

GOVERNANCE REFORM COMMISSION
(GRC)

AN ASSESSMENT REPORT
ON
SECURITY SECTOR REFORM IN LIBERIA

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1.0. BACKGROUND

After 14 years of war the people of Liberia have embarked upon the difficult task of rebuilding their war-torn country. The elections of October and November 2005 and subsequent inauguration of Mrs. Ellen Johnson-Sirleaf as President of Liberia have worked together to offer a window of opportunity for post-war reconstruction. Like other post-conflict societies, Liberia has inherited both internal and external predicaments that the new administration and the Liberian people must confront in order to make the relapse into armed violence difficult, if not impossible. Internally these predicaments include social, economic, political, and security problems that continue to afflict the country today; while externally they include the problem of insecurity engendered by the lingering crisis in Cote d'Ivoire and the unstable political situation in Guinea.

One of the most serious challenges facing the new administration today is the improvement of the security environment in order to pursue development and democratic politics. In order to address this specific issue, Liberia, since 2004 embarked upon the task of security sector reform (SSR). So far, the Police, the army and the Special Security Service (SSS) have benefited from the SSR process but many other agencies have been left out. The other deficit is that the SSR process in Liberia is taken place outside of any shared vision of national security and there is no national security strategy for a country that has experienced 14 years of instability. Moreover, the entire SSR process lacks local ownership.

It is against the backdrop of the above understanding that the President of Liberia, Mrs. Ellen Johnson-Sirleaf, mandated the Governance Reform Commission (GRC) to provide professional and intellectual leadership and interject critical thinking into the SSR policy debates. The GRC was also tasked to evolve a shared vision of national security and a comprehensive national security policy or strategy. In response to this challenge, the GRC carried out an assessment of the country's security sector in August 2006. The assessment process involved consultation with the heads of key security agencies and the appropriate government ministries that make up the country's security architecture. It also involved talking to people in the national legislature, particularly those serving on the Defence and National Security Committees. Representatives of UNMIL, US Embassy, civil society groups and ex-servicemen were also consulted. The assessment process also involved a review of the existing legislation on the security sector. This assessment report is therefore a reflection of the discussions held over a two-week period. It also reflects the relevant findings of available reports by UNMIL, RAND Corporation, existing legislation and legal frameworks and the general impression of the GRC team.

2.0. SUBREGIONAL AND LOCAL (IN) SECURITY ENVIRONMENT

The SSR process in Liberia is taking place within very volatile, uncertain and fragile internal and external security environments. This rather precarious position makes the task of SSR challenging, necessary and relevant.

2.1. Local Environment: After fourteen years of armed violence, Liberia has inherited the problems of socio-economic, political and security deficits. The economy remains contracted and dislocated, coupled with high unemployment, pervasive poverty and

hunger in the country. Moreover, the break down of the governance structures and rule of law constitutes a major challenge to the post-war reconstruction process. As such, UNMIL has provided for the physical security of the country and its people. However, in the absence of a capable, effective, legitimate and coherent security sector, UNMIL continues to be overwhelmed by the challenges of armed robbery and lawlessness which is prevalent in the country. The social infrastructure of the country has been damaged by 14 years of violence and plunder; and the reintegration of the ex-fighters, internally displaced persons and refugees into their communities constitute a major challenge for the new administration.

With specific reference to the security sector, which is the focus of this report, during the 14 years of war it became highly fragmented, factionalised and dysfunctional. Historically, this sector faced many problems including the lack of professionalism in its ranks; poor remuneration; overlapping of duties; lack of respect for the rule of law; poor infrastructure and others. The war years intensified these problems and because of the history of poor civil-military relations, the sector has lost the confidence of the Liberian public. The role of members of these agencies in suppressing and oppressing the people verifies this assumption. Furthermore, the new administration has inherited a bloated security sector both in terms of sheer size and number of employees and agencies.

