



Situation Report

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Liberia: The 2011 elections and building peace in the fragile state¹

Abstract

Liberia holds its second post-war presidential and legislative elections in October 2011. The first, held in 2005, was a landmark: it was the first free and fair elections in the country's long history (Liberia became a republic in 1847), and it ushered in Africa's first elected female president. Since then Liberia, previously wracked by bloody petty wars, has been largely stable, though very fragile. The 2011 elections will probably be just as important as the one in 2005. Their successful conduct will determine when the UN, which still maintains about 8 000 troops in the country, will finally withdraw. No doubt, the outcome of the polls will also determine whether the country maintains the promising trajectory it has had since 2006. And success will be measured from both the conduct of the elections and the results of the polls: the polls will have to be conducted in a free and fair atmosphere for the results to be broadly acceptable; but who emerges as president will be just as important. The current president, Ellen Johnson Sirleaf, has been progressive and reform-minded, and she commands wide support from donors and international investors: in less than a year of her election, Liberia's image as a failed and almost criminal state exporting violence to its neighbours changed dramatically. Whatever the outcome of the elections, however, it is important that international players – primarily ECOWAS, AU and UN – maintain a steady focus on the three areas that the Liberian government has identified as critical to sustained peace building: security sector rebuilding, the administration of justice, and national reconciliation and healing.

Introduction

Liberia is gearing up for the second set of nation-wide elections since its civil wars – or, more appropriately, series of violent conflagrations – ended with massive regional (ECOWAS and AU) and international intervention followed by the UN in 2003. The October 2011 elections will be critical. In the inimitable words of *The Ballot*, the official newsletter of the National Elections Commission (NEC), the elections 'will test the readiness of our post-war country to inculcate little exogenous elements and increase the endogenous variables'.² In ordinary words, the outcome of elections will determine the level of foreign support to Liberia's peace building process, though it is clear that whatever the outcome of the polls, international support to Liberia – which has been massive, including thousands of UN troops and civilian personnel costing over \$500 million, or about twice Liberia's annual budget – will likely to be seriously downgraded.

The first of Liberia's post-war elections in 2005, which brought to power Ellen Johnson-Sirleaf, Africa's first elected female president, was deemed to have been a watershed by many commentators. It was 'an unusual African post-conflict election',

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wrote British scholar and long-term Liberia watcher David Harris, for at least three reasons. First, there was the almost complete absence of any of the predatory militia or rebel groups in the electoral contest; second, no candidate enjoyed the immense powers of incumbency which is normally such a mark of Liberia's political contests; and, third, ethnic or entrenched party loyalty played little role in particularly the presidential election.³ To these, Amos Sawyer, a prominent Liberian academic and statesman, added probably the more poignant and profound point that the 2005 election was the 'first time in more than a hundred years that Liberia's electoral processes were not under the influences of either the settler oligarchy or the successive dictatorships of Samuel Doe, a military leader, and Charles Taylor, a warlord'.⁴ The 2005 election, in other words, was the most free and fair in Liberia's history. Since Liberia is Africa's oldest republic, established over a century and a half ago, this fact has served as a point of departure for arguments – increasingly influential – which posit that Africa is becoming more and more democratic as a result of the frequency of its elections, and that this is ultimately stabilising and good for economic growth and prosperity.

Thus, the *Economist*, which notoriously deemed Africa 'the hopeless continent' in 2000, in July 2010 was far more optimistic, even effusing about the salutary effects of elections on governance in Africa: 'Only a decade ago countries such as Sierra Leone and Liberia were bywords for anarchy and bloodshed. Now their people vote enthusiastically. It will be hard even for dictators to take that right away altogether, for the experience of elections, even flawed ones, seems to help embed democracy.' It added: 'African countries need political systems that can punish corruption, mediate between tribal groups and competing economic interests, and turf incompetents out peacefully. Democracy is the only way they are going to get them.'⁵

It would appear that as a result of the assumption that elections promote stability and growth, UN-supervised post-war transitions and peacebuilding have to include successful elections as the culmination of the transition process, as well as serve as exit strategy. It is, therefore, important that this single-minded focus on elections be seriously examined, on a case-by-case basis. Clearly, the fact that plural politics or democracy is attractive, and has worked well in many countries, does not mean that it works well in all. In fact, as the Harvard sociologist Orlando Paterson noted in a recent *New York Times* op-ed on a violence-ridden Jamaica, a staunch democracy, diverse societies experimenting with democratic elections 'are especially vulnerable to ethnic conflict and organized crime'. This is because in such countries, 'the temptation of leaders to exploit ethnic identity for political ends is an all-too-frequent source of major conflict, sometimes culminating in oppression of minorities and even genocide.' Paterson quotes the political scientist Dennis Austin, who has concluded that in such societies 'democracy is itself a spur to violence' for competitive politics add 'depth to the sense of division'.⁶ And Paul Collier, while noting, with a large hint of irony, that 'elections should sound the death knell of political violence', for 'where people have recourse to the ballot they do not resort to the gun', is quick to add: 'I have come to regard this comforting belief as an illusion.' Alarming, he writes, 'to date democracy in the societies of the bottom billion [which is almost all of Africa] has increased political violence instead of reducing it'.⁷

These positions resonate with the anxieties expressed by the AU Panel of the Wise in a report in July 2010. 'With the steady decline of some of the historic causes of African conflicts,' the Panel wrote, 'elections have emerged as one of the major recent sources of conflict across Africa.' Elections have 'spawned conflicts and violence and scrambled ethnic and regional alliances that sometimes threaten the social order, economic development, and efforts to strengthen regional integration,' the Panel wrote.⁸

In three Situation Reports beginning with this one – on Liberia, Sierra Leone, and Nigeria – I will be examining a number of fragile West African states in transition, two of them from prolonged and highly destructive internal conflicts, and one from a combination of military dictatorship and endless communal violence.

