



Liberia's Post-War Development: Key Issues and U.S. Assistance

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May 19, 2010

Congressional Research Service

7-5700

www.crs.gov

RL33185

Summary

This report covers developments in Liberia, a small, poor West African country. Liberia held elections in October 2005, with a presidential runoff in November, a key step in a peace-building process following its second civil war in a decade. That war began in 1999, escalated in 2000, and ended in 2003. It pitted the forces of Charles Taylor, elected president in 1997 after Liberia's first civil war (1989-1997), against two armed anti-Taylor rebel groups. The war also destabilized neighboring states, which accepted Liberian refugees and, in some cases, hosted anti-Taylor forces and became targets of the Taylor regime.

Ellen Johnson Sirleaf, an economist, won the presidential runoff vote, with 59.4% of votes cast and took office in January 2006, becoming the first elected female president of an African country. Her runoff rival, George Weah, a former star soccer player, conceded Sirleaf's win after initially contesting it. Most observers viewed the vote as orderly, free and fair. It fulfilled a key goal of an August 2003 peace accord that had ended the second civil war and led to an ongoing, U.S.-aided post-war transition process, which is bolstered by the multifaceted peacekeeping and development-focused U.N. Mission in Liberia (UNMIL). The next election is scheduled for 2011, and President Sirleaf has announced that she will seek reelection. Liberia's security situation is stable but subject to periodic volatility. Progress in governance under the interim government that preceded that of President Sirleaf was mixed; widespread corruption within it was widely reported. Liberia's economy and state structures remain devastated by war but, along with humanitarian conditions, are improving. Liberia has received extensive U.S. post-war reconstruction and security sector reform assistance. In March 2006, former President Taylor was arrested in Nigeria and transferred to the Special Court for Sierra Leone (SCSL) to face war crimes charges. He was later transferred to The Hague, the Netherlands, where he is on trial by the SCSL.

In addition to providing substantial support for Liberia's post-war peace and reconstruction processes, Congress has maintained a continuing interest in the status of Charles Taylor and in ensuring funding for the SCSL. Other legislation proposed in the 109th and 110th Congresses centered on immigration, debt, and tax haven issues, and the commendation of Liberia for successfully holding elections. Liberia-specific legislation introduced or acted upon in the 111th Congress has included: H.R. 1105 (Obey); H.R. 3288 (Olver); S. 656 (Reed); H.R. 2258 (Kennedy); H.R. 2410 (Berman); H.R. 2475 (Ros-Lehtinen); S. 1434 (Leahy); and H.R. 2346 (Obey).

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Recent and On-Going Developments

Liberia's president, Ellen Johnson Sirleaf,¹ is expected to visit the United States in late May 2010. While her itinerary has not been released, the trip is expected to be aimed at deepening Sirleaf's high-level contacts with President Barack Obama's Administration.² Sirleaf, who also maintained warm ties with former President George W. Bush's Administration, may meet with President Obama. She is also expected to update U.S. policy makers, including interested Members, on Liberia's progress since her election, as well as remaining challenges in such areas as security sector reform, anti-corruption efforts, unemployment, economic growth, and legal system capacity building. Her visit is expected to include a Millennium Challenge Corporation (MCC) Threshold Program pre-signing event and a possible U.S. Global Food Security Initiative country program.³

On March 18, 2010, President Obama extended for 18 months the Deferred Enforced Departure (DED) status of eligible Liberian U.S. resident aliens, which had previously been set to expire on March 31, 2010, allowing them to remain in the United States. DED is a special immigration status that effectively suspends the deportation of eligible U.S. aliens. The presidential directive ordering the extension, which had been sought by some Members, notably from districts with significant populations of Liberian origin, also authorized those eligible to work during the duration of their DED status.⁴ In addition, two bills introduced in the 111th Congress would allow certain Liberian aliens to become permanent U.S. residents. (See "Immigration Issues").

The trial of former Liberian President Charles Taylor, which began in mid-2007, but was beset by procedural delays for a time, is continuing. Cross-examination of defense witnesses by the Prosecutor's Office of the U.S.-backed Special Court for Sierra Leone (SCSL), which began in November 2009, proceeded in early 2010.⁵ (See "Taylor Trial").

In her late January 2010 annual address to the Liberian legislature, President Sirleaf, announced that she would seek reelection to a second term in 2011, as many observers had expected. Her announcement came in spite of a recommendation by Liberia's Truth and Reconciliation Commission (TRC) in its draft June 2009 final report that Sirleaf, as one of 49 alleged "political leaders and financiers of different warring factions" party to Liberia's civil wars, be "barred from holding public offices" or "elected or appointed" for 30 years.⁶ (See "Truth and Reconciliation Commission").

¹ Although her name is widely cited as Johnson-Sirleaf, the Liberian president does not employ a hyphenated form of her last name. See Wil Haygood, "For Liberia's 'Iron Lady,' Toughness Part of Territory," *Washington Post*, December 16, 2005.

² Such contacts have included an April 2009 meeting with Secretary of State Hillary Rodham Clinton, an official visit to Liberia in August 2009 by Secretary Clinton, and an April 2010 visit to Liberia by Under Secretary of State for Political Affairs William J. Burns, which are discussed below; see section on "U.S. relations."

³ Liberian Government, "President Sirleaf To Meet US Government Officials in Washington," May 14, 2010.

⁴ Administration of Barack H. Obama, *Memorandum on Deferred Enforced Departure for Liberians*, March 18, 2010.

⁵ Taylor is being tried by the SCSL on war crimes and related charges under an amended, 11-count indictment first brought against him in 2003. The Prosecutor alleges that he directly aided and abetted diverse crimes allegedly committed in Sierra Leone by the RUF. Open Society Institute, "Trial Proceedings," <http://www.charlestaylortrial.org>; and SCSL press releases and court documents.

⁶ TRC, *Consolidated Final Report* (unedited), Volume II, June 29, 2009.

In early 2010, the Unity Party (UP, President Sirleaf's party), the Liberia Action Party (LAP), and the Liberia Unification Party (LUP) were in the process of holding party conventions and were all expected to ratify an April 2009 agreement among them to merge.⁷

In mid-2010, a full-fledged Peace Corps Volunteer (PCV) country program for Liberia is scheduled to begin. It will build on the work of a special short-term humanitarian service program that began in October 2008.⁸ (See "Peace Corps").

U.S.-Liberia flights by Delta Airlines are slated to begin in mid-2010. The initiation of the new route, originally planned for mid-2009 was delayed when the U.S. Department of Homeland Security (DHS) announced in June 2009 that due to security deficiencies at Liberia's international airport, it would not permit the operation of U.S.-Liberian flights. The Transportation Security Administration (TSA), a DHS unit, is providing Liberia with assistance to enhance aviation security.⁹ (See "Air and Communications Links").

In May 2009, a jury acquitted former National Transitional Government of Liberia (NTGL) Chairman Gyude Bryant and four former Liberia Petroleum Refinery Company (LPRC) executives from the NTGL period of corruption charges in a case involving the alleged embezzlement of LPRC assets.¹⁰ Bryant faces a separate corruption case related his tenure as NTGL Chairman. (See "Post-NTGL Corruption Trials").

In late 2009, Liberia held a Senatorial by-election to fill a vacancy created by an incumbent's death in which President Sirleaf's Unity Party lost in a run-off against the opposition Congress for Democratic Change (CDC). Although the election reportedly featured a low voter turn-out, it was viewed as a dry-run of the National Elections Commission's (NEC) operational capability ahead of national elections in 2011 because nearly half of Liberia's electorate was eligible to participate in it. (See "Subsequent Elections").

The Sirleaf government is negotiating or has in recent years entered into several multi-year, large natural resource or agricultural concession deals, collectively worth multiple billion dollars worth of investment and potential exports, indicating that large foreign investors' confidence in the country's political progress and prospective stability is strong.¹¹

⁷ These party realignments are viewed as part an effort to create a strong political coalition in support of the reelection of President Sirleaf in 2011. Just prior to the LUP convention in mid-February 2010, a number of politicians from several smaller parties, some former LUP members, agreed to join the party. The Informer, "Several Cross Carpet to LUP," February 12, 2010 via AllAfrica.com; Nana Adu Ampofo, "Major Liberian Parties Merge Ahead of 2011 Election," *Global Insight Daily Analysis*, April 2, 2009; and Economist Intelligence Unit, *Country Report Liberia*, June 2009.

⁸ Peace Corps, "Liberia," December 17, 2009.

⁹ Delta Air Lines, "Delta Expands Africa Presence with First-Ever Flight between Atlanta and Monrovia, Liberia," October 22, 2008; Dow Jones News Service, "TSA Blocks Delta Flights To 2 African Cities On Security," June 3, 2009; and TSA, "TSA and Liberia Partner to Enhance Aviation Security," April 7, 2009.

¹⁰ Two of the other LPRC accused include the former speaker of the incumbent Liberian House of Representatives, Edwin Swone, Jr., and Senator Richard Devine. C. Emmanuel Johnson, "Court Continues Jurors Selection," *The News* (Monrovia) via AllAfrica.com January 6, 2009; Agence France Presse (AFP), "Former Liberia Leader Faces More Corruption Charges," May 17, 2008; The Analyst, "Bryant Pitied Country - He, Others Absolved of Sabotage Charges," via allAfrica.com, May 8, 2009; and information to CRS provided by the State Department February 2 and 3, 2009.

¹¹ These include several iron ore projects with China Union, \$2.6 billion; BHP Billiton, \$2 billion; Severstal, \$2 billion; Elenilto, \$2.2 billion; and ArcelorMittal, \$1.5 billion. ArcelorMittal and BHP Billiton are also in talks to create a joint venture to export ore from BHP Billiton holdings in Guinea through an ArcelorMittal-controlled rail link to Liberia's (continued...)

U.S. Ties

The United States has long-standing ties with Liberia that date back to the founding of the modern Liberian state by “Americo-Liberians,” black freemen and former slaves from the Americas who settled in Liberia beginning in 1821. Liberia was also a close U.S. ally, albeit a relatively minor one, during World War II and the Cold War, and the country hosted U.S. communications facilities in the 1960s and 1970s, and received extensive U.S. development assistance. The Reagan Administration cultivated ties with the government of President Samuel K. Doe during the first half of the 1980s, although these later soured. The United States also provided meditational support and extensive humanitarian assistance for Liberia during its first and second civil wars. It has also invested substantial amounts of aid in the current United Nations peacekeeping operation in Liberia, as well as substantial post-war rebuilding and development assistance. There has generally been strong Congressional support for these efforts. The Administration of former President George W. Bush formed a close and cordial relationship with the Sirleaf, and similarly close relations have continued under the Obama Administration. Contemporary U.S. relations with and policy developments related to Liberia are discussed in the “U.S. Relations” section of this report.¹²

Background

Liberia, a small, poor West African country of about 3.4 million people, is undergoing a post-conflict transition and peace-building process after its second civil war within a decade. The latter conflict burgeoned in 2000, after several minor border incursions in 1999. It pitted the forces of Charles Taylor, elected president in 1997 after Liberia’s first civil war (1989-1997), against two armed anti-Taylor rebel groups: Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL). The war led to an extreme deterioration in political, economic, humanitarian, and human rights conditions. It also affected neighboring states, which accepted Liberian refugees and, in some cases, hosted anti-Taylor forces. The Taylor regime also sponsored or facilitated acts of armed aggression against its neighbors, Guinea, Sierra Leone, and Cote d’Ivoire.¹³

(...continued)

coast and achieve other business synergies, and Liberia’s government is in talks with Brazil’s Vale, which also owns concessions in Guinea, regarding a possible iron ore deal. AmLib Holdings, a gold mining firm, owns a \$200 million concession. Recent large agricultural contracts include an \$800 million palm oil concession deal with Sime Darby, and a possible \$1.6 billion palm oil with Golden Agri Resources; and two prospective rubber deals, with the Cavalla Rubber Corporation (\$75 million) and the Liberia Agricultural Company (\$25 million). Liberia has also recently entered into several oil exploration contracts worth a total of \$60 million. Reuters, “Major Foreign and Local Investments in Liberia,” May 4 2010; Boakai Fofana, “Liberia: Govt Secures Huge Investment in Palm Oil Production,” December 1, 2009, AllAfrica.com; Eric Onstad and Philip Blenkinsop, “ArcelorMittal, BHP Discuss Africa Iron Ore JV,” Reuters, January 19, 2010.

¹² For information on past U.S.-Liberian relations, see CRS Report RL32243, *Liberia: Transition to Peace*, by Nicolas Cook and CRS Report RL30933, *Liberia: 1989-1997 Civil War, Post-War Developments, and U.S. Relations*, by Nicolas Cook.

¹³ This report focuses on current issues and recent events. CRS Report RL32243, *Liberia: Transition to Peace*, and CRS Report RL30933, *Liberia: 1989-1997 Civil War, Post-War Developments, and U.S. Relations*, both by Nicolas Cook, provide in-depth background on events in Liberia during recent decades, and on the presidential tenure of Charles Taylor.

A peace accord was signed on August 18, 2003, after months of international mediation. It was facilitated by two events: Charles Taylor's resignation of the presidency and departure from Liberia on August 11, after he was granted political asylum in Nigeria; and the early August deployment of an Economic Community of West African States (ECOWAS) military intervention force, the ECOWAS Mission in Liberia (ECOMIL). ECOMIL, with extensive U.S. and U.N. assistance, deployed to Liberia to end heavy fighting and alleviate a worsening humanitarian crisis in the wake of a failed June 2003 cease-fire. It was tasked with monitoring and securing the cease-fire, enabling the delivery of relief aid, and preparing the way for the U.N. Mission in Liberia (UNMIL).

U.N. Mission in Liberia (UNMIL)

UNMIL, first authorized by the U.N. Security Council (UNSC) on September 19, 2003, deployed to Liberia on October 1, 2003, two weeks before the National Transitional Government of Liberia (NTGL) took office on October 14. ECOMIL was dissolved and its military forces absorbed into UNMIL, which carries out diverse peacekeeping, civilian policing, and socio-economic assistance functions in support of Liberia's transition process. UNMIL provides a military guard force for the Special Court for Sierra Leone, discussed below, for which it assumed responsibility from the U.N. Mission in Sierra Leone (UNAMSIL), upon UNMIL's termination in late 2005. U.S. funding for UNMIL is covered in **Table 3**, below.

Current Strength

UNMIL has a current authorized force strength of 14,875 military personnel and 1,240 police. As of late December 2009, it had a total force strength of 10,947, made up of individual police, 480 (14.8% female); formed police units, 844 (18.2% female); military observers, 118 (7.3% female); and contingent troops, 9,505 (2.6% female). As of late December 2009, U.S. personnel deployed with UNMIL included seven individual police; four military observers; and six contingent troops.

Drawdown

A gradual, phased drawdown of the UNMIL force, guided by progress in implementing a series of benchmarks set out by the Security Council and initiated by a UNSC decision to repatriate 1,000 troops in 2006, is continuing. The benchmarks were first proposed in by the U.N. Secretary-General (UNSG) in 2006 (S/2006/159, March 14, 2006), in response to a September 2005 Security Council request for an UNMIL force drawdown plan, to include specific benchmarks and a schedule for achieving that end. The UNSG found that it was "too early for a major drawdown of UNMIL." He called, instead, for a two-year "consolidation period" during which UNMIL would implement an "adjusted mandate" defined by an 11-point agenda of "priority tasks." These centered on achieving such objectives as maintenance of a stable and secure environment; completion of ex-combatant, refugees, and internally displaced persons reintegration; security sector reform; and consolidation of state authority and governance capacity.

Notwithstanding a need to complete these tasks, he proposed that "in the absence of an immediate armed threat within Liberia," the military component of UNMIL be reduced by one infantry battalion in mid-2006 and another infantry battalion in early 2007, and that a drawdown of the Mission, beginning in early 2007, security conditions permitting, ensue.

Note on United Nations Documents and Usage in this Report

For the sake of brevity, the full titles of U.N. documents, which are often accompanied by extensive sub-titles and meeting session data, are — with some exceptions — not employed in this report. Instead, the U.N. agency source of such documents is given, followed by the item's U.N. document symbol and date of release, except with respect to Security Council documents, for which only the document symbol and date are given. Security Council documents can be readily be identified by their distinct document numbers, which always begin with the symbol "S/." In this report, these primarily include periodic reports on UNMIL by the U.N. Secretary-General, Security Council Resolutions, and statements by the President of the Security Council. The *Tenth Progress Report of the Secretary-General on the United Nations Mission in Liberia*, with the U.N. document symbol S/2006/159, and dated March 14, 2006, for instance, would be cited as S/2006/159, March 14, 2006. The full text and title of all U.N. documents cited in this report can be found online using the U.N. document symbol search box of the U.N. Official Document System (ODS), <http://documents.un.org>.

By mid-March 2007, the United Nations was reporting significant progress in meeting key benchmarks, including with respect to police and military training, restructuring and reform; management of natural resources; and the creation of a national security strategy and architecture — though each of these activities faced often considerable challenges. Progress toward ex-combatant reintegration and the consolidation of state authority was slower than planned, however, largely due to resource constraints. Due to these and diverse other reconstruction and development challenges, and notwithstanding areas of progress, in March 2007 U.N. Secretary-General Ban Ki-moon, citing what he called “limited progress made in meeting the benchmarks for the consolidation and drawdown of the Mission,” recommended a year-long extension of the UNMIL’s existing mandate.¹⁴ Assessments of and adjustments to these and a range of subsequent benchmarks, along with two associated, phased UNMIL force repatriations,

have since continued.¹⁵

On September 15, 2009, the Security Council passed Resolution 1885 (S/RES/1885), authorizing a third-phase drawdown, to take place between October 2009 and May 2010. It involves the repatriation of 2,029 military personnel, three attack helicopters, and 72 armored personnel carriers. Upon completion of this process, UNMIL’s force will include 8,202 military personnel (including 7,952 troops in Liberia and 250 at the Special Court for Sierra Leone), while the UNMIL police component will include about 1,344 personnel (465 police advisers, 843 officers in seven formed police units, 23 corrections officers and 13 immigration officers).¹⁶

¹⁴ S/2007/151, March 15, 2007.

¹⁵ On benchmarks, see S/2007/479, August 8, 2007; S/2008/183, March 19, 2008; and S/2009/86, February 10, 2009.

¹⁶ See S/RES/1885, September 15, 2009; and S/2010/88, February 17, 2010.

Resolution 1885 also reauthorized UNMIL's mandate through September 30, 2010 and ordered that the post-May 2010 UNMIL force size be maintained until the completion of presidential and legislative elections in late 2011, which it authorized UNMIL to assist in administering. It also permitted UNMIL to reinforce the U.N. Operation in Côte d'Ivoire (UNOCI) on a contingency basis, if needed during anticipated elections in Côte d'Ivoire — or vice versa, should the security

situation in Liberia deteriorate. The resolution called the “conduct of free and fair, conflict-free elections... a core benchmark for UNMIL's future drawdown,” among others, such as the further

development of “national security and rule of law institutions that are fully independently operational.” It also requested that UNMIL submit to the Security Council, in collaboration with the Liberian government, a strategic plan aimed at integrating and consolidating post-conflict peace-building, stability, and development efforts in Liberia. In the meantime, the Security Council remains cautious about the extent of Liberia's post-war evolution. In passing Resolution 1903 (December 17, 2009), which renews or alters a range of Liberia-related sanctions, the Security Council declared that “despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region.”

Liberia at a Glance¹⁷

Geography: Small tropical coastal West African country about the size of Virginia

Population: 3.4 (2009)

Ann. Population Growth Rate: 2.67% (2009)

Exchange Rate Adjusted Gross National Income (GNI) Total: \$634.4 mill. (2008)

GNI Per Capita: \$170 (2008)

External Debt: \$1.7 bill., 2010

Key Exports: Rubber, timber, iron, cocoa, gold, coffee, diamonds. **Value:** \$254 mill., of which \$225 mill. or 88.6% of rubber (2008, IMF); and \$160 mill., of which \$94 million, or 58.8% of rubber (2009 proj.)

Languages: English & 29 distinct local languages

Ethnic groups: 16 indigenous groups, 95%; and freed slave descendants from the Americas, 5%

Religions: Christian, 85.6; Muslim, 12.2; Traditional beliefs, 0.6; Other/no Religion, 1.7 (LC). Note: Many observers view Liberian adherents of world religions as often being heavily influenced by traditional beliefs.

Literacy: Women, 40.8%-46.3%; Men, 65.5%-70.3%

Infant and Under-5 Mortality rate, respectively: 93 and 132 deaths/1,000 live births (2007)

HIV/AIDS adult infection rate: 1.5% (2007)

Life Expectancy, years at birth: National average. 41.84 (ave.); Male, 40.71; Female, 43 (2009)

Sexual Exploitation and Abuse

UNMIL has implemented measures to prevent, detect, investigate, and punish acts of sexual exploitation and abuse (SEA), in line with recent reforms and renewed U.N.-wide regulations regarding sexual conduct, following abuses in several U.N. peacekeeping missions around the world, including in Liberia. U.N. Resolution 1626 (2005) bars SEA, and UNMIL has created a mission conduct and discipline team and investigatory capacity to ensure adherence to these rules.¹⁸ In mid-March 2006, five crew members of a UN contractor, who had been under

¹⁷ Text Box Sources: CIA *World Factbook 2009*; World Bank *World Development Indicators*; International Monetary Fund press release, April 2010; Liberian 2008 Census; Economist Intelligence Unit (EIU); Ethnologue.com; and *Liberia Demographic and Health Survey 2007*; IMF Country Report No. 09/332, December 2009; and UNAIDS.

¹⁸ Between January 1, 2004 and June 8, 2006, 17 UNMIL military personnel were repatriated to their home countries for probable SEA crimes; two UNMIL civilians were dismissed or faced a non-renewal of their contract; three UNMIL (continued...)

investigation for alleged rapes and the assault of Liberian police officers, left Liberia after being released on bond. According to UNMIL, their departure was “highly regretted and the matter is being brought to the attention of the authorities of the country concerned.”¹⁹ There were reportedly 12 alleged SEA incidents reported between January 1, 2009 and August 31, 2009, and six such allegations in the period between August 10, 2009 and February 1, 2010.²⁰

Transition Process

The August 30, 2007 Comprehensive Peace Agreement (CPA), signed by the three warring factions and 18 political parties, laid out a peace process, provided for the creation of the National Transitional Government of Liberia (NTGL), and allocated leadership positions within it.²¹ The NTGL was mandated to reestablish functioning government authority and prepare for national elections that were held in mid-October and November 2005. The elected government of President Sirleaf replaced the NTGL in late January 2006, as described below. The NTGL consisted of an executive branch, presided over by a Chairman, Gyude Bryant, and an interim parliament, the National Transitional Legislative Assembly. Bryant, a businessman and church layman who led the Liberian Action Party, oversaw the functions of the central government and various public corporations, agencies, and commissions. Bryant was given the title of NTGL “chairman” to differentiate his unelected NTGL role and authority from that of a constitutionally elected president. The transition faced many challenges, most related to the extremely destructive effects of many years of war in Liberia. Others included the dominant role within the NTGL of the three former armed factions, which were prone to internal rivalries; political discord over the allocation of state positions and resources; very limited state capacities; and reported public sector corruption.

2005 Post-War Elections

Peaceful Senate, House of Representatives, and presidential elections were held on October 11, 2005, and a presidential runoff vote was held on November 8. The 22-candidate presidential poll led to a runoff race. It pitted George Manneh “Oppong” Weah, 39 years of age, a former professional top soccer player whose star status and rags-to-riches history make him a hero to Liberian youth, against Ellen Johnson Sirleaf, then 67 years of age, a Harvard-trained economist and former businesswoman who had served as Liberian finance minister and as a United Nations and World Bank official. On November 15, 2005, the National Elections Commission (NEC) declared Sirleaf the winner of the presidential race, with 59.4% of votes against Weah’s 40.6%, making her the first-ever female president of an African country. Despite its declaration in favor

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civilians were suspended; and investigations cleared 13 UNMIL military personnel and three UNMIL civilian police. State Department compilation.

¹⁹ See UNMIL, “Statement on the Departure from Liberia of Five Crew Members, Employees of a UN Contractor,” March 14, 2006.

²⁰ It was not clear, based on information available to CRS as of the date of this report, how much overlap there may have been in the number of cases reported during these two overlapping periods. State Department compilation of U.N. Office of Internal Oversight Services data covering the period January 1, 2009 through August 31, 2009; and UNSC, S/2010/88, February 17, 2010.

²¹ CPA text available from U.S. Institute of Peace (USIP), <http://www.usip.org/library/pa.html>.

of Sirleaf, the NEC subsequently probed and later rejected claims by Weah that the election was fraudulent. A presidential election will next to be held in 2011.

In contrast to the presidential race, election results for seats in the bicameral legislature were disparate; no party received more than 24% of seats in either chamber, and none dominated in both the Senate and the House of Representatives. The largest party in the 64-member House, in which members serve 6-year terms, is Weah's Congress for Democratic Change (CDC), which won 15 seats. The Liberty Party (LP) won nine House seats, while Sirleaf's Unity Party (UP) and the Coalition for Transformation of Liberia (COTOL) each won eight. Seven other parties each won between one and five House seats, and seven independent candidates each won a seat. In the 30-seat Senate, in which members normally serve nine-year terms,²² COTOL won seven seats and the UP won four; all other parties won between one and three seats.²³ Political party mergers in 2009 and 2010, discussed below, have changed the allocation of seats among parties.

Notable among the newly elected legislators were several former Taylor regime officials and leaders of former armed factions or security services. These include senators Jewel Howard-Taylor, a former wife of Charles Taylor (NPP; Bong County); Prince Yormie Johnson (independent, Bong County); and Saye-Taayor Adolphus Dolo (COTOL, Nimba County). Johnson is the former leader of a faction that splintered from Taylor's early in the first civil war, and is infamous for personally presiding over the bloody, videotaped murder of former head of state Samuel Doe. He returned to run in the election from exile in Nigeria, where he had professed to have become a born-again Christian evangelist. Dolo is a former pro-Taylor militia leader, known by the *nom de guerre* General Peanut Butter, who reportedly committed war-time atrocities and recruited child fighters, and who is said to have aggressively opposed UNMIL peacekeeping activities. In the House, they include Edwin Snowe (independent, Montserrado County); Saah Richard Gbollie (NPP, Margibi County); and Kai G. "White Flower B-50" Farley, (CDC, Grand Gedeh County). Snowe, who was elected speaker of the House in mid-January 2006 but has since stepped down,²⁴ is a former Taylor in-law. He is also the former head of the Liberian Petroleum and Refining Corporation (LPRC), from which Taylor regime officials reportedly diverted significant amounts of funds, some of which may have benefitted Taylor during his exile in Nigeria.²⁵ Gbollie is a former Taylor fighter and Taylor administration police official accused of human rights abuses. Farley is an ex-MODEL commander and NTGL official accused of threatening the 2003 peace accord. Jewel Taylor, Dolo, Snowe, and Farley are subject to U.N. travel sanctions.

²² Current junior senators, those who obtained the second highest number of votes in the 2005 elections, will serve a six-year term. Thereafter, all senators will serve nine year terms.

²³ Full election results are available online from the NEC at <http://www.necliberia.org/results>.

²⁴ See "**Error! Reference source not found.**" under section *Current Governance Issues*, below.

²⁵ Coalition for International Justice, *Following Taylor's Money: A Path of War and Destruction*, May 2005.

Table I. 2005 Election: Legislative Results by Party
(Seats and percentage of vote won)

Party	Senate		House	
	Seats ^a	Vote (%)	Seats ^a	Vote (%)
Congress for Democratic Change (CDC)	3	10	15	23.4
Coalition for Transformation of Liberia (COTOL)	7	23.3	8	12.5
Liberty Party (LP)	3	10	9	14.1
Unity Party (UP)	4	13.3	8	12.5
Independent	3	10	7	10.9
Alliance for Peace and Democracy (APD)	3	10	5	7.8
National Patriotic Party (NPP)	3	10	4	6.3
All Liberia Coalition Party (ALCOP)	1	3.3	2	3.1
Nation Democratic Party of Liberia (NDPL)	2	6.7	1	1.6
New Deal Movement (NDM)	-	-	3	4.7
National Reformation Party (NRP)	1	3.3	1	1.6
United Democratic Alliance (UDA)	-	-	1	1.6

Source: National Elections Commission of Liberia, 2005 Election Results, available online at <http://www.necliberia.org/results>.

- a. This data reflects the 2005 electoral results. Political party mergers in 2009 and 2010, discussed below, have since changed the allocation of seats among parties.

Conduct of Elections²⁶

With some mostly minor exceptions, the election was reportedly well-administered. About 1.35 million citizens registered to vote in April and May 2005, in a process that was marred by some minor acts and threats of violence and localized disruptions but was generally peaceful. Attempts by some NTGL ministers to try to run for office in the 2005 election, in violation of the CPA, also sparked controversy. About 1.012 million registered voters (74.9%) participated in the October 11 Senate, House of Representatives, and presidential elections, and over 821,000 (60.7%) voted in the November 8 presidential runoff poll. Results from voter registrations at 2,000 sites guided decision making about the composition of constituencies, the placement of about 2,900 polling places, and the distribution of voter education and polling materials. The large number of presidential candidates (over 50 initially, of whom 22 were ultimately registered) and registered political parties (30) reportedly proved confusing for some voters. Key election issues included national reconciliation and unity, corruption, jobs, general economic growth, and social services and physical infrastructure needs. Polling on both elections dates was peaceful.²⁷

²⁶ Various periodic UNSG progress reports on UNMIL; State Department information, both published and provided to CRS; and NEC data. The author of this section served as an election observer. In the county where he monitored the voting process, the election was well-run. Poll workers appeared well trained; voting equipment and materials were distributed on time and in sufficient quantity; and voting was peaceful and voter turnout rates high.

²⁷ Various periodic UNSG progress reports on UNMIL; and information provided to CRS by USAID.

U.N. Mission in Liberia (UNMIL) elections staff and U.N. agencies provided extensive support to the NEC and other relevant agencies involved in such activities as media outreach and civic education, technical elections tasks, and electoral security coordination, as called for under the CPA. UNMIL aid for the elections reportedly totaled about \$8 million, and the European Union pledged \$1 million. Most of \$10 million in U.S. elections assistance supported the programs of the nonprofit democracy strengthening organizations International Foundation for Electoral Systems (IFES), elections technical assistance; National Democratic Institute (NDI), civic education); and International Republican Institute (IRI), political party training. IRI and NDI, the latter jointly with the Carter Center, deployed teams to monitor the elections, as did the African and European Unions, the U.S. and many other governments, and international organizations.²⁸ The vote was monitored by at least 29 international organizations or governmental entities (369 individuals), as well as 52 civil society groups (over 3,500 individuals) and a roughly equal number of party observers; and 246 local journalists.