2.2. Subregional Environment: In as much as the neighbours of Liberia may not invade her militarily, the unstable political environments in these countries constitute potential threats. The lingering crisis in Cote d'Ivoire is of major concern because there are credible reports that Liberians are fighting on both sides of the Conflict. With the lack of progress in the Ivorian peace process, which is manifested by the fact that the scheduled elections for 31 October 2006 will not be held, it becomes possible that the country could degenerate into full scale war if the international community of states do not take the appropriate steps to arrest the situation. On the other hand, the Republic of Guinea is also facing an uncertain political future because of the illness of President Lassanah Conteh. Depending on how the transition process in that country is handled, Liberia could also face potential threats.

Although Sierra Leone emerged out of war three years ago, little progress has been made to convince observers that the country is totally out of the woods. The increase in corruption, pervasive poverty and declining living standards in the country are signs of a country that could relapse into conflict if reconstruction processes are not strengthened.

Finally, the general situation within West Africa is also needs improvement. Transborder crimes constitute threats to every ECOWAS member state: small arms proliferation, drugs smuggling, HIV/AIDS, youth unemployment, declining and stagnating economies, and others. All of these internal and external developments are important for understanding the environment in which the SSR process is taking place in Liberia. They must be considered in SSR debates and should be reflected in the security policy that will emerge out of this process.

3.0. LEGAL FRAMEWORKS FOR SSR IN LIBERIA

The SSR is pursued and implemented in Liberia within an environment of conflicting legal frameworks. The 1986 Constitution of Liberia, the Comprehensive Peace Agreement (CPA) of 2003, and the United Nations Security Council Resolution 1509 in

2003 provide the legal frameworks for the implementation of security sector reform in Liberia.

3.1. Constitution of Liberia: Although from August 2003 to January 2006, the CPA was the major source of legal reference for SSR in Liberia, the election of 2005 and subsequent inauguration of Mrs. Sirleaf have made the Constitution of Liberia relevant to the process. Previously, Article XXXV section 1(b) of the CPA suspended parts of the Liberian Constitution. The CPA reads that "...the provisions of the present Constitution of the Republic of Liberia, the Statutes and all other Liberian laws, which relate to the establishment, composition and powers of the Executive, the Legislative and Judicial branches of the Government, are hereby suspended".²

As Commander-in-Chief of the Armed Forces of Liberia, under Article 54 (e) the President 'appoints members of the military from the rank of lieutenant or its equivalence and above; and field marshals, deputy field marshals and sheriffs'.³ The President therefore has a role to play in the SSR process.

The Constitution provides broad remit for the national legislature on security issues. For example, Article 34 (b) reads that the Legislature has the power to 'provide for the security of the Republic'; and under Article 34 (c) the Legislature also has the power "to provide for the common defence, to declare war and authorize the Executive to conclude peace; to raise and support the Armed Forces of the Republic, and to make appropriations therefor provided that no appropriation of money for that use shall be for a longer term than one year, and to make rules for the governance of the Armed Forces of Liberia".⁴ Although the Constitution empowers the legislative branch to be involved in the SSR process in Liberia, regrettably, its role has been passive and marginal.

3.2. Comprehensive Peace Agreement (CPA). The CPA constitutes a major legal reference for the SSR process in Liberia. The conditions for implementing the SSR programme in Liberia are enshrined under Articles VII and VIII of Part Four of the CPA. Under Article VII section 1 (b), it is stipulated that "the Armed Forces of Liberia shall be restructured and will have a new command structure. The forces may be drawn from the ranks of the present GOL forces, the LURD and the MODEL, as well as from civilians with appropriate background and experience. The Parties request that ECOWAS, the UN, AU, and the ICGL provide advisory staff, equipment, logistics and experienced trainers for the security reform effort. The parties also request that the United States of America play a lead role in organising this restructuring program".⁵ Although the Agreement gave powers to the international community of states and specifically requested the US to play a lead role, the latter has taken sole and exclusive ownership of the restructuring of the army; the US administration has contracted a private military company, DynCorp, to exclusively recruit, train and restructure the AFL.