At the conclusion of Liberia's 2005 elections, which itself was a culmination of years of an excruciatingly slow, fitful and bloody transition from interminable low-intensity warfare to relative peace, one of the country's leading citizens made the following points:

The ending of the war has not ended the bitterness and soothed the anguish. A multitude of tendencies are emerging, and not all are supportive of the creation of a sense of nationhood and the development of democratic institutions. Nonetheless, the absence of the oligarchy, and of the warlords, does provide opportunities for Liberians to construct a new governance paradigm and to craft new institutional arrangements through processes of constitutional choice.⁹

This very cautiously optimistic conclusion was, needless to say, well in place. But amidst the post-election enthusiasms, with many of Liberia's well-wishers expressing the hope that the country had become something of a plastic – ready to be moulded into whatever configuration donors and the new post-war government wished – it was refreshing.

Liberia's war had begun on Christmas Eve in 1989 when a few dozen armed insurgents, led by a former government official named Charles Taylor, sought to overthrow the government of President (formerly Master-Sergeant) Samuel Doe, but the war quickly devolved into ethnic factional fighting, with the Gio and Mano peoples (long suffering from Doe's depredations) rallying to Taylor's National Patriotic Front of Liberia (NPFL), and the Krahn (Doe's ethnic group) and Mandingo peoples rallying to Doe. Ethnic violence and massacres became widespread, and by the mid-1990s the war had killed tens of thousands of Liberians, almost all of them civilians targeted largely because of their ethnicity. The conflict unleashed a humanitarian catastrophe on a massive scale, forcing regional leaders to initiate talks and direct armed action to end it.¹⁰

The destruction wrought by the war had indeed been immense. It killed tens of thousands of Liberians, and wounded or maimed hundreds of thousands more. About 1.8 million Liberians were displaced at several points during the war, mostly internally – this from an overall population of under 3 million. The death toll, in fact, has been estimated at representing six per cent of the population, while estimates of the displaced at peak periods accounted for more than 50 per cent of the population. Hundreds of villages and towns in Liberia were plundered and destroyed, and a third of all displaced women and under-aged girls were raped by the warring militias, with more than 50 per cent of these by at least two attackers. An estimated 20 per cent of Liberian children were suffering moderate to severe stunting by the end of the war, and only 46 per cent and 30 per cent of Liberians had access to safe drinking water and sanitation respectively.¹¹ While most civil wars tend to be exceptionally brutal, Liberia's was particularly so: the country's Truth and Reconciliation Commission (TRC), which investigated atrocities during the war, recorded 163 615 serious violations, and identified 86 647 direct victims of such violations, a figure that is higher than that recorded by Sierra Leone's TRC for its perversely brutal war.

After more than half a dozen broken accords, and several interim governments – including one headed by Ruth Perry – in 1996 Abuja II, providing for disarmament of all the factions and for elections to be held in May 1997, was signed. The disarmament process, however, was shoddy and incomplete, and to no one's surprise the election brought Taylor to power. In 2001, the country imploded into renewed fighting after a new group, styling itself Liberians United for Reconciliation and Democracy (LURD), attacked from Guinea. Another group, known as the Movement for Democracy in Liberia (MODEL), emerged shortly after, and by July 2003, both forces were besieging Monrovia; once again the city became enmeshed in death and destruction. It was in this context that on 18 August 2003, the shrunken government signed the Comprehensive Peace Accord (CPA) with the rebels, political parties and civil society actors.

In the course of the negotiation, the UN-created Special Court for Sierra Leone issued a long-sealed indictment accusing Taylor of bearing 'the greatest responsibility' for the just-ended war in Sierra Leone, and issued an international warrant for his arrest. On 11 August 2003, Taylor relinquished power and went into exile in Nigeria. A two-year National Transitional Government of Liberia (NTGL), comprising some key leaders of the various militias and under the presidency of a bland and (it turned out) shady businessman, Gyude Bryant, was established. The NTGL was to be responsible for the administration of the country until formal elections were held in October 2005. In September 2003, the UN Security Council adopted Resolution 1509, establishing the United Nations Mission in Liberia (UNMIL) and calling for the deployment of 16 000 United Nations peacekeeping troops. The UN mission was mandated to disarm the various militias and to conduct general elections in October 2005. By the end of October 2004, the UN had disarmed 100 000 militias and elections at the end of 2005 brought Ellen Johnson-Sirleaf to power.

I spent nearly two years – 2008–09 – in Liberia, and in August this year visited the country for over a week. No one who had known Liberia previously would fail to be impressed by the enormous strides – in infrastructural development, principally, but also in the general sense of safety and optimism – that Liberia has made under Sirleaf. Liberia's economy has been growing by more than seven per cent for the past three years, and it was reckoned in 2008 to be the fastest improving African nation.¹²

On assuming power, Sirleaf made reform of key governance institutions and economic recovery the top priority for her administration. The President promised to govern 'differently, decisively breaking from the past to deliver ... significantly [in terms of] poverty reduction'. To this end the government in 2007 launched an Interim Poverty Reduction Strategy (iPRS) paper, a framework document guiding the Liberia Development Partners' Forum (donor conference) in Washington DC in February; several countries, led by the US, shortly after said they would help Liberia clear its nearly \$4 billion in external debt. The document sets out national socio-economic context, choices and priorities regarding capacity-building for poverty reduction and long-term development, as well as the implementation challenges the cash-strapped country will face. The iPRS will be guided Liberia's development management process through to June 2008; a full Poverty Reduction Strategy (PRS) was issued in March 2008. At the 2008 Liberia Poverty Reduction Forum, donors pledged support to Liberia in the order of US\$250–300 million in 2008/2009, approximately US\$115 million through the Liberia Reconstruction Trust Fund, and a further US\$140 million from the World Bank and African Development Bank to support infrastructure financing over the coming three years. Partners also announced increased budget support and contributed to financing for a cash buy-back of the country's commercial debt. The African Development Bank and World Bank made commitments of US\$26 million in 2008 in budget support for three years. Serious mining ventures, like Arcelor Mittal, signed billion dollar contracts with the government, promising major job creation and increasing tax receipts.