2005 Election Dispute

Weah, who had claimed to have been cheated in the first round, contested his loss in the second round and called for a re-run of the vote. He pursued his claim through a number of formal channels, but after the NEC dismissed his claim, after meeting with Sirleaf, and under heavy international pressure, in late December 2005 he agreed to drop his claim and accept the poll results. Many observers doubted that systematic or large-scale fraud had marred the election. U.S. officials viewed the process as having been orderly, largely well-administered, and free and fair, and such views were shared by most other governments and international entities that observed the vote. The United States nevertheless called for a probe of Weah's claims and for any contest of results to be carried out peacefully and through established legal channels.

Subsequent Elections²⁹

In late 2009, a by-election — the fifth to be conducted after the 2005 election— was held to fill a vacancy for the Montserrado County Senate seat created by an incumbent's death. None of ten participating candidates, five independents and five from political parties, won the 51% of votes necessary to win the election outright. This outcome triggered a run-off election between the top two vote winners, a candidate from President Sirleaf's Unity Party and one from the Congress for Democratic Change (CDC), the largest opposition party. The CDC candidate emerged as the victor during the run-off, garnering 56% of votes cast against 46% for the UP candidate. Although the election reportedly featured a low voter turn-out (20% during the first round and 22.4% during the run-off), nearly half of Liberia's electorate was eligible to participate in it, given that Montserrado is the urban county surrounding Monrovia, where about half of Liberia's population lives. As a result, the election was viewed as a dry-run of the ability National Elections Commission (NEC) to conduct a large election ahead of national elections in 2011.

²⁸ For an assessment of these and subsequent USAID-administered elections and participatory democracy-strengthening work, see USAID/Liberia, *Liberia Elections and Political Processes Program Evaluation, Final Report*, November 2008.

²⁹ NEC, Statement by Hon. James M. Fromayan, Chairman of the National Elections Commission (NEC) on the Occasion of the Announcement of the Final Results of the Montserrado County Senatorial By-election Run-Off, November 26, 2009; IFES-Liberia, "Briefing Note on Liberia's Successful Senatorial By-election," December 4, 2009; and IFES, "IFES Returns to Work with Liberia's National Elections Commission," October 7, 2009.

According to IFES, an electoral capacity-building non-governmental organization that is working with the NEC, the "process was seen as void of fraud and recognized as free, fair and transparent." IFES also reported that conduct of the "first round saw some logistical and operational challenges," but "the second round was vastly improved," and the NEC's performance was widely lauded by local election stakeholders and international observers. IFES is providing technical and financial support to the NEC under a five-year U.S. Agency for International Development (USAID)-supported project called *Building Sustainable Election Management in Liberia*. IFES supported the Montserrado by-election by providing the NEC with election administration materials and technical assistance.³⁰

Sirleaf Government

Policy Agenda

President Sirleaf took office on January 16, 2006 and shortly thereafter nominated a cabinet seen as dominated by technocrats, professionals, and former opposition or policy activists. In her inaugural address, she laid out a detailed governance agenda, and launched her tenure with a series of actions to counter corruption. Sirleaf highlighted what she pledged would be "a new era of democracy" defined by political inclusion and toleration, non-violence, and safeguarding and promotion of constitutional and civil liberties and rights. She stressed the need for national reconciliation as an "urgent" and "compelling" task facing her administration. During the first 150 days of her tenure, in coordination with donors, her government also pursued diverse rapid impact projects aimed at showing "quick and visible progress." These were grouped under four (initially five) "major pillars": Security; Economic Revitalization; Basic Services and Infrastructure; and Good Governance. The same pillars continue to define her administration's medium to long term development efforts. These are spearheaded by an entity called the Liberia Reconstruction and Development Committee (LRDC), which is composed of four working committees, each of which supports a separate "pillar."

Economic Renewal

Sirleaf is pursuing an economic agenda emphasizing the creation of an investment-friendly climate; the exploitation of Liberia's rich natural resources; land tenure reform focused on increasing agricultural production; job creation, notably for youths; and expanded economic and social infrastructure rehabilitation, particularly in historically economically marginalized areas. The Sirleaf administration has consistently emphasized the importance of laying the groundwork for sustained economic growth and job creation. The latter is viewed as key by many observers, both because formal sector unemployment rates are reportedly as high because unemployment is a potential source of instability.³¹ The economic and educational disenfranchisement of Liberia's

³⁰ IFES's \$17.5 million project, which runs through 2014, seeks to support the NEC's elections administration capabilities and will support its activities as they relate to the 2011 general election, a planned constitutional referendum, local elections, and any by-elections. Key activities center on boundary delimitation, voter registration processes, civic and voter education, notably at the community level, and making the NEC's capacity to undertake its mandate autonomously in the absence of donor assistance, notably through the provision of technical assistance and training. IFES, *Building Sustainable Elections Management in Liberia*, n.d. (current as of late April 2010).

³¹ Post-war unemployment was often cited in U.N. documents and reports by diverse private research organizations as standing between 80% and 85%. In late 2007, President Sirleaf stated that previous reports that the unemployment rate (continued...)

large youth population is viewed as having fueled Liberia's armed conflicts, and joblessness is a continuing source of popular dissatisfaction. In mid-2007, the United Nations reported that the majority of ex-combatants remained unemployed and that thousands had regrouped in order to illegally exploit diamonds, gold, and plantation-grown rubber.

Governance

Sirleaf has vowed to take forceful action against corruption, including by requiring all key officials to declare their assets and follow a national code of conduct. She strongly endorsed and promised to "enforce" the Governance and Economic Management Program (GEMAP, discussed below) to deal with "serious economic and financial management deficiencies" and pursue an "integrated capacity building initiative." She also vowed to overhaul the "seriously bloated" the civil service, while noting that civil servant pay was poor and in arrears.³² She promised to institutionalize a meritocratic, performance-based civil service system.

Foreign Policy

Sirleaf declared economic private sector-focused regional integration and security cooperation to be her guiding foreign policy goal. She vowed to maintain strong international bilateral and multilateral partnerships. Notably, given recent regional history, she stated that "no inch of Liberian soil will be used to conspire to perpetrate aggression" against neighboring countries.³³ Her government has also shown itself to be open to new foreign ties. Liberia now has diplomatic relations with Cuba and it established bilateral relations with China in late 2003, after the departure from power of President Taylor, who had maintained relations with Taiwan.³⁴

Women

Paying homage to what she said were the special efforts of women in securing her election and the peace that made it possible—even in the face of war-related "inhumanity," "terror," military conscription, forced labor, and rape—Sirleaf vowed in her inaugural address to "empower Liberian women in all areas." She pledged to strengthen laws and law enforcement to protect women against rape, support the education of children, notably of girls, and to provide programs to enable women to play a key role in the economic revitalization process.³⁵ Sirleaf has nominated women to head multiple key ministries and public agencies.

(...continued)

stood at 85% were exaggerated. A 2007 study funded by the U.S. Agency for International Development (USAID), several U.N. donors, and the Liberian government and undertaken by several Liberian government agencies with technical assistance from Macro International Inc. reported a national unemployment rate of 26.5%, 34.2% for women and 18.8% for men. See *Liberia Demographic and Health Survey 2007*, June 2008.

³² President Sirleaf, *Inaugural Address of H.E. Ellen Johnson Sirleaf*, January 16, 2006.

³³ President Sirleaf, *Inaugural Address*, *op cit*.

³⁴ On China's diplomatic rivalry with Taiwan, see CRS Report RL33510, *Taiwan: Overall Developments and Policy Issues in the 109th Congress*.

³⁵ President Sirleaf, *Inaugural Address*, *op cit*. According to UNMIL media summaries, local Liberian media reported that a Liberian women's group demanded the establishment of a special expedited rape cases court during a late June 2006 public demonstration. See also Katharine Houreld, "Liberia's Women Fight Back," *Mail & Guardian*, June 2, 2006.

Corruption

Upon taking office, Sirleaf announced an audit of the previous transitional government and dismissed all transitional government political appointees. She also laid off the entire staff of the Finance Ministry, pending a screening of employees' qualifications and level of probity. In February 2006, she revoked all existing timber concession contracts, which had been widely criticized for being let in a corrupt fashion and for being executed in an environmentally unsustainable manner. This action provided the basis, in part, for the U.N. Security Council's June 2006 lifting of a ban on Liberian timber exports. Sirleaf later initiated reviews of other contracts and concession deals granted by the transitional government. In early June 2006, she fired three sub-cabinet level officials and several mid-level civil servants accused of corruption. Her administration has also publicly released audit reports of several state agencies.

Performance

In mid-April 2006, in a document entitled *150 Day Action Plan: A Working Document for a New Liberia*, the Sirleaf administration laid out a detailed status report on short-term, quick impact policy and project implementation efforts and achievements to date.³⁶ The document, which was aimed both at increasing government transparency and proving her administration's adherence to Sirleaf's campaign and inaugural pledges, demonstrated that most of her plans were being implemented in a timely manner. The Executive Mansion, the equivalent of the U.S. White House, also releases similar documents pertaining to ongoing LRDC activities. Sirleaf has faced challenges in meeting high voter expectations, for instance, in relation to her election promise to provide public electricity in Monrovia within six months of being elected, despite the complexity and great cost of that an undertaking. Many voters appeared to have given the new government a honeymoon period, although expectations remained high following what many saw as disappointing performance by the transitional government. The public remains eager to see rapid job growth and rapid improvements in social services and the construction of physical infrastructure, particularly in support of education, healthcare, and transportation.

In various public comments, Sirleaf has assured Liberians that her government is successfully continuing to build the groundwork for sustained growth, but has counseled Liberians to be patient, since many ongoing investments in infrastructure, basic services capacity building and foreign investment business projects will take time to generate jobs and incomes. Several road building projects are currently underway and the government is examining options for large-scale electricity generation and long-distance power transmission. Despite the fact such projects, which are largely donor-financed, may not generate general economic growth for some time, Liberia's economy is growing rapidly. In December 2007, the Economist Intelligence Unit (EIU) reported estimates and projections showing a sharp jump in Liberia's gross domestic product, from 5.3% in 2005, to 7.8% in 2006, to 8.5% in 2007, with rates of 9.5% and 11% projected for 2008 and 2009, respectively.³⁷ In March 2008, Liberia is expected to publish a Poverty Reduction Strategy Paper (PRSP), which expected to guide economic policy and provide the basis an agreement with the International Monetary Fund (IMF) for a credit and technical assistance program for 2008-10,

³⁶ Available online from PeaceAfrica, a project of the AllAfrica Foundation. See <http://allafrica.com/peaceafrica/resources/view/00010785.pdf>.

³⁷ EIU, *Country Report/Liberia*, December 2007.

as well as ongoing cooperation with the World Bank. Liberia is also in the process of awarding offshore oil exploration contracts.

President Sirleaf has also been an active participant in African Union activities, sometimes taking stances at odds with other African leaders — e.g., overtly criticizing the June 2008 elections in Zimbabwe as “not credible” and urging the AU to “declare the results unacceptable” — as well as those of ECOWAS and the Mano River Union (MRU).³⁸ She has been particularly involved in efforts to strengthen the MRU and in efforts to resolve the political crisis in neighboring Guinea.³⁹

Sirleaf Administration: Criticisms and Challenges

The general public largely gave Sirleaf a political honeymoon in her first years in office, but she has since been the target of some criticism, both of a routine political nature by opposition parties (including Taylor supporters upset by his SCSL trial) and by some human rights and transparency policy advocates. Although many Liberians and international human rights advocates have praised Sirleaf’s strongly stated support for such rights and the rule of law, some criticized her nomination of Kabinah Janneh as a Supreme Court Justice, who was later confirmed in the post.⁴⁰ Her administration had also been criticized for not creating an Independent National Commission for Human Rights (INCHR), an institution called for under the 2003 peace agreement. In June 2009, however, the president ratified an amended act passed by the legislature in May 2009, and in mid-August 2009 forwarded to the Senate seven INCHR nominees. Criticism has since shifted to the Senate for failing to confirm the nominees.⁴¹

In 2006, there were several reports of assaults or harassment of journalists by members of the Special Security Service (SSS), a Liberian executive branch security agency, and by regular police. In response, the Press Union of Liberia (PUL) threatened to launch a “news black-out” of coverage of the government. President Sirleaf reportedly responded to the allegations by stating that “those who violate the rights of the Liberian people or journalists for that matter will be dealt with and punished appropriately” and that her “government will not tolerate violation of the rights of people, including journalists.”⁴² Information Minister Johnny McClain also met with the PUL and reemphasized that the Sirleaf administration “is committed to press freedom and that there is

³⁸ Liberian Government, “Liberia: President Sirleaf Urges African Union to Denounce Zimbabwe Election Results,” July 2, 2008. The MRU is a sub-regional body, originally an economic development entity that later became a forum for political crisis interventions and dialogue, made up of Liberia, Sierra Leone, and Guinea, which Cote d’Ivoire agreed to join in 2008 during a visit by President Johnson-Sirleaf.

³⁹ On Guinea, see CRS Report R41200, *Guinea’s New Transitional Government: Emerging Issues for U.S. Policy*, by Alexis Arieff and CRS Report R40703, *Guinea: Background and Relations with the United States*, by Alexis Arieff and Nicolas Cook.

⁴⁰ Janneh was the transitional government’s justice minister and is a former leading member of the LURD rebel group. Critics see Janneh as responsible, in part, for violence committed by LURD fighters against civilians during the Liberian war and view his nomination as counter to the goals and spirit of the TRC. Michael Kpayili, “Liberia: Liberian Senate Confirms Kabinah Jan’eh As Associate Supreme Court Justice,” *The Liberian Times*, May 9, 2006.

⁴¹ The Analyst, “Gov’t Reconstitutes Human Rights Commission,” August 18, 2009; Executive Mansion, “Commissioners of Independent Human Rights Commission Named,” August 18, 2009; and International Center for Transitional Justice (ICTJ), “Liberia: Delay of Human Rights Commission Undermines Human Rights and Accountability,” February 19, 2010.

⁴² *The Analyst* (Monrovia), “Liberia: President Promises to Probe Manhandling of Journalists,” June 19, 2006.

a standing policy of respect and cordiality toward the press.”⁴³ The international press rights advocacy organization Committee to Protect Journalists (CPJ) stated in an open letter to President Sirleaf that it was “troubled” by the alleged attacks on the press and that “despite an Information Ministry statement [...] affirming the government’s commitment to press freedom, there has been no evidence of an investigation into these incidents nor any public effort to punish those responsible.” The CPJ also stated in an open letter to President Sirleaf that

While there is no evidence that these incidents are the result of government policy, your administration has a responsibility to restrain security forces from attacking or harassing journalists who are trying to do their jobs. As an organization of journalists dedicated to defending the rights of our colleagues worldwide, CPJ respectfully urges you to make good on your pledges to uphold press freedom by ensuring a prompt and transparent investigation into these cases.⁴⁴

Some critics have alleged that the Sirleaf government, like its predecessors, is corrupt, but the Sirleaf Administration rejects such accusations, citing its record of anti-corruption actions.⁴⁵ Given the historically embedded presence of public sector corruption in Liberia, the government’s approach to addressing the problem combines a continuing series of law enforcement actions, institutional reforms, and education and training programs. It may, however, face difficulties in prosecuting indictments, given the limited capacity of Liberia. Another challenge is to ensure that it pursues enforcement actions in a professional and apolitical manner, as recent Liberian history has been marked by the use of corruption prosecutions as a tool for achieving political retribution.

The Liberian government under the Sirleaf Administration has recorded a number of successes in fighting corruption, but it remains a key, abiding challenge. In late August 2008, President Sirleaf signed into law a bill establishing a Liberia Anti-Corruption Commission (LACC). In September 2008, she appointed as its chair Frances Johnson Morris, a former minister of Justice and Commerce and the former head of the National Elections Commission, and a Sirleaf relative.⁴⁶ Her Administration has also highlighted apparent progress in fighting corruption, for instance by citing the country’s rapid positive progress as measured by the World Bank Institute’s *Worldwide Governance Indicators*.⁴⁷ The government also strongly supported the Governance and Economic Management Assistance Program (GEMAP) and the Liberia Extractive Industries Transparency Initiative (LEITI), both discussed below. A government Public Procurement and Concessions Commission (PPCC) is also pursuing a range of efforts to ensure transparency and accountability in government purchases and contracts.

⁴³ James Butty, “Liberian Media Reports Government Harassment of Press,” VOA, June 16, 2006; CPJ, “Liberia: Journalist Assaulted by Security Forces,” May 24, 2006; and CPJ, “Liberia: Sports Editor Assaulted,” March 10, 2006, among others.

⁴⁴ Ann Cooper, Exec. Dir, “Liberia: CPJ Urges President to Probe Attacks on Press [open letter],” CPJ, June 16, 2006.

⁴⁵ See Tristan McConnell, “Persistent Corruption Threatens Liberian stability,” *Christian Science Monitor*, September 25, 2008; and FrontpageAfrica.com, “Liberian Govt. Responds to ‘Persistent Corruption Threatens Stability’,” January 10, 2008 [response to McConnell article published on third party website by Dr. Laurence Bropleh, Minister of Information, Culture & Tourism and Chief Spokesperson].

⁴⁶ *The Inquirer* (Monrovia), “Liberia: Ellen Signs Anti-Corruption Act, Commissions Several Officials,” via AllAfrica.com, August 26, 2008; Nana Adu Ampofo, “Liberian President Signs Anti-Corruption Commission Act into Law,” *Global Insight Daily Analysis*, August 27, 2008; Africa Confidential, Liberia: A Second Term for Sirleaf, May 14, 2010; and Liberian Presidency, “Cllr. Frances Johnson Morris Appointed Head of Anti-Corruption Commission,” September 1, 2008.

⁴⁷ See “Liberia Shows Dramatic Improvement in Controlling Corruption,” document posted on Liberian presidential website, no date (likely circa mid-2008).

Despite such efforts, some Sirleaf Administration officials have periodically been accused of corruption. In September 2008, President Sirleaf appointed a special seven-member independent corruption commission, the so-called Dunn Commission, named after its chair, Dr. D. Elwood Dunn. It was charged with investigating allegations that certain current and former Sirleaf Administration officials had received contract renewal bribes from the U.S. head of the Liberian International Ship Corporate Registry (LISCR) aimed at preventing a competitive bid for the work, as well as allegations of other corrupt actions, in several cases associated with former Acting State and Presidential Affairs Minister, Willis Knuckles. The Administration also faced allegations that it had attempted to cover up the issue by bribing journalists not to report the story.⁴⁸ The Commission, which hired the James Mintz Group as an expert technical investigator, issued a public report of its findings in January 2009.⁴⁹

There have also been a series of other cases of apparent actual or alleged corruption involving top officials, in many cases uncovered by investigations by the independent General Auditing Commission (GAC). Led by Auditor-General, John Morlu, who has publicly criticized the Sirleaf Administration's record on corruption, the GAC has released reports indicating several million dollars worth of unaccounted spending within the Health, Education, Mines and Finance ministries.⁵⁰ Prominent cases involving key officials, among others, include:

- the suspension in October 2009, resignation in January 2010, and current prosecution of the former information minister, Lawrence Bropleh, over allegations of his involvement in a "ghost worker" fund diversion scheme;
- a procurement irregularities case that led to the February 2010 resignation of the then-internal affairs minister, Ambulai Johnson, Sirleaf's brother, and questions over the origins of his personal assets;
- the September 2009 dismissal of Harry Greaves, a former Sirleaf advisor, as managing director of the Liberian Petroleum Refinery Corporation (LPRC) over a case involving Greaves' alleged involvement in the allocation of a contract to a firm in exchange for compensation more than double as large as the estimated value of the contract by another bidder, and allegations of bribery pertaining to an ensuing investigation of the contract award;

⁴⁸ LISCR administers Liberia's widely used flag of convenience ship registry, which under the Taylor regime was alleged to have been a source of corruptly diverted funds. Prior to the allegations that led to the appointment of the Dunn Commission, the Sirleaf Administration had faced a sex scandal associated with the Acting State and Presidential Affairs Minister, Willis Knuckles, that was linked in the press to a corruption probe associated with the ouster of former Liberian House Speaker, Edwin Melvin Snowe (see below). See Nana Adu Ampofo, "President Appoints Special Corruption Commission in Liberia," *Global Insight Daily Analysis*, September 4, 2008; Liberian Presidency, "Executive Mansion Reacts to Purported Email Exchanges—Distances President Johnson Sirleaf," August 24, 2008; James Butty, "Under Pressure, Liberian Government Appoints Special Corruption Commission," VOA, September 3, 2008; and Ugochukwu Ejinkeonye, "The Willis Knuckles Saga," *SaharaReporters.Com*, March 7, 2007, among others.

⁴⁹ Its findings were complex, due to the alleged nature of the allegations. In some cases, it refuted the allegations, while in others it found partial or clear proof of wrong-doing. It found that there "were violations and breaches of Liberian laws and policies by some" government officials, private individuals, and private businesses investigated, but was not able to fully investigate all matters under its purview because some of its subjects refused to cooperate with the Commission. See *Report of the Ad-Hoc Independent Commission on the E-Mail Saga*, January 7, 2009; and Liberian presidency, "ECOWAS Summit on Guinea and Dunn Commission Report Take Center Stage at Press Conference," January 12, 2009.

⁵⁰ Africa Confidential, "Liberia: A Second Term for Sirleaf," May 14, 2010; and GAC, multiple documents available from GAC website, <http://www.gacliberia.com/>.

- the resignation in 2009 or removal of serving ministers, including Agriculture Minister Christopher Toe, Public Works Minister Luseni Donzo, and Justice Minister Philip Banks, in cases involving alleged fiscal mismanagement, administrative irregularities, or other matters, and there have been allegations of mismanagement and possible corruption regarding the administration of county development funds, of which, as a result, the presidency has taken control.⁵¹

Security Issues

Security Conditions

Liberia's security situation has improved markedly since August 2003. It is currently "generally stable, but fragile," and is subject to periodic volatility and localized instability.⁵² Public security and police authority are formally entrusted to the Liberia National Police (LNP), who are advised and supported by UNMIL civilian police (CIVPOL). LNP patrols in the capital reportedly increased in the latter half of 2009, leading to a marked decrease in armed robbery, but rates of some other serious crimes, including rape, notably of juvenile females, have remained high.⁵³

Despite increasing LNP capacity, the LNP continues to face serious challenges, and the public often perceives public security as being guaranteed by UNMIL CIVPOL, who earlier during UNMIL's deployment played more direct roles in ensuring that end. The LNP is reportedly making progress in building up its capabilities, but reportedly remains beset by operational deficits and absenteeism, has a limited presence and mobility in many rural areas, and some LNP members reportedly engage in acts of bribery. In addition, the capacity of the judicial sector remains limited, and public confidence in the judicial system is low; according to the State Department, the "Liberian public views the police and other formal justice institutions with fear, skepticism, and mistrust."⁵⁴ There have also been clashes between police, other security agency units, and Armed Forces of Liberia (AFL) and. Some AFL members have reportedly violently assaulted or robbed civilians. As a result of public mistrust in the capabilities and of the LNP, other security agencies, and the judicial sector, vigilantism and periodic mob violence present continuing problems.⁵⁵

A key post-war source of instability in Liberia, former fighters associated with various armed factions, was largely neutralized in the year after the August 2003 peace agreement was signed. More than 101,000 ex-combatants (22% women and 10.8% children), were demobilized under a disarmament program administered by UNMIL and the NTGL that ended in late 2004. Some

⁵¹ Africa Confidential, "Liberia: A Second Term for Sirleaf," May 14, 2010; Economist Intelligence Unit, Country Report Liberia, March 2010; Agence France Presse, "Liberia's Agriculture Minister Resigns Amid Caterpillar Crisis," April 5, 2009; and The Analyst, "Sirleaf Draws the Dagger," September 9, 2009.

⁵² S/2010/88, February 17, 2010.

⁵³ S/2008/88, February 17, 2010.

⁵⁴ State Department/International Narcotics and Law Enforcement Affairs Bureau, *Fiscal Year 2010 Program and Budget Guide*.

⁵⁵ S/2008/88, February 17, 2010; S/2009/640, December 11, 2009; State Department, *Liberia Country Specific Information* [Travel Information], August 10, 2009; and Magnus Jörgel and Mats Utas, *The Mano River Basin Area: Formal and Informal Security Providers in Liberia, Guinea and Sierra Leone*, Swedish Defence Research Agency, 2007.

demobilized fighters remain a periodic source of sometimes violent protest, mostly related to the status of generalized joblessness among ex-combatants and the demands of those who are owed reintegration job training and subsistence assistance. A small minority of ex-combatants have reportedly turned to crime, including armed robbery and the illegal exploitation of natural resources.⁵⁶

Public protests relating to severance and pension payments by former members of the Liberian military and members of security services not included in demobilization programs have generally subsided. Other public security threats include a wave of armed robbery in Monrovia, which the government is attempting to suppress, and periodic civil unrest related to socio-economic grievances, predominantly involving students, workers, civil servants, and jobless youth. Price increases for rice, fuel, and cement are also sources of public dissatisfaction. In her annual address to the legislature in January 2008, Sirleaf stated that she would temporarily suspend a \$2 tax on bags of rice, the Liberian staple food, pending consideration of a legislative tax reform proposal. Periodically, ritual-related killings by so-called "heartmen" provoke public safety fears and sometimes mob violence against alleged perpetrators.⁵⁷

Community-level property dispute conflicts have repeatedly occurred throughout Liberia, but notably in Nimba County in northern Liberia between members of the Gio/Mano and Mandingo ethnic groups. Contested claims over home and land occupancy and ownership rights are often at the center of such disputes, which sometimes take on ethnic dimensions. Such disputes often have origins in property occupations and appropriations that occurred as a result of war-time population displacements and movements. Lack of land rights documentation, property fraud, often involving state officials, and the absence of effective dispute resolution mechanisms have aggravated such problems. A Presidential Commission created to probe such disputes in Nimba County recommended that a process of community reconciliation and dispute resolution be pursued, and President Sirleaf ordered that contested properties in Nimba be returned to their legal owners. In addition, an act creating a national Land Commission charged with pursuing reforms in land tenure and ownership policy, laws, and administration, in part to resolve and prevent land conflicts, was signed into law in August 2009. The Commission, which was formed in late 2009 and became operational in early 2010, has a five-year mandate. It is receiving capacity-building assistance from the U.N. Human Settlements Program (UN-HABITAT).⁵⁸

⁵⁶ In mid-2009, the U.N. Secretary-General reported that "many of the 14,000 deactivated Armed Forces of Liberia soldiers also maintain viable command and control structures, which are utilized to organize recurrent, sometimes violent, demonstrations to challenge the legality of their deactivation or demand benefit arrears owed by the Government." S/2009/299, June 10, 2009.

⁵⁷ "Heartmen" is a Liberian English term for killers whose purpose is to remove various body organs for uses, including consumption, in traditional occult ceremonies that participants believe bestow supernatural powers, allowing beneficiaries to increase their personal wealth, power over others, and achieve other ends. Such practices, known as *gboyo* in southeast Liberia, have been reported to increase during times of armed conflict, notably in situations in which combatants have harvested organs from dead enemies in order to increase their chances of further military victory. Analogous occult practices occur in some other African countries. New Dawn, "More Arrest in 'Gbo-yo' Business," March 29, 2010; Christopher Melville, "Riots and Ritual Killings in South-Eastern Liberia Highlight Paradox of Improving Security," *WMRC Daily Analysis*, January 26, 2005; and Stephen Ellis, "Mystical Weapons: Some Evidence from the Liberian War," *Journal of Religion in Africa*, 31: 2, May, 2001, among others.

⁵⁸ Amos Sawyer, "Land Governance Challenges: The Case Of Liberia," World Bank presentation, n.d./circa 2008; and S/2009/640, December 11, 2009; Executive Mansion, "Special Land Commission Presents Report to Liberian President," May 24, 2009; The Analyst (Monrovia), "Liberia: Land Commission Act Approved," July 24, 2009; and UN-HABITAT, "A New Land Programme in Liberia, December 21, 2009.

Political parties who lost in Liberia's elections and the attendant realignment of Liberian political forces remain a potential source of instability or violent acts. The family of a witness in the SCSL trial of former president Charles Taylor (see "Taylor Trial" below), for instance, was reportedly targeted with death threats in early 2008. Prior to his capture, U.N. and U.S. officials and many Members of Congress had been concerned about persistent, credible reports that Taylor had periodically interfered in Liberian affairs from exile in Nigeria through a network of political, military, and business associates, which Taylor denied. These alleged actions were seen as destabilizing and threatening to the consolidation of peace (see section on Taylor below). There had been some speculation that former Taylor administration officials would make large gains in the 2005 elections and that he would be able to use them as proxies to influence the new government. There was no such general outcome, but several close Taylor associates were elected (see "2005 Post-War Elections," above). In July 2007, George Koukou, the transitional government house speaker, Charles Julu, a top military officer under former president Samuel Doe who was accused of wartime human rights abuses, and several associates were arrested and charged with treason for allegedly plotting the ouster of the Sirleaf government. They were acquitted, however, in May 2008.

Liberia remains under U.N. sanctions, which were first imposed to counter the Taylor regime's alleged regional destabilization efforts and other activities counter to international law and U.N. policy goals. Under the current sanctions, individuals associated with the Taylor regime's activities remain subject to a U.N. travel ban and, in some cases, asset freezes.⁵⁹ Liberia also remains subject to a partial arms embargo.⁶⁰ Bans on the export of Liberian timber and diamonds have been lifted. The threat to Liberia from instability in neighboring Côte d'Ivoire, which posed a significant external threat to the stability of Liberia and to sub-regional security for several years, according to United Nations reports, waned after the signing of a political accord in that country.⁶¹ Widespread violent general strikes in neighboring Guinea in early 2007 and political instability in Guinea in 2009, following a coup d'état in late 2008 after the death of then-President Lansana Conté, was also viewed as potential external threat to Liberia. The appointment of a new transitional government in Guinea following the signing of an early 2010 accord, however, appears to have substantially lessened any threat to Liberia.⁶²

Although there have been currently no specific publicly reported personal security threats against President Sirleaf, the United States provided her with a personal State Department Diplomatic Security team at the start of her tenure and supported training efforts for the Special Security Service, Liberia's presidential and VIP protection service; see below. An electrical fire in the Executive Mansion in July 2006 during a visit by neighboring heads of state highlighted Liberia's

⁵⁹ These sanctions were first imposed under U.N. Security Council Resolution 1521 (2003), which prohibited trade in arms and diamonds with Liberia, and the travel of certain designated individuals, mostly members or associates of the Taylor regime. Some of the listed individuals are also subject to financial asset freezes mandated by U.N. Security Council Resolution 1532 (2004).

