus on an acceptable framework for dealing with impunity. There is no consensus on whether *ad hoc* mechanisms such as the Criminal Tribunals for Rwanda and the former Yugoslavia or the Special Court for Sierra Leone or more permanent structures such as the International Criminal Court (ICC) should be used to deal with perpetrators of violence. Furthermore, in Chapter Eleven Abdul Lamin stated there are no clear answers as to whether “truth telling” in the form of truth and reconciliation commissions (TRCs) – a major post-Cold War phenomena – would better serve the ends of post-conflict national reconciliation.

The problem is complicated by the emergence of non-state actors, coupled with the complicity of the statutory security services in the violations of the norms. For instance, in Liberia non-state actors such as the NPFL, LURD and MDOEL and state actors, in this case the Armed Forces of Liberia (AFL) and their irregular militia committed serious breaches of international humanitarian and human rights law. Both sides employed methods and tactics that affected the safety and security of the Liberian population. Irrespective of the validity of their causes, if these violations go unpunished it would set a dangerous precedent and could undermine efforts to reform the security services. *The issue of impunity will therefore have to be addressed whether through national, ad hoc or international mechanisms, such as the ICC.*

*In this vein, regional and international stakeholders need to take a principled and consensual stand on the granting of blanket amnesties as part of peace processes.* While the UN has clearly stated its opposition to the blanket amnesty granted by the Comprehensive Peace Agreement (CPA), ECOWAS's position has been ambivalent and less complementary of the UN. This has contributed to a growing feeling among sections of Liberian society that ECOWAS is ‘soft’ on the issue of impunity. While some might argue that Nigeria's asylum to Charles Taylor was the most

prudent thing to do, it has contributed to the perception that ECOWAS is ambivalent on the crucial issue of impunity. At international level Nigeria's asylum to Taylor – an indicted war criminal – could be used by its detractors to undermine the country's efforts to secure a permanent seat on the UN Security Council.

*Notwithstanding the principled stand to deal with impunity, careful consideration should be given to the timing and sequencing of judicial processes relating to the establishment of TRCs and ICC/SCs, so that fragile peace processes are not undermined.* While it is a truism that there can be no peace without justice, the question of the timing of certain actions by regional and international stakeholders, as well as the UN, in post-conflict situations in Africa deserves urgent consideration. The timing of the establishment of transitional justice programmes such as TRCs and *ad hoc* tribunals deserves greater attention. While TRCs have become a common phenomenon in the post-Cold War era, and are useful in documenting the past through voluntary confessions, they have so far been less sensitive; unfortunately the same cannot be said about the setting up of retributive mechanisms such as *ad hoc* tribunals and special courts. Perhaps because of their experimental and recent nature on the African continent and elsewhere, retributive mechanisms evoke serious reactions, which if not dealt with properly could undermine long-term peace-building initiatives. The situation is made worse in situations – such as Sierra Leone – where restorative and retributive mechanisms were established simultaneously. For instance, while the TRC had concluded its work and published its findings by April 2005, the Special Court for Sierra Leone (SCSL) was faced with serious difficulties due largely to the timing of the commencement of its operations. Experience from the SCSL has raised serious questions about the validity of concurrently running such controversial programmes in the country where the crimes were committed. *While we agree that TRCs have a role to play in post-conflict societies, it would be counter-productive to replace justice with 'truth telling'. To forestall the culture of impunity, it is important at the appropriate time to bring to justice those deemed responsible for war crimes and crimes against humanity.*

#### **FLEXIBILITY IN THE APPLICATION OF THE INTEGRATED MISSION CONCEPT**

*Close civilian-military cooperation, coordination, liaison and co-existence, devoid of competition, is essential for operational and humanitarian effectiveness.*

The need to deepen cooperation and collaboration between the UN Country Development Team, the mission, and humanitarian agencies as well as between national and regional actors is clearly illustrated in Chapter Eight by Albert Fiawosime, who makes a strong case for cooperation. Beyond this prerequisite, it is even more pertinent to provide the resources to impact on post-conflict peace-building. In this context, the proposed Peace-Building Commission and the Peace Building Support Office are welcome developments.

Furthermore, there is a need for flexible application and interpretation of the relevant humanitarian principles that were established when states parties to conflict largely respected international norms and cooperated with national and international humanitarian agencies. The flexible application of humanitarian principles also requires a practical differentiation between stability operations and peacekeeping operations. It is our view that it is unrealistic to lump together stability operations that use maximum lethal force and UN Security Council-mandated peacekeeping operations that adhere to the cardinal principles of consent, neutrality, impartiality and minimum use of force in defence of the mandate, or the protection of civilians.

*Where there is a peace to keep and that peace is largely respected by the parties to the ceasefire and/or peace agreements, it will be logical to insist on a clear division of labour between humanitarian and peacekeeping (political and military) actors.* However, in the absence of such a peace, it will be counterproductive not to closely coordinate humanitarian activities with the military operations of the mission.

## NOTES

- 1 View articulated by Sandelle Scrimshaw (Ambassador), AISA Conference on R2P, Pretoria, 7–8 April 2005.
- 2 The Government of Canada has provided funding for the establishment and operationalisation of the MPMC for the first three years.

This volume, written largely by African scholars and practitioners whose voices are often drowned by those from outside, is a modest but timely contribution to the growing phenomena of 'African solutions to African problems'. The major focus of this approach is to draw participation by those who will remain in the shadows of the conflict, even when it is 'theoretically' resolved. The approach therefore adopts a long-term perspective on ending conflicts and facilitating peace-building and post-conflict reconstruction, whereby issues affecting the continent are analysed by Africans. Adding a strong African voice at this point in the continent's crucial development is significant, in the light of its determined efforts to confront long-standing principles of international relations such as sovereignty. The increased confidence and determination of the African Union (AU) and the regional economic communities (RECs) to intervene in domestic conflicts calls for strong African intellectual input to enrich crucial policy decisions. We therefore hope that this volume will contribute to a broader understanding of the complex dynamics of civilian protection, especially in post-conflict societies where all state institutions might have been significantly weakened. In this vein, we hope that the holistic approach to civilian protection adopted by this volume to include various factors and programmes such as political will and consensus, security sector reform, disarmament, demobilisation, rehabilitation and reintegration, transitional justice and gender mainstreaming will shed more light on the challenges of moving from theory to practice. It is our hope that the proffered policy options will inform future regional, UN and international humanitarian interventions in Africa and elsewhere. Finally, we hope that it will contribute to Liberia's quest for peace as the country continues on its tortuous journey to political stability and economic development.