Though serious concerns about corruption remain, much of this money has been put to good use, and the results are evident. Naming Sirleaf 'the rebuilder' and one of ten 'outstanding leaders' in the world in August this year, the American magazine *Newsweek* wrote: 'When Ellen Johnson Sirleaf was elected Liberia's president – and Africa's only female head of state – in 2005, she inherited a country decimated by years of violence. ... Now, five years later, fewer than 8 000 UN troops remain in Liberia. The country has boosted school enrolment by 40 per cent, restored power and running water to urban centres, and turned its timber and diamond industries into thriving – and legitimate – trades. Sirleaf has also slashed Liberia's external debt from \$4.9 billion in 2006 to \$1.7 billion today. Under her leadership, Liberia is a country rebuilt and reborn.'¹³

This picture is only partial, however. Byron Tarr, a radical Liberian academic who, like Sirleaf, was lustrated by the TRC, has argued that the 'political culture' of Sirleaf's administration 'remains committed to division, patronage, impunity and

corruption, denying voice and accountability', noting that the government remains committed to a 'failed strategy to reduce poverty'. Tarr quotes Liberia's EC-funded Auditor General, who has stated that corruption under Sirleaf is three times more pervasive than under the graft-ridden interim government of Bryant (2003–2006), and concludes: 'Liberia has yet to demonstrably and effectively tackle the three major challenges impeding improved governance. Excessive presidential power remains non-delineated. Decentralisation is disavowed and the legislature and judiciary not yet empowered.'¹⁴

This criticism may seem overheated, but it contains important elements of truth. Certainly, on two critical issues of governance – post-war reconciliation and security sector rebuilding – the picture in Liberia is bleak, and this factor has the potential of undermining all the gains made so far.

A key element of the 2003 Comprehensive Peace Accord (CPA), which ended Liberia's wars, was an agreement to set up a Truth and Reconciliation Commission (TRC). Article XIII of the CPA stated that a 'Truth and Reconciliation Commission shall be established to provide a forum that will address issues of impunity, as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation.' This ritual process was deemed to be in 'the spirit of national reconciliation'. The Commission was to 'deal with the root causes of the crises in Liberia, including human rights violations', and it was ultimately to 'recommend measures to be taken for the rehabilitation of victims of human rights violations'.

The TRC was launched on 20 February 2006 (nine Commissioners had already been appointed to staff it on 22 October 2005), but it effectively began work in June 2006. The Commission was to inquire to as far back as January 1979 – the final year of Americo-Liberian rule, and ten years before the war began – to 14 October 2003, the day of the inauguration of the NTGL. This timing was a compromise reflecting a fundamental division in Liberian society, a problem that has continued to cast a shadow over the entire process. The tiny but still-powerful Americo-Liberian elite tends to view the crisis of state collapse and violence as beginning with the coup of 1980,¹⁵ which overthrew William Tolbert (whose father was actually US-born). On the other hand, the vast majority of Liberians, the so-called 'natives', tend to think that the coup resulted from the inherent deformity of the Americo-Liberian state, and see the entire period of Americo-Liberian rule as disenfranchising, a period of distress which laid the foundation for the war that began in 1989. In fact, Article IV of the Commission states that the Commission could look at 'any other period preceding 1979'.

The Commission was mandated to investigate 'gross human rights violations and violations of international humanitarian law', as well as other serious abuses, including massacres, rape, murder and extra-judicial killings.

In July 2009, the TRC issued a bombshell of a report: a badly-written and poorly-argued tome that recommended the establishment of an extraordinary tribunal to prosecute 124 persons, and a domestic criminal court to prosecute 58 others, for various violations during the war. Among those recommended for prosecution were a powerful senior senator, Prince Yormie Johnson; several other sitting members of the country's legislature; a number of wealthy businessmen and public officials; and a professor at the University of Liberia, Alhaji Kroma, who during the war was a leader of one of the more powerful factions, ULIMO. In addition to this, it also recommended lustration for several prominent citizens, including President Sirleaf, barring them from holding public office. Strangely – since the Act setting up the TRC explicitly did not grant it this power – the TRC recommended that 36 persons, all of them except for Joe Wylie rather unknown characters, should be exempted from prosecution 'though found to be responsible [for violations] because they cooperated with the TRC process, admitted to the crimes committed and spoke truthfully before the Commission and expressed remorse for their prior actions during the war'. One of these figures who 'spoke truthfully' before the TRC

and was thus exempted from prosecution, was Joshua Blahye aka General Butt Naked, who boasted before the TRC (and to me, in an interview in February 2008) that he and his gang of child combatants killed 20 000 people during the war!