⁶⁰ Liberia remains under an arms embargo, with an exception for government purposes, although all arms transfers to the government must occur under a Security Council notification and control regime; see Resolution 1903 (S/RES/1903, December 17, 2009). When the war ended in 2003, Liberia was subject to a general arms embargo, but the Security Council gradually amended it to allow certain vetted and trained police and security forces to be trained and armed, and for military training purposes. UNMIL regularly inspects government security force weapons armories; see S/2009/290, June 5, 2009.

⁶¹ The accord is the Ouagadougou Political Agreement of March 2007, which lays out political and military disarmament processes leading to elections, which have repeatedly been delayed.

⁶² For further information, see CRS Report R40703, *Guinea: Background and Relations with the United States*, by Alexis Arieff and Nicolas Cook.

general lack of emergency services. Firefighters from UNMIL, the Firestone rubber company, and the international airport, the latter two based about 45 minutes out of the capital, were called in to fight the blaze, since National Fire Service largely lacks the capacity to respond to fires in the capital. That lack of capacity was again illustrated in August 2006, when the U.S. Navy's *Apache*, an ocean tug boat, helped to extinguish a fire on a commercial freighter in the Port of Monrovia, and later rescued a fishing crew at sea. The *Apache* crew was in Monrovia to conduct repairs on the city's main commercial pier and survey the harbor. Following the *Apache*'s departure from Liberia, marine safety experts from the International Maritime Organization (IMO) undertook an assessment of Liberia's search and rescue capabilities.⁶³

Rubber Sector Reform

Rubber has traditionally been a key source of state export revenues and employment in Liberia. The presence, however, of ex-combatants on several rubber plantations, some armed, undermined the industry's post-war redevelopment. In the years after the 2003 peace agreement, rubber workers and local residents near plantations reported that former fighters robbed them and coerced them into selling rubber latex at sub-market prices, in the process earning revenues that were reportedly not taxed.⁶⁴ Ex-combatant control of plantations also reportedly resulted in unsustainable harvesting practices, various human rights abuses, and environmental degradation.

To address this situation, in 2006 the government and armed UNMIL troops took possession of Gutherie, a major rubber tree plantation in western Liberia, from former LURD ex-combatants who had squatted on it, tapping rubber and in some cases controlling local rubber sales. Gutherie was reportedly the site of forced child labor and diverse violent crimes against persons. The repossession was one of the objectives of a joint government-U.N. task force created to make the rubber industry transparent, environmentally sound and sustainable, subject to state governance and regulation, and a source of legal jobs — including for the ex-combatants from whom control of Gutherie was seized. UNMIL plans called for a similar seizure of another key ex-combatant-occupied rubber plantation in the southeast county of Sinoe, though ex-combatants at the plantation reportedly met with local officials and agreed to vacate the site peacefully.⁶⁵ In May 2006, the UNMIL Human Rights and Protection Section (HRPS) studied Liberia's rubber sector and published a series of key findings and recommendations pertaining to the sector.⁶⁶ Issues that it examined included human rights concerns pertaining to the industry; post-conflict business practices and corruption; the status of and role of commercial rubber concession and management agreements; worker, child, and community rights; implications of plantation agriculture and sectoral industrial practices for the environment; and the rule of law within the rubber sector, including issues relating to ex-combatant occupation of plantations.

⁶³ Navy News Stand, "Navy Tug Fights Fire Aboard Freighter in Liberia," August 11, 2006 and "Navy Tug Rescues Liberian Fishermen," August 16, 2006; U.S. Embassy-Monrovia, "U.S. Navy Tug Begins Repair Work in Liberian Harbor," August 10, 2006; and Karfa Jamanka, "Maritime Receives Assessment Team," *The Inquirer*, September 22, 2006.

⁶⁴ Marcus Malayea, "Gunmen Seize Cocopa, Claim Right of Inheritance," *The Analyst*, August 18, 2006, among others.

⁶⁵ Executive Mansion, "Liberian Leader Concludes Visit to Sinoe," May 5, 2009; Rebecca Murray, "Liberia: Wild West - the Sinoe Rubber Plantation," Inter Press Service, April 8, 2009; IRIN, "Liberia: Gov't Reclaims Rubber Plantation from Former Fighters," August 16, 2006; Alphonso Toweh, "Liberia takes rubber estate back from ex-rebels," Reuters, August 15, 2006; IRIN, "Liberia: UN Vows to Repossess another Troubled Rubber Plantation," 23 August 23, 2006; and D. Sonpon Weah II, "Ex-Combatants at SRC Ready to Leave," *The Analyst*, September, 27, 2006.

⁶⁶ UNMIL, *Human Rights in Liberia's Rubber Plantations: Tapping into the Future*, May 2006.

While the normal peacetime functioning of the rubber sector has largely resumed and the sector has been brought under state regulatory control, in February 2010 UNMIL reported that

The situation in and around Liberia's rubber plantations continued to be of concern. Labour disputes, including over salary and severance payments, prompted demonstrations at the Guthrie and Cavalla plantations, with the conflict over control of rubber at Sinoe Plantation continuing to be a major security concern.⁶⁷

In addition, in November 2009 the president and general manager of a large-scale rubber plantation and rubber processing firm, who also served as the chairman of Liberia's national Public Procurement and Concession Commission was murdered, "allegedly by disgruntled workers" near the firm's work site.⁶⁸

Security Sector Reform

New Military Created

With U.S. assistance, Liberia has created a new military made up of approximately 2,000 initial recruits.⁶⁹ The force is commanded, on an interim basis, by officers from other countries in West Africa, including Nigeria, Ghana, and Benin.⁷⁰ The recruit pool was drawn from across Liberia and includes members from diverse ethnic groups to ensure ethno-regional balance. A goal that 20% of the total force be female was not met; less than 5% of the force is female.⁷¹ Selection of volunteer enlistees, for purposes of screening out human rights abusers, began in early 2006, and less than 20% of applicants were accepted. Prospective recruits underwent a vetting process administered by U.S. contractors that included reviews of selectees' records by personnel from the U.S. embassy, UNMIL, and other donor governments, and Liberian civil society and government representatives.⁷² As of late January 2009, recruiting of 2,057 personnel had been

⁶⁷ S/2010/88, February 17, 2010.

⁶⁸ S/2010/88, February 17, 2010. Nine indicted grand jury defendants went on trial for the murder in February 2010. Marcus Zoleh, "Liberia: Keith Jubah Murder Trial to Resume Tomorrow," *The Informer* (Monrovia), February 16, 2010, *inter alia*.

⁶⁹ The size of the force reflects a compromise between the need to build a force that can be sustainably funded over the long-term, taking into account Liberia's high rate of poverty and relatively small national budget; field a force capable of defending against possible regional threats; start with a relatively moderately-sized force and potentially gradually enlarge it in response to emergent need; and create a force over which civilian control can be maintained, in part by limiting its size and rate of growth.

⁷⁰ In mid-February 2006, President Sirleaf, stating that "our country currently lacks the technical and tactical capacities and proficiency to provide for its own defense and national security," appointed Major-General Luka Yusuf, a Nigerian UNMIL officer, to be Liberia's military Chief of Staff heading the rebuilding of the armed forces. He was later replaced by another Nigerian, General Suraj Abdurrahman. The appointment of a Nigerian head of the army drew criticism from former Liberian military elements, who called it unconstitutional and an insult to Liberia's national pride. See *Agence France-Presse*, "Liberian Leader Names Nigerian to Head Military," February 13, 2006 and Alphonso Toweh, "Liberia Leader Gets Flak for Hiring Nigeria General," Reuters, February 14, 2006.

⁷¹ Female recruitment reportedly faced substantial cultural and gender biases against the participation of women in the military. Jonathan Paye-Layleh, "Liberia Begins Recruiting Women Soldiers," Associated Press, June 5, 2006; International Crisis Group (ICG), *Liberia: Uneven Progress in Security Sector Reform*, January 13, 2009; and Mark Malan, *Security Sector Reform In Liberia: Mixed Results From Humble Beginnings*, U.S. Army Strategic Studies Institute, March 2008.

⁷² CRS field visit, 2006; Dorina Bekoe and Christina Parajon, "Security Sector Reform in Liberia: Domestic Considerations and the Way Forward," Center for Conflict Analysis and Prevention/USIP, April 2007; and *The* (continued...)

completed, and basic training for all elements was completed in late 2009.⁷³ As of mid-August 2008, 45 recruits had been commissioned as officers.⁷⁴ Despite having received commissions and training, in mid-2008, UNMIL officials viewed the “command effectiveness” of the officer corps as limited and in need of further development. Military restructuring was initially hindered by a need to demobilize and verify the severance pay eligibility of over 13,000 irregular forces and Armed Forces of Liberia (AFL) soldiers. Funds for this purpose were initially scarce, but all irregular and regular forces were demobilized.⁷⁵

U.S. assistance for these post-war military security sector reform (SSR) activities was administered by the State Department and carried out primarily by the defense services contractors DynCorp International and Pacific Architects and Engineers (PAE). DynCorp was charged with helping to vet, recruit, and provide basic training and equipment for the new force. It also refurbished and provided operations and maintenance services for two AFL bases, Camp Sandee Ware (formerly known as VOA Camp) and Barclay Training Center (BTC), and provided O&M for the two bases.⁷⁶ PAE provided construction services and specialty training, equipment, logistics, and base services.

State Department expenditures for U.S. assistance for military SSR and the training of the reconstituted post-war AFL are estimated at \$240.56 million through the end of FY 2009, when the bulk of new AFL training had been completed. Part of this funding supported base reconstruction and operations and maintenance. Additional funding for these and related purposes may be provided in FY 2010 and FY 2011, respectively; \$5.2 million had been obligated as of early FY 2010 (see below). FMF and IMET Defense Security Cooperation Agency (DSCA)-administered assistance programs for Liberia, which are not formally a component of U.S. military reform/restructuring assistance programs, have bolstered and complemented these efforts.

U.S. assistance for military restructuring was also accompanied by efforts to help Liberia build the capacity of its Ministry of Defense (MOD) and establish a defense policy framework, although lapses in funding for this effort reportedly resulted in mixed results and a loss of

(...continued)

Inquirer (Monrovia), “Liberia: Public Vetting for Army Recruits Begins Monday,” June 23, 2006. For more detailed information on recruitment and vetting, see ICG, *Liberia: Uneven Progress*.

⁷³ S/2010/88, February 17, 2010; and President Sirleaf, annual message to the legislature, January 26, 2009.

⁷⁴ A number of officers and other personnel underwent training at Nigeria’s Command Army Staff College. The United States, China, and Germany, among other donor governments, have also provided specialist training to some personnel. See S/2008/553, August 15, 2008; and S/2008/183, March 19, 2008.

⁷⁵ Total demobilization costs totaled approximately \$15 million, and the process was the subject of some local controversy. In late April 2006, 400-500 former AFL soldiers claiming nonpayment of salary arrears and retirement benefits conducted a violent protest outside the defense ministry and clashed with UNMIL peacekeepers sent to contain the unrest. Some of these soldiers reportedly later received some back pay, although some arrears remain. “President Authorizes Defense Ministry to Pay Salary Arrears to Former Soldiers,” UNMIL media summary citing ELBS Radio and Star Radio, June 14, 2006; USIP, “A Discussion with Liberia’s Defense Minister, Brownie J. Samukai, Jr.,” May 11, 2007; Executive Mansion, “Leadership of Demobilized AFL Soldiers Assure President Sirleaf of Unwavering Support,” February 24, 2010; periodic U.N. reports on the progress of UNMIL and developments in post-war Liberia; and State Department information (email communication April 2, 2010).

⁷⁶ Camp Sandee Ware was formerly known as VOA Camp, named for a nearby former Voice of America and U.S. government communications transmission tower, now scrapped. Sorbor George, “VOA Military Camp renamed ‘Camp Sandee Ware,’” Star Radio, July 22, 2007.

capacity-building opportunities.⁷⁷ Two results of these efforts were the approval of a new Liberian national security strategy in January 2008 and the passage in August 2008 of a new national defense act.

Defense Sector Reform and the AFL: Current Issues and Challenges

In early 2010, U.S. assistance for defense sector reform, which is in general facilitated by the existence of a U.S.-Liberia military cooperation agreement, entered a new phase.⁷⁸ Initial training of the founding units of the new AFL ended in December 2009, by when the force had achieved operational status and undergone an Army Readiness Training Evaluation Program (ARTEP). The Liberian MOD assumed full formal control of the newly trained force in early 2010.⁷⁹ U.S. support to the new AFL has shifted from a program of contractor-based basic training and capacity building to one centering on military-to-military mentoring and advice, bolstered by some continuing assistance in support of AFL base operations and maintenance (O&M) and certain other functions. DynCorp International has been contracted to provide \$5.2 million worth of support for electrical power generation, water supply, waste disposal, and vehicle maintenance at two AFL bases during the first half of 2010.⁸⁰ The Army Corps of Engineers also tentatively plans to fund the “design, construction, upgrade and revitalization of several arms storage and ammunition storage facilities” at AFL bases.⁸¹ UNMIL troops are also pursuing joint training with specialized AFL units, e.g., engineering, military police, and signal and headquarters staff.⁸²

⁷⁷ According to one observer, at one point, due to “U.S. Government funding shortfalls, the MOD Reform program was terminated following completion of civil servant training but prior to the implementation of a planned five-month mentoring and ‘on the job’ training phase. Consequently, new civil servants had no source of advice or assistance as they assumed their official duties in the newly restructured Ministry of National Defense. The failure to follow through with the mentoring component of MOD Reform missed a valuable opportunity to shape the operation of the new MOD as an institution.” See Thomas Dempsey, “Security Sector Reform in Liberia Part I: An Assessment of Defense Reform,” *Perspectives on Peace & Stability Operations* (Issue Paper No. 2008), Peacekeeping and Stability Operations Institute, U.S. Army War College, July 1, 2008. Liberian defense officials were sometimes critical about the manner in which U.S. SSR resources were used by contractors, notably with regard to subcontracting issues, and sometimes complained of a lack of information or consultation regarding assistance-related communications between U.S. SSR contractors and U.S. embassy officials in Monrovia. USIP, “A Discussion with Liberia’s Defense Minister...”; Jake Sherman, *Strengthening Security Sector Governance in West Africa*, Center on International Cooperation, New York University, March 2009; Charles Crawford, “Samukai Destests Awarding of Feeding Contract of New Army to Foreigners,” *The Inquirer*, August 22, 2006; *The Inquirer*, “Delay Over Army Training?,” January 29, 2007; Michael M. Phillips, “In Liberia, an Army Unsullied by Past,” *Wall Street Journal*, August 14, 2007; and *The Inquirer*, “Who’s Responsible for Soldiers’ Outburst,” April 14, 2008.

⁷⁸ The document signed is an Acquisition and Cross-Servicing Agreement (ACSA), one of at least 90 worldwide, which permits “the exchange of logistics, support, supplies and services,” between the United States and Liberia. U.S. EUCOM, “U.S.-Liberia Agreement Meant to Ease Acquisition Process,” Press Release, April 24, 2007.

⁷⁹ S/2010/88, February 17, 2010; and *The Analyst*, “Liberia: From the Cold - AFL Marches Gallantly,” February 12, 2010.

⁸⁰ The work is being undertaken under a five-year, State Department PKO account-funded indefinite delivery/indefinite quantity (IDIQ) defense services, support, and capacity-building contract called the Africa Peacekeeping Program (AFRICAP). Awardees under AFRICAP include DynCorp International, PAE Government Services, AECOM, and Protection Strategies Incorporated. See Business Wire, “DynCorp International Wins \$20 Million AFRICAP Task Order in Liberia,” January 28, 2010; and documents pertaining to State Department Africa Peacekeeping Program contract solicitation SAQMMMA08R0237 (“AFRICAP Recompete”) available from the Federal Business Opportunities (FBO) website, <https://www.fbo.gov>.

⁸¹ The projected contract for this work would be worth between \$.25 million and \$.5 million. See Army Corps of Engineers, Ammunition/Arms Facility Design and Upgrade Liberia, Africa LI-B-HAB [Pre-Solicitation Synopsis], solicitation number W912GB10-R0029, March 11, 2010, available from the FBO website.

⁸² S/2010/88, February 17, 2010; and S/2009/411, August 10, 2009.

The mentoring mission, supported with State Department Foreign Military Financing (FMF) funding under a program dubbed Defense Sector Reform (DSR) Phase I, began in early 2010 and is slated to run for five years. It is being undertaken by a Marine-led team of approximately 60 U.S. Africa Command military personnel drawn predominantly from the Marines but also incorporating members of other services. Their collective deployment and activities are known as Operation Onward Liberty. Activities under the DSR program are vetted and authorized by the U.S. Ambassador to Liberia, Linda Thomas-Greenfield, although day-to-day work is undertaken by the designated AFRICOM officer in charge (a Marine Forces Africa [MARFOAF] officer), who reports to AFRICOM and the Ambassador via the embassy-based DoD Office of Security Cooperation (OSC). The objective of Operation Onward Liberty is to help the Liberian government “build a professional military that is apolitical, subordinate to civilian leadership, and respectful of human rights.”⁸³ Team members will advise AFL units at various command levels as they pursue continued locally-led training, particularly at the unit level. Such continuing training is viewed as a critical follow-up to previous basic training; according to the UNSG, “it is assessed that the Armed Forces of Liberia will not be independently operational before 2012, given that the Force’s officer corps needs significant additional experience before it is able to take command.”⁸⁴

The DSR program is to be complemented by a program of assistance by the Defense Department’s Defense Institution Reform Initiative (DIRI) that is slated to focus on improving the capacity of the MOD and Liberia’s defense policy structure.⁸⁵ The DIRI Liberia program is currently being formulated. An initial consultative DIRI team visit to Liberia (part of what DIRI terms its “Requirements Determination”) took place in September 2009 and a follow-up program assessment and implementation visit (part of a DIRI “Program Development” process) followed in March 2010. The Liberian MOD has established a Liberian working group to collaborate with the U.S. DIRI team, which DIRI officials interpret as indicating “strong Liberian interest in, and ownership of, the project.” A key initial area of planned activity is work to finalize National Defense Strategy (NDS), integrating inter-agency and AFL inputs, “that would empower the Ministry to effectively develop policy, budgets, and resource management plans, and manage logistics, personnel issues, and public relations.” A further U.S. DIRI team was slated to take place in mid-April and at six-week intervals thereafter. A longer-term program roadmap, with associated benchmarks, will also be designed and implemented. These activities will be assessed every 12-18 months.⁸⁶

While the United States is currently continuing to provide operations and maintenance support to the AFL, as defense sector capacity-building proceeds, the long-term success and sustainability of

⁸³ The U.S. mentoring team is complemented by a United Kingdom Ministry of Defense-level advisor. Lydia M. Davey, “ONWARD LIBERTY Provides U.S. Mentors to Armed Forces of Liberia,” Marine Forces Africa press release, February 24, 2010; and AFRICOM, *US Africa Command Contribution to Defense Sector Reform in Liberia*, January 15, 2010.

⁸⁴ The 2009/10 fiscal year national budget totaled \$371.9 million. S/2010/88, February 17, 2010.

⁸⁵ DIRI is a DoD-led program designed initiated in FY 2010 to help selected foreign governments to “develop accountable, professional, and transparent defense establishments that can manage, sustain, and employ their forces and the capabilities developed through U.S. security cooperation programs.” While DoD-led, it “supports broad USG security sector reform objectives and whole-of-government approaches. The program primarily supports activities related to defense policy and strategy formulation, and planning, budgeting and resource management; civilian and military defense sector human resource development and training; logistics and infrastructure capacity-building; civil-military relations; and interagency coordination. Defense Security Cooperation Agency (DSCA), *Fiscal Year 2011 Budget Estimates*, February 2010; and DoD/Office of the Secretary of Defense, *Defense Institution Reform Initiative Fact Sheet*, September 1, 2009.

⁸⁶ Information from DIRI Liberia Program officer current as of April 13, 2010.

the effort will increasingly rely on the ability of the Liberian government to adequately manage and fund the new AFL. Funding, in particular, may pose a significant challenge, given Liberia's modest annual national budget.⁸⁷ Defense Minister Brownie Samukai, Jr., however, has asserted that the government intends to keep the defense budget at a 9% or less share of the overall national budget, suggesting that the government is taking measures to ensure that defense reform is both adequately funded and fiscally sustainable.⁸⁸ Competing development and reconstruction priorities in the long-term, however, may decrease the availability of resources for the defense sector, particularly if advocates of increased social welfare expenditures successfully argue that non-defense investments are more likely to produce larger and more productive, tangible benefits for a larger number of Liberians than the defense sector.⁸⁹

While some may contend that Liberia can ill afford to unilaterally fund a national military, the need for continued AFL and MOD professionalization is widely viewed as crucial, for multiple reasons. Prominent among these is a core national defense rationale: Liberia lies within a sub-region that has experienced substantial political instability and cross-border armed conflict in recent decades, and must be able to defend its territorial integrity. Such investments are also seen as being necessitated by a need to prevent a recurrence of the politically destabilizing role that Liberia's military and state security forces have played in the past. Training and constitutionally-based military institution-building are seen as necessary in order to ensure that the new AFL does not intervene in civilian politics or engage in other extra-legal activities.

While there are no indications that the new AFL — which is explicitly designed to function as an apolitical, professional force — is a likely to reprise such a destabilizing role, there have been occasional problems of AFL absenteeism, rank and file protests about living conditions, and some reports of indiscipline among some AFL members, in some cases of a violent or criminal nature, or involving intoxicants.⁹⁰ While the scope of such phenomena have been limited to date and do not threaten state stability, the contemporary history of civil-military relations in the West Africa suggests that, if not addressed, they may have the potential to develop into more serious threats. Military absenteeism and indiscipline, both within Liberia and in the surrounding sub-region, have historically underpinned negative outcomes ranging from military ineffectiveness to abuse of civilians by diverse military units, and military protests over pay and living conditions have spurred state instability and played a causative role in several coups d'état and putsches. It is notable that, as of early 2010, while U.S. defense equipment has been donated to the Liberian MOD, weapons and ammunition reportedly continued to be under U.S. control.⁹¹

⁸⁷ S/2009/640, December 11, 2009

⁸⁸ USIP, "A Discussion with Liberia's Defense Minister, Brownie J. Samukai, Jr.," May 11, 2007.

⁸⁹ Defense Minister Samukai has suggested that in the long-term, public investments in the AFL are likely to contribute to non-defense related national development, as members of the AFL with specialized functional training enter the civilian sector upon retiring from the AFL. USIP, "A Discussion with Liberia's Defense Minister, Brownie J. Samukai, Jr.," May 11, 2007

⁹⁰ UNMIL reports that there have been continuing tensions between the AFL and civilian security agencies, including at least eight confrontations, some violent, since September 2008, and that there have been several "aggravated assaults" by AFL members on civilians, including at least two stabbings. See S/2010/88, February 17, 2010, along with Julius Kanubah, "AWOL Soldiers Begin Returning to Base," Star Radio, May 5, 2008; and Rebecca Murray, "Liberia: New Army Faces Greatest Challenge," Inter Press Service, December 26, 2009.

⁹¹ S/2010/88, February 17, 2010.

Sector Reform: Challenges of Balancing Foreign Support for and National Ownership of Security

As described elsewhere in this report, the Liberian security sector reform (SSR) process has relied heavily on U.S. and other external assistance, which has often been provided through the use of foreign contractors. Adapted U.S. institutional models, norms, and policy objectives have also played an influential role in shaping the SSR process. In the view of a number of observers, such external inputs were essential because rapid military reform was widely seen as crucial to building long-term stability, and post-war Liberia largely lacked requisite financial, human, and other resource capacities. Similarly, the strong American role was seen as apropos because Liberia has long drawn from U.S. legal and institutional models in defining its state structure. The extensive foreign role in Liberia's SSR process, however, may also pose challenges for the long-term sustainability of the outcomes of the SSR process since, while historically U.S.-influenced, Liberia's state and society are the unique product of local history, ethno-social make-up and culture, and geographic scale, among other factors. As a result, to the extent that the institutions and processes that SSR produces were not initially organically or integrally defined by local cultural norms and socio-political authority, interests, and needs, over the long-term, these influences may reshape the resulting institutions, potentially in a manner at odds with their original formal purposes. Similarly, to the degree that their design did not incorporate adequate public input, their political legitimacy might be called into question.⁹² Furthermore, while many criticisms and problems associated with SSR in Liberia have been cited in the research literature, including lack of adequate participation by the broad public, sequencing of institution-building and associated law and policy-making, a number of researchers have also pointed out that substantial efforts were undertaken to ensure that the SSR process was shaped by Liberian interests and views. For instance, while some observers were concerned that a 2006 U.S.-funded report by the RAND Corporation was overly influential in shaping the design of national security structures, after it was released, the Liberian government facilitated a "participatory and democratic security reform process."⁹³ This included a "widely consultative" national security review led by a Liberia's Governance Reform Commission (GRC).⁹⁴ While not without its critics and problems, the review included input from a range of civil society and political actors, and reportedly critically informed a subsequent government-drafted national security strategy.⁹⁵

⁹² Louise Andersen, *Post-Conflict Security Sector Reform and the Challenge of Ownership - The Case of Liberia*, Danish Institute for International Studies, July 2006; Sean McFate, "Outsourcing the Making of Militaries: DynCorp International as Sovereign Agent," *Review of African Political Economy*, December 1, 2008; and Alan Bryden, Linkage between DDR and SSR, Second International Conference on DDR and Stability in Africa/U.N. Office of the Special Adviser on Africa (OSAA), June 12-14, 2007.

⁹³ David C. Gompert, Olga Oliker, Brooke Stearns, Keith Crane, and Kevin Jack Riley, *Making Liberia Safe: Transformation of the National Security Sector*, RAND, June 2006. RAND is a U.S. think tank and policy research organization that often carries out sensitive U.S. government contract work. Quotation from Adedeji Ebo, "Local Ownership and Emerging Trends in SSR: A Case Study of Outsourcing in Liberia," in Timothy Donais (Ed.), *Local Ownership and Security Sector Reform*, LIT Verlag, 2008. See also Alexander Loden, "Civil Society and Security Sector Reform in Post-conflict Liberia: Painting a Moving Train without Brushes," *The International Journal of Transitional Justice*, Vol. 1, 2007.

⁹⁴ The GRC, later called the Governance Commission (GC), was created under the 2003 peace accord to assess and reform public sector institutions with respect to such outcomes as operational effectiveness, transparency, accountability, and public participation and access.

⁹⁵ Quote from Ebo, "Local Ownership..." who discusses this process at length. On challenges associated with the GRC-led process, see also Malan, *Security Sector Reform in Liberia*. Notwithstanding the GRC's role, executive branch domination of the SSR process and lack of public access to it has been a central point of criticism; in early 2009, for instance, the International Crisis Group reported that "more than halfway through Johnson-Sirleaf's term, the official national security strategy has yet to be made public, though a supposedly final version is circulating among Liberian and international officials." See International Crisis Group, *Liberia: Uneven Progress in Security Sector Reform*, Africa Report 148, January 13, 2009, as well as Malan, *Security Sector Reform in Liberia* and Ebo, "Local Ownership..."

Coast Guard⁹⁶

In order to protect Liberia's 360 mile coast line and associated 200 nautical mile exclusive economic zone against periodic poaching by foreign trawlers, potential drug trafficking, human trafficking, piracy, and illicit maritime dumping, as well as the need for search and rescue capacities, Liberia is developing a coast guard. The effort is dependent, in large part, on the provision of U.S. training and technical assistance funded primarily with State Department Foreign Military Financing (FMF) funding through Defense Security Cooperation Agency in collaboration with AFRICOM. The field program is coordinated and carried out by the U.S. Coast Guard (USCG), with some assistance from U.S. Navy elements.

In August 2008, in response to a 2007 request from the Liberian government and a subsequent request from AFRICOM, and in coordination with the U.S. embassy in Monrovia, a USCG team conducted an in-country technical needs assessment to identify Liberia's potential coast guard needs and capacities. It subsequently produced an assessment report and recommendations based on its findings, which it presented to the U.S. embassy in Monrovia and the Liberian Minister of Defense in early 2009. Following this presentation, the Ministry of Defense (MOD) identified a pool of Liberian Coast Guard (LCG) personnel composed of new AFL members who had already undergone background vetting and basic military training. In February 2009, a delegation of Liberian MOD and U.S. Embassy personnel visited USCG facilities in Washington and Virginia to discuss prospective LCG development plans and to make field visits to small-scale USCG stations viewed as comparable in size and function to future LCG stations.

The assessment report, which was comprehensive and included a number of core recommendations, was intended to function as a guideline for the creation of a more detailed LCG development plan.⁹⁷ It provided a discussion of common pitfalls often associated with nascent coast guard development efforts, and recommended, in the interest of program sustainability, that Liberia take a staged approach to developing and initiating LCG operations. It urged that Liberia fully construct and staff LCG primary headquarters facilities at Freeport, Monrovia's main port, prior to establishing additional LCG stations, and that the LCG carefully coordinate the timing of training, facilities and infrastructure preparation, and equipment acquisitions. A crucial overarching recommendation was that LCG development be guided by a full-time, well experienced advisor or advisory team. The Liberian government concurred with these recommendations and initiated development of a LCG with a mission to carry out scaled down versions of applicable USCG functions (e.g., law enforcement, fisheries protection, and search and rescue).

As a result of consultations between the Liberian government, AFRICOM, U.S. embassy personnel, and the USCG, an AFRICOM-funded USCG maritime/LCG advisor was deployed to Monrovia in September 2009.⁹⁸ LCG personnel, who number under 50 members, subsequently began basic maritime operations, law enforcement and engineering training provided by USCG Mobile Training Teams (MTT) in Liberia. Further MTT training is expected to continue for

⁹⁶ This account is based on a 2008 U.S. Coast Guard assessment report, discussed below; a discussion with a representative of the Office of International Affairs, Security Cooperation Office, U.S. Coast Guard on March 31, 2010 and subsequent email communications; and CRS research.