Moreover, the CPA provided the criteria upon which the AFL should be restructured: new recruits would be screened with respect to educational, professional, medical and fitness qualifications and prior history of human rights abuses. Further, it stressed that the restructured army should reflect regional balance within the country; its mission shall be to defend the 'national sovereignty and in extremis, respond to natural disasters'; and all parties

²Article XXXV, Section 1(b) of the Comprehensive Peace Agreement (CPA), 18 August 2003, Accra, Ghana, p. 27

³Articles 51 and 54 (e) of the Constitution of the Republic of Liberia, 1986

⁴Article 34 (b) and (c) of the Constitution of the Republic of Liberia, 1986

⁵Article VII Section 1 (b) of the CPA, 2003, p. 15

shall organise information, education and communication (IEC) programmes to sensitise the Liberian public about the mission and activities of the restructuring plan.⁶ The extent to which this provision has been adhered to remains unclear but verifiable.

The CPA makes specific references to the agencies that should be restructured. For example, Article VII refers to the Liberia National Police and other security services such as the Immigration service, Special Security Services, custom security guards and other statutory security units.⁷ The document also calls for the disarmament and disbanding of the "...Special Security Units including the Anti-Terrorist Unit, the Special Operations Division (SOD) of the Liberia National Police Service, and such paramilitary groups that operate within organisations such as the National Port Authority (NPA), the Liberian Telecommunications Corporation (LTC), the Liberian [Petroleum] Refining Corporation and the Airports".⁸

3.3. UNSC Resolution 1509: The other document that provides legal framework for the SSR processes in Liberia is UNSC Resolution 1509 of 19 September 2003. Resolution 1509 clearly stipulates that the UNMIL shall support the reform of the security sector by assisting "...the transitional government of Liberia in monitoring and restructuring the police force of Liberia, consistent with democratic policing to develop a civilian police training programme, and to otherwise assist in the training of civilian police, in cooperation with ECOWAS, international organizations and interested States".⁹ It shall also "...assist the transitional government in the formation of a new and restructured Liberian military in cooperation with ECOWAS, international organizations and interested States".

Although the CPA was specific about the role of the United States of America in the restructuring of the army, Resolution 1509 only refers to 'Interested States'. It is however specific about the role of UNMIL in training the police. Importantly, it is these three documents that offer the legal frameworks for the transformation of the security sector. So far the question regarding which of these is supreme has not emerged. Fortunately, Liberia has a leadership that is not prepared to revert to the old practice of Taylor who invoked the Constitution of Liberia to prematurely abort the SSR process in 1997 by asking ECOMOG to leave, when the security environment in the country was still extremely fragile.

4.0. SECURITY ARCHITECTURE

From a broader perspective, the Liberian security architecture comprises security agencies and the civilian oversight bodies that promote and protect the national security interests of the people and the state. These include intelligence, paramilitary and military bodies, and civilian institutions that have oversight responsibilities over the security agencies. However, this report is focused mainly on the military and intelligence components of the security architecture. The judiciary was deliberately left out of this assessment exercise because the GRC has appointed a legal consultant to review the activities of that branch of the government.

The following institutions constitute the Liberian security architecture:

- National Security Agency (NSA)

⁶Article VII Sections 2 (a – d) and 3 of the CPA, 2003, p. 16

⁷Article VIII Section 1 of the CPA, 2003, p. 16

⁸Article VIII Section 2 of the CPA, 2003, p. 16

⁹United Nations Security Council, Resolution 1509 (2003), S/RES/1509 (2003), Adopted by the Security Council at its 4830th meeting, on 19 September 2003, p. 4

- National Bureau of Investigation (NBI)
- Armed Forces of Liberia (AFL)
- Special Security Services (SSS)
- Liberia National Police (LNP)
- Drugs Enforcement Agency (DEA)
- National Fire Service (NFS)
- Ministry of National Security (MNS)
- Bureau of Immigration and Naturalisation (BIN)
- Bureau of Customs and Excise (BCE)
- Monrovia City Police (MCP)

The roles and functions of these agencies are enshrined in the various Legislative Acts that established them. Below, a brief outline of the roles and functions of the different security agencies is provided.