Reaction to the report was predictably swift and brutal. A group of former warlords, led by Prince Yormie Johnson – the militia leader who apparently tortured to death former President Samuel Doe but is now a staunch senior senator – called a press conference in Monrovia and warned that the report would undermine the country's fragile peace and possibly return it to war. Many of the TRC's Commissioners received death threats, and at least two went into hiding.¹⁶ President Sirleaf initially maintained silence on the report, and then finally said that her government was carefully studying it for further action. The report remained the key issue of public debate for months, but the embarrassment it caused the international community – which had been enthusiastic in its support for Sirleaf – was such that when US Secretary of State Hillary Clinton visited in August, she carefully avoided any mention of it. Clinton appeared at a press conference with the president and declared: 'President Sirleaf has been a very effective leader of the new Liberia. The US officially supports what this government is doing. We think that Liberia is on the right path, as difficult as that path may be.' Few in Liberia after this entertained any hope that the report's recommendations would be implemented; by August this year while I was in Monrovia, it was reported that Sirleaf – who is already actively campaigning for re-election – was seeking legal advice on the recommendation banning her from holding public office.

That the TRC process was a missed opportunity to lay the foundations for reconciliation in post-war Liberia is generally not in doubt in the country. The question is: can anything be salvaged from the wreckage of its recommendations? Amos Sawyer, who now heads the country's important Governance Commission (GC), made the following comments amidst the controversy surrounding the report:

Today we face foundational challenges in the area of national reconciliation and peace building. Initial reactions to the draft TRC report clearly demonstrate how deep the fears, suspicions, bitterness, treachery and sycophancy are in our society such that we could be standing on the brink of violent conflict were the security forces of UNMIL not present in large numbers. We are yet to confront ourselves and fashion for ourselves a national policy and strategy on reconciliation. There are many people in positions of authority who carry the baggage of the past; they are burdened by the hurt they feel from past periods and some of them are plotting and scheming to get even with those they perceive as enemies. There are individuals from the era of the Tubman Administration who carry scars of the tragic episodes of 1955. There are those who were hurt by the coup of 1980. Some of them are working, often not too subtly, to get their pound of flesh as they restore their treasure. Then there are those who suffered the losses, the pains and the agonies of our 14-year civil war; they are searching for answers and for perpetrators ... In a way we all stand as both victims and perpetrators as the foundations of our tragedy are to be found deep in our history as well as in subsequent social processes.

He added: 'We seem to assume that if only we could develop the capacity to efficiently and effectively deliver public goods and services to the Liberian people and if only we could supply them with jobs, we would heal their hurt and forge reconciliation. Well, this is not happening. In fact what is happening is that there are shifting alliances based on prejudice, bitterness and fear. These are being manifested in emerging political coalitions and in strategies for accumulation that could define a new oligarchy over and against those to be targeted and marginalized.'¹⁷

These comments may well turn out to be apposite. As a result of the global financial crisis in 2009, gains made in economic growth and job creation were under threat. By the end of 2009, the Liberia central bank reported to the IMF that: 'The global financial crisis has impacted Liberia severely through job losses in the export sector, an investment slowdown and a weakening of the exchange rate. Nonetheless, our

monetary and fiscal policies remain broadly on track and we have made significant progress in implementing our economic reform program.' In addition, Liberia's 2009/10 national budget was criticised in many quarters for its apparent lack of pro-poor focus. It allocated about US\$9 million for the purchase of cars for government officials. Wages/personnel costs made up 31 per cent of total proposed expenditure, though the government had downsized its work force from 54 826 employees (2008–09 fiscal year), to 53 097 employees for the proposed 2009–2010 budget year. However, important areas like the Family Assistance Programme, under the Ministry of Health, got only US\$10 000 and the Center for Vulnerable Children only US\$15 000. The critical Youth Rehabilitation Center got only US\$9 000, while the Chief Justice got US\$10 000 for domestic travel alone. Formal sector employment remained at 15 per cent. Few people had access to mains electricity or running water, and over 70 per cent of the country's population was reckoned to live below the poverty line, earning less than a dollar a day.

As it heads for elections next year, Liberia remains a highly volatile, and deeply divided, nation. Ethnic and religious tensions remain high; and these sometimes explode into violence leading to massacres and large-scale arson. This was the case in Lofa County early this year when Muslims (mainly Mandingos, who are widely perceived in Liberia as 'strangers') and Christians clashed, leading to several deaths. The former warlords remain empowered, and levels of human insecurity are high. Disputes over land, which happen frequently, have in the past led to killings, as happened on 11 June 2008 when 19 mutilated bodies were discovered close to the borders of Montserrado/Margibi counties, not far from Monrovia. Some of the victims had been shot and others hacked to death with machetes: the site of the killings was the scene of a land dispute involving Margibi County senator Roland Kaine (formerly close to Charles Taylor), and the director of price analysis at the ministry of commerce, Charles Bennie (a former member of the rival faction Liberians United for Reconciliation and Democracy, LURD). Both officials as well as over a dozen others were arrested and charged with murder. A month before (in May), two people were killed in Maryland County after a violent clash over disputed land. In April the same year, three villages in Bong County were razed to the ground, one person killed and over half a dozen severely wounded in a land dispute. For most of the year, there were reports that ethnic Mandingoes were expelled from several commercial areas in Nimba County, a volatile region. In fact, in 2008 alone the government received more than 1 307 land-related complaints, with only 38 per cent of the cases resolved. A key trigger of the troubles over land may have been the return of more than 100 000 former refugees, some of whom found that their land had been occupied illegally.¹⁸ The weak law enforcement mechanism in the country was too slow to respond to the growing crisis. The Governance Commission that year identified land disputes as the most important security issue facing post-war Liberia.

The same Commission has now conceived of an ambitious 18-year project called 'National Vision Exercise', which seeks to forge a vision of Liberia beyond ethnicity or the old Americo-Liberian and indigenous Liberian divide; overcome the debilitating psychology of dependence in the country; and forge a new, more cohesive national identity for the country.¹⁹ Essentially, the project is aimed at doing work for which the TRC should have laid a proper foundation, though it is yet to kick off.