⁹⁷ It dealt with issues including LCG legal authority; personnel and staffing; training (technical, leadership, and management); infrastructure needs; vessels, equipment, and supplies; technical assistance and mentoring; and planning and development.

⁹⁸ The maritime advisor is attached to the Office of Security Cooperation within the U.S. Embassy in Liberia.

multiple years and may be periodically supplemented by U.S. Navy training. A small cadre of selected LCG members, both officers and enlisted, are undergoing additional USCG technical and managerial training in the United States. An activation ceremony for the new LCG attended by President Sirleaf was held in February 2010.⁹⁹

U.S. training efforts have been complemented by a U.S. Navy Construction Battalion (Sea Bee) team, which is building waterfront facilities (e.g., a boat ramp and a related pier) at Freeport.¹⁰⁰ The Liberian government has also rehabilitated or constructed a headquarters and barracks at Freeport. Two 25-foot Defender-class boats for use in harbor and near-coast operations are expected to be provided to the LCG by the United States in late 2010, along with approximately two years worth of associated equipment. The duration of U.S. assistance to the LCG will depend on LCG development progress, and has not been determined; informal projections, based on the record of similar U.S. assistance programs in Georgia and Haiti, however, suggest that the effort is likely to last at least five years.

National Guard State Partnership Program

Liberia was added to the National Guard State Partnership Program (SPP) in 2009, making it the eighth African SPP partner country out of 62 globally. Liberia has been twinned with the Michigan National Guard (NG).¹⁰¹ The SPP pairs U.S. state National Guard contingents with foreign militaries in support of diverse civil-military and security cooperation partnership, training, and exercise activities, depending on mutual partner needs and capacities.¹⁰² The program is designed “to concentrate a small component of the U.S. defense structure — a state’s National Guard — on a single country or region in support of U.S. Government policies” in support of “the development of long term personal relationships and interagency coordination mechanisms that would not otherwise exist.”¹⁰³

The Michigan-Liberia SPP partnership program remains at a formative stage. The process leading to its creation began in May 2009, when after agreeing to a Liberian request for an SPP state partner, AFRICOM requested that the NG Bureau (NGB) recommend a state to fulfill the request. The NGB provisionally decided to make Liberia a SPP partner in August 2009, and Michigan was selected as Liberia’s U.S. state SPP partner in October 2009.¹⁰⁴

⁹⁹ President Sirleaf, *Goodwill Message* [2010 Armed Forces Day speech], February 11, 2010.

¹⁰⁰ Jason Morris, "APS, Seabees Bolster Liberia's Coast Guard," Africa Partnership Station [APS] Public Affairs, U.S. Navy, October 20, 2009.

¹⁰¹ Patrick McCollum, "National Guard Adds State Partnership in Liberia," National Guard Bureau, August 13, 2009; and National Guard (NG), written communication to CRS, April 5, 2010.

¹⁰² According to the National Guard, the SPP mission is to “enhance combatant commanders’ ability to build enduring civil-military relationships that improve long-term international security while building partnership capacity across all levels of society.” SPP “states and their partners participate in a broad range of strategic security cooperation activities to include homeland defense/security, disaster response/mitigation, consequence/crisis management, interagency cooperation, border/port/aviation security, combat medical, fellowship-style internships, and bilateral familiarization events that lead to training and exercise opportunities. All activities are coordinated through the Combatant Commanders, U.S. Ambassadors’ country teams, and other agencies as appropriate to ensure National Guard cooperation is tailored to meet U.S. and international partners’ objectives.” National Guard, written communication to CRS, April 7, 2010 [*NG to CRS* hereafter].

¹⁰³ *NG to CRS*, April 7, 2010.

¹⁰⁴ According to the NGB, the pairing followed “a comprehensive review and selection process, analyzing state port security operations, military development, agriculture development, engineer operations, medical services delivery, (continued...) ”

While a specific Michigan-Liberia SPP country engagement plan has yet to be finalized, it is anticipated that the partnership program would build on and complement existing AFRICOM and State Department/U.S. Embassy-Monrovia country plans. A next step in creating an SPP engagement plan, based on past SPP experience in other countries, is likely to include a Michigan NG field visit to Liberia, during which Michigan NG would consult with U.S. embassy-based State and DoD officials and Liberian MOD officials. Based on provisional findings and planning, a Michigan Bilateral Affairs Officer (BAO) would then be assigned through AFRICOM to the embassy's DoD Office of Security Cooperation (OSC). The BAO would act as a key liaison and consultant in further formulating a SPP engagement plan. Reciprocal senior leadership country consultative visits between the Michigan NG and Liberian MOD would then occur, and a partnership plan would be finalized.¹⁰⁵

Other Defense Cooperation

The Liberian government has voiced support for the new U.S. Africa Command, and offered to host it in the region, although most observers see this as unlikely, given the poor state of Liberian infrastructure and limited state capacity and resources.¹⁰⁶

Liberia has received multiple U.S. Africa Partnership Station (APS) ship visits, most recently in the fall of 2009. Missions have included Liberian Coast Guard Assistance (see above), U.S. Marine training for the AFL, humanitarian and development material and medical services donations, and cultural programming.¹⁰⁷ A U.S. Navy-led effort, the APS program conducts ship visits to ports in the region during which a variety of training, capacity-building, humanitarian, and cultural activities are undertaken. The APS program, housed on U.S. navy ships, is designed to function as a "maritime university" housing diverse training and assistance resources.¹⁰⁸ It integrates personnel from other U.S. armed services, civilian agencies, and non-governmental organizations to provide diverse types of maritime safety and security training, as well as humanitarian and development assistance.¹⁰⁹

(...continued)

crisis management, and State Partnership Program events with previous partners and while considering geographical, economic, military, and political factors with respect to Liberia." McCollum, "*National Guard Adds*," *op cit.*; and *NG to CRS*, April 7, 2010.

¹⁰⁵ NG, written communication to CRS, April 8, 2010.

¹⁰⁶ Ellen Johnson Sirleaf, "AFRICOM can Help Governments Willing to Help Themselves," *AllAfrica.com*, June 25, 2007. Also see CRS Report RL34003, *Africa Command: U.S. Strategic Interests and the Role of the U.S. Military in Africa*, by Lauren Ploch.

¹⁰⁷ Jason Morris, "APS, Seabees Bolster Liberia's Coast Guard," APS/U.S. Navy, October 20, 2009; APS/U.S. Navy, "Liberian President Accepts Donation from HVS Swift," via DoD Live, September 8, 2009; Dan Meaney, "APS Swift Army veterinary team in Liberia," U.S. Army news release, September 16, 2009; Elsa Portillo, "U.S. Marines, Soldiers and Sailor Join With Liberian Soldiers, for AFL Rebuilding," Marine Forces Africa, March 2, 2009; Elsa Portillo, "Marines Partner With Liberian Soldiers to Deliver School Supplies," Marine Forces Africa, March 3, 2009; Marine Forces Africa, "Flagship Brings Musical Approach to APS Mission," October 26, 2009; and Jason Morris, "Africa Partnership Station and Project Hope Team Up in Liberia," APS/U.S. Navy, March 27, 2008.

¹⁰⁸ J. D. Hood, *Enhancing Maritime Safety and Security in Africa/Africa Partnership Station*, U.S. Navy, November 2009.

¹⁰⁹ The goal of the APS program, a component of the Navy's larger Global Maritime Partnership (GMP) and the Global Fleet Stations security cooperation efforts, is to bolster U.S. security relations and coastal security and related maritime capabilities in African countries. APS cooperation, which began in West Africa and now is being undertaken in East Africa, is responsive to U.S. and African-identified training and capacity needs, and incorporates contributions by (continued...)

Liberia is the signatory of a ship boarding agreement with the United States under the Proliferation Security Initiative, a U.S. effort to prevent trafficking of weapons of mass destruction and related materiel “to and from states and non-state actors of proliferation concern.”¹¹⁰

Police and Justice Sector Assistance

The United Nations reports that police reform and restructuring efforts have made significant progress but that significant challenges remain. As of mid-August 2008, 3,661 Liberian National Police (LNP) officers, of which 9% were female, had been trained as part of an effort to complete recruitment and training of an initial target of 3,500 police officers by July 2007. While a full complement of LNP officers has been trained, the United Nations has reported that LNP operational capacity remains weak. LNP deployment to the field, particularly up-country, is limited and has faced constraints, such as lack of basic infrastructure and police equipment, including vehicles, fuel, and communication gear, for which the LNP is largely dependent on donor support.¹¹¹ In recent years, the United Nations has also reported that there are high rates of LNP absenteeism and other disciplinary problems, such as corrupt practices involving judicial and law enforcement officials, and that LNP leadership and specialized skills are limited. In part due to limited police and broad justice sector operational weaknesses, incidents of mob violence and vigilante justice remain common.¹¹² The “practical import” of such weaknesses, the UNSG reported in mid-2008,

is that the United Nations police advisers and formed police units are daily called upon to support the Liberian National Police in mounting operations critical to the maintenance of law and order and to sustain the emerging peace and stability in Liberia.¹¹³

While the challenges facing the LNP remain substantial, diverse efforts to address them are being pursued, including the development of a Professional Standards Division to effectively

(...continued)

selected foreign donor nations. Training is tailored to specific country needs and takes place over repeated port calls by APS vessels, which are capable of housing and deploying multiple training teams, platforms, and mechanisms. Training is diverse, pertaining to such areas of activity as port management and security capacity building; law and regulatory enforcement; engineering and logistics; maritime skills and professionalization education; search and rescue; and disaster response. APS personnel also provide humanitarian and limited development assistance, sometimes inland. Hood, *Enhancing Maritime Safety*, op cit; Gene Porter, “Global Maritime Partnerships - GMP,” Office of Global Maritime Situational Awareness Wiki, January 4, 2010; David B. Waidelich, *A New Twist to an Age Old Naval Tradition: the Maritime Strategy and its Impact on Humanitarian Assistance and Maritime Security Operations* [Master of Military Studies thesis], Marine Corps University, 2008/9; U.S. Marine Corps, *Global Fleet Stations Concept*, July 30, 2007; and Ploch, *Africa Command* (CRS Report RL34003, *Africa Command: U.S. Strategic Interests and the Role of the U.S. Military in Africa*), op cit.

¹¹⁰ Such agreements allow boarding by security officials of each signatory country and certain third countries of a ship flagged and registered under the other signatory country's laws, if the vessel is suspected of engaging in illicit proliferation activities. See State Department, “Proliferation Security Initiative Ship Boarding Agreement with Liberia,” signed and provisionally applied as of February 11, 2004; entered into force December 9, 2004; and State Department, “The Proliferation Security Initiative (PSI),” Fact Sheet, May 26, 2008.

¹¹¹ S/2009/411, August 10, 2009.

¹¹² See periodic reports on UNMIL and Liberia by the U.N. Secretary-General; and Andreas Mehler, *The Production of Insecurity by African Security Forces: Insights from Liberia and the Central African Republic*, GIGA Working Paper 114, November 2009, among others.

¹¹³ S/2008/553, August 15, 2008; see also S/2008/183, op cit.

investigate complaints of LNP misconduct and efforts to prevent absenteeism by vetting LNP payroll records and the duty status of officers. In mid-2008, the LNP, in collaboration with U.N. partner agencies, held a workshop to examine the long-term strategic development of the LNP, including with regard to professional standards, logistics and maintenance systems, human resource development, and effective management.¹¹⁴ In mid-2009 and again in September 2009, the LNP presented to donor government a strategic plan and 18 proposed capacity building projects estimated to jointly cost \$18 million. Little donor support had been provided to fund the plans as of early 2010, but in 2009 the UNDP established a Liberia Justice and Security Trust Fund, and some donors are reportedly interested in funding police needs though it or on a bilateral basis.¹¹⁵

Due to previous U.N. Security Council arms embargos, the LNP is unarmed, with the exception of a Police Support Unit (PSU) and an Emergency Response Unit (ERU).¹¹⁶ The PSU, originally slated to include 600 personnel, currently has a force size of 200. It is intended to provide armed backing for regular LNP officers and respond to situations of public disorder. The ERU is designed to provide mobile capacity to respond rapidly and robustly to critical threats to internal security or public safety, particularly in anticipation of the eventual departure of UNMIL from Liberia. The ERU has a current strength of 287, with an additional 47 staff expected to join the force after completing training in March 2010. Originally envisioned as a 500-person force, in response to the current level of tactical demands on the unit, it will not be further expanded in the short-term. While the ERU has been a key recipient of foreign capacity building assistance, its long term sustainability and effectiveness may be curtailed by resource constraints and lack of equipment and vehicles necessary to reach remote parts of Liberia, notably after the eventual termination of UNMIL. Due to very poor road conditions in many parts of Liberia, the unit is heavily “dependent on UNMIL air assets to deploy quickly, particularly during the rainy season.”¹¹⁷

The United States is continuing to provide the LNP and its ERU with training assistance through UNMIL, as it has for several years, primarily through U.S. civilian police (CIVPOL) seconded to UNMIL, who provide training, mentorship, and advice. The U.S. police training contingent, the size and focus of which has varied from year to year, has typically consisted of 10 to 20 U.S. CIVPOL officers, as well as equipment and contractor-based logistical support, in addition to other police capacity-building support.¹¹⁸ This aid, which is administered by the State Department's International Narcotics and Law Enforcement Affairs Bureau (INL), is aimed at developing the LNP “into a credible and competent police service that respects human rights and the rule of law” and “bolstering the operational and administrative capacity of the LNP,” which the United States views as “a critical precursor” to eventual draw-down of UNMIL. Improved police-community relations and human rights abuse prevention are keystones of this training. A another component of INL support is the deployment of a U.S. police Senior Advisory Team (SAT), which works with UNMIL “to help the LNP leadership improve and establish personnel policies, internal affairs, logistics, payroll, discipline, promotion, and civilian oversight” both through the provision of technical advice and through leadership mentoring. In FY 2010, the

¹¹⁴ S/2008/553, August 15, 2008, *op cit*.

¹¹⁵ S/2010/88, February 17, 2010.

¹¹⁶ The SSS is also armed. UNSC Resolution 1903 (S/RES/1903, December 17, 2009) allows the controlled shipment of arms and related materiel to the Liberian government.

¹¹⁷ S/2010/88, February 17, 2010; and President Sirleaf, annual message to the legislature, January 26, 2009.

¹¹⁸ There were 10 U.S. UNMIL CIVPOL officers in February 2010, according to the United Nations.

Obama Administration plans to deploy additional ERU advisors to provide field training and mentoring program for the ERU; provide training and equipping for the PSU; and provide non-lethal equipment and support police infrastructure improvements.¹¹⁹

U.S. and UNMIL assistance efforts also support the rehabilitation of the judicial and penal systems. U.S. efforts are provided under the INL-administered Justice Sector Support Liberia (JSSL) project, as well as by USAID-funded rule of law programs. The general aims of the JSSL program are to improve the administration of justice and bolster adherence to the rule of law generally and respect for human rights. The JSSL deploys justice sector legal and technical advisors, provides training, professional mentoring, and equipment, and helps develop and strengthen justice sector effectiveness and infrastructure. The program focuses on the judicial system broadly, including the Ministry of Justice, the corrections system, and other rule of law organizations. It has helped create Liberia's first ever public defender program, train prosecutors, renovate the main judicial building in Monrovia, create a case-numbering system slated to be scaled up nationally, and enhance LNP-prosecutor linkages, as well as providing some vehicles and equipment in support of such functions. Current efforts seek to expand capacities outside of Monrovia.¹²⁰

Special Security Service

The Special Security Service (SSS), which provides executive branch and VIP close protection services, is undergoing a process of restructuring and professionalization. It was a roughly 1,252-member presidential protection unit that functioned under the NTGL and the Taylor government. Under Taylor, the SSS—which was run by Benjamin Yeaten, a former Taylor militia commander who is currently being sought by the Sirleaf government for alleged treasonous activities—gained a reputation for brutality. The SSS has continued to have a sometimes troubled reputation. Some members of the leadership that initially served under the Sirleaf Administration were viewed by informed observers as unprofessional and corrupt. Multiple acts of arbitrary violence committed by SSS officers have been reported.

As part of the restructuring process, a substantial number of SSS members were decommissioned; on May 1, 2006, UNMIL announced that 841 SSS members had accepted U.S. and UK-funded buyout packages and been deactivated in April. There are press reports, however, that allege that some decommissioned SSS officers had not received their severance packages, and there have been protests associated with such claims. Some protesting claimants, however, are reportedly ineligible to receive severance payments.

The restructuring process, which seeks to correct reported leadership weaknesses and professionalize all aspects of SSS organization and operations, is being undertaken with the assistance of the State Department's Diplomatic Security Service (DSS). Using a mix of Nonproliferation, Antiterrorism, Demining and Related Projects (NADR) and other foreign assistance funds, DSS directly provided close protection services for President Sirleaf during the first few months of her tenure, while about 100 SSS agents underwent specialized DSS close protection training in Liberia and in the United States. About 300 SSS agents received basic close

¹¹⁹ INL, FY 2010 *Program and Budget Guide*.

¹²⁰ See S/2007/151, March 15, 2007; other Secretary-General's reports on Liberia; and INL *Program and Budget Guides* for FY 2008, FY 2009, and FY 2010.

protection support and perimeter training in Liberia. About 600 SSS officers have also reportedly received general UNMIL police training.¹²¹

Humanitarian Conditions

Humanitarian conditions are much improved from the context of severe and widespread post-war need that was prevalent in the years after the war, but high rates of poverty remains endemic. Liberia continues to receive substantial international food aid and is highly donor-dependent. International assistance is, however, increasingly supporting resettlement and socio-economic recovery, rather than emergency humanitarian needs. According to a U.N. High Commissioner for Refugees (UNHCR) briefing note, about 200,000 Liberian refugees had repatriated by mid-February 2006. By late April 2006, over 321,000 Liberian internally displaced persons (IDPs), including over 59,000 families, had returned to their places of origin or resettled. Most had received resettlement assistance, usually consisting of basic non-food items, transport aid, and two months of food supplies. U.N. agencies, together with non-governmental organizations (NGOs) and NTGL ministries have implemented a wide range of reconstruction and capacity building projects relating to nutrition, water and sanitation, primary health care services, and transport infrastructure. Numerous schools have reopened nationwide, with extensive assistance from UNICEF.

Nearly all child ex-combatants were reportedly been reintegrated into their communities of origin, and many received follow-up aid in the form of social services. In mid-March 2006, the U.N. Secretary-General reported (S/2006/159, March 14, 2006, *op. cit.*) that 65,000 of 101,495 demobilized ex-combatants had benefitted from donor-financed reintegration and rehabilitation projects, and that about 37,000 were still waiting to be placed in such programs. The Secretary-General reported that although funding was available for most of these ex-combatants, about \$5 million was “urgently needed” to provide such assistance to some 5,125 ex-fighters.

Health Issues

Liberia faces substantial public health challenges. Malaria is endemic, water-borne stomach illnesses are common, tuberculosis cases often go uncured, and there are periodic outbreaks of diseases like Yellow Fever, measles, and cholera, but Liberia lacks an adequate health infrastructure for combating such illnesses.¹²² Medical supplies and trained staff are in chronic short supply. A number of donor-backed initiatives help improve health care capacity, however. UNICEF is aiding the reopening of health clinics nationwide, and a UNICEF/WHO polio

¹²¹ In 2006, DSS planned to continue to assist the SSS on an interim basis, and proposed provision of a more structured two-year-long assistance package. The proposal called for DSS to provide five U.S. contract-based presidential security advisors who would help run SSS operations on an interim basis and at the same time help the SSS to enhance its operational and administrative capacities. It also called for some equipment and training to be provided under the package, projected to cost about \$3 million per year.

¹²² War-related psycho-social trauma is also seen as widespread. The preliminary findings of a September 2005 WHO/Liberian government sexual and gender-based violence survey found that 91.7% of women and girls interviewed had been the victims of multiple violent acts during Liberia's war (Security Council, S/2005/764, December 7, 2005). The transitional legislature made all rape illegal in December 2005 (only gang rape had previously been illegal) and laid out punishments for rape-relation violations, but activists say increased sexual violence-related law enforcement is needed. See U.N. Integrated Regional Information Networks (IRIN hereafter), “Liberia: Sexual Abuse of Children Still Rampant, Report Says,” February 22, 2006, *inter alia*.

vaccination campaign that began in October 2004 has reached some 1.2 million children. WHO coordinates a U.N./government/NGO/USAID technical group that is working to improve the national health system, notably regarding HIV/AIDS, malaria and tuberculosis (see below). WHO and FAO are also helping the government to create an avian flu surveillance and response plan.

AIDS

The threat of HIV/AIDS in Liberia is gaining increasing attention, though recent survey information indicates that HIV prevalence rates are lower than had been commonly assumed previously. A 2007 demographic and health survey showed that the national adult HIV infection rate was 1.5%, and indicated that infection rates varied from 2.5% in urban areas to 0.8% in rural ones, with the highest prevalence rate, 2.6%, in and around Monrovia.¹²³ Previous estimates of infection rates, albeit not based on national surveys, had ranged between 5.9% and 8.2%, with some observers positing that the rate could be as high as 12% in some population sub-groups.¹²⁴ The UNMIL HIV/AIDS Adviser's Office is supporting public education-related AIDS prevention and national planning efforts focused on care of orphans and vulnerable children, among other activities. The World Health Organization, in coordination with other U.N. agencies and the NTGL, is developing project proposals to fight AIDS, malaria, tuberculosis and build health system capacity. The U.N. Population Fund supports several AIDS awareness and prevention programs. Liberia receives Global Fund assistance, but its application for further assistance under the Fund's recent Round 5 funding project assessment process was reportedly rejected.¹²⁵

USAID implements several AIDS-related programs in Liberia on behalf of the Office of the U.S. Global AIDS Coordinator (OGAC). These include the 2007 demographic health survey, in partnership with other donors, which includes HIV surveillance; targeted behavior change efforts focusing on youth and other groups; and support for home-based care and related assistance. In her inaugural speech, in which she cited a 12% HIV infection rate, President Sirleaf vowed to "tackle this national scourge." At a February 2006 House International Relations Committee hearing on Liberia (see below), Members suggested to then-USAID Assistant Administrator for the Bureau for Africa Lloyd O. Pierson that Liberia be considered for U.S. assistance under the President's Emergency Plan for AIDS Relief in South Africa (PEPFAR). Liberia has received about \$.7 million a year in Global HIV/AIDS Initiative (GHAI) account funds in recent years.

Governance: Background

Liberia's supreme law is its 1984 constitution, effective since 1986. It provides for a political and legal system that is substantially modeled on that of the United States, though not entirely; for instance, federalism is absent. Liberia's government is made up of three branches that exercise separate powers and authorities: a bicameral legislature, which consists of a 64-member House and a 30-member Senate; a presidentially led executive branch that controls multiple line ministries and several independent agencies; and a judiciary. Legislators are directly elected by

¹²³ UNAIDS, *AIDS Epidemic Update*, December 2007.

¹²⁴ IRIN PLUSNEWS, "Youth Not Putting HIV Prevention Lessons into Practice," October 27, 2005 and USAID, Health Profile: West Africa-HIV/AIDS, n.d.

¹²⁵ For background on the Global Fund, see CRS Report RL31712, *The Global Fund to Fight AIDS, Tuberculosis, and Malaria: Background*, by Tiaji Salaam-Blyther.

voters in each of Liberia's 15 counties, while the president is directly elected by universal suffrage. The President and House Members are each elected to six-year terms, and Senators serve nine-year terms, except in cases of irregular vacancies of elected positions. Presidents may serve up to two terms. Although the Sirleaf government's mandate is derived from the constitution, that of the NTGL was extra-constitutional. During its tenure, those provisions of the Constitution and laws of Liberia that were inconsistent with the provisions of the 2003 Comprehensive Peace Agreement were suspended, though all other provisions of the constitution remained in force.

Although Liberia's constitution provides for a system of checks and balances among the three branches of government, in practice the executive branch has historically exerted extensive influence over the legislature, the judiciary, and local governments. Historically, Liberian presidents have wielded exceptional, sometimes extra-constitutional powers and closely controlled the legal system, the security forces, and the economy, as well as headed majority ruling parties. Liberia has also long suffered from the effects of public sector corruption and a tradition of political patronage. This often resulted in uneven, urban-centered socio-economic development and often deprived large segments of the population, notably the rural indigenous majority, of access to public goods and services.

Given this history, President Sirleaf could have attempted to aggregate predominant power in her office, but doing so would have run counter to her emphasis on building national unity, constitutional and institutionally robust governance, fighting corruption, and institutionally developing the state. Her emphasis on developing state institutions and processes, rather than exerting presidential command authority may mean that she is both less likely and less able to rule in the largely unilateral manner of her predecessors. However, she also came to power with a weaker electoral mandate than those of past presidents; neither Sirleaf's Unity Party nor any other party commands a legislative majority. Similarly, no candidate was able to command majority support in the initial 22-candidate presidential first round presidential vote.

The relative strength of opposition parties in the parliament initially led some observers to hypothesize that Liberia's legislators might bridge their party differences and cooperate in furtherance of their collective institutional power vis-à-vis the executive branch, and take on a more engaged and assertive role in policy-making than has been traditional. To date, however, President Sirleaf has often been able to dominate the national policy agenda. This is attributable, in part, to a tradition of strong executive leadership; limited capacity within the legislature; the limited legislative experience of many current legislators; the fractionalized party make-up of the legislature; and to the governing experience of Sirleaf and many in her cabinet. Most bills continue to be originated by the executive branch and passed with presidential priorities intact. A notable exception to this pattern was the legislature's September 2007 rejection of the asset seizures bill targeting former president Taylor and his associates.

Transitional Government

A key impetus for the Sirleaf administration's policy emphasis on anti-corruption initiatives was the mixed governance record of its predecessor, the NTGL. The NTGL was able to successfully carry out most of the basic functions assigned to it under the August 2003 peace accord, but its efforts to restore state authority and the rehabilitate state institutions were hampered by central government ministry inefficiencies, widespread resource constraints, and lack of institutional and financial system capacities and trained manpower. Despite such challenges, it did make significant progress during the last half of its tenure. During this time, many revenue, customs,

immigration, and local officials were deployed to sites outside Monrovia. Regional Central Bank offices were also opened, permitting salary payments without recourse to time-consuming travel to Monrovia. The process of deploying government officials upcountry was supported by USAID, which has supported the rehabilitation of administrative buildings in several key counties.

Among the most challenging issues facing governance capacity-building efforts were persistent reports of corruption within the NTGL, in some cases on a large scale. Alleged acts were particularly notable in the context of import-export transactions, government contracts and budgeting, and the issuance of commodity marketing or land, natural resource, and associated concession rights.¹²⁶ The U.N. Secretary-General reported in mid-March 2005 that there was a “lack of [NTGL] transparency in the collection and use of revenues and the resistance of some government and public corporation officials to reforms and audits aimed at fighting corruption” (S/2005/177). The World Bank and bilateral donors made similar observations and called for transparency measures. National fiscal and budget obligation mechanisms and voucher record-keeping systems under the NTGL were chaotic and subject to manipulation by key officials in some cases.¹²⁷ In some government agency budgets, the miscellaneous expense budget account category “Other” was reportedly substantial in many cases, and expenditures of such “Other” funds were said to have been carried out in an *ad hoc* manner, with few controls. Actions by the transitional legislature either to appropriate for private use or pay very nominal lease fees for expensive vehicles that each legislator was given drew local and foreign condemnation. In November 2005, the U.S. Embassy in Monrovia stated that the U.S. government was

shocked and disappointed by the recent incidents of transfers of Liberian Government property and resources into private ownership. This drains vital government resources that could otherwise be used for critical developmental programs, and sends the wrong signal to international donors who finance such programs. It also perpetuates the culture of abuse of public trust and impunity that has contributed to two decades of decline in Liberia. The U.S. Embassy considers these transfers unscrupulous, irresponsible, and contrary to the public interest of the people of Liberia. Liberian government resources are for the benefit of the Liberian people and should not be misappropriated for private use.¹²⁸

Citing a 2004 presidential proclamation, it stated that Liberian government officials who engage in “violations of the public trust” and persons who abet such actions might, along with their families, be ineligible for U.S.-funded programs and services, including consideration for Diversity Visa, Immigrant Visa, and other visa services.¹²⁹

¹²⁶ See, for instance, *The Analyst*, “NTGL’s Past Haunts Bryant, Others,” March 9, 2006, regarding Liberian parliamentary investigations into the transitional government’s budget and EU audits of key Liberian parastatals, available online through FrontPage Africa <http://www.frontpageafrica.com>.

¹²⁷ Discussion with U.S. embassy official.

¹²⁸ See U.S. Embassy-Monrovia, “U.S. Embassy Shocked and Disappointed at Abuse Of Public Trust,” Press Release, November 18, 2005, and Integrated Regional Information Networks (IRIN), “Liberia: Scramble for Goodies Ahead of Political Handover,” November 21 2005. IRIN is an editorially independent component of the U.N. Office for the Coordination of Humanitarian Affairs. It provides news and analysis about sub-Saharan Africa and other selected global regions. It seeks to inform decision makers in host and donor governments, non-governmental and international humanitarian and advocacy organizations, academic institutions, and the media about developments in the regions it covers.

¹²⁹ See Proclamation by the President, *To Suspend Entry as Immigrants or Non-immigrants of Persons Engaged in or Benefitting From Corruption*, January 12, 2004.

Post-NTGL Corruption Trials

In January 2009, jury selection began in a corruption case involving the alleged embezzlement of Liberia Petroleum Refinery Company (LPRC) funds by former National Transitional Government of Liberia (NTGL) Chairman Gyude Bryant and four former LPRC executives from the NTGL period.¹³⁰ Bryant is separately being tried on charges of economic sabotage relating to the alleged embezzlement of \$1.3 million during his tenure as chairman. The charges stem from a Sirleaf administration investigation that began in January 2007 in the wake of an Economic Community of West African States (ECOWAS) audit probe of the NTGL. Bryant pled innocent to the charges, which were laid against him in February 2007 and carry a possible 10-year prison sentence. At trial in April 2007, Bryant unsuccessfully claimed constitutionally derived sovereign immunity from prosecution on the basis that he was a serving head of state at the time his alleged crimes took place. In August 2007, Liberia's Supreme Court approved his trial, ruling that he was not eligible for immunity because the NTGL, over which Bryant presided, was a product of the extra-Constitutional August 2003 peace accord that authorized creation of the NTGL. Other NTGL officials, such as former Finance Minister Lusinee Kamara, have also faced corruption charges linked to their NTGL duties. The charges against Kamara were spurred by the findings of the ECOWAS audit. Court proceedings in all of these cases have often been slow and protracted.