- 4.1. National Security Agency (NSA): This segment of the security sector was created on 20 May 1974 after President William R. Tolbert, Jr. abolished the Executive Action Bureau (EAB) and the National Bureau of Investigation (NBI). The main functions of the NSA are: 1) “to develop plans; 2) collect, analyze and disseminate overt political, economic, cultural and sociological intelligence for Liberia; and 3) provide all possible means for the adequate protection of the Government and people of Liberia against subversion, espionage, sedition, adverse propaganda and sabotage”. The NSA, by law, is the national body with the “sole authority to coordinate the activities of all national intelligence collecting services and receive, evaluate and disseminate the data as directed”. It has police, subpoena or law enforcement powers and its remit includes internal security.¹⁰ By virtue of this Act, the Director of the NSA is also required to prepare intelligence and security briefs for the President. These roles, however, clearly over-lap with the duties of other agencies such as the MNS, NBI and the Police.

- 4.2. National Bureau of Investigation (NBI): Was re-established by an Act of Legislature in December 1998 and unlike the NSA whose functions and authority are clearly spelled out, the duties of the NBI are contained under Section 22.51. ‘Duties of the Director’. The Director investigates ‘major crimes including homicide (except vehicular homicide), illegal entries into the country, robbery, arson, rape, grand larceny, kidnapping, burglary, embezzlement, forgery, smuggling violation of the narcotics law, counterfeiting theft of government property’.¹¹ These are the functions of the NBI, which overlap with those of the Police, MNS, NSA and the BIN.

- 4.3. Armed Forces of Liberia (AFL): Was created by the Defence Act of 1956 with the sole purpose to protect the territorial integrity of Liberia. In theory, it is the only security institution in Liberia with clear and non-overlapping duties with other agencies. But in practice the AFL has been involved in law enforcement activities. The AFL has been abolished and a new army of an

¹⁰See An Act repealing sub-chapter D of Chapter I, Part 1 and sub-chapter B of Chapter 22, Part II of the Executive Law in relation to the Executive Action Bureau and the National Bureau of Investigation and creating the National Security Agency, 20 May 1974

¹¹An Act to amend the provisions of the New Executive Law to provide for the re-establishment of the National Bureau of Investigation (NBI), December 1998

initial 2000 soldiers is being created to reflect a regional balance within its ranks.

- 4.4. Special Security Services (SSS): Created on 23 February 1966, the SSS perform the following functions: “a) protect and secure the President, his [or her] immediate family, other officials and visiting dignitaries (VIPs), to be designated by the President; b) protect the Executive Mansion and its grounds, c) to protect all documents, Top Secret, Secret, Confidential and informatory materials; d) to check in-coming mails, packages and things addressed to or for use or consumption by the President and his [or her] household; e) to security check all means of transportation used by the President, his [or her] family and other VIPs; f) to security check the residence of the President both temporary and permanent; g) to serve as liaison with other security agencies in matters pertaining to the screening of persons to be employed at the Executive Mansion and other services of the President; and h) such other functions as may from time to time be delegated by the President”.¹² In keeping with Section 12.63 this Act, “in the performance of the functions of the Service, an Agent may arrest or cause to be arrested any person or persons committing a crime *flagrant delicto*, or aiding and abetting any crime or violation, or who may reasonably be suspected of the commission of a crime”.¹³ Therefore the SSS has law enforcement powers.
- 4.5. Liberia National Police (LNP): Established by an Act of Legislature on 6 June 1975, the National Police Force has the duties to detect crimes, apprehend offenders, preserve law and order, protect life, liberty and property, and enforce all laws and regulations with which they are directly charged.¹⁴
- 4.6. Drugs Enforcement Agency (DEA): Established by an Act of Legislature on 23 December 1999, the DEA emerged after the National Inter-Ministerial Drug Committee (NIDC) was dissolved. Like the NBI, the duties of the DEA are enshrined under Section 22.102, which describes the activities of the Director. Hence, implicitly, the DEA has the duty to ‘conceive and formulate anti-drug policies; coordinate, collaborate and facilitate the efficient and effective enforcement of all domestic anti-drug legislations’. Section 22.105 of the Act transferred all the functions and specialised personnel of the narcotic divisions of the Liberia National Police Force and the National Security Agency to the DEA.¹⁵ This section of the Act is interpreted to mean that the DEA is not performing overlapping duties with the police and the NSA because the functions of these agencies were legally transferred under the December 1999 Act. No corresponding changes were made to the Acts that established the NSA and the Police to this effect.
- 4.7. National Fire Service (NFS): The NFS was established in 1949 by an Act of Legislature under the Ministry of Justice and charged with the following responsibilities: “oversee the operation of an efficient fire fighting organisation and take all necessary measures for Fire Prevention and Control; inspect all public and private buildings to determine if they are fire hazards and in so far as possible eliminate hazardous conditions; assist the Liberia National Police in Arson investigations; Establish fire control units