Progress in this sector has been only marginally better than in the sphere of reconciliation. The Comprehensive Peace Accord called for the restructuring of the Liberian Army (Armed Forces of Liberia, AFL) and Police (Liberia National Police, LNP). These institutions had been utterly degraded or destroyed during the war, and there was no money set aside to build a new police force. The UN police (UNPOL) began a programme of assisting what remained of the LNP to maintain law and order, and UNPOL also recruited and vetted new officers. The LNP reached its targeted strength of 3 000 by 2006/7, and a further 500 elite special force, the Emergency Response Unit (meant to combat armed robbery and mob violence), has now grown to 207 officers out of its planned strength of 500 officers. Training

is being done by DynCorp, which is an American security company. The 3 500 police is obviously very small for a country of over 3 million. It is also seriously logistically impaired. In the rural areas, police remain largely absent, and the lack of basic equipment has meant that the UN continues its policing duties. Over 70 police personnel were summarily dismissed in 2008 for alleged collusion in crimes, including armed robbery. During a number of the public hearings of the TRC, war victims identified serving police officers as former militia fighters who had committed gross atrocities. Serious incidents concerning rights violations and use of excessive force by police are reported regularly, and instances of detention without charge and beatings of civilians remain commonplace.

The result is that citizen–police relations are so poor that often enraged members of the community physically attack police officers at crime scenes, suspecting them of collusion in criminal activity, and in a few instances outside of Monrovia, citizens burnt down police posts and badly assaulted police officers (in a few instances leading to the death of officers.)

The creation of an army has been even more fraught.²⁰ DynCorp and PAE, also an American company, were given the contract by the US – which had pledged US\$210 million for creating a new AFL at the signing of the CPA – to recruit and train a new army of 2 000. DynCorp was tasked to ‘recruit and make soldiers’, and PAE to ‘mentor and develop them into an operational force’. The DynCorp process has been expensive, opaque and very slow; expenses for the two companies in the first six months of 2007 were US\$18 million, but by August 2007 only 105 soldiers had gone through basic training. Recruitment accelerated afterwards and the 2000 soldiers have since been trained. Command and control of an army built from scratch remains an issue, as does sustainability. A Nigerian officer still commands the army and the attrition rate has been perplexingly high: by the end of last year about 90 soldiers had left the army.

Armed robbery and rape remain persistent, and security forces are incapable of checking crime. In fact, there appears to be a dismal lack of coordination between the various arms of state security. On three separate occasions – in February, April and May – members of the 2 000-strong Armed Forces of Liberia attacked personnel of the Liberian National Police (LNP). Also in 2009, the deputy commissioner of the LNP faced criminal investigations and the chief of narcotics was indicted for theft and making false statements. Public trust in these institutions was not enhanced as a result. Mob violence remains commonplace. On a number of occasions young men have burnt down police stations and court houses to get at criminals whom they believed would escape justice. In rural Liberia, where there is hardly a police presence, vigilante activities are also common, as is the reliance on traditional forms of justice – the so-called trial by ordeal – in order to combat criminal activity and settle disputes. The Emergency Response Unit within the LNP, meant to combat armed robbery and mob violence, has now grown to 344 officers out of its planned strength of 500 officers. However, it is still logistically constrained and its activities are not very visible.

In negotiating Liberia’s membership of the UN Peacebuilding Commission – joining Sierra Leone and Burundi – the government rightly emphasised, as top priority, the rebuilding of the Justice sector. This sector was always problematic in Liberia, but the prolonged military dictatorship, civil war and warlordism succeeded in almost completely wiping out any vestigial sense of the rule of law. On her election, Sirleaf promised to govern ‘differently, decisively breaking from the past’. But the capacity constraints are overwhelming. Liberian law, for example, states that magistrates and judges must hold law degrees, and that they must be Liberian citizens. In practice, however, because of the dearth of educated and trained Liberians, 90 per cent of judicial officials barely finished high school; only three per cent attended university. This has severe consequences for individual human rights and the capacity of the degraded justice system to cope with the needs of the country. In 2008, only nineteen of the 790 people in prisons in Monrovia were properly convicted; the rest are on remand, which can be indefinite. That picture hasn’t changed much.

To understand how bleak the situation is, one has merely to read the ‘Report of Human Rights Situation in Liberia’, occasionally issued by UNMIL. There is almost always a section on ‘Harmful Traditional Practices’. These practices always include ‘trials by ordeal’ and ‘allegations of witchcraft’. In its May–October 2007 report, for example, the UN wrote that on 12 June, Liberian police arrested and detained a man who ‘with criminal intent transformed into an animal (baboon), where [sic] he began to terrorise the life [sic] of peaceful citizens by following them into bushes’. In another instance following the death of a student in River Gee county in July, a group of people were arrested by locals who forced them to drink ‘sassywood’; four of them died. In May, locals killed a five-year-old boy was killed in Bong County after a ‘medicine man’ identified his grandmother as a witch. And in September the same year, an elderly woman was accused of drinking a ‘magic potion’ to become a witch; the police intervened and freed her.²¹

Since the injustices and corruption of the past created the conditions for the country’s civil wars, it is important that the justice sector gets maximum attention.

Amid all these challenges, preparations for nation-wide elections are underway. In fact, a visitor to Liberia these days is unlikely to hear of anything else. The National Elections Commission is housed in a new, elegant building on Monrovia’s main road, close to the UNMIL’s main buildings. On 11 August, I had an hour-long meeting there with the Commissioners, including the Chairman, Hon. James M. Fromayan. The controversial Threshold Resolution – which establishes that each county, whatever the population, will have a ‘threshold’ of at least two representatives for the country’s legislature – had just been signed by the president, and a calendar for the 2011 elections had been agreed by the Commission (see figure 1).