Concession Deals

Natural resource and land concession contract deals drew attention during the NTGL's tenure because of their financial significance and potential long-term effects on national development. U.N. experts and donor governments questioned the propriety of a March 2005 monopsony diamond concession deal with a previously unknown firm, which was later canceled. Some observers also questioned the NTGL's award of offshore oil exploration permits to three relatively small firms just prior to elections.

The NTGL also signed two major long-term natural resource concession deals. One, with the Firestone group of companies, extends and amends a previous series of concession agreements, first signed in 1926, giving Firestone rights to large plantation areas for the cultivation of rubber.¹³¹ The contract was amended, in part, because Firestone contended that it was unable to exploit its holdings due to fighting over the last decade and a half, and in order to boost foreign investment in Liberia. The deal gave the Firestone group surface rental and other rights to nearly 200 square miles of active or proposed rubber plantation land for 36 years in exchange for \$.50 per acre per year and various investments, tax payments, social and infrastructure development outputs, and various other commitments. It was extendable for an additional 50 years after renegotiation. Another deal, with Netherlands-based Mittal Steel Holdings, provided for the rehabilitation or construction of diverse mining, administrative support, processing, and transport infrastructure intended to support the extraction and shipment of iron ore from northern Liberia. It gave Mittal a variety of surface rental, mineral license, iron ore extraction, transport infrastructure

¹³⁰ Two of the other LPRC accused include the former speaker of the incumbent Liberian House of Representatives, Edwin Swone, Jr., and Senator Richard Devine. C. Emmanuel Johnson, "Court Continues Jurors Selection," *The News* (Monrovia) via AllAfrica.com January 6, 2009; and Agence France Presse (AFP), "Former Liberia Leader Faces More Corruption Charges," May 17, 2008.

¹³¹ The agreement is between the government of Liberia and Firestone Natural Rubber Company, a U.S. limited liability firm that is an affiliate of Bridgestone-Firestone North American Tire, and its Liberian subsidiary, Firestone Plantations Company.

construction, and other rights in exchange for diverse capital investments, totaling about \$900 million, and royalty, lump sum, tax, and other payments to the government. The initial term of 25 years was extendable for an additional 25-year term, if certain criteria were met.

Both deals drew criticism from some civil society groups that contended that the NTGL lacked a legal mandate to negotiate long-term concessions, that such functions could only be carried out by a duly elected government, and that such deals should be negotiated in a manner more favorable to Liberian economic and other national interests.¹³² The contracts were also politically controversial. The Mittal deal was the subject of rival bids by the large mining firms Global Infrastructural Holdings Limited (GIHL), BHP Billington and Rio Tinto, and its ratification was contested legally and in parliament. Some civil society critics have alleged that the deals were not undertaken in a transparent manner.¹³³ Mittal denied that charge and maintained that the contract was won in a “transparent and competitive bid process” and will bring significant foreign investment and infrastructure development to Liberia.¹³⁴ The former U.S. Ambassador to Liberia, John Blaney, reportedly pushed for a deal that would require that a major railroad that was to be rehabilitated as part of any proposed iron ore investment arrangement would be made into a multi-use railroad, regardless of what firm was awarded mining rights.¹³⁵

The Firestone contract has also drawn attention for other reasons. Some Firestone plantation workers have complained about poor working conditions and high production quotas. Some environmental advocacy groups and residents living near Firestone rubber processing facilities have alleged that chemicals used in latex processing are polluting wells and the water and aquatic life of the Farmington River, and damaging these resources or preventing their use by local residents.¹³⁶ A Firestone spokesperson has denied that “effluent—the by-product that comes out into the water from our operations” pollutes the Farmington River. A Firestone spokesperson reportedly stated that Firestone “consistently” samples water from the Farmington River, is in

¹³² A coalition of Liberian human rights groups unsuccessfully petitioned the Liberian Supreme Court to halt execution of the two contracts on such grounds and contended that the deals had been made without public input. The complainants reportedly may seek to re-file their case after the formation of the new elected government. See Morrison O.G. Sayon, “Supreme Court Places ‘Stay Order’, Firestone, Mittal Steel Agreements,” *The Inquirer* (Monrovia), November 7, 2005; John Walsh, “Supreme Court Issues Stay Order On NTGL; Ja’neh Appears Today,” *FrontPageAfrica*, November 7, 2005; George Bardue, “Supreme Court Stops Budget Execution and Summons NTGL Officials,” *The News* (Monrovia), November 7, 2005.

¹³³ Ben Garside, “Police probe Mittal Steel’s Liberian Iron Ore Deal,” *Metal Bulletin News Alert Service*, July 13, 2006.

¹³⁴ Alphonso Toweh, “Liberia Minister Wants Mittal Iron Ore Deal Revised,” *Reuters*, September 14, 2005; D. Moses Wantu, “Mittal Steel Hearing Backfires,” *The Analyst* (Monrovia), September 6, 2005; Economist Intelligence Unit, “Liberia: A steel?,” *Country Monitor*, August 29, 2005; Steve Swindells, “Mittal Steel Defends Pursuit of Liberian Iron Ore Concession,” June 14, 2005 *Metal Bulletin News Alert Service*; *The Analyst* (Monrovia), “Bryant, Mittal Steel Flout Law,” June 13, 2005; *The Analyst* (Monrovia), “NTGL Sued in U.S. District Court - Over LIMINCO Bidding,” June 13, 2005, *inter alia*.

¹³⁵ A smaller former mine railroad between Monrovia and Bong County has been rehabilitated by AmLib, a mineral exploration firm, and put into use as a multi-use transport line. It has reportedly contributed to a several-fold drop in charcoal prices in Monrovia, and is increasing the supply of other farm products to the capital. Charcoal is the main cooking fuel in Liberia.

¹³⁶ Pollutants that reportedly may potentially be released into rivers or streams in the Firestone concession area as a result of agricultural or rubber processing include chemical residues such as ammonium nitrates, sulfuric acid, formaldehyde, and pesticides like dieldrin. *The Analyst* (Monrovia), “EPA Wants Tough Measures Against Firestone,” April 5, 2005; George Bardue, “Firestone Discharges Waste Without Permit, Management Admits,” *The News*, March 18, 2005; Gibson W. Jerue, “Threat to Life,” *The Analyst* (Monrovia), March 14, 2005; and Syrulwa Somah, “Liberia is At a Brink of Irreversible Environmental/Ecological Impotency,” *Liberian Observer*, March 21, 2005; and *The Analyst* (Monrovia), “Firestone Refutes Allegations, Says It Has Acted In Line With The Laws, But,” March 17, 2005.

compliance with relevant Liberian environmental laws, and has developed multiple safe drinking wells areas in its plantation concession area.¹³⁷

The Firestone group is the subject of a class action suit brought in California by the International Labor Rights Fund, an advocacy organization that says its goal is to counter child, forced, and other abusive labor practices internationally, including through litigation. The suit alleges that Firestone employs children, practices forced labor, involuntary servitude, and negligent employment practices. Firestone categorically denies these charges, describing the suit as “outrageous” and “completely without merit.” It maintains that its operations comply fully with Liberian laws and asserts that its workers are all adults of legal working age, are union-represented, are paid well above prevailing wages, and are provided with social services, and that Firestone is bringing much needed investment to Liberia.¹³⁸

In June 2007, a U.S. District Court (Indianapolis Division, Southern District of Indiana) judge granted Firestone’s motion to dismiss 11 of 12 counts in the case, but denied the motion with regard to one count, a child labor claim made under international law and the Alien Tort Statute (ATS).¹³⁹

In late April 2007, Firestone production was decreased as a result of a labor strike that reportedly concerned worker benefits, rivalry over leadership control of the union, and issues related to talks on a collective bargaining agreement.¹⁴⁰ In late 2007, the Liberian Supreme Court reportedly ratified the election of a new Firestone workers union. Labor activists had long contended that the previous Firestone union, whose leadership had launched a court case to prevent the new union from being legally recognized, was a company-controlled entity. Firestone reportedly refused to recognize the new union prior to its legitimation in court.

New Contracts

Upon taking office, President Sirleaf vowed to review and renegotiate concession contracts signed by the NTGL to ensure that they were fair, provided Liberia with favorable terms, and did not cede national financial or other interests to foreign firms, or give such firms undue control over variables such as future prices or regulatory powers. A renegotiated contract with ArcelorMittal (the name of the firm after a 2006 merger) took effect in May 2007. In late 2007, the Liberian government announced that ArcelorMittal had agreed to increase its proposed

¹³⁷ The Firestone spokesperson reportedly stated that such effluent “is comparable to if not lower than the effluent standards in other rubber-producing countries such as India Malaysia and Indonesia.” See BBC News, “Liberia Rubber Pollution Denied,” May 2, 2007.

¹³⁸ Femi Oke, “Is Bridgestone/Firestone Exploiting Liberian Workers?,” *Inside Africa*, CNN International, November 12, 2005; Joe Bavier, “Firestone Lease an Issue in Liberia Election Campaign,” VOA News, September 14, 2005; Gary Gentile, “Firestone Accused of Using Slave Labor,” Associated Press, November 17, 2005; and Reuters, “Labor Group Sues Bridgestone on Liberia Plantation,” November 17, 2005, *inter alia*.

¹³⁹ See U.S. District Court, Southern District of Indiana, Indianapolis Division, John Roe I, et al., Plaintiffs v. Bridgestone Corporation, et al., Defendants, Case No. 1:06-cv-0627-DFH-JMS, <http://www.insd.uscourts.gov/Opinions/AP627001.pdf>.

¹⁴⁰ Reportedly at issue in strike was an internal union split dividing, including between workers supportive of leaders favorable to accommodation with Firestone and a group seen as sympathetic to the views of the Minister of Labor, a long time human rights and labor activist. Tim Urquhart, “Strikes Hit Production at Bridgestone’s Liberian Factory,” Global Insight Daily Analysis, April 30, 2007; James Butty, “Liberia Begins Reviewing Firestone Agreements,” VOA News, April 5 2007; and information provided by the State Department.

investment in Liberia from \$1 billion to \$1.5 billion over ten years or so, and that the firm expects to ship the first consignment of ore in mid-2009. The government projects that the new contract will eventually generate as many as 20,000 jobs for Liberians.

The Liberian government has released a detailed summary comparing the old Mittal contract and the new one.¹⁴¹ According to Global Witness, a non-governmental organization critic of the original Mittal contract, improvements in the revised contract include:

- Provisions requiring iron ore prices under the contract to be set by the ore market, in contrast to the first contract, which gave Mittal the right to set the price, “thereby giving it control of royalty rates and tax payable, and encouraging transfer pricing”;
- A limited five-year tax holiday for Mittal, in comparison to an indefinitely extendable one;
- Liberian national control over two key public infrastructure assets, the port of Buchanan and the railway to Yekepa (a major iron ore mine site);
- The non-exemption of Mittal from future human rights or environmental laws passed by Liberia;
- Recognition of the Mittal parent company’s responsibility for liabilities faced by its operating affiliate in Liberia; and
- Increased balance between the rights of existing property holders and Mittal regarding the latter’s right to expropriate new concession land.¹⁴²

Global Witness, however, continues to criticize what it asserts is the contract’s “precedence over Liberian law on income tax, royalties and other payments due to government.” It also views in a negative light a contractual confidentiality clause “which will make it very hard for Liberian citizens to monitor revenue flows from Mittal and ensure the government uses the money wisely to reduce poverty.”¹⁴³ Such challenges may subject to change as a result of Liberia’s joining of the Extractive Industries Transparency Initiative (EITI) in 2009; see below.

The re-negotiation of a new contract with Firestone was finished in early 2008, and the agreement is slated to be submitted to the legislature. According to President Sirleaf, the agreement:

includes aggregate investment on the order of \$130 million in replanting, and the establishment of a rubber wood processing plant. This model agreement subjects Firestone, for the first time in its eighty-two year history of operations, to the payment of taxes of general application; to a five year plan of providing better living conditions for workers and employees; and to limited land holdings.¹⁴⁴

The Sirleaf government also plans to use the new Firestone contract as a model agreement in separate renegotiations of other rubber and palm oil plantation concession agreements.

¹⁴¹ See “Summary of the Main Changes Brought About by the Review of the Mittal Mineral Development Agreement,” <http://www.emansion.gov.lr/doc/MittalAgreementFinalMitrix.pdf>.

¹⁴² See Global Witness, “Mittal Steel Did the Right Thing—Will Firestone?,” April 4, 2007.

¹⁴³ See Global Witness, “Mittal Steel Did the Right Thing...”.

¹⁴⁴ President Sirleaf, annual message to the legislature, January 28, 2008.

NTGL Anti-Corruption Efforts

The NTGL took some steps to halt corrupt practices. It established a Task Force on Corruption and a Cash Management Committee and attempted to eliminate bribe-taking in relation to commodity imports, notably by better managing Monrovia's port, of which UNMIL took temporary control in late April 2005. In addition, the National Transitional Legislative Assembly (NTLA) created a committee to investigate allegations of administrative and financial irregularities by its leadership, which eventually led to the removal of key NTLA leaders. Some observers, however, saw the NTGL Task Force as lacking the capacity or political will to achieve significant results, and some Liberian officials resisted donor and ECOWAS-backed transparency and audit measures. An African Development Bank loan was reportedly not disbursed in 2005 because Liberia failed to provide required fiscal data, and an ECOWAS-sponsored auditing mission was opposed by Liberian auditors and certain government officials, who cited concern over a violation of Liberian sovereignty, despite the publicly-stated support of Chairman Bryant for the audit. In July 2005, Chairman Bryant suspended two officials over their alleged diversion of funds paid by the satellite communications firm Inmarsat to several Liberian state entities, and the NTGL suspended three Bureau of Maritime Affairs officials, including the Commissioner, and Liberia's International Maritime Organization representative for fraud.¹⁴⁵

To help the NTGL tackle corruption, the United States sent several Treasury Department experts to advise the Liberian government in the areas of budget and tax policy, management, and administration and in central bank operations and fiscal policy and regulation. These U.S. experts have also assessed Liberia's financial enforcement (financial crime and corruption) capacity. A resident U.S. legal advisor and a temporary duty team of prosecution experts have been deployed to Liberia to assist in building Liberia's judicial capacity. Similar efforts have continued under the Sirleaf administration.

Concerns over transparency produced a sometimes halting and often highly conditional provision of pledged aid by donor governments and agencies to NTGL-led Liberia, as well as some reticence to offer new funding. This negatively affected the scale and pace of resettlement, reintegration, and socio-economic rehabilitation. Nonetheless, a network of national, international, U.N., and private development and relief organizations has made considerable progress in these areas. Most of them participate in an inter-sectoral, U.N.-coordinated initiative, the Results-Focused Transitional Framework (RFTF). An April 2005 NTGL/U.N./World Bank assessment of the RFTF found that it has been effective in "addressing short-term, stabilization priorities," but that medium- to long-term post-transition institutional and reconstruction development will require a more robust, coherent, and comprehensive strategy.

¹⁴⁵ Liberia's Solicitor-General, the former human rights lawyer Tiawan Gongloe, reportedly stated that the Liberian government will seek to extradite from the United States the former Maritime Commissioner, J.D. Slangar, to face charges of alleged public funds embezzlement. "Accused Former Official to Be Extradited," UNMIL Media Summary June 19, 2006 citing the *Daily Observer* and *New Democrat* newspapers.

Key Governance Issues

Anti-Corruption Efforts Under Sirleaf

Liberian-donor government relations have improved under President Sirleaf, in large part due to her strong support for anti-corruption and other economic governance efforts. In late January 2006, she announced a financial audit of the outgoing transitional government, which had repeatedly been accused of corruption. Sirleaf has also suggested that she may seek a review of other public contracts and concession deals granted by the NTGL.¹⁴⁶ The Liberian government is also working to reform its key export-earning forestry and diamond sectors.

Forestry Sector

In early February 2006, Sirleaf adopted the recommendations of the Liberian Forest Concession Review Committee, an entity comprised of Liberian civil society, government agency, UNMIL, and donor government representatives. It reviewed the legality and propriety of logging concession contracts and recommended diverse logging sector reforms. Sirleaf's action effectively canceled all existing logging concessions and created a Forestry Reform Monitoring Committee (FRMC) to regulate future concession contracts. The natural resources and human rights policy advocacy group Global Witness, which has tracked abuses and corruption in Liberia's forestry sector for several years, praised the move. It called, however, for "greater support" by UNMIL "to the Forestry Development Authority ... to ensure that it is able to operate in a secure environment" as a prerequisite to the removal of then-current U.N. timber sanctions on Liberia.¹⁴⁷ UNMIL, along with a consortium of donor governments and specialized agencies known collectively as the Liberia Forest Initiative (LFI), is assisting the Liberian government to implement timber reforms.¹⁴⁸

The FRMC is tasked with carrying out its functions by applying or establishing the following:

- land-use planning principles;
- a timber production and export chain-of-custody tracking system;
- a market value-based tax system timber tax system defined by "equitable sharing of the benefits with local communities;"
- revised contract requirements;
- transparent forest concession allocation procedures, based on Liberia's Public Procurement and Concession Act of 2005, which allows the suspension of participants who abet civil disturbances or default on their financial obligations—a key aim in light of alleged patterns of abuse under the Taylor administration;

¹⁴⁶ Katharine Houreld, "Liberian Leader Says to Review Govt Contracts," Reuters, February 20, 2006.

¹⁴⁷ "Global Witness Welcomes President Sirleaf's Decision to Cancel All Forest Concession Agreements," February 9, 2006.

¹⁴⁸ Information on the LFI is available online. See <http://www.fao.org/forestry/site/lfi>.

- a regulatory and law enforcement regime to counter financial and tax fraud, human rights abuses, economic sabotage, and violations of labor and other laws relating to the misuse and mismanagement of forest resources; and
- an environmental impact assessment process.

It was also given the tasks of advising on the implementation of GEMAP goals (see below) as they pertain to the Liberian Forestry Development Authority; ensuring the full and transparent participation of communities and civil society in forest management, conducting a full review of the forestry laws and regulations; and recommending legislation to implement forestry reforms.¹⁴⁹

Sirleaf's cancellation of prior logging concessions and creation of the FRMC were seen as key steps prompting the U.N. Security Council to pass Resolution 1689 on June 20, 2006, which lifted the ban on Liberian timber exports first imposed under Security Council Resolution 1521 (2003). In passing Resolution 1689, the Security Council cited the Sirleaf administration's "commitment to transparent management of the country's forestry resources for the benefit of Liberians and its reforms in the timber sector." It warned, however, that it would reinstate the timber ban if the government does not adopt FRMC-proposed forestry reform legislation. Global Witness opposed the Security Council's lifting of sanctions, contending that the Liberian government lacks full control over forest lands and has not yet adequately reformed the forestry sector.¹⁵⁰ Some other experts have expressed concerns that echo those of Global Witness.¹⁵¹ The U.S. Treasury's Office of Foreign Assets Control is reportedly currently preparing updated regulations to allow the import of Liberian timber into the United States.

In early October 2006, President Sirleaf signed into law the National Forestry Reform Law of 2006, passed by the legislature in mid-September 2006 in one of its first major legislative actions. In doing so, she fulfilled the U.N. Security Council's criteria for lifting its ban on exports of Liberia timber. Among other measures, the new law divided Liberia's forest lands into three categories: protected areas, areas where community logging and wood processing can be pursued, and commercial logging concession areas. It also requires that logging firms publicly disclose their revenues and that 30% of commercial timber concession lease revenues be used to fund education, healthcare, and other basic community social services. The law reportedly does not, however, clearly define how revenues for such services are to be divided among beneficiaries, which may make decision making processes pertaining to that end politically controversial. Liberia's Forestry Development Authority has formulated a timber concession bidding process, based on the new forestry law, which was initially implemented in early 2007. Environmental activists are monitoring this process to ensure that it meets the forestry management, conservation, and other goals of the new law.¹⁵²

¹⁴⁹ See *Liberia, Forest Sector Reform* (Executive Order #1), February 7, 2006, available online at <http://www.elaw.org/resources/text.asp?id=3051>.

¹⁵⁰ See Global Witness, "United Nations Security Council Lifts Liberia Timber Sanctions Despite Insufficient Reform of the Industry [press release]," June 22, 2006, and Global Witness's *Cautiously Optimistic: The Case for Maintaining Sanctions in Liberia*, June 2006.

¹⁵¹ E.g., remarks at "Conflict Timber, Sustainable Management, and the Rule of Law: Forest Sector Reform in Liberia," Woodrow Wilson Center panel presentation, June 8, 2006.

¹⁵² "Liberian Leader to Ratify Forest Concession Pact to Ensure End of Un Timber Ban," *Liberian Star Radio* via BBC Monitoring Africa, October 4, 2006; UN News, "Country Enacts New Forest Policy With UN Help to Ensure Benefits for All," October 5, 2006; IRIN, "Government Lays Foundation for Legal Logging," December 15, 2006; and Environmental Law Institute, "Liberian President Ellen Johnson-Sirleaf Signs National Forestry Reform Law of 2006," October 5, 2006.

Liberia's forests are the home to diverse species of flora and fauna, some rare or endangered. According to U.N. research findings, in 2000, Liberia's forests "constitute[d] approximately 45% of the remaining Upper Guinea Forest, which spans 10 West African States from Guinea to Cameroon" and were "variously assessed as [occupying] between 31.3% and 50% of the total territory of Liberia." Estimates of the contribution of timber exports to Liberia's foreign exchange earnings vary. They declined after the imposition of sanctions on such exports in 2003, but U.N. research findings indicate that for 2002, such earnings totaled "at least \$146 million" and could have been as high as "\$180 to 200 million."¹⁵³ Although precise data on the value of pre-war timber revenues vary, such revenues are generally thought to have comprised as much as half of all export earnings.

Depending on such factors as price, rates of cutting, and relative use of sustainable forestry practices, future export levels could vary widely from those estimated for 2002, when forestry concessions were administered by the Taylor regime and harvested by commercial interests with allegedly close links to the Taylor administration. The Taylor regime was accused of allowing the use of unsustainable forestry practices and illicitly diverting earnings from the timber sector. It also allegedly used some timber firms' transport and trade activities as cover for arms trafficking and turned the security forces of some firms into pro-government militias.¹⁵⁴

Diamonds

On May 4, Liberia was admitted into the Kimberley Process¹⁵⁵ following the U.N. Security Council's passage on April 27, 2007, of Resolution 1753, which lifted an export ban on Liberian diamonds imposed by the Council in late 2003 (Resolution 1521).¹⁵⁶ In passing Resolution 1753, the Council also announced its intention to review Liberia's admission to and general compliance with the Kimberley Process.¹⁵⁷ In May 2007, ten diamond screening and evaluation offices were

¹⁵³ See United Nations, *Report of the Secretary-General in Pursuance of Paragraph 19 of Resolution 1478 (2003) Concerning Liberia*, S/2003/793, August 5, 2003.

¹⁵⁴ See *Taylor-Made: The Pivotal Role of Liberia's Forests and Flag of Convenience in Regional Conflict*, Global Witness and the International Transport Workers Federation, September 2001, *inter alia*. The environmental activist Silas Siakor, who ran the Save My Future Foundation (SAMFU) of Liberia from 2000 to 2003, is credited by many with carrying out then-politically risky documentary work that eventually led to the imposition of U.N. forestry sanctions on Liberia. Siakor, a 2006 Goldman Environmental Prize winner, now heads the Sustainable Development Institute (SDI), an NGO that helps to coordinate Liberian civil society participation in national forest sector reform efforts. See SAMFU, *Living Dangerously: An Assessment of Multinationals in Liberia Logging Industry*, February 20, 2001.

¹⁵⁵ The Kimberley Process Certification Scheme (KPCS) is a voluntary international trade regime that regulates the global trade in rough diamonds in order to prevent the sale of "conflict diamonds," i.e., rough diamonds used to fund armed conflict.

¹⁵⁶ The Kimberley Process decision followed a March 2007 Kimberley Process Review Mission to Liberia that had concluded that Liberia met the conditions for admission. European Community, "Kimberley Process: Liberia Enters the Diamond Trade," (press release IP/07/612) May 4, 2007.

¹⁵⁷ The diamond ban had been left in place when the Security Council lifted timber sanctions on Liberia (Resolution 1689) in June 2006. It had last been renewed in December 2006. A diamond embargo was initially imposed on Liberia in 2001 after the Security Council found that the Taylor government was "actively supporting" the RUF, the rebel group then fighting the government of Liberia's neighbor, Sierra Leone, including by illicitly trading in Sierra Leonean diamonds. See U.N. Security Council, Resolution 1343, March 7, 2001. The diamond sanctions under Resolution 1343 were terminated by Security Council Resolution 1521 (December 22, 2003), which imposed a new ban on diamond exports from Liberia. Resolution 1521 asserted that there existed a "linkage between the illegal exploitation of natural resources such as diamonds and timber, illicit trade in such resources, and the proliferation and trafficking of illegal arms as a major source of fueling and exacerbating conflicts, in West Africa, [and] particularly in Liberia."

opened across Liberia, and in July began to offer mining, selling and broker licenses. The first post-embargo diamond exports began in September 2007.

In order to meet Kimberley Process certification criteria, the Liberian government had suspended the issuance of diamond mining licenses, all of which expired at the end of December 2005, making diamond mining effectively illegal in Liberia pending its accession to the Kimberley Process. As part of its efforts to implement the Kimberley Process, the government now has a diamond office in Monrovia and several regional diamond certification offices. Liberia's Kimberley Process-related capacity building and a technical training effort have been substantially aided by the United States. In addition to constructing the Government Diamond Office and providing it with gemology equipment and office furnishings, U.S. assistance in this area has included the following:

- Training of Liberian diamond evaluators in South Africa (three staff) and Dubai (two staff);
- Training of Ministry of Lands, Mines, and Energy staff to manage ten regional offices and related material and salary assistance, including vehicles, to support the establishment and future functioning of these posts throughout Liberia;
- Salary support for five diamond evaluators;
- Provision of specialized technical training to multiple ministry staff in the areas of Stream Sediment Studies, database applications, and GIS and remote imagery;
- Production of a comprehensive geological assessment of Liberia's diamond production capacity, and digitization and reproduction of geological maps of Liberia;
- Provision of software and hardware components of a database for tracking diamond production and Kimberley Process admission and program compliance; and
- Production of 1,000 Kimberley Process rough diamond export certificates.¹⁵⁸

Much of this assistance was provided under a \$1.44 million FY2005 ESF funding tranche under a U.S. Geological Survey-implemented contract with the Constella Futures International, a social development technical assistance firm. The U.S. Treasury's Office of Foreign Assets Control is reportedly currently preparing updated regulations to allow the import of Liberian rough diamonds into the United States.

Diamond deposits in Liberia are mostly alluvial, that is, found on or near the surface after having been deposited by water flows, often far from their point of origin. In January 2006, however, the firm Diamond Fields International (DFI) Ltd. announced that it had discovered strong indications of a kimberlite, or pipes of igneous, volcanic, often diamond-bearing material, in Grand Cape County.¹⁵⁹ If the kimberlite is verified as being richly diamondiferous, Liberia's future production of diamonds could rise substantially, potentially to the level of neighboring Sierra Leone.

¹⁵⁸ State Department/Monrovia Embassy, "U.S. Contributions to the Kimberley Process Certification Program," Embassy News, [n.d.].

¹⁵⁹ See DFI, "Diamond Fields Announces the Discovery of Kimberlite in Liberia and Progress with Gold Exploration," January 9, 2006. Several other firms are involved in diamond explorations in various counties of Liberia. DFI is also (continued...)

GEMAP

The Sirleaf Administration strongly supports the Governance and Economic Management Assistance Program (GEMAP), an agreement signed in September 2005 by the NTGL and the International Contact Group on Liberia (ICGL), an international policy coordinating group of donor and regional governments and multinational institutions.¹⁶⁰ The aims of GEMAP are to secure Liberia's revenue base; improve budgeting, expenditure management, procurement practices, and concession grant-making; establish mechanisms to control corruption; build the capacity of government agencies involved in financial management and economic governance reform, e.g., the General Auditing Commission (GAC,) General Services Agency (GSA), Governance Reform Commission (GRC), and Public Procurement and Concessions Commission (PPCC) will be strengthened through international assistance, as well as the ability of line agency activities in these areas. GEMAP also supports public accountability-focused access to government information by journalists, civil society, and citizens.

A key component of GEMAP was the provision of contract-based management of the revenue and expenditure flows of key public sector entities, notably the main port, airport, and fuel refining firm, among others, in order to strictly enforce central government controls over state revenues and to improve public fiscal capacities.¹⁶¹ Under this component of the program, international financial comptrollers with co-signing authority regarding key fiscal management mechanisms, assumed duties at the Central Bank of Liberia and other key ministries, notably the Ministry of Finance, the Ministry of Lands, Mines, and Energy and the Bureau of Budget, and as well as key revenue-earning agencies, including ports, airports, customs offices, and the forestry sector.¹⁶² A key GEMAP benchmark was met in September 2009, when GEMAP's international comptrollers relinquished co-signatory authority to their government counterparts in those agencies that had not previously "graduated" from GEMAP, i.e., met their goals under the program.¹⁶³ GEMAP also involves donor-assisted support for diverse economic governance, financial management technical assistance, and judicial capacity-building efforts to institutionalize transparent state management capacity-building goals and related reforms.¹⁶⁴ The

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involved in gold exploration in Liberia.

¹⁶⁰ The GEMAP agreement and a wide range of GEMAP reports, bulletins, and other documents are online at <http://www.gemapliberia.org/>. On the goals of GEMAP, see GEMAP-Liberia, "What are the components of GEMAP?/Frequently Asked Questions (FAQ) Regarding GEMAP," n.d.

¹⁶¹ The program appears to have resulted in some rapid early gains; Sirleaf administration officials reported that 2006 first quarter revenues collections were reportedly 34% higher than those for the same period in 2005, and similar revenue gains continued. *The Analyst* (Monrovia), "Liberia: Govt. is 34 Percent Richer!," June 8, 2006; and USAID/Liberia, "Governance and Economic Management (GEMAP)," current as of May 11, 2010.

¹⁶² The external management and financial monitoring role components of GEMAP was initially opposed by some in Liberia as an intrusion on national sovereignty, but donor governments, including the United States, pushed for strict conditionality for future assistance to Liberia. IRIN, "Liberia: Foreign Nationals Step into Government Positions to Combat Graft," March 3, 2006; IRIN, "Liberia: Foreign Corruption Spotters Now in Place," May 24, 2006; and S/2006/159, *op. cit.*, among others.