¹² An Act to amend the Executive Law to create a Special Security Service, 23 February 1966

¹³ Ibid

¹⁴ An Act to amend the Executive Law with respect to the National Police Force, 6 June 1975

¹⁵ An Act to amend Chapter 22 of the New Executive law to provide for the addition of sub-chapter F creating and establishing the Drug Enforcement Agency, 23 December 1998

throughout the Republic; and prepare statistical reports on the occurrence and causes of fire”.¹⁶

- 4.8. Ministry of National Security (MNS): It was established on 6 September 1979. The functions of the MNS are enshrined under the duties of the Minister and include the following: “prepare intelligence and security briefs for the President, monitor and give guidance to the operational activities of the various security services, primarily Presidential security operations and counter intelligence and counter espionage operations of the security services”. It shall also “coordinate the activities of all security services and shall prepare and implement rules and regulations pertaining to personnel, finance, logistics, training operations and organisations necessary for the efficient operation of the security services subject to approval by the President”.¹⁷ The NSA also prepares intelligence and security briefs for the President.
- 4.9. National Security Council (NSC): The Council was created on 12 March 1999 by an Act of Legislature with the following duties: “a) to identify and define the National Security goals of the Republic in relation to national power; b) to initiate or discuss proposed national security policies, including the consideration of alternative courses of action and to submit policy, recommendations for approval and timely action of the President; c) to constitute, organize and supervise under the direction of the President the security and other agencies of government in a manner as to ensure their provision of intelligence, counter-intelligence and other information that shall be necessary to fulfil the responsibilities of the Council; d) to see to it that security policy decisions, made by the Council are implemented in a coordinated and integrated manner by all agencies of government involved; e) to consider policies on matter of common interest to the agencies of government concerning national security and to make recommendations to the President as may be warranted; and f) to make from time to time, such recommendations and other reports as may be deemed appropriate by the Council or may be required by the President”.¹⁸ The Act provides for an Advisor to the President on Security Affairs who, among other things, coordinates the activities of the Council including the planning of meetings, preparation of Agenda, and recording of minutes of Council meetings. Similarly, the MNS coordinates the activities of other agencies within the sector. The Advisor serves the Council as secretary.
- 4.10. Bureau of Immigration and Naturalisation (BIN): The BIN was established on 28 August 1955 by an Act of Legislature and duly charged with the responsibilities to prevent illegal entries of persons into Liberia; apprehend foreigners found in the country without legal status; and investigate foreigners who violate the Alien and Naturalisation Laws of Liberia.¹⁹ Similarly, the NBI also has the mandate to investigate illegal entry into the country.