Figure 1

August 27, 2010	Official Launch of the Voter Registration Exercise
January 10–February 6, 2011	VOTER REGISTRATION
April 4–10, 2011	EXHIBITION OF PROVISIONAL REGISTRATION ROLL
July 5–July 23, 2011	CANDIDATE NOMINATION
August 18–October 9, 2011	POLITICAL CAMPAIGN PERIOD
OCTOBER 11	ELECTION DAY

Fromayan and his colleagues (seven Commissioners, one Executive Director, and a Deputy Director) appeared pleased with what they had done thus far, despite allegations of pro-government bias by at least two of the 17 political parties registered (in 2005, there were 30 registered parties). The Commission had conducted 9 by-elections since 2005 for the Legislature, the result of 8 deaths (a rather high mortality rate for the law-makers) and the successful petitioning of one allegedly fraudulent polling result. Of these 9 elections, the ruling party won 5 and lost 4: no one contested the results, Fromayan said, though one of the less prominent but noisy political parties continues to call for his resignation.

The election will cost US\$38 million – this is the revised budget – but there is still a shortfall of US\$5.67 million in pledges made by donors. The UN is supporting, but not in any way leading or supervising the electoral process. The Liberian government, impressively, is providing US\$12 million of this budget. There are 64 seats in the Legislature, but in Liberia’s politics, the Legislature is largely irrelevant. The presidency is utterly dominant, and this is why party politics at the level of the Legislature are largely inchoate. In 2005, for example, Sirleaf’s Unity Party won only 8 seats, or barely 12.49% of the parliamentary votes; but her power has been almost absolute. Her party’s chief rival, George Weah’s Congress for Democratic Change or CDC, won far more seats (15). Liberia, like the US from which it got its constitution (it was drafted at Harvard University) has a bicameral National Assembly consisting of the Senate (30 seats), whose members are elected by popular vote to serve nine-year terms; and the House of

Representatives (64 seats), the membership of which is elected by popular vote to serve six-year terms.

There are 15 administrative divisions, or counties, in Liberia: Bomi, Bong, Gbarpolu, Grand Bassa, Grand Cape Mount, Grand Gedeh, Grand Kru, Lofa, Margibi, Maryland, Montserrado, Nimba, River Cess, River Gee and Sinoe. The 2008 population census placed the overall population at 3 498 072, but this is viewed as unreliable by many. This is of utmost importance since representation in the National Legislature is determined on the basis of the registered voters in each county. There is a threshold of two representatives for each county and there are 64 seats to be filled, while the mandatory two seats for each county add up to only thirty seats. The rest will have to be filled on the basis of the number of registered voters in each county. The Threshold Resolution determines each constituency to have at least 48 citizens, which of course will make sure that bigger, more populated constituencies get more representation. In 2005, this representation based on electoral district created huge confusion. On the electoral map, Montserrado County, which includes Monrovia and is the traditional domain of the Americo-Liberians, had by far the largest number of registered voters at 471 657. This was partly because of the massive movement of people from places like Lofa (which had only 85 659 registered voters) into Monrovia during the war years; and partly because many people in faraway counties, including Nimba, were unable to register as voters because of the sheer logistical constraints (bad roads, inaccessible villages, poor security). The voter registration exercise early next year will probably rectify this, but already some civil society activists are threatening to take legal action against the Threshold Resolution, which embodies this strange electoral mathematics.

The most prominent parties and presidential hopefuls going into the 2011 elections are: Unity Party (UP) of Sirleaf; the Congress for Democratic Change (CDC) of George Weah; the Liberty Party (LP) of Charles Brumskine; the Alliance for Peace and Democracy (APD) of Togba-na Tipoteh (a long-term oppositionist); the Coalition for the Transformation of Liberia (COTOL) of H. Varney Sherman; and the National Patriotic Party (NPP) of Roland Massaquoi.

Figure 2 is a list of the parties that participated in the 2005 elections (and that are still in existence, even though some are now largely muted or being subsumed by others).

As noted above, however, attention will focus mainly on the Presidential polls, because of the immense centrality of that office in Liberian political life. As in 2005, despite the large number of hopefuls the contest is likely to narrow down to that between Sirleaf and Weah: already the two and their political parties have been building up alliances by incorporating lesser parties and political figures.

Weah led in the first round of the 2005 presidential polls, but lost to Sirleaf in the second round, when the contest was narrowed down to the two. There are many, and not only Liberians, who feel that Weah would have won but for the massive support that Sirleaf got from international players, in particular Nigeria, the US and the UN. Sentiment like this is behind the fairly dangerous rhetoric emanating from Weah's camp that the former football star will be winning, and a contrary result will not be accepted. Since Weah draws most of his support from the young people in the slums of Monrovia and other urban centres, such threats should not be taken lightly. Weah's claim to wide popularity has a strong basis: in November last year a candidate of his party for whom he campaigned defeated the candidate for the governing Unity Party, for whom Sirleaf campaigned massively, in a major senatorial by-election, in Montserrado County (the largest in Liberia, with 35 per cent of Liberia's registered voters).

Incumbency – a very important, even an overwhelmingly important, factor in Liberia – may yet tilt the scales in favour of Sirleaf; and the president is a very able politician and a hard campaigner despite her age (she is in her early 70s). In 2005, Weah was by far the wealthiest candidate, declaring to the Elections Commission the following:

Income earned within the past 12 months:

- US\$250 000 in US real estate
- US\$60 000 in profit from a supermarket in the US
- US\$25 000 in real estate in Liberia

He also declared the following assets:

- A US\$1.5 million home in Florida
- US\$1.5 million in supermarket assets in Florida
- Over US\$100 000 in real estate in the US
- A US\$150 000 home in Monrovia, Liberia

This by far dwarfed Sirleaf's assets and earnings.²² However, Sirleaf was able to mobilise rural supporters, aided by a helicopter and serious campaign funding provided by her supporters (some of them doubtless non-Liberians), and to overshadow Weah in the final rounds.