¹⁶³ USAID/Liberia, *Overview of USAID Programs in Liberia*, March 2010; and State Department, Background Note: Liberia, April 19, 2010.

¹⁶⁴ GEMAP is overseen by an Economic Governance Steering Committee (EGSC) chaired by President Sirleaf, assisted by representatives of the United States, the European Union, the African Union, ECOWAS, and the International Monetary, World Bank, and U.N. agencies.

United States and other donors are continuing to provide financial management technical assistance aimed at consolidating gains made under GEMAP.¹⁶⁵

Liberia Extractive Industries Transparency Initiative (LEITI)

Liberia is a signatory of the Extractive Industries Transparency Initiative (EITI), an international effort to foster transparent and accountable governance in resource-rich countries through the publication of verified government revenues derived from extractive industry company payments. In October 2009, Liberia became the second EITI signatory to be judged an EITI Compliant Country, i.e., a country that has undergone EITI “validation,” a formal assessment process that verifies compliance with EITI transparency standards, goals, and processes that signatories agree to implement and uphold.

Liberia committed to join EITI in October 2006, and formally agreed to participate under a Memorandum of Understanding (MoU) signed in April 2008, shortly after the formation of the Liberia Extractive Industries Transparency Initiative (LEITI), a national EITI group of government, civil society, and private business stakeholders. The MOU formally committed LEITI members to full implement EITI principles in Liberia. Like most EITI-signatory countries, Liberia's EITI program addresses revenues from oil, gas, and mined commodities, but is unique in that it is the first one to include forestry as a sector subject to EITI compliance. Agricultural production is also subject to LEITI reporting.

Among other actions taken to implement the LEITI program, a forestry scoping was produced in June 2008; a presidential proclamation was issued in September 2008 making the LEITI program a key, binding government policy; a LEITI public communications strategy was initiated in October 2008; and two EITI validation reports were published (in February of 2009 and 2010). In addition, in July 2009 Liberia a public act was signed into law that formally established LEITI as an independent state entity, albeit made up, in part, of non-governmental actors, and laid out its legal and functional mandates; it was the second country to pass such a law. Significantly, the act requires public access to all contracts subject to LEITI reporting compliance.¹⁶⁶

Legislative Branch

As discussed elsewhere in this report,¹⁶⁷ Liberia's current Congress could potentially play a more prominent role in governance than have its predecessors, in part because President Sirleaf's party does not enjoy a majority in either chamber of the legislature. Many Members are enthusiastic about their representative role and are determined to assertively exercise the constitutional powers and responsibilities of the legislature.¹⁶⁸ A range of challenges may, however, impede the

¹⁶⁵ On the U.S. role, see USAID/Liberia, “GEMAP International Controllers End Terms at Four Government Enterprises-Technical Assistance and Training to Continue,” October 7, 2009; and USAID/Liberia, “Governance and Economic Management (GEMAP),” current as of May 11, 2010.

¹⁶⁶ LEITI documents available online (<http://www.leiti.org.lr>); GOL, *LEITI Act of 2009: An Act Establishing the Liberia Extractive Industries Transparency Initiative (LEITI)*, July 10, 2009; and EITI, “Liberia,” September 30, 2009.

¹⁶⁷ See section entitled “Governance: Background.”

¹⁶⁸ The following account draws from the author's observations; John Johnson and Robert Nakamura, *Liberia Legislative Needs Assessment*, Univ. at Albany, State Univ. of New York for U.N. Development Program-Liberia, February 2006; parliamentary information by European Commission/Konrad Adenauer Foundation, SUNY; and news (continued...)

realization of such goals. A key impediment is the relative inexperience of many of Liberia's legislators. Although a number of Members are professionals with varying private or public sector experience and a few served previously in the legislature as Members or staff, the vast majority have never previously held elected office and have no lawmaking or policy-making experience. In meetings attended by the author in July 2006, many Members expressed a need for instruction or information regarding the basic functions of being a legislator, the workings of the committee system, and the legislature's oversight, appropriations, authorizing, and constituent relations roles.

In many cases, Members are unable to turn to their personal staffs to provide expertise on legislative functions because, as is common across the public sector in Liberia, many staff lack appropriate training or job-specific skills. In many instances, the professional work of the legislature is carried out by university students, reportedly because pay levels are viewed as too low to attract trained, professional staff. In other cases, staff reportedly lack appropriate skills because they were hired "based solely on contacts and family relationships," with little regard to competence or training, "rendering [many offices...]dysfunctional."¹⁶⁹

There is also a paucity of institutional resources available to Members. Committee staff are virtually nonexistent, and the legislature as a whole lacks many of the assets necessary to independently carry out its principal roles. The two chambers largely lack bill drafting expertise, and most bills are drafted by the executive branch or by outside organizations. Parliamentary record keeping capacity is also limited; legislative debates and votes are recorded by hand, in part due to a lack of audio or stenographic recording equipment. Legislative debates and decisions, therefore, are reportedly often documented incompletely and sometimes erroneously.

The manner in which legislative resources are allocated also appears to curtail the institution's potential effectiveness. In comparison to many countries, the size of Liberian Members' office staffs is large, and a high proportion of Members' staffs perform non-legislative services, such as food preparation, gardening, and driving. Similarly, despite a general lack of resources, the two chambers of the legislature maintain duplicate services; each, for instance, has its own research department. These institutional challenges are compounded by a dearth of office space and equipment. The legislature's Capitol building, which was looted and suffered decay due to neglect during the civil war, lacks most basic functional infrastructure elements, such as water and electricity, though it is currently undergoing an upgrade (see below).

Some Liberians, including some legislators, as well as outside observers are also concerned that legislators' lack of knowledge regarding their normative and constitutional roles as representatives of the public might cause some to seek use their offices for purposes of private gain, rather than to serve the public. Such concerns were highlighted in October 2006 when, just prior to the slated start of a U.S.-supported project to rehabilitate the Capitol building (see below), several Liberia news reports described acts of alleged "looting" of the Capitol building by some Members and staff of the legislature, who were reported to have removed and appropriated

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accounts. In July 2006, the author participated in a U.S. government mission to assess the needs and status of the Liberian legislature; the assessment team met with numerous Members of the Liberian legislature.

¹⁶⁹ Konrad Adenauer Foundation, *Background information on the National Legislature Senior Staff Workshop*, March 13, 2006.

government property for personal use from the Capitol.¹⁷⁰ Similar concerns reportedly arose in relation to legislative negotiations relating to the recently enacted forestry law reforms. According to informed observers, during talks prior to the passage of the forestry reforms, some legislators made remarks suggesting that they viewed a successful outcome of the reform process as being one in which they personally—as persons representing the public, in contrast to the general Liberian public itself—would directly benefit from processes at issue, such as the allocation of forestry concessions or revenues.

A certain amount of on-going public skepticism about government transparency in general may be attributable to public perceptions formed of the NTGL and of the transitional legislature, the decision-making conduct of which was often opaque and sometimes allegedly corrupt (see “Transitional Government,” above), and to widespread reports of corruption under previous Liberian governments. Such views may be spurred by on-going investigations of alleged corruption under the NTGL.¹⁷¹

U.S. Legislative Assistance

To help overcome the challenges faced by the legislature, the United States supported a \$1.8 million USAID project to rehabilitate the Capitol and is providing legislative capacity-building assistance through the U.S. democracy-building organization, the National Democratic Institute (NDI). This follows on an earlier post-elections governance capacity-building effort undertaken by NDI, the International Republican Institute (IRI), and the International Foundation for Election Systems.¹⁷² NDI describes its current work as follows:

NDI is implementing a 14-month USAID-funded program to support the modernization of the Liberian legislature by: developing sustainable systems and institutional practices that improve the effectiveness of the legislature; improving the ability of legislative staff to respond to current members' requests and manage the day-to-day operations of the legislature; and enhancing the capacity of legislators to fulfill their representative, lawmaking, and oversight roles. The Institute has been working closely with the Joint Legislative Modernization Committee (JLMC), a group of legislators tasked with identifying institutional challenges and recommending viable remedies. Additionally, NDI provides support to the Women's Legislative Caucus of Liberia (WLCL) to strengthen its organizational structure and refine its strategic plan. NDI is also providing technical and

¹⁷⁰ Although some legislators later explained that they had removed personal property prior to the rehabilitation project, press reports suggested that what was removed in many cases included physical fixtures, such as doors and windows, and publicly funded office equipment and furnishings.

¹⁷¹ An audit of the NTGL performed by ECOWAS reportedly “points to a lot of criminal activities, criminal charges, malpractices, inefficiencies, [and] corruption of former officials in the Gyude Bryant administration, including chairman Bryant himself,” according to the current information minister, Lawrence Bropleh. Bropleh’s comments came in the wake of the detainment of two former NTGL officials, finance minister Lusinee Kamara and his deputy, Tugbeh Doe, in a \$9 million public funds corruption probe. See James Butty, “Liberia - Government Says Former Leader Could Face Charges,” VOA News, December 5, 2006; *The Analyst*, “Police Clutches Lusinee Kamara, Tugbeh Doe,” December 5, 2006; and Jonathan Paye-Layleh, “Liberia Charges Former Finance Minister with Stealing from Government,” Associated Press, December 4, 2006, among others.

¹⁷² USAID political institution strengthening, starting with support for the 2005 elections, was supported through FY 2008 under a USAID-backed contracting coordination mechanism known as the Consortium for Elections Political Process Strengthening (CEPPS). See Democracy International/USAID, *Liberia Elections and Political Processes Program Evaluation, Final Report*, November 2008; IFES, *IFES Final Report - Liberia Election Administration Program*, November 1, 2004-January 31, 2009; and information from NDI, IRI, and IFES.

financial support to a local radio partner to connect lawmakers with their constituents and disseminate information nation-wide on legislative activities.¹⁷³

Congressional Role

In addition to appropriating funds to assist Liberia, Congress is taking a direct role in supporting governance capacity-building in Liberia. In July 2006, following a visit by a congressional delegation and a parliamentary assessment by a House Democracy Assistance Commission (HDAC) staff team, Liberia was selected to participate in a multi-year HDAC House Democracy Partnership (HDP) program. HDAC partnerships provide “technical assistance to the parliaments of newly democratic countries on a peer-to-peer basis, with Members of Congress working with Members of Parliament and congressional staff working with their parliamentary counterparts.”¹⁷⁴

HDAC’s goal is to help partner legislatures improve “fundamental capabilities of legislatures to serve as effective, independent, representative bodies of government.” Key HDAC activities include Member Outbound Programs, in which U.S. Members and staff delegations hold discussion on topics such as “essential legislative capabilities, policy questions, bilateral relations and regional issues” and constituent relations with their counterparts in partner legislatures. HDAC Staff Institutes, in which HDAC and other Congressional staff hold U.S. and overseas-based training sessions for partner legislature staff focusing on such areas as “budget analysis, committee operations, research, and administration” are another key activity, as are Member Inbound Programs. In the latter, Members of partner legislatures travel to the United States for “training focusing on Congressional operations and constituent services.” Specialized trainings focus on such areas as defense oversight, in cooperation with the Department of Defense, ethics, and budget committee work. HDAC provides limited material assistance “in areas where it can achieve immediate impact,” such as planned legislative research and library capacity-building in Liberia.¹⁷⁵

War Crimes, Human Rights Cases, and Transitional Justice

Taylor Trial

Former Liberian President Charles Taylor is defending himself against an 11-count war crimes indictment first brought against him in 2003 by the Prosecutor of the U.S.-supported Sierra Leone-based Special Court for Sierra Leone.¹⁷⁶ The indictment against Taylor alleges that he

¹⁷³ NDI, “Liberia,” <http://www.ndi.org/liberia>. Much of the work takes the form of workshops, technical assistance, mentoring and overseas study visits. According to USAID, the program also seeks to codify standing rules and orders; develop ethics rules; improving legislative research and information resource capacities; institutionalizing a law-making training program; and professionalize legislative staff. The radio program element centers on production of Legislative Spotlight, a current legislative events program aimed at expanding democratic participation in legislative processes. USAID/Liberia, “Support to the Legislature,” current as of May 11, 2010.

¹⁷⁴ HDAC fact sheet, November 2006.

¹⁷⁵ HDAC, *House Democracy Assistance Commission – At a Glance*, n.d.; also see annual HDAC reports.

¹⁷⁶ The original indictment, dated March 3, 2003, approved on March 7, 2003, and unsealed on June 4, 2003 during Liberian peace talks in Ghana, charged Taylor with 17 counts of war crimes, crimes against humanity, and other (continued...)

violated international and Sierra Leonean law by actively aiding and abetting activities in furtherance of the armed insurgency against the government of Sierra Leone by the Revolutionary United Front, a now defunct Sierra Leonean rebel group.

Taylor's trial is being conducted by the SCSL in the Hague, the Netherlands, where under a special agreement the SCSL is using the premises of the International Criminal Court (ICC).¹⁷⁷ The trial, which had originally been slated to begin in April 2007, opened in early June 2007, but proceedings were delayed after Taylor boycotted his trial and later fired his initial defense team. A new defense team was later hired. It successfully requested increased funding for his legal defense and in mid-August 2007 won a postponement of Taylor's trial on the basis that the team must be allowed adequate time to review extensive evidence that has been submitted in the case. The trial resumed in January 2008, with testimony by 91 witnesses for the Prosecution, which wrapped up its case in February 2009. The defense opened its case in July 2009. Cross-examination of defense witnesses by the Prosecutor's Office of the U.S.-backed Special Court for Sierra Leone (SCSL), which began in November 2009, proceeded in early 2010.¹⁷⁸

Taylor was taken into the custody of the SCSL following his arrest on March 29, 2006, at a border checkpoint in the northern Nigerian state of Borno, as he tried to cross by road into Cameroon. He was apprehended by Nigerian security forces after fleeing the southern Nigerian city of Calabar, where he had lived with an entourage of aides and family members beginning in August 2003, when he was given asylum by Nigeria's government. He reportedly fled on March 27, two days after Nigeria's government announced that Liberia was "free" to take Taylor "into its custody," while not specifying how that end could or would be achieved, or moving to arrest him. After his capture, Taylor was extradited to Liberia in a Nigerian presidential jet. He was then immediately flown by UNMIL helicopter to the premises of the SCSL in Freetown, the capital of Sierra Leone, where he was taken into SCSL custody. On April 3 he was arraigned and pled not guilty, though he qualified his plea by questioning the SCSL's "jurisdiction over me, as the 21st President of the Republic of Liberia."¹⁷⁹

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serious violations of international humanitarian law. The indictment was amended on March 16, 2006, to 11 counts to "ensure a more focused trial," according to a statement by the prosecutor. The SCSL Prosecutor's indictment is online; see <http://www.sc-sl.org/Taylor.html>.

¹⁷⁷ The trial was transferred to the Hague from the SCSL premises in Freetown, Sierra Leone for reasons of security and to prevent possible instability in Sierra Leone and Liberia arising from the trial. Trial documents and recordings are available at the SCSL website: <http://www.sc-sl.org/taylor.html>. A non-governmental group has also created a Taylor trial tracking website: <http://charlestaylortrial.org>.

¹⁷⁸ Taylor's trial, which began and then recessed in mid-2007, had resumed on January 7, 2008. See SCSL/Office of the Prosecutor, "Testimony for the Prosecution Concluded in Taylor Trial," February 2, 2009, and other SCSL documents (see <http://www.sc-sl.org> Cases >> The Prosecutor vs. Charles Ghankay Taylor); and Open Society Institute, "Trial Proceedings," <http://www.charlestaylortrial.org>.

¹⁷⁹ The arraignment hearing judge, however, reminded Taylor that the SCSL Appeals Chamber had in May 2004 decided that heads of state could be prosecuted before the SCSL. It had ruled in response to a motion by an attorney, acting on behalf of then-president Taylor, who requested that the court quash Taylor's indictment on the grounds that the court lacked jurisdiction to indict Taylor because he was a head of state at the time he was indicted. At Taylor's April arraignment, a court-appointed defense attorney for Taylor also requested that he be tried in Sierra Leone, to facilitate the logistics of bringing defense witnesses resident in the sub-region before the SCSL and to prevent their possible denial of visas to travel to a venue held in Europe. See IRIN, "Transcript of Charles Taylor's Plea on First Court Appearance," April 4, 2006.

Trial Venue

In June 2006, Taylor was transferred from the headquarters of the SCSL, in Freetown, Sierra Leone, to the prison premises of the International Criminal Court (ICC) in the Hague, the Netherlands. The ICC, with the agreement of the Dutch government, agreed to allow the SCSL to use ICC facilities in order to conduct the Taylor trial.¹⁸⁰ Dutch authorities agreed to allow Taylor to be tried on Dutch soil after Britain offered to imprison Taylor if he is convicted.¹⁸¹ The SCSL will retain legal and institutional control over the Taylor case but will use the physical premises of the ICC in the Hague, the Netherlands, to conduct his trial and related hearings. Taylor's transfer to the Netherlands was made for reasons of security and to prevent potential instability in Sierra Leone and Liberia, where his trial could prove politically controversial and emotive.¹⁸² The decision to transfer him to the Hague remains a topic of debate.

The decision to transfer the trial to a venue outside of Sierra Leone or the continent of Africa stimulated debate over the over the implications for justice of the transfer.¹⁸³ Some have contended that Taylor's trial should have been conducted in the country where his alleged crimes took place. Such an outcome, in this view, would demonstrate—both to victims and perpetrators of international human rights and laws of war violations in Sierra Leone and the surrounding sub-region—that accountability for such actions can be achieved in the same social and geographic contexts in which they were committed. Similarly, some have argued that the didactic and symbolic value for the region of a local public trial would be greater than one conducted abroad, in part because it would allow more direct and proximate access to the court proceedings by the local population. Some observers have worried that because many Sierra Leonean journalists lack the ability to cover the trial directly due to cost or other factors, Sierra Leoneans would be deprived of a key channel of information and analysis accessible to them in the local patois (*Krio*, an English-based Creole) and responsive to local concerns. Sierra Leoneans lack widespread access to television and print media, particularly western media sources that are more likely to

¹⁸⁰ On the day that Taylor was taken into SCSL custody, the SCSL made a request to the Dutch government and to the ICC asking that the SCSL be permitted to use the Hague premises of the ICC while hearing Taylor's trial. See SCSL Press and Public Affairs Office, "Special Court President Requests Charles Taylor be Tried in The Hague," March 30, 2006. The U.N. Security Council subsequently endorsed an agreement later reached between the Dutch government and the SCSL, after a memorandum of understanding was agreed between the SCSL and the ICC.

¹⁸¹ The Netherlands agreed to accept Taylor's transfer onto its territory on the condition that, prior to the transfer, provisions be put in place to ensure that Taylor depart Dutch soil following his trial. It is not clear where Taylor might go if he is acquitted, but Dutch authorities will not, at present, permit him to remain in the Netherlands after he is tried. Britain's offer to imprison Taylor is subject to approval by its parliament, but prior to its proffer, the UK government reportedly consulted the political opposition, which agreed to support the proposal. Sweden's parliament had earlier passed legislation, "specifically because of the Charles Taylor case," that amended Swedish laws to enable it to imprison an SCSL convict. The Swedish government, however, had not formally offered to imprison Taylor if he were convicted, though it had reportedly considered doing so.

¹⁸² Once the decision to transfer Taylor out of Sierra Leone had been made, the SCSL Prosecutor stated that the transfer of the Taylor trial to the Hague was "the only option" because the courts of the International Criminal Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda (ICTR)—two institutional venues to which the transfer of the Taylor case was reportedly considered—are "too full." The ICTR is based in Arusha, Tanzania. The Prosecutor also stated that President Sirleaf had requested that Taylor's case be heard outside of Sierra Leone and the local Mano River sub-region. See SCSL, Office of the Prosecutor, "The Prosecutor's Meeting with Civil Society of Sierra Leone: The Prosecutor's Statement," April 12, 2006, as well as U.N. Security Council resolution 1688 (S/RES/1688, June 16, 2006).

¹⁸³ Human Rights Watch (HRW) has reviewed many of the arguments for and against transferring Taylor's case to the Hague and has made a number of related recommendations. See HRW, *Trying Charles Taylor in The Hague: Making Justice Accessible to Those Most Affected*, HRW Briefing No. 2, June 2006, as well as Howard Lesser, "In Sierra Leone, Mixed Reaction to Taylor's Trial Transfer," VOA, June 21, 2006, among other press analyses of the transfer.

have the resources to cover a trial in the Hague. Other factors cited in favor of holding a trial locally have included concerns about the logistical, legal, financial, and bureaucratic barriers that an overseas venue might pose for witness participation in the trial, as well as for its general organization and staging.¹⁸⁴ Such concerns continue, and may potentially imperil the reputation of the SCSL as a novel, cost-effective international judicial model.¹⁸⁵

Others have supported the transfer on the basis that any factor that might spark political unrest or conflict—such as Taylor’s trial—should be avoided, given the relatively fragile and recent transition to peace in Liberia and Sierra Leone, both of which have extended histories of political instability. In this view, moving the trial to the Hague has decreased the chance that political controversy prompted by Taylor’s trial may lead to local unrest, and has undercut his ability to directly appeal to or rally potentially armed followers, should he attempt to use the trial as a political platform. Some have also maintained that holding the trial in a distant location would help Sierra Leoneans and Liberians overcome the legacies of war. A local trial, according to this point of view, might present too immediate and visceral a reminder of the wartime suffering that many in these two countries have only recently overcome. Sierra Leoneans, this line of reasoning emphasized, are weary of war and its effects and want to “move past” their experiences of wartime brutality and focus on peace and socio-economic reconstruction.

Sirleaf Administration Role

Taylor’s SCSL case and extradition have been delicate matters for President Sirleaf, because her government was not party to his asylum deal or indictment, but was charged with resolving issues arising from them. Prior to his transfer to the court, some observers had raised concerns over the hypothetical possibility that the stability of Sirleaf’s government might be undermined if Sirleaf were to alienate or anger supporters of former President Taylor, particularly given that he won the presidency with 75.3% of the vote in 1997, and because he is a former warlord whose factional fighters had a reputation for brutality. Prior to her mid-March 2006 visit to the United States, Sirleaf had stated that her administration would eventually seek the repatriation of former president Charles Taylor from Nigeria or his transfer to the SCSL under certain conditions. These included consultations with and the assent of “regional leaders who managed the process of leading to his exile;” accommodation for certain unspecified timing considerations; and a transfer process that would “not undermine the security” of Liberia. She also reportedly said that she did not view it as an immediate priority. She specifically stated that any solution would require the concurrence of the European Union, the African Union, and West African leaders, with whom she met during a regional pre-inauguration consulting tour, in part intended to address “certain national and regional sensitivities.” Notwithstanding these actions, in March 2006 her government formally requested Taylor’s extradition from Nigeria, prompting the sequence of events leading to Taylor’s capture.

In mid-July 2007, the Sirleaf Administration submitted a bill to the national legislature that would have allowed it to seize and seek international cooperation in “tracking, freezing and confiscating the funds, properties and assets” allegedly misappropriated and/or controlled by Taylor and

¹⁸⁴ The potentially higher costs of conducting a trial in the Netherlands may pose a particularly significant funding challenge to the SCSL. See IRIN, “Sierra Leone: New War Crimes Court President Pleads for Extra Funds,” May 25, 2006.

¹⁸⁵ Marlise Simons, “Liberian Ex-Leader’s War Crimes Trial Is Stalled,” *New York Times*, August 25, 2007.

certain of his relatives and associates.¹⁸⁶ The bill was considered controversial because Taylor has not been convicted of any crimes in Liberia or by the SCSL. In September 2007, the legislature rejected the bill on ground that it would unconstitutionally deny due process rights.¹⁸⁷ The government has pledged to attempt to continue to pursue efforts to effect such seizures, and may amend and resubmit the bill.

SCSL: U.S. Views and Assistance

The United States strongly supports the SCSL's mandate to try those responsible for war crimes in Sierra Leone. The court is also seen by some as providing an alternative institutional model to the International Criminal Court and is viewed as a smaller, leaner organization compared to the more administratively extensive and costly international criminal tribunals for the former Yugoslavia and Rwanda, though questions have recently been raised about its cost-effectiveness.¹⁸⁸ Court officials, however, point out that per-capita "justice" cost comparisons with larger war crimes and related courts are misleading, since the latter can achieve efficiencies on the basis of larger economies of scale and because the SCSL had to invest in substantial initial fixed costs, even though the number of plaintiffs was relatively small. They also point out that the court has been able to maintain a relatively rapid trial and appeals process, which has kept down costs. They also point out that the court is expected to provide a substantial legacy, in the form of buildings and institutions, that is expected to bolster the rule of law in the region after the court has completed its activities. Lastly, they point out that the SCSL has achieved several milestones in the administration of international justice, as the first international court to:

- Indict a sitting African head of state for war crimes;
- Derive its funding from voluntary contributions;
- Be established in the country where the alleged crimes at issue took place; and
- Issue rulings on the recruitment and use of children in the context of a war crimes trial and the treatment of forced marriage as a war crime separate and distinct from crimes of sexual slavery and rape.

Table 2. U.S. Assistance for the Special Court for Sierra Leone
(\$ millions)

Account ^a	Amount	Fiscal Years by Appropriation and Obligation
ESF	2	FY2000 ^b
DFA	3	FY2001 ^c
ESF	5	FY2002

¹⁸⁶ The assets of such persons are subject to a U.N. assets freeze imposed in 2004 under U.N. Security Council Resolution 1532. For information and documents pertaining to the assets seizure and related matters and a list of affected individuals, see the website of the U.N. Liberia sanctions committee: <http://www.un.org/sc/committees/1521/index.shtml>.

¹⁸⁷ BBC News, "Liberia 'to Seize Taylor Assets'," July 2007; and Jonathan Paye-Layleh, "Liberian lawmakers reject bill to freeze Taylor's assets," Associated Press, September 23, 2007, *inter alia*. See also the May 2007 report by the Security Council Panel of Experts on Liberia (S/2007/340, published June 7, 2007) and *Following Taylor's Money, op cit*.

¹⁸⁸ Simons, "Liberian Ex-Leader's War Crimes Trial is Stalled," *op cit*.

Account ^a	Amount	Fiscal Years by Appropriation and Obligation
ESF	10	FY2003 ^d
K Fund	2	FY2005
ESF	13	FY2006 ^e
ESF	13	FY2007 ^f
ESF	12.4	FY2008
ESF	9	FY2009
ESF	7.5	FY2010
Total through FY2008	76.9^g	
ESF	5	Requested FY2011 level

Source: State Department information provided orally or in writing.

Notes:

- a. K Fund: Emergencies in the Diplomatic and Consular Service; DFA: Development Fund for Africa; ESF: Economic Support Fund.
- b. Funds provided in FY2001.
- c. No-year funds de-obligated from prior year funds. Funds provided in FY2001.
- d. \$5 million provided in FY2003 and \$5 million provided in FY2004.
- e. P.L. 109-102, which contained appropriations for FY2006 foreign operations, stated that \$13 million "should" be provided to the SCSL. The State Department reports that this amount was, in fact, provided to the SCSL in FY2006.
- f. The \$13 million figure was composed of \$3 million in FY2007 supplemental ESF account funds provided under P.L. 110-28 (passed as H.R. 2206/Obey) and \$10 million in ESF appropriations provided under P.L. 110-5 (passed as H.J.Res. 20/Obey).
- g. \$69.309 million transferred to the SCSL as of March 9, 2010. FY 2010 contribution to be provided after annual foreign operations appropriations funding allocation notification to Congress.

Currently the SCSL is facing a severe funding shortfall that could critically impair its ability to both complete its judicial activities and wind up its operations on schedule. The court also faces the prospect of difficulties in financing its long-term residual activities, which are expected to pertain to witness protection; archival activities, including record keeping associated with future legal and financial documents of the court; a residual registrar's capacity required for enforcing court sentences and maintaining relations with countries hosting imprisoned convicts of the SCSL; legal decision-making regarding future appeals, conditions of prisoner treatment, or contempt proceedings; and financial matters pertaining to such activities.

There was occasional friction between the Bush Administration and the SCSL with regard to the effect that certain of the court's actions have had on political events and U.S. policy goals in West Africa. Some State Department officials in private, for instance, questioned the political prudence or timing of certain actions taken by former SCSL Prosecutor, David Crane, such as his unsealing of the indictment against Taylor at a critical juncture during Liberian peace talks held in Ghana in June 2003. Some critics also faulted the Administration for not pushing harder to obtain the extradition of Taylor from Nigeria after the latter provided him with asylum in August 2003. In 2006, however, the United States began to pursue this goal more urgently, explicitly, and directly, and such criticisms declined.

Transitional Justice in Liberia

Potential for War Crimes Tribunal in Liberia

There have been some calls for a special court to try crimes committed during Liberia's civil wars.¹⁸⁹ Many Liberians who suffered the death of loved ones or personal attacks and other crimes, and some have expressed a desire to see those who committed such deeds punished.¹⁹⁰ Some observers have suggested, however, that President Sirleaf does not, in general, support prosecuting those who committed war time atrocities during the 1989-2003 civil wars because such tribunals might reignite old antagonisms and conflict. Such sentiments may be held by many Liberians, in part due to personal or familial linkages to parties involved in the conflict, and due to concerns similar to those cited in favor of moving the Taylor trial to the Hague. Some have argued that the current legislature might not support the creation of a tribunal because some of its members might be targets of subsequent prosecutions. The creation of a tribunal could face legal barriers, as well as political ones. Some peace agreements covering Liberia first civil war contain amnesty provisions for war-time crimes. There is no apparent legal barrier to one that might cover Liberia's second civil war, however. The 2003 Comprehensive Peace Agreement provided for a "recommendation for general amnesty to all persons and parties engaged or involved in military activities during the Liberian civil conflict that is the subject of this Agreement" but did not explicitly provide for one. It did, however, endeavor to "address issues of impunity, as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences" by providing for the creation of a Truth and Reconciliation Commission (TRC).

Truth and Reconciliation Commission

While no war crimes tribunal special tribunal has been established, in late February 2006, President Sirleaf inaugurated the Liberian TRC, which the transitional legislature created in 2005. She also pledged to support and strengthen the TRC, which has a mandate to investigate crimes and human rights abuses committed from 1979 until 2003.¹⁹¹ The TRC formally began operations in early June 2006, but did not begin to collect testimony until October 2006 and had to halt operations about a month later due to financial shortfalls. In mid-2007, after having undertaken a fund-raising effort, it launched a multi-month project to collect testimony from the substantial Liberian community living in the United States, in part supported by Minnesota-based Advocates for Human Rights and Northwestern University's Center for Human Rights Law, which had begun to collect diasporic statements for the TRC in early 2007.¹⁹² In October 2007, it re-launched field hearings in Liberia after receiving assistance from the U.N. Development Program

¹⁸⁹ See, for instance, Amnesty International, *Liberia: Time for Truth, Justice and Reparation for Liberia's Victims*, 2007.

¹⁹⁰ See Catherine Maddux, "Hague Trial Could Mean Justice for More West African War Victims," VOA News, April 10, 2006 and IRIN, "Liberia: Youths Petition for War Crimes Court," April 11, 2006; Jeremy I. Levitt and J. Peter Pham, "Liberia Must Confront its Past If It Wants a Brighter Future," *The Baltimore Sun*, December 8, 2005; IRIN, "Liberia: Post-war justice stirs division," July 6, 2006; and Sebo Daniels, "Liberia: War Crime Advocate Arrested," *The Inquirer* (Monrovia), February 14, 2007.

¹⁹¹ The TRC website <http://www.trcofliberia.org> contains documents about the mandate and current activities of the Commission.

¹⁹² The Advocates for Human Rights, "Liberian Truth and Reconciliation Commission Diaspora Project," <http://liberiatrnc.mnadvocates.org>; and VOA, "Liberia's Truth and Reconciliation Commission to Get Boost From Northwestern University in Chicago," March 8, 2007.

and USAID, among other donors. In FY2006, USAID provided \$.5 million in support to the TRC.

In June 2009, the TRC released a draft of its final report, which was formally published in its final form in December 2009. It examined the root causes and social effects of armed conflict in Liberia, and presented findings regarding gross violations of human rights, violations of international human rights and humanitarian law, and “egregious domestic law violations.”¹⁹³ It laid out recommendations for public sanctions, including lists of alleged perpetrators of human rights violators and economic crimes whom the TRC “recommended for prosecution” or further investigation, and for non-judicial public sanctions, such as a prohibition on holding public office” or “elected or appointed for a period of thirty (30) years.”¹⁹⁴ The latter included a list of 49 persons named “for their role in supporting, financially and otherwise, various warring factions.” Numerous other recommendations in the report related to diverse issues, “including public integrity, corruption, human rights, economic empowerment, good governance, national identity and reparation, amongst others intended to resolve past conflicts as part of a national progression towards lasting peace and reconciliation.”¹⁹⁵

The TRC report was controversial, in part, because President Sirleaf was included on the list of alleged leaders or key supporters of armed civil war factions whom the TRC recommended be barred from holding public offices” or “elected or appointed for a period of thirty (30) years.” The basis for the recommendation was not explained in detail in the report, but appears to have been rooted in Sirleaf’s short-lived support for Charles Taylor at the start of his effort to oust Doe. In early 2009, Sirleaf, who was imprisoned by former President Taylor, had testified that she had not been party to any armed group during Liberia’s civil wars. She said, however, that she had “to apologize to this nation” for initially supporting Taylor after being “fooled by” him.¹⁹⁶

President Sirleaf appears to have rejected the TRC’s recommendation that she not hold public office. In addition to not resigning her position, during her annual message to the legislature in January 2010, she announced that she would seek reelection to a second term in 2011, as many observers had expected. In the same speech, she raised questions over the legal standing and import of the TRC’s recommendations. She stated that the TRC’s recommendations on “criminal tribunal, criminal sanctions and public sanctions and economic crimes and investigations” had “been the subject of great debate since the TRC Report was made public” and that

To deal with this, I propose amendments to the Independent National Human Rights Commission (INHRC) Act of 2005 to enable that body to seize itself of those aspects of the TRC Report, and to work in collaboration with the Ministry of Justice to determine those recommendations that are implementable or enforceable under the Constitution and laws of Liberia.¹⁹⁷

¹⁹³ TRC, “Liberia’s TRC Presents Final Report,” June 29, 2009.

¹⁹⁴ TRC, *Consolidated Final Report* (unedited), Volume II, June 29, 2009.

¹⁹⁵ TRC press release, December 11, 2009 and other TRC documents.

¹⁹⁶ TRC, *Consolidated Final Report* (unedited), Volume II, June 29, 2009; TRC, “Liberia’s TRC Presents Final Report,” June 29, 2009; The Analyst, “TRC Members Threatened,” via AllAfrica, July 9, 2009; IRIN, “TRC Furore Overshadows Peace Building Proposals,” July 9, 2009; Boakai Fofana, “Sirleaf Testifies to Truth Commission,” AllAfrica.com, February 13, 2009.

¹⁹⁷ President Sirleaf, annual message to the legislature, January 25, 2010.

Cases Against “Chuckie” Taylor

In mid-September 2006, former President Taylor’s Boston-born son, Roy M. Belfast Jr. (AKA Charles McArthur Emmanuel and Charles “Chuckie” Taylor, Jr.) pled guilty to a federal passport fraud relating to his official submission of false data regarding his father’s identity. He had been arrested at Miami International Airport by U.S. customs agents while attempting to enter the United States from Trinidad on March 30, 2006, one day after his father was apprehended in Nigeria. Belfast, who reportedly has an extensive U.S. juvenile criminal record, was sentenced on December 7, 2006 to 11 months in prison for the fraud.¹⁹⁸

Hours after being sentenced in the passport fraud case, Belfast pled not guilty to a separate indictment brought against him by a U.S. federal Grand Jury. It charged Belfast with torture, conspiracy to torture, and of using a firearm during an act of violent crime while serving as the head of the Liberian Anti-Terrorist Unit (ATU, known informally as the “Demon Forces”) during his father’s presidency. The ATU was a state security unit staffed primarily by members of Taylor’s former civil war faction. Belfast is reportedly the first person ever to have been charged under a statute that allows U.S. courts to hear criminal cases involving acts of torture committed abroad by any person present in the United States.¹⁹⁹

The initial charges against Belfast, in his capacity as an ATU official, related to the alleged 2002 torture of one person, but other self-identified victims publicly accused him of having committed similar crimes against them after he was indicted. In November 2007, he was charged under a superseding indictment with torturing at least seven Liberians “under color of law” and in furtherance of a conspiracy to maintain and protect his father’s political power. The charges included violent acts, such as burning, beating, stabbing, and the application of electrical shocks, in some cases in association with murder, committed between April 1999 and July 2003. Belfast’s initial indictment followed efforts by the advocacy group Human Rights Watch (HRW) to persuade the Justice Department to investigate him “for torture and war crimes.” HRW submitted a dossier to the Justice Department in support of its allegations against Belfast.²⁰⁰ In early July 2007, a U.S. Southern District of Florida judge denied a defense motion to dismiss the case. After several continuances, Belfast’s trial was held over a period of six weeks in September and October, 2008. He was convicted on October 30, 2008 on five counts of torture, one of

¹⁹⁸ Jay Weaver, “Son of Liberia’s Taylor sentenced to 11 months,” *Miami Herald*, December 7, 2006; Curt Anderson, “Son of Ex-Liberian President Admits Passport Fraud,” Associated Press, September 15, 2006; verbal communication from U.S. Attorney’s office, November 28, 2006; Dept. of Justice press release, Sept 15, 2006; Curt Anderson, “Activists Want Charles Taylor’s Son Tried for War Crimes, Torture,” Associated Press, August 6, 2006; and HRW, “U.S.: Investigate Taylor’s Son for Torture, War Crimes,” May 26, 2006, *inter alia*.

¹⁹⁹ The main charges were brought under 18 USC § 2340, which was first passed under P.L. 103-236, later amended, to implement U.S. commitments as a signatory of the U.N. Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. For background, see Human Rights Watch, “Charles ‘Chuckie’ Taylor, Jr.’s Trial in the United States for Torture Committed in Liberia/Questions and Answers,” September 23, 2008 and CRS Report RL32438, *U.N. Convention Against Torture (CAT): Overview and Application to Interrogation Techniques*, by Michael John Garcia.

²⁰⁰ Department of Justice (DOJ), “Roy Belfast Jr. AKA Chuckie Taylor Indicted on Torture Charges/First-Ever Torture Charges,” December 6, 2006; and R. Jeffrey Smith, “Anti-Torture Statute Used to Indict Son of Liberia’s Ex-Leader,” *Washington Post*, December 7, 2006; and IRIN, “Liberia: Speaking Out About Taylor’s Son,” December 13, 2006; Jay Weaver, “Liberian ex-official faces more torture charges,” *Miami Herald*, September 7, 2007; and DOJ, “Chuckie Taylor Charged with Additional Acts of Torture in Superseding Indictment,” September 6, 2007; and Elise Keppler, Shirley Jean, and J. Paxton Marshall, “First Prosecution in the United States for Torture Committed Abroad: The Trial of Charles ‘Chuckie’ Taylor, Jr.,” *Human Rights Brief*, 15:3, Spring/Summer 2008, *inter alia*.

conspiracy to torture, one of using a firearm while committing a violent crime, and one of conspiracy to use a firearm while carrying out such an act. In January 2009, he was sentenced to 97 years in prison for these crimes.²⁰¹

In May 2009, five plaintiffs who sued Belfast in civil court for damages that they claimed to have sustained as a result of the torture that he was convicted of committing won a default judgment in the case. In February 2010 they were collectively awarded \$22.4 million in compensation for physical pain and mental suffering, and as a punitive measure against Belfast.²⁰²

Like former President Taylor and many of his associates, Belfast is also subject to a U.S. asset freeze under Executive Order 13348 (July 22, 2004) and to a United Nations travel ban. These measures were originally imposed to halt support by the Taylor government for the Revolutionary Front of Sierra Leone (see "Taylor Trial," above). Some press reports suggest Belfast may have abetted such activities.²⁰³

U.S. Relations

The United States and Liberia have a long-standing historical relationship.²⁰⁴ The United States has long provided Liberia with substantial assistance, and U.S.-Liberian bilateral ties have often been close, with some exceptions, including the final years of late president Samuel K. Doe's regime and during the tenure of former President Charles Taylor. Official U.S. interactions with the NTGL were also guarded, due to real or perceived problems of corruption within the NTGL and due to the participation in it of members of the armed parties to the conflict, some suspected of human rights abuses.

Current U.S.-Liberian relations are warm, as they were during the Administration of former President George W. Bush. The Sirleaf Administration's close working relationship with the Bush Administration began with her inauguration in 2006, which former U.S. First Lady Laura Bush and former Secretary of State Rice attended, among other prominent U.S. guests.²⁰⁵ Former

²⁰¹ Commenting on the sentence, Acting Assistant Attorney General Matthew Friedrich of the Criminal Division stated that "Our message to human rights violators, no matter where they are, remains the same: We will use the full reach of U.S. law [...] to hold you fully accountable for your crimes." FBI Executive Assistant Director Arthur M. Cummings, II, similarly, stated that the sentence "sends a resounding message that torture will not be tolerated here at home or by U.S. nationals abroad" and that such acts would be investigated "wherever they occur." See Department of Justice, "Roy Belfast Jr., AKA Chuckie Taylor, Convicted On Torture Charges," October 30, 2008; and Department of Justice, "Roy Belfast Jr., A/K/A Chuckie Taylor, Sentenced On Torture Charges," January 9, 2009.

²⁰² World Organization for Human Rights USA, "Final Judgment Issued in Civil Case Against Charles Taylor, Jr. – Plaintiffs Awarded \$22.4 Million," February 5, 2010; Curt Anderson, "Liberians Look For Justice In Miami Court Torture Victims Seek Damages From Ex-President's Son, Associated Press/*South Florida Sun-Sentinel*," December 15, 2009; and Associated Press via *Boston Globe*, "\$22m Awarded in Liberia Torture Case," February 6, 2010.

²⁰³ See James Rupert, "Diamond Hunters Fuel Africa's Brutal Wars; In Sierra Leone, Mining Firms Trade Weapons and Money for Access to Gems," *Washington Post*, October 16, 1999; U.S. Treasury, Office of Foreign Assets Control (OFAC), *Liberia Sanctions*, <http://www.treas.gov/offices/enforcement/ofac/programs/liberia/liberia.shtml>; and U.N., *Security Council Committee Established Pursuant to Resolution 1521 (2003) Concerning Liberia*, <http://www.un.org/Docs/sc/committees/Liberia3Template.htm>.

²⁰⁴ See section entitled "Background: Historical U.S.-Liberian Ties" in CRS Report RL30933, *Liberia: 1989-1997 Civil War, Post-War Developments, and U.S. Relations*, by Nicolas Cook, among other sources.

²⁰⁵ Their presence, Sirleaf stated in her inaugural speech, was welcome because it manifested "a renewal and strengthening of the long-standing historic special relations which bind our two countries and peoples." She also stated that it "reflects a new partnership with the United States based on shared values" and that Liberians are "confident that (continued...)"

President Bush — whose Administration had played key roles in ending Liberia's second civil war and in stabilizing and helping the country to rebuild in the immediate post-war years, backed by substantial, Congressionally-supported U.S. post-war rebuilding assistance²⁰⁶ — admired Sirleaf's leadership and achievements, and awarded the U.S. Presidential Medal of Freedom to her in November 2007.²⁰⁷ In February 2008, then-President and Mrs. Bush traveled to Liberia, among other African countries.

Diverse U.S. officials have repeatedly voiced support for President Sirleaf's government since her election, most recently in April 2010, when Under Secretary of State for Political Affairs William J. Burns visited Liberia. During his visit, he stated that it was "remarkable to see how far the country has come since it held its first free and open post-conflict election in 2005," but added that it is "equally evident is that much work remains for Liberia to fully recover after years of horrific civil war." Burns stated that the core purpose of his trip was to send the message that "the United States will stand by Liberia as it continues to make progress towards reaching its full potential as a democratic state." His comments echoed those of Secretary of State Clinton, who, after meeting with President Sirleaf in April 2009, stated that Sirleaf's leadership had "been exemplary and extraordinary" and had "made an enormous contribution" to Liberia's advancement, and that "President Obama and I are very committed to the future of Liberia and to President Sirleaf's continuing leadership."²⁰⁸ During his trip, Burns also announced a U.S. commitment to "provide \$19.75 million in funding to further advance Liberia National Police force training," which, he said fulfilled "a promise made by Secretary Clinton during her visit last August."²⁰⁹

Clinton's 2009 trip was the second most recent visit by a high-level U.S. official to Liberia, and the most senior leadership visit to date to the country during the Obama Administration. During the visit, in a speech to the Liberian parliament, she related the importance of expanding democratic participation and institution-building to Liberia's prospective success in meeting its substantial challenges, among the most pressing of which she cited as corruption and the need for land tenure reform, and lack of access to jobs, electricity, housing, education, and law enforcement. She specifically called on the legislature to develop its budgetary oversight role, counter corruption and promote transparency, and pass a code of conduct in order to ensure "ethical standards that guide the pursuit of the common good."²¹⁰ She also called on the legislature to help ensure "credible... free and fair elections in 2011," in part by passing a threshold bill.²¹¹ In remarks delivered at the Liberian National Police (LNP) Academy, she

(...continued)

we can continue to count on the assistance of the United States [...] in the urgent task of rebuilding of our nation."

²⁰⁶ See CRS Report RL32243, *Liberia: Transition to Peace*, by Nicolas Cook.

²⁰⁷ She was cited for her efforts as the first elected female African president to "heal a country torn apart by conflict" and "to expand freedom and improve the lives of people in Liberia and across Africa." White House, "Citations Recipients of the Presidential Medal of Freedom," November 5, 2007.

²⁰⁸ State Department, "Remarks With Liberian President Ellen Johnson Sirleaf After Their Meeting," April 21, 2009.

²⁰⁹ William J. Burns, "Under Secretary Burns Travels to Liberia," April 26, 2010 [State Department blog]. According to a May 14, 2010 State Department response to a CRS inquiry; the \$19.75 million is made up of \$9 million in FY 2010 INCLE account funds and \$6.25 million in combined FY 2005 and FY 2009 ESF funding implemented by INL; and \$4.5 million in FY 2010 ESF funding for work implemented by USAID.

²¹⁰ State Department, "Address to Joint Session of Liberian National Legislature," August 13, 2009.

²¹¹ A proposed threshold bill would guide a constitutionally-required legislative boundary delimitation and reapportionment process following Liberia's 2008 population census. It has been controversial due to its potential impact on the national budget and political representation patterns, in part given that nearly ½ of the population is (continued...)

discussed the importance, challenges, and achievements of U.S., multilateral, and Liberian partnership in rebuilding Liberia's police force during the on-going post-conflict period. In particular, she emphasized the importance to the United States of its investment in assisting in the development of the LNP Emergency Response Unit, and announced a prospective increase in U.S. financial support for LNP training (discussed previously in this report).²¹²

President Sirleaf has made several official visits to the United States, including one in February 2007, when she attended a World Bank-organized Liberia Partners' Forum donor meeting in Washington D.C.²¹³ She made another such visit in March 2006, during which she addressed a joint session of Congress on March 15 and met with President Bush on March 21.²¹⁴ She reportedly closely consulted with U.S. officials regarding her priorities for Liberia and the status of Charles Taylor. During a pre-inaugural December 2005 trip to the United States, Sirleaf also met with key U.S. and international financial institution officials.²¹⁵

President Sirleaf is expected to undertake a further official visit the United States in late May 2010. While her itinerary has not been released, the trip is expected to focus on deepening Sirleaf's high-level contacts with Obama Administration officials. Sirleaf is expected to update U.S. policy makers, including interested Members, on Liberia's progress since her election, as well as remaining challenges in such areas as security sector reform, anti-corruption efforts, unemployment, economic growth, and legal system capacity building. Her visit may occasion the announcement of a possible Millennium Challenge Corporation (MCC) Threshold Program and a possible U.S. Global Food Security Initiative country program (see "Development Assistance and Related Bilateral Cooperation").

111th Congress

Liberia-related activities in the 111th Congress have focused on Liberian U.S. immigration issues; support for Liberian female legislators; transparency in Liberia's natural resource sector; and the appropriation of U.S. assistance for Liberia and the SCSL (on the latter, see Table 2, above).

(...continued)

centered in and around Monrovia, as well as issues of constitutionality, and President Sirleaf has vetoed two versions of legislature-passed bills. At the heart of the matter is a constitutional conundrum: The Constitution requires that House of Representatives electoral constituencies be delimited after any national census and prior to the next election. It also requires nearly equally-sized constituencies made up of 20,000 persons or a number prescribed by the legislature, but also requires that there be no more than 100 constituencies in total. Based on the 2008 census of 3.48 million, constituencies of 20,000 persons would produce a constitutionally-barred total of 174 seats, while ones made up of 35,000 persons would yield 99 seats, the maximum constitutionally-permitted number of seats. If the current 64-seat system was to be maintained, the size of constituencies would rise to 54,000. *The Analyst*, "Liberia: Threshold Quagmire -Constitutional Hypocrisy, Power Play Or Democratic Doom?," April 19, 2010; *The Informer* (Monrovia), "Liberia: Referendum Before 2011 Poll Impossible - as Lawmakers Sit Over Election Bills," December 9, 2009; and internal IFES working report by consultant Dr. Lisa Handley, March 2010.

²¹² State Department, "Remarks at Liberian National Police Academy," August 13, 2009.

²¹³ Secretary Condoleezza Rice, Statement at Liberia Partners' Forum, Washington, DC, February 13, 2007.

²¹⁴ *Congressional Record* (House), pp. H996-H998, March 15, 2006.

²¹⁵ Reed Kramer, "Showered With Enthusiasm, Liberia's President-Elect Receives High-Level Reception in Washington," *AllAfrica.com*, December 11, 2005, *inter alia*. During a March 20 appearance with Sirleaf, World Bank President Paul Wolfowitz reportedly announced that the World Bank would provide \$25 million for a road-building fund for Liberia and stated that he was seeking debt forgiveness for Liberia by the World Bank, the IMF, and the African Development Bank. See VOA, "World Bank Commits \$25 Million to Liberian Infrastructure Fund," March 21, 2006.

Other Liberia-related issues matters likely to continue to draw the attention of some Members in the 110th Congress include Liberia's relative progress with respect to security sector reform, anti-corruption and transparency efforts, and democratization; its economic growth prospects; and its politico-military stability in relation to the relative need for continued UNMIL operations and funding.

Appropriations

In addition to appropriating funds for foreign operations that are normally allocated, in part, for programs of assistance to Liberia, the 111th Congress laid out several Liberia-related provisions in its FY 2009 and FY 2010 appropriations.²¹⁶ The Explanatory Statement accompanying P.L. 111-8, Omnibus Appropriations Act, 2009 (passed as H.R. 1105, Obey):²¹⁷

- specified that Marquette University be made eligible for consideration as one of multiple potential recipients of funding for “exchanges between United States and Liberian officials” under a one-time \$6 million international exchange grant program;
- allocated \$90.3 million in Economic Support Fund (ESF) assistance for Liberia;
- directed, with respect to ESF funding for Liberia, that “USAID should support efforts to increase access to electricity, and should expand programs that promote and strengthen the rule of law, consistent with country plans” and “consider the work of North Carolina State University.”
- Stated that “USAID and the Department of State should support international efforts to trace and freeze assets allegedly confiscated and controlled by former Liberian President Charles Taylor, and by his family members and associates. Funding is encouraged to support programs that work with the Liberian Solicitor General to identify and recover these funds”; and
- Stated that the Trade and Development Agency “should consult with the Committees on Appropriations on the next phase of work related to the Mount Coffee Hydro Power Station and the construction of a proposed fiber optic ring around Monrovia.”

P.L. 111-117, Consolidated Appropriations Act, 2010 (passed as H.R. 3288, Olver) allocated for Liberia \$153 million in ESF assistance and \$10 million in regional Peacekeeping Operations funding.²¹⁸ It also directed that funds appropriated in the law

²¹⁶ In addition to allocating funds to specific countries and programs, the Congress annually allocates appropriations foreign operations to broad functional accounts. The President, for the most part via the State Department, then notifies the Congress of the manner in which he intends to allocate these funds by category of assistance or program and by beneficiary foreign country or international organization. Formally, this process — defined under Section 653(a) of the Foreign Assistance Act of 1961, as amended — only requires notification. In practice, the Administration seeks congressional sign-off on these allocations, which in some cases is only provided following protracted executive-legislative branch negotiations. Allocations of appropriations may also be subject to other applicable reporting or notification requirements.

²¹⁷ Under Section 5 of P.L. 111-8, the House Explanatory Statement has the same effect as would a Joint Explanatory Statement.

²¹⁸ See H.Rept. 111-366, the conference report which accompanied P.L. 111-117, which contains a Joint Explanatory Statement; it has the force of law, in accordance with conditions set out in section 7019 of P.L. 111-117.

that are available for assistance for Liberia... shall be made available to promote and support transparency and accountability in relation to the extraction of timber, oil and gas, cacao and other natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative and the Kimberley Process Certification Scheme.

Immigration

As in previous Congresses, some Members have argued in favor of measures to allow certain Liberian refugees to reside in the United States, either on a temporary or permanent basis. Most recently, some Members have urged that Deferred Enforced Departure (DED; see text box), a special immigration status under which certain eligible Liberian aliens may legally reside and work in the United States, be extended by President Obama for such persons upon its current scheduled expiration on March 31, 2010. Two bills would also provide permanent residence status to Liberian refugees in the United States.

Deferred Enforced Departure (DED) and Temporary Protected Status (TPS)

Deferred Enforced Departure (DED) is established by discretionary presidential fiat based on the president's constitutional power to conduct foreign relations. It is not a specific immigration status under the law; rather, it has the effect of suspending enforcement of certain immigration laws for eligible persons, primarily by deferring or preventing the deportation of persons subject to a loss of Temporary Protected Status (TPS). TPS is a temporary "safe harbor" immigration status granted to qualified persons from countries affected by various types of crises, such as ongoing armed conflict, natural disaster, or other severe challenges. Aliens who enjoy TPS and DED status may also apply for authorization to work in the United States, which is sometimes granted automatically. Eligible Liberians were first given TPS after the start of Liberia's first civil war in 1991. This status was terminated and they were granted DED in 1999. Their TPS status was later renewed several times. Upon its expiration in late September 2007, former President George W. Bush, citing the continued fragility of "the political and economic situation in Liberia," granted affected Liberians DED status for 18 months, effective October 1, 2007. Upon the expiration of President Bush's directive, President Barack Obama, citing "compelling foreign policy reasons" and pursuant to his "constitutional authority to conduct the foreign relations of the United States," extended DED status for such persons through March 31, 2010.²¹⁹

On March 10, 2010, a Liberian National Immigration Conference was held on the Capitol to "highlight the need for an immediate extension of DED for the approximately 3,600 eligible Liberians living in the United States and ... efforts supporting the extension." In a Dear Colleague letter announcing the forum, Representative Donald M. Payne invited Members to participate in the event. He also stated that he would be "sending a letter to President Obama urging an extension of DED."²²⁰ In late February 2010, over 20 Members also wrote a similar letter to President Obama.²²¹

²¹⁹ See U.S. Citizenship and Immigration Services (USCIS), "Deferred Enforced Departure," current as of March 10, 2010; Administration of Barack H. Obama, 2009, "Memorandum on Deferred Enforced Departure for Liberians," March 20, 2009; Department of Homeland Security, "Fact Sheet: Liberians Provided Deferred Enforced Departure (DED)," September 12, 2007; and CRS Report RS20844, *Temporary Protected Status: Current Immigration Policy and Issues*, by Ruth Ellen Wasem and Karma Ester, *inter alia*.

²²⁰ Honorable Donald M. Payne, "Dear Colleague: Conference on Liberian Immigration," March 8, 2010

²²¹ The Honorable Patrick J. Kennedy, "Dear Colleague: Support Liberia's Refugees," February 23, 2010

Two bills, S. 656 (Reed), the Liberian Refugee Immigration Fairness Act of 2009, introduced March 19, 2009, and H.R. 2258 (Kennedy), the Liberian Refugee Immigration Protection Act of 2009, introduced May 5, 2009, seek to adjust the immigration status of various categories of Liberians in the United States. S. 656 would direct the Secretary of Homeland Security to adjust the U.S. residency status of qualifying Liberian aliens to that of lawful permanent residents. The bill would require qualifying applicants to be non-criminals, as defined in the bill; to be present in the United States since January 1, 2009; and to apply for adjustment before April 1, 2011, among other criteria. It would also authorize the Secretary to authorize applicants to work in the United States while their cases are pending and would not trigger a reduction in the number of immigrant visas available to Liberians not eligible for adjustment under the Act. H.R. 2258 provides for a broadly similar immigration status adjustment process for qualifying Liberians as those that set out in S. 656, but defines eligibility differently, and similarly provides that such adjustments will not offset the number of immigrant visas otherwise available to Liberians. In contrast to S. 656, eligibility for adjustment under H.R. 2258 would be limited to Liberian U.S. alien residents who were granted TPS on or after March 27, 1991; or were eligible to apply for TPS on or after March 27, 1991.

Other Bills

Liberia-related bills or measures introduced in the 111th Congress that have not been passed into law include the following:

- As passed by the House, H.R. 2410 (Berman), the Foreign Relations Authorization Act, Fiscal Years 2010 and 2011, introduced May 14, 2009, would establish a new State Department exchange program, to be undertaken in cooperation with the Liberian Women's Legislative Caucus. It would fund scholarship-based exchanges for female legislators and congressional staff from Liberia in order to increase active female participation in Liberian politics and democratic processes. H.R. 2475 (Ros-Lehtinen), the Foreign Relations Authorization and Reform Act, Fiscal Years 2010 and 2011, introduced May 19, 2009 contains an almost identical measure. According to H.Rept. 111-136, which accompanies H.R. 2410, the Congressional Budget Office estimates that this program would cost under \$.5 million per year, and total \$1 million between 2010 and 2014.
- S. 1434 (Leahy), Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010, introduced July 9, 2009 would mandate that assistance funds appropriated under the Act for Liberia, among three other West African countries, "be made available to promote and support transparency and accountability in relation to the extraction of timber, oil and gas, cocoa and other natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative (EITI) and the Kimberley Process Certification Scheme," and prohibits such funds from being used to support "industrial-scale logging."
- The House report (H.Rept. 111-105) accompanying P.L. 111-32 (passed as H.R. 2346, Obey) called for Liberia, among nine other countries, to "receive priority consideration" with respect to receiving a potential portion of a \$300 million FY 2009 ESF appropriation to assist developing countries affected by the global financial crisis. Such language, however, did not appear in P.L. 111-32 or the conference report accompanying it.

110th Congress

Liberia-related activities by the 110th Congress built on those pursued by the 109th Congress. Congress continued to monitor the activities of the SCSL and, in particular, the Taylor war crimes case, and provide funding for the SCSL. Congress's focus on Liberia also centered on aiding Liberia's efforts to consolidate its post-war governance and economic rebuilding processes. Issues that drew particular congressional attention included:

- Efforts to rehabilitate schools, clinics, roads and other public facilities;
- Progress under the GEMAP transparency initiative;
- Progress of U.S.-backed security sector restructuring, and possible expansions of related assistance, e.g., for the creation of a quick reaction gendarme unit; increased mobility capacity building for the police and military; and maritime waters and land border monitoring and interdiction capacity building.
- Consideration of potential continued support for UNMIL and the pace of its projected draw-down; and
- U.S. decision-making on debt relief for Liberia and the status of future Brooke Amendment restrictions on Liberia.²²²

The 110th Congress provided continuing appropriations for the purpose of assisting Liberia's post-war rebuilding process when it passed P.L. 110-5 (H.J.Res. 20/Revised Continuing Appropriations Resolution, 2007), which provided approximately \$120.81 funding for FY2007 foreign operations.²²³ The Congress also provided \$48.95 million in supplementary FY2007 funding for Liberia under P.L. 110-28 (H.R. 2206/U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007). In FY 2008, Congress allocated \$125.35 million in FY2008 Liberia funding for Liberia, as laid out in its joint explanatory statement for P.L. 110-161 (H.R. 2764/Consolidated Appropriations Act, 2008). The final amount allocated to Liberia, which included funds allocated for Liberia from central appropriation accounts under the law, totaled \$163 million in FY 2008.

The Liberia Stabilization, Economic Empowerment, Development and Security Act of 2008 (Liberia SEEDS Act of 2008, or H.R. 6655, Jackson, 110th Congress) would have authorized assistance to Liberia for the following: (1) roads and bridges; (2) rehabilitation of Monrovia Freeport; (3) water and sanitation; (4) the electricity sector; (5) vocational education programs for war-affected youth and ex-combatants; (6) establishment of a government employee training institute and enhancement of government accountability and effectiveness; (7) narcotics control and law enforcement; (8) educational exchanges; and (9) the Truth and Reconciliation Commission of Liberia.