A victory for Weah will take Liberia on a quite different trajectory from that under Sirleaf. He is, unlike Sirleaf, a populist; and he has in recent months publicly embraced Charles Taylor's influential political platform in Liberia. Taylor's trial is still ongoing in The Hague: it has not been going very well for the prosecution. In the event –unlikely, since the Special Court has so far returned only guilty verdicts – that the trial returns a not-guilty verdict before the elections, this will

Figure 2

Liberian House of Representatives elections, 2005			
Party	Results		
	Votes	Percentage of Votes	Seats
Congress for Democratic Change	157 753	15.97%	15
Liberty Party	125 469	12.70%	9
Coalition for the Transformation of Liberia	137 897	13.97%	8
Unity Party	123 373	12.49%	8
Alliance for Peace and Democracy	38 285	3.86%	5
National Patriotic Party	78 751	7.97%	4
New Deal Movement	35 721	3.62%	3
All Liberia Coalition Party	19 471	1.97%	2
National Democratic Party of Liberia	29 402	2.98%	1
National Reformation Party	22 542	2.28%	1
United Democratic Alliance	14 078	1.43%	1
Free Democratic Party	19 326	1.96%	0
Progressive Democratic Party	11 997	1.21%	0
Freedom Alliance Party of Liberia	11 126	1.13%	0
Union of Liberian Democrats	10 089	1.02%	0
Labor Party of Liberia	7 811	0.79%	0
Liberia Equal Rights Party	7 256	0.73%	0
Reformed United Liberia Party	6 252	0.63%	0
Liberian Destiny Party	5 493	0.60%	0
National Vision Party of Liberia	3 443	0.35%	0
National Party of Liberia	1 532	0.16%	0
Independents	65 073	6.59%	7
	52 550	5.32%	
	987 911	100.00%	65

Source: http://en.wikipedia.org/wiki/Elections_in_Liberia (accessed 12 September 2010)

have an immediate and fundamental impact on politics in Liberia. Many of Taylor's supporters – and he remains, to the bewilderment of many Liberia watchers, very popular especially among young Liberians – will support Weah or any serious candidate opposed to Sirleaf, probably leading to the defeat of the incumbent.

Though he has now been in politics for five years – albeit in the opposition – some of Weah's utterances and actions still suggest inexperience, naïveté or worse. His public embrace of Taylor, while this plays well with certain constituencies in Liberia, is unlikely to win him any favours among Liberia's influential foreign partners and even Liberia's neighbours. In June, Weah found himself in the embarrassing and potentially damaging situation of being linked, as a close friend and associate, to an alleged drug dealer and money launderer, a member of his party. Liberia has recently been in the news, after the arrest of a number of people by the FBI and Liberian authorities in Monrovia, of being a major transit point for cocaine traffickers from South America. According to the *New York Times*,

South American drug traffickers have worked to build a base in the West African nation of Liberia, where vast quantities of cocaine could be sent by boat or plane and then reshipped to markets in West Africa and Europe.²³

Since Sirleaf has demonstrated a strong commitment to combating the new scourge by giving full support to American officials on the trail of drug traffickers, she is likely to reap large dividends from the US – a very important asset in Liberian politics – during the elections.

It is, however, early days yet: the elections are a year away and a lot can happen within a year. Whoever wins in October 2011, however, will find that Liberia is in the very early stages of peace building, and that international support for this remains crucial.

The UN has now been in Liberia for seven years – two years longer than in Sierra Leone – but still most of the important policing functions in the country are provided by the UN. The capacity of both the army and the police is underwhelming. This is made more pressing by the fact that levels of human insecurity are still high; the process of national reconciliation and healing was seriously undermined by the ill-conceived and malignant TRC report of 2009; and the forthcoming elections in 2011 are likely to raise tensions and may even trigger violence, however limited.

It is not at all clear at this point whether periodic elections provide a boost for peace building, though the point is doubtless academic: both the 2003 CPA and the country's constitution commit it to such an electoral process. It is worth reflecting on, however, whether such a commitment serves any useful purpose, and should continue to be a benchmark of UN or other multilateral process of peace building.

In view of the immensity of the challenges that Liberia still face, and given that there will be enormous pressure on the UN to withdraw from the country after the elections, Liberian and international officials have approached the African Union (AU) to expand its mission in the country to a fully functioning political office with military and police capacities. This proposal is still tentative, and AU officials have been very coy about it. It is important that both the AU and ECOWAS make serious plans to maintain a strong presence in Liberia for the next five years at least. ECOWAS, in particular, should think seriously of completely replacing the American security companies in mentoring and building the capacity of the Liberian army and police: both Ghana and Nigeria, with long experience in peace-enforcement in Liberia, have that capacity. To ensure greater support and political legitimacy, the initiative should be spearheaded by the AU.

In its July 2010 report²⁴ on electoral violence, the AU Panel of the Wise recommended six clusters or measures to prevent or mitigate electoral violence or conflict arising from electoral disputes. These are: preventive and early-warning mechanisms; electoral governance and administration; AU's coordination of electoral assistance; post-election conflict transformation mechanisms;

international coordination and partnerships; and strategic interventions by the Panel of Wise. Because of the stakes of Liberia's 2011 elections, it may be necessary, at the earliest, to mobilise at the very least five of the clusters to assist Liberia through this difficult phase.

- 1 This report benefitted immensely from conversations with the following people in Liberia in August 2010: Kingsley Lington and Ademola Araoye (UNMIL); Tom Kamara (*New Democrat* newspaper); Thomas Jaye and Aaron Weah (International Center for Transitional Justice, ICTJ); Prosper Addo (African Union, AU, Monrovia Office); the Commissioners and Senior Staff of the Liberia National Elections Commission (NEC); Ambassador Ceesay and J. Momoh Kaindii Jnr (ECOWAS Office, Monrovia); Amos Sawyer (Governance Commission); Joe Pemagbi (OSIWA, Monrovia Office) and numerous others, none of whom, I must add, is responsible for the views expressed herein. I am wholly.
- 2 'Toward 2011 Elections: Tackling the Hurdles and Challenges,' *The Ballot*, March–May 2010.
- 3 David Harris, 'Liberia 2005: An Unusual African Post-Conflict Election,' *Journal of Modern African Studies* 44, 3 (2006), 375–95.
- 4 Amos Sawyer, 'Emerging Patterns in Liberia's Post-Conflict politics: Observations from the 2005 Elections,' *African Affairs*, 107/427, 177–199 (7 February 2008).
- 5 'African Elections: The Power of the Angry Voter,' *The Economist* 22 July 2010; see: <http://magic.economist.com/node/16640349> Jul 22nd 2010 (accessed on 2 September 2010)
- 6 Orlando Paterson, 'Jamaica's Bloody Democracy,' *New York Times*, 29 May 2010.
- 7 Paul Collier, *War, Guns, and Votes: Democracy in Dangerous Places* (London: The Bodley Head, 2009, 2–11).
- 8 The African Union Series, *Election-Related Disputes and Political Violence: Strengthening the Role of the African Union in Preventing, Managing, and Resolving Conflict* (Report of the Panel of the Wise, July 2010), published by the International Peace Institute (New York)
- 9 Amos Sawyer, op.cit.
- 10 For detailed accounts of the efforts to end Liberia's war, see Adekeye Adebajo, *Building Peace in West Africa: Liberia, Sierra Leone and Guinea-Bissau*, London: Lynne Rienner Publishers, 2002; Festus Aboagye and Alhaji MS Bah, *A Tortuous Road to Peace: The Dynamics of Regional, UN and International Humanitarian Interventions in Liberia*, Pretoria: ISS, 2005; and Lansana Gberie, 'Liberia and Sierra Leone: Civil Wars 1989–2004' in John Laband ed., *Daily Lives of Civilians in Wartime Africa: From Slavery Days to Rwandan Genocide*, London: Greenwood Press, 2007, 195–226. See also James Jonah, 'The United Nations,' in Adekeye Adebajo and Ismail Rashid ed., *West Africa's Security Challenges: Building Peace in a Troubled Region*, London: Lynne Rienner, 2004, 319–347. Stephen Ellis' *The Mask of Anarchy: The Destruction of Liberia and the Religious Dimension of an African Civil War* (Hurst, 1999) is by far the best account of the Liberian civil war.
- 11 Amos Sawyer, *Beyond Plunder: Towards Democratic Governance in Liberia*, Boulder, Colo.: Lynne Rienner Publishers, 2005..
- 12 'Liberia is 'fastest-improving' African Nation,' *Financial Times*, 6 October 2008..
- 13 Jason Mclure, 'The Rebuilder,' *Newsweek* 16 August 2010; see: <http://www.newsweek.com/2010/08/16/go-to-the-head-of-the-class/the-rebuilder-ellen-johnson-sirleaf.html>. (Accessed on 29 August 2010)
- 14 Byron Tarr, 'Liberia Clings to Failed Strategy to Reduce Poverty,' African Arguments at <http://africanarguments.org/2009/04/liberia> (accessed on 8/31/2010). Liberia's TRC report identified as 'causes' of its civil wars the 'over-centralization and the oppressive dominance of the Americo-Liberian oligarchy' (who at no point have constituted more than five per cent of the population) over the indigenous Liberians; a weak judiciary, tribalism, disputes over land acquisition, distribution and accessibility, and 'lack of clarity and understanding of Liberia's history including its history of conflicts.'
- 15 See, for example, the very affecting recollections of Helene Cooper, 'In Search of a Lost Africa,' *New York Times Magazine*, 6 April 2008
- 16 Jonny Steinberg, 'Liberia's Experiment with Transitional Justice,' *African Affairs* Vol. 409, Issue 434, November 2009, 135–144.
- 17 Amos Sawyer, 'Remembering Tajudeem Abdul Raheem,' 30 July 2009 (unpublished paper, in author's possession).
- 18 See Lansana Gberie, 'Liberia,' in Andreas Mehler, Henning Melber, Klaas van Walraven eds., *Africa Yearbook*, Brill, 2009, 117–122.
- 19 Author's interview with Amos Sawyer, August 2010 (Monrovia).
- 20 In an article for the US journal *Foreign Policy*, however, Sean McFate, who headed the Dyncorps mission in Liberia, is extravagantly effusive about the work of his organisation: 'Today, just five years later, Liberia's soldiers are among the best in the region. They have been vetted, trained, paid, and readied for action. The difference was the impact of that little-known U.S. initiative – the first of its kind – that literally rebuilt the Liberian army from scratch. Our goal was for the Liberian army to fill the role of U.N. peacekeepers as the latter were slowly phased out, and it worked astonishingly well.' See: 'I Built an African Army,' *Foreign policy*, 7 January 2010.
- 21 See <http://unmil.org/content.asp?ccat=humanrights>. (Accessed on 2 September 2010)
- 22 See http://www.necliberia.org/content/finandisc_president/242.pdf (accessed on 6 September 2010)
- 23 Benjamin Weiser and William K. Rashburn, 'Liberia Aids US in Drug Fight,' *New York Times*, 1 June 2010.
- 24 Op.Cit.