Other Liberia-related bills introduced in the 110th Congress include the following.

²²² These restrict certain kinds of assistance to Liberia owing to its arrears on national debt repayments to the United States. See USAID, *Audit of USAID/Liberia's Compliance with the Brooke Amendment and Sections 620(q) and 617 of the Foreign Assistance Act of 1961*, (Audit Report No. 7-669-02-001-P), March 7, 2002, provides background on the Brooke Amendment.

²²³ Funding breakouts are specified in **Table 3**, below. Specific allocations for some accounts were not finalized until August 2007, and funding for some accounts, such as food aid, is allocated from centralized accounts in response to changing needs, and is subject to change.

- H.R. 1941 (Kennedy), Liberian Refugee Immigration Protection Act of 2007;
- H.R. 1591 (Obey), U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007;
- H.R. 3123 (Kennedy), To extend the designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for temporary protected status under that section;
- S. 396 (Dorgan), A bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations in tax havens as domestic corporations;
- S. 554 (Dorgan), Act For Our Kids;
- S. 656 (Reed), Liberian Refugee Immigration Fairness Act of 2007;
- S. 965 (Byrd), U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007;
- S. 1508 (Dorgan), Clean Energy Production Tax Incentives Act of 2007; and
- S. 1903 (Reed), A bill to extend the temporary protected status designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for such status through September 30, 2008.²²⁴

Immigration Issues

H.R. 1941 and S. 656 would have provided permanent residency status to certain Liberian nationals who were granted or were eligible for TPS, while H.R. 3123 and S. 1903 would have extended the status of persons eligible for TPS. On July 30, the House passed H.R. 3123, which was received in the Senate on August 3. On September 12, 2007, President Bush, citing the continued fragility of “the political and economic situation in Liberia,” directed that eligible Liberians resident in the United States and subject to a loss of TPS as of October 1, 2007 be granted DED for 18 months, until March 31, 2009. He also directed that such grantees be allowed to work in the United States. His action fulfilled basic underlying aims of the TPS-related bills discussed above.

In December 2008, a number of House Members co-signed a letter to former President Bush and similar one to the Transition Team of then-President-Elect Barack Obama calling for an extension of DED for eligible Liberians resident in the United States and subject to a loss of TPS on March 31, 2009.²²⁵

²²⁴ The Liberia-related provisions of S. 396, S. 554, and S. 1508 would have designated Liberia as a “tax-haven country,” allowing the Internal Revenue Code to treat certain foreign corporations created or organized under Liberian law as U.S. domestic corporations for tax purposes.

²²⁵ President Bush had previously extended DED, but did not act in response to the Congressional request. The Obama Administration has not, to date, stated if and how it may intend to act regarding this matter. Representative Patrick J. Kennedy and Representative Keith Ellison, “Support Liberia’s Recovery: Request Deferred Enforced Departure for Liberians in the United States,” [“Dear Colleague” letter soliciting co-signatories for a letter to former President Bush], December 16, 2008; and oral information from office of Representative Kennedy, February 6, 2009.

U.S. Assistance Summary

U.S. assistance to Liberia, which is broken out by accounts and amounts for FY2004-FY2010, appear in **Table 3**. The Obama Administration's assistance agenda for Liberia, which continues many of the same kinds of activities that had been pursued by the Bush Administration, centers on "fostering peace and security, strengthening democratic institutions, and rebuilding the economy in a country recovering from 14 years of civil war."²²⁶

Development Assistance and Related Bilateral Cooperation²²⁷

In addition to security sector assistance, which is discussed elsewhere in this report, current USAID and State Department assistance is focused on increasing good governance and democratization; advancing economic growth through assistance to capacity-building and investments related to agriculture, sustainable natural resource management, energy, and infrastructure; and investments in the education and health sectors.

Apart from elections support and legislature strengthening, which are discussed elsewhere in this report,²²⁸ focal governance-strengthening activities center on rule of law judicial system strengthening and in creasing access to justice through support for magistrate and legal assistance training, notably through a long-term American Bar Association program called the Judicial Training Institute (JTI), and alternate dispute resolution, notably with regard to land disputes. Efforts to bolster government transparency and accountability are another key component of such programs. Such assistance is provided through support for the Anti-Corruption Commission and USAID follow-on support for GEMAP (discussed elsewhere in this report), under a USAID program called the Financial Management and Capacity Building Program (FIMCAB) and other civil services training programs.²²⁹ There are also USAID-supported civil society and media capacity building efforts to increase human rights education.²³⁰

Economic growth and related programs center on agriculture capacity-building and the small business sector (e.g., tree crop rehabilitation, livestock re-stocking, and small business training and credit programs, notably in rural and farm areas); and food-for-work initiatives targeting rural areas and food aid for vulnerable groups. Another key program provides capacity-building assistance to the Ministry of Agriculture. Programs in this area also support community-based land and forest management; transparent regulation and governance of commercial forest management; and support for biodiversity conservation goals. According to the FY 2011 CBJ,

²²⁶ State Department, "Liberia," *Congressional Budget Justification - Foreign Operations, Annex: Regional Perspectives*, FY 2011 [FY 2011 CBJ].

²²⁷ In addition to the sources noted below, this section draws from USAID/Liberia, *Overview of USAID Programs in Liberia*, March 2010; FY 2011 CBJ; and multiple USAID/Liberia program descriptions found online at <http://liberia.usaid.gov/>.

²²⁸ See discussion of IFES's work on elections administration and NDI's legislature strengthening activities in previous sections of this report.

²²⁹ State Department/U.S. Embassy-Monrovia, "LIPA/USAID Training Program Graduation," March 3, 2010.

²³⁰ These goals are being pursued, in part, through a five-year, \$11 million USAID civil society and media support program run by the International Research and Exchanges Board (IREX) and a five-year, \$6 million USAID human rights capacity-building and legal training program run by Freedom House and the American Bar Association. USAID response to CRS inquiry, April 28, 2010.

As part of the new Global Hunger and Food Security Initiative, the United States will help Liberia design and implement a country-led comprehensive food security strategy to help the country increase long-term food security and provide support to entire value chains, in order to bring produce to markets and enable Liberia's farmers to feed all the country's citizens.²³¹

USAID energy and infrastructure assistance is another key component. Activities in this area focus on rebuilding roads and bridges to enable farm to market transport; rehabilitation of government buildings, e.g., schools, clinics, and training institutions; and increasing access to electricity. The latter centers on increasing access to electricity through increased power distribution and generation, notably through the use of clean and renewable energy technologies, e.g., solar, water-based and biomass power generation, and technical energy efficiency use gains. Support is also provided to enhance energy-related government policy-making capabilities and public utility effectiveness. Micro-power generation, particularly in rural areas and in support of other USAID activities, is also a key focus of these efforts.

Health and education programs form the final two main pillars of U.S. development assistance in Liberia. Health assistance seeks to rebuild and improve basic health services through support for staffing, equipment and supplies, and training, and facilities upgrades, notably in rural areas; ensure child welfare, notably for orphans and other vulnerable or special needs children; and increase access to clean water and sanitation. There are special programs for family planning and reproductive health; nutrition; and for prevention and intervention programs aimed at combating malaria, tuberculosis, and HIV/AIDS. USAID also supports efforts to bolster the program planning and management capabilities of the Ministry of Health. Education programs center on teacher training, with a special program aimed at improving reading instruction and testing; increasing professional public service worker access to higher education; providing financial support and mentorship to poor children and programs to facilitate the access of older youth to access formal education and life skills training; and a book distribution program. USAID also supports Ministry of Education policy-making, program management, and financial capacity-building, and broader community outreach education programs pertaining to health, nutrition, hygiene, and sanitation.

Millennium Challenge Corporation

Liberia has been eligible for Millennium Challenge Corporation (MCC) Threshold Program assistance since late 2008. As of early April 2010, MCC and USAID were working with Liberia's Ministry of Planning and Economic Affairs to develop a country Threshold Program, for which an agreement may be signed by mid-2010. The program is currently conceived of as a three-year program (2010-2013) that would focus on girl's primary education; land rights and access; and trade policy.²³²

Peace Corps

The Peace Corps is expanding its presence in Liberia. In August 2008, the Peace Corps—which had deployed over 3,832 Peace Corps Volunteers (PCVs) to Liberia from 1962 to 1990, when

²³¹ For background, see CRS Report R40945, *The U.S. Global Food Security Initiative: Issues for Congress*, by Charles E. Hanrahan and Melissa D. Ho.

²³² MCC, "Liberia Program Status," Threshold Quarterly Status Report, October 2009; and USAID, "Millennium Challenge Corporation Threshold Country Program," April 9, 2010

war-related security conditions led to a suspension of the program—officially reopened its program in Liberia. In October 2008 the first group 12 volunteers, of an eventual total of 13, deployed to Liberia under the new program, which was initiated under the Peace Corps Response (PCR) program (formerly called Crisis Response), a special short-term humanitarian service deployment program. Under the program, veteran PCVs called Peace Corps Response Volunteers (PCRVs) deploy to countries that have special needs, typically ones recovering from armed or political conflict or natural disasters, but which may eventually host a regular Peace Corps country program. In Liberia, PCRVs have worked on health and education system reconstruction, mentoring teacher trainers, training health professionals, and supporting Parent Teacher Associations and resource libraries for teachers, among other education capacity-building projects. The program helped lay the groundwork for a transition to a full Peace Corps country program that is expected to receive its first group of PCVs in July 2010. The new PCVs, whose services will overlap with the continuing PCRV program, will support secondary education, working as English, science, and math teachers. Funding for Peace Corps activities in Liberia is estimated at \$1.44 million in FY 2010 and projected to rise to \$2.45 million for FY 2011, when the program is expected to support 41 volunteers.²³³

Trade Benefits

The United States is also supporting President Sirleaf's market-based economic growth agenda in a variety of other ways. In late February 2006, the U.S. Trade Representative announced that President Bush had reinstated duty-free Generalized System of Preferences (GSP) trade benefits for Liberia. USTR said that the action was intended to provide "strong support to recently elected President Ellen Johnson Sirleaf's efforts to increase employment, diversify exports, and stabilize society." It was made, according to the USTR, because Sirleaf had repealed a decree prohibiting strikes and invited the International Labor Organization (ILO) to help Liberia to conform with ILO obligations, thus making "improving worker rights a high priority."²³⁴ On January 1, 2007, Liberia became eligible to receive U.S. trade benefits under the African Growth and Opportunity Act (AGOA).²³⁵ In February 2007, Liberia and the United States signed a bilateral Trade and Investment Framework Agreement (TIFA). Its aim is to bolster bilateral economic cooperation, primarily by creating a U.S.-Liberia Council on Trade and Investment charged with monitoring bilateral trade and investment developments and opportunities, related policy problems, and identifying and working to remove impediments to bilateral investment.²³⁶

Economic Cooperation and Investment

In February 2007, the U.S. Trade and Development Agency (USTDA) announced that it would provide a \$400,000 grant to the Liberian Ministry of Lands, Mines and Energy to fund a technical and economic feasibility study of the rebuilding and expansion of the Mount Coffee Hydropower

²³³ Peace Corps, "Liberia," December 17, 2009; Peace Corps press releases "Peace Corps Reopens Program in Liberia," August 20, 2008; "Peace Corps Response Volunteers Will Serve in Education and Health," October 22, 2008; communication to CRS from Peace Corps, May 12, 2010; and Peace Corps, *Congressional Budget Justification*, FY 2011.

²³⁴ USTR, "U.S. Reinstates Trade Preference Benefits for Liberia," February 22, 2006.

²³⁵ See CRS Report RL31772, *U.S. Trade and Investment Relationship with Sub-Saharan Africa: The African Growth and Opportunity Act*, by Vivian C. Jones.

²³⁶ Trade and Investment Framework Agreement between the United States of America and the Republic of Liberia, February 15, 2007, http://www.ustr.gov/Trade_Agreements/TIFA/Section_Index.html.

Station. The station, once a key national source of electricity, was destroyed during the first civil war. USTDA had first announced plans to support such a study in mid-May 2006.²³⁷ This announcement had been preceded by a February 2006 announcement by the U.S. Export-Import Bank (Ex-Im) stating that it had renewed its Short-Term Insurance Pilot Program for Africa (STIPP) for three years beginning March 31, 2006, and that Liberia had been added to the program.²³⁸ Similarly, in March 2006, the Overseas Private Investment Corporation (OPIC) had announced that “following the election of President Ellen John Sirleaf and the conclusion of its long civil war,” it had “reopened its programs in Liberia for the first time since 1990” as part of an effort of “[r]eaffirming U.S. government support for Liberia.”²³⁹

OPIC is now involved in a public-private commercial and investment business development lending project, the Liberia Enterprise Development Fund (LEDF), together with the RLJ Companies of Black Entertainment Television founder Robert L. Johnson, CHF International, and the U.S. African Development Foundation (ADF). The purpose of LEDF is to create a projected \$30 million loan portfolio aimed at supporting small businesses in Liberia. OPIC has committed to provide \$20 million in debt financing to LEDF, and Mr. Johnson and the ADF have committed, respectively, to provide \$3 million and \$1 million annually over three years. CHF International will administer the program in Liberia.²⁴⁰ OPIC also co-sponsored a Liberia Private Sector Investment Forum in February 2007.

Air and Communications Links

Another effort aimed at fostering bilateral ties, including commercial ones, was the February 2007 signing of an Open Skies aviation agreement between the United States and Liberia.²⁴¹ In October 2008, Delta Airlines announced plans to initiate U.S.-Liberia flights, an outcome that would fulfill some of the goals of the Open Skies agreement.²⁴² Flights were originally slated to begin in mid-2009, but Delta’s plans faced delays, and flights are now slated to begin in mid-2010.²⁴³ Delta’s initial plans were deferred in June 2009, when the U.S. Department of Homeland Security (DHS) announced that it would not authorize the operation of the planned route, pending further DHS evaluation of Delta’s request to initiate the flights. The decision followed an assessment of Roberts International Airport (ROB), outside Monrovia, by the Transportation

²³⁷ USTDA, “USTDA Supports Development of the Power Sector in Liberia During President Ellen Johnson-Sirleaf’s Visit,” February 15, 2007; and USTDA, *Pipeline* [Bi-Weekly E-Mail Update], May 12, 2006.

²³⁸ See Export-Import Bank, “EX-IM Bank Renews, Expands Africa Short-Term Insurance Initiative,” February 10, 2006. The STIPP helps businesses in eligible countries buy U.S.-made goods and services by insuring short-term export credit transactions involving various payment terms in countries where Ex-Im Bank is otherwise not open.

²³⁹ OPIC, “OPIC Reopens Programs In Liberia,” March 21, 2006. OPIC provides political risk insurance and financing aimed at helping U.S. businesses invest in emerging markets and developing nations.

²⁴⁰ See CHF International, “Liberia Economic Development Fund Launched by CHF, RLJ, OPIC & ADF,” February 14, 2007, <http://www.chfhq.org/content/general/detail/4614>.

²⁴¹ The purpose of the agreement is to “significantly modernize U.S.-Liberia aviation relations by allowing airlines from the two countries to make commercial decisions with minimal government intervention” and “provide for open routes, capacity, frequencies, designations, and pricing, as well as cooperative marketing arrangements, including code-sharing.” See State Department, “U.S. Signs Open Skies Aviation Agreement with Liberia” [Media Note], February 16, 2007; and State Department, “Open Skies Agreement Highlights,” June 1, 2006.

²⁴² The Delta route is planned between Atlanta, GA and Monrovia, with a stop-over in Cape Verde.

²⁴³ Harry R. Weber, “Delta Air Lines Making Changes to International Schedule; Some Additions Coming,” Associated Press, October 20, 2009; and President Sirleaf, annual message to the legislature, January 25, 2010.

Security Administration (TSA), a DHS unit. It indicated that ROB did not meet international security and International Civil Aviation Organization (ICAO) standards.²⁴⁴

TSA is providing Liberia with technical assistance to enhance aviation security and compliance with ICAO standards. It has deployed an Aviation Security Sustainable International Standards Team (ASSIST) to Liberia to assess local needs and help build national capacities in this area, and is slated to conduct a reassessment of ROB capabilities in these areas.²⁴⁵ ROB services and infrastructure are also being upgraded, in part with the U.S.-supported, contract-based assistance of Lockheed Martin Global Services.²⁴⁶ Another key benchmark necessary prior to the initiation of flights to Monrovia was met in October 2009, when the TSA reportedly gave provisional approval for the operation of Delta flights at Amilcar Cabral International Airport in Cape Verde, which is slated to function as a refueling stop for Delta's planned flights to Liberia and other African destinations.²⁴⁷

The U.S. Postal Service (USPS), in cooperation with the Departments of Defense and State, is also helping to boost U.S.-Liberian communications and help rebuild Liberian government capacity. USPS has donated postal equipment to Liberia, trained Liberian postal workers, and provided recommendations regarding its future development.²⁴⁸

Debt Relief, Donor Cooperation, and Related Issues

In February, 2007, the United States, other governments, and several multilateral organizations co-hosted the Liberia Partners' Forum, a meeting between the Liberian government and Liberia's public sector creditors and bilateral assistance donors in Washington, D.C.²⁴⁹ The aim of the event, following a similar one held in July 2006, was to review Liberia's achievements and challenges in the areas of economic governance, fiscal policy implementation, general economic

²⁴⁴ Delta reportedly had held Department of Transportation to authority to serve Liberia since April 2007. Weber, "Delta Air Lines..."; Kelly Yamanouchi and Jeffrey Scott, "Delta flights to Nairobi put on hold: Homeland Security postpones approval," *The Atlanta Journal - Constitution*, June 3, 2009; Kerry Lynch, "TSA Cites Threat In Blocking Delta's Atlanta-Nairobi Service," *The Weekly of Business Aviation*, June 8, 2009; Dow Jones News Service, "TSA Blocks Delta Flights To 2 African Cities On Security," June 3, 2009; and Liberian Government, "Delta Postpones New Service to Liberia And Kenya," June 3, 2009 via All Africa.

²⁴⁵ Andrew Compart, "TSA Holds Up Two Africa Routes, Citing 'Credible Threat' To Aviation," *Aviation Daily*, June 3, 2009; TSA, "TSA and Liberia Partner to Enhance Aviation Security," April 7, 2009.

²⁴⁶ The cost of the entire ASSIST technical assistance is currently estimated at \$.34 million in FY 2009 and FY2010 funds. TSA/DHS written response to CRS inquiry, March 19, 2010; African Press Agency, "Lockheed Martin Global Services Takes Over Liberia's Roberts International Airport," August 21, 2009 via Net News Publisher; Airport-Technology.Com, "American Firm Gains Control of Roberts International Airport," August 27, 2009; Lennart Dodoo, "RIA Will Be Hub for Aviation in Sub-region'," *Liberian Observer*, August 26, 2009; and Sidiki Trawally, "Roberts International Airport Meetings International Standards," Ministry of Planning & Economic Affairs - Liberia Reconstruction and Development Committee (LRDC), n.d.

²⁴⁷ Agência Lusa, "Cabo Verde: Delta Airlines Começa a Voar Para o Sal No Primeiro Trimestre de 2010," October 23, 2009.

²⁴⁸ Derek Repp, "Liberians Soon May Be Getting More Mail, with U.S. Help," *America.gov*, April 7, 2008.

²⁴⁹ Items reviewed included the status of peace consolidation, Liberia's transition to democracy, and the rule of law; public financial management, civil service, and anti-corruption reforms; the status of public financial management reform efforts, including with respect to budgeting, revenue administration, and auditing and procurement; requirements for clearing local and national public debt; private sector-driven economic revitalization and job creation, and the status of basic services and infrastructure provision; and planning and international backing for reconstruction and development, including the status of Liberia's international financial institution-backed Interim Poverty Reduction Strategy (iPRS).

development, and related matters. During the meeting, Bush Administration officials announced their intention to cancel \$391 million in debt owed by Liberia to the United States, both under the Heavily Indebted Poor Countries (HIPC) Initiative and in cooperation with other donors, such as the World Bank, the African Development Bank, and the International Monetary Fund.²⁵⁰ In early June 2008, the United States acted on its pledge, writing off \$394 million of Liberian debt under HIPC and Paris Club agreements. The U.S. Treasury has also provided over \$185 million to support Liberian IMF debt relief financing and provided \$17.5 million to clear Liberia's African Development Bank debt. As of mid-2009, official bilateral debt owed to the United States, slated to be cancelled after Liberia completes the HIPC process, totaled \$29.26 million.²⁵¹

Several multilateral and bilateral creditor deals both prior to and after the U.S. action had also reduced Liberia's debt substantially, and as April 2010, bilateral debt reduction deals with all with all Paris Club creditors except Switzerland had been reached. In April 2009, Liberia was able to finalize negotiations to buy back \$1.2 billion in outstanding government commercial debt held by hedge funds and other distressed debt investors (sometimes called vulture funds) at a deep discount of 97.5%, after the World Bank and several bilateral donors, including the United States, agreed to provide \$38 million to pay off 25 outstanding commercial claims. The balance of its sovereign debt, \$1.7 billion, was expected to be written off when Liberia reaches its HIPC Completion Point. The IMF also reported in April 2010 that the Liberian government planned to reach agreements with remaining official non-Paris Club creditors, holding debt of \$129 million, and private creditors holding \$21 million of commercial debt, and was on target to reach its HIPC completion point in mid-2010, providing it met certain conditions. The \$21 million (reported elsewhere as \$20 million) is held by two vulture funds, Wall Capital Ltd. and Hamsah Investments, who were awarded a claim for that amount by a UK court after suing the Liberian government for repayment. The government has announced that it would be unable to pay the award, as doing so would violate its HIPC commitments, although it was seeking a waiver to do so. The original debt associated with the claim totaled \$15 million, and had been resold several times.²⁵²

U.S. Assistance Levels

Levels of U.S. bilateral and U.N. peacekeeping assistance for Liberia, for FY2004 through FY2011, appear in **Table 3**.

²⁵⁰ Secretary Condoleezza Rice, "Liberia Partners' Forum" [statement], Washington, DC, February 13, 2007; and U.S. Treasury, "Treasury Working with Congress to Relieve Liberia's Debt Burden," press release HP-262, February 14, 2007.

²⁵¹ State Department, "U.S. Joins Paris Club in Forgiving Liberia's Debt" [press statement], April 18, 2008; and information provided by Treasury Department officials, June 2008 and March 2010.

²⁵² World Bank, "Liberia Slashes Debt with \$1.2 billion Buyback at Steep Discount," 2009/310/AFR, April 16, 2009; IMF, "Liberia: Enhanced Initiative for Heavily Indebted Poor Countries Initiative—Request for Additional Interim Assistance; and Press Release," IMF Country Report No. 10/91, April 2010; Ansu Konneh, "Liberia Government 'Unable' to Repay Debt Owed to Vulture Funds," Bloomberg News, November 27, 2009 .

Table 3. U.S. Bilateral and Related Assistance to Liberia, FY2004-FY2011

(\$ millions; actual, estimated, or requested levels; errors due to rounding)

Account ^a	FY2004 Actual	FY2005 Actual	FY2006 Actual ^b	FY2007 Actual ^c	FY2008 Actual ^d	FY2009 Actual ^e	FY2010 Estimate	FY2011 Request
CSH ^f	2.82	3.97	2.87	8.50	-	-	-	-
GHCS ^f	-	-	-	-	24.04	25.7	35.65	34.15
DA	-	6.85	23.73	30.50	29.86	32	-	-
ESF	-	24.8	92.72	30	43.19	104.3	153	137.34
FMF	-	2.98	1.98	1.52	.30	1.50	6	9
GHAJ ^f	-	.70	.70	.95	-	-	-	-
IDFA- Supplemental ^g	200	-	-	-	-	-	-	-
IDFA/IDA ^g	.04	9.71	3.71	2.46	-	-	-	-
INCLE	0	5	0.99	1	4.10	4.13	6	17
IMET	0	0	.13	.21	.38	.44	0.5	0.53
NADR-SALW	0.16	-	.22	5	-	-	-	-
PKO	-	25	20	53.25	51.66	49.65	10	5
P.L. 480, Title II/Food for Peace Title II ^g	21.53	22.55	26.97	16.47	9.41	6.30	15	15
TI ^h	3.072	2.58	6.39	5.60	.06	-	-	-
MRA ^g	27.89	28.19	31.65	22.5	-	-	-	-
Sub-Total: Bilateral and Emerg. Aid	255.51	132.33	212.06	177.96	163.00	224.02	226.15	218.02
UNMIL/CIPA ⁱ	290.34	235.42	77.17	177.21	154.28	123.40	135.40	135.40
Totals - All Funding	545.85	367.75	289.23	355.17	317.28	347.42	361.55	353.42

Sources: State Department, *Congressional Budget Justification for Foreign Operations [CBJ]* and *Department of State Congressional Budget Justification for FY2011* and prior fiscal years, and information from USAID/OFDA, State/PRM, State/OGAC, and State/Political-Military Affairs officials.

Notes:

- Account names: **CSH**: Child Survival and Health Program Fund Account; **GHCS**: Global Health and Child Survival Account; **DA**: Development Assistance Account; **ESF**: Economic Support Fund Account; **FMF**: Foreign Military Financing Account; **GHAJ**: Global HIV/AIDS Initiative; **IDA**: International Disaster Assistance (former IDFA account; renamed IDA in FY 2008); **IDFA**: International Disaster & Famine Assistance Account (once known as the IDA account, which it was again renamed in FY 2008); **INCLE**: International Narcotics Control and Law Enforcement; **IMET**: International Military Education and Training Account; **NADR-SALW**: Nonproliferation, Antiterrorism, Demining and Related Projects-Small Arms and Light Weapons; **PKO**: Regional Peacekeeping Account; **TI**: Transition Initiatives Account; **MRA**: Migration and Refugee Assistance Account; and **CIPA**: Contributions for International Peacekeeping Account
- Reflects regular FY2006 appropriation allocations and FY2006 supplemental appropriation under P.L. 109-234. The Administration requested \$13.8 in MRA funds for Liberia but did not request the \$50 million in ESF support that the law provided. The purposes for which the ESF appropriation were used are listed on

- page 125 of the FY2008 CBJ. Regular and supplemental FY2006 bilateral and emergency aid totals \$208.35 million; that assistance plus CIPA funding for FY2006 totals \$280.77 million.
- c. Reflects regular FY2007 appropriation allocations and FY2007 supplemental funding levels as described in the FY 2009 Congressional Budget Justification and in State Department, *Congressional Budget Justification - Foreign Operations*, FY 2010. Supplementary FY2007 funds were provided to assist Liberia under P.L. 110-28 (passed as H.R. 2206 [Obey], the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, which former President Bush signed into law on May 25, 2007). Under P.L. 110-28, \$40 million in regional Peacekeeping Operations (PKO) funds were allocated to support security sector reform in Liberia; \$3 million in Economic Support Fund (ESF) supported the Special Court for Sierra Leone; and \$5 million in regional Nonproliferation, Anti-Terrorism, Demining and Related (NADR) Programs were provided "for the protection of the Liberian President." P.L. 110-28 also authorized the U.S. Treasury to use FY2007 appropriated Bilateral Economic Assistance to aid Liberia in retiring its international financial institution debt arrears. Some of the Liberia-related language in P.L. 110-28 is contained in the joint explanatory statement in H.Rept. 110-107, which Section 3807 of P.L. 110-28 mandated guide the foreign assistance allocations, reporting requirements, and directives for which it provided appropriations. H.Rept. 110-107 accompanied H.R. 1591, which was vetoed by former President Bush. For background, see CRS Report RL33900, *FY2007 Supplemental Appropriations for Defense, Foreign Affairs, and Other Purposes*, coordinated by Stephen Daggett.
 - d. FY 2008 spending allocation notification to Congress, including appropriations designated for Liberia under P.L. 110-161, and State Department, *Congressional Budget Justification - Foreign Operations*, FY 2010.
 - e. All FY 2009 funding from regular FY 2009 foreign operations appropriations except for \$10 million in DA funding from the FY 2009 Bridge Supplemental (P.L. 110-252, the Supplemental Appropriations Act, 2008) and \$24 in ESF from the FY 2009 Spring Supplemental (P.L. 111-32, the Supplemental Appropriations Act, 2009). Several acts funded regular FY 2009 appropriations; for background, see CRS Report RL34552, *State, Foreign Operations, and Related Programs: FY2009 Appropriations*, by Susan B. Epstein and Kennon H. Nakamura.
 - f. The Global Health and Child Survival account, created in FY 2008, integrates funds formerly allocated under the CSH and GHAI designations. In FY 2008, these were allocated between USAID and OGAC in the amounts of \$23.235 million and \$.8 million, respectively. In FY 2009, \$24.9 million was allocated to USAID and \$0.8 million to OGAC.
 - g. Funding under some accounts, such as IDFA/IDA, MRA, and P.L. 480/Food for Peace Title II, often rises during a given fiscal year because these accounts are appropriated in a global lump sum and allocated throughout the year in response to emergent needs. Therefore requested amounts may differ substantially from actual disbursements, and in some cases, no country-specific level is requested. Congress officially designated food assistance that had long been referred to as P.L. 480 Title II, in reference to P.L. 83-480 (the Agricultural Trade Development and Assistance Act of 1954, as amended), as the Food for Peace Act in the 2008 farm bill (P.L. 110-246). This assistance provides U.S. food aid in response to emergencies and disasters overseas and non-emergency, development-focused programs that help improve food insecurity globally. For background, see CRS Report R41072, *International Food Aid Programs: Background and Issues*, by Melissa D. Ho and Charles E. Hanrahan.
 - h. TI entries for FY2004, FY2005, and FY2006 reflect levels reported in USAID's Budget Justification to the Congress FY2007 and the Administration's combined Congressional Budget Justification for Foreign Operations for FY2008. Internal OTI data reflect annual funding levels that differ from those reported in the Budget Justifications listed above. OTI reports the following actual TI funding levels for Liberia: FY2004: \$4.067 million; FY2005: \$2.15 million; and FY2006 \$7.57 million. The FY2007 and FY 2008 levels reflects data in the FY 2009 Congressional Budget Justification.
 - i. CIPA entries for FY2004 and FY2005 reflect levels reported in the State Department's *Budget in Brief*. Entries for FY2007 and FY2007 reflect information received by CRS from the International Organizations Bureau of the State Department. The FY2008 level reflects information provided by the State Department's International Organizations Bureau.

Figure I. Map of Liberia



Source: Map Resources. Adapted by CRS.

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