¹⁶See The Liberian Criminal Justice System. A Report on the structure, functions and problems, and a survey of the public’s perception of the operations and effectiveness of the criminal justice institutions, published by the Center for Criminal Justice Research and Education, 31 December 2002, p. 67

¹⁷An Act to Repeal Chapter 2, Sub-chapter B of the Executive Law Establishing the Office of National Security and to Amend The Executive Law to Create and Establish in the Executive Branch of Government a Ministry to be known as The Ministry of National Secretary, September 6, 1979

¹⁸An Act to establish the National Security Council of the Republic of Liberia, 12 March 1999

¹⁹See The Liberian Criminal Justice System. A Report on the structure, functions and problems, and a survey of the public’s perception of the operations and effectiveness of the criminal justice institutions, published by the Center for Criminal Justice Research and Education, 31 December 2002, p.67

- 4.11. Bureau of Customs and Excise (BCE): Located within the Ministry of Finance, the BCE has been conceived as a revenue collecting agency. It collects import and export duties, and safeguards the borders from smuggling and other illegal activities that impede taxation on goods. In this light, it classifies and evaluates goods entering the country at the various points of entry. Traditionally, the BCE is not considered as part of Liberia's security architecture but should.
- 4.12. Monrovia City Police (MCP): The MCP was established under Article 1, Section III of the Legislative Act that established the Monrovia City Corporation in 1976, the MCP enforces "municipal or city ordinances, regulations, enforces parking and supervises parking lots; assists in the collection of Real Estate Tax in the city; supervises and controls infrastructure and city management, markets and petty trading areas; provides security at the City Court and serves legal precepts at the court; maintains and safeguards public order and the safety of persons and property within the Administrative area of Monrovia".²⁰ It also provides security for the City Mayor and visiting dignitaries; and has jurisdiction over traffic and sanitation matters within the city.²¹ Many of these functions are also provided by the Police.

5.0. ISSUES AND CONCERNS

An assessment of these agencies and the existing legislation reveals that the security sector is faced with a lot of problems and issues: overlapping responsibilities, budgetary constraints, bloated sector, politicisation of the security sector, and local ownership of SSR process, lack of infrastructure, poor human resource capacity and skewed civilian oversight.

5.1. Overlapping of Duties: The assessment exercise reveals that the issue of overlapping of duties among the agencies is of serious concern. It impinges upon the effectiveness of the sector because it leads to friction among the agencies and unnecessary tension, conflicts and in-fighting within the sector. There is an argument for the abolition of the following agencies: Drug Enforcement Agency (DEA) because it performs overlapping duties with the police and NSA; the National Bureau of Investigation (NBI) because its duties overlap with the NSA, Police and the Bureau of Immigration and Naturalisation (BIN); and the Ministry of National Security because it performs overlapping functions with the NSA and the National Security Council (NSC). Similarly, the Monrovia City Police (MCP) performs overlapping duties with the Police. One of the reasons why some people are calling for the streamlining and rationalization of these agencies is budgetary constraints; they argue that the Government cannot afford to maintain them. This point is reinforced in the RAND report. The existing and conflicting Legislative Acts also lead to different interpretations of the duties and responsibilities of these agencies. These acts were enacted at different times and under different governments without reference to other pre-existing acts. Certainly, the multiplicities of agencies carry with it a cost factor. Additionally, such overlapping of functions can lead to unnecessary tensions and conflicts among the personnel of the agencies.

The arguments against the abolition of these agencies are as follow:

²⁰See The Liberian Criminal Justice System. A Report on the structure, functions and problems, and a survey of the public's perception of the operations and effectiveness of the criminal justice institutions, published by the Center for Criminal Justice Research and Education, 31 December 2002, p. 73

²¹See The Liberian Criminal Justice System. A Report on the structure, functions and problems, and a survey of the public's perception of the operations and effectiveness of the criminal justice institutions, published by the Center for Criminal Justice Research and Education, 31 December 2002, p. 73

5.1 (a). DEA: The DEA does not perform overlapping duties with any agency because the Act by which it was established transferred all related functions and personnel of the Police and NSA under its jurisdiction. Unfortunately, the Act that established the DEA was enacted without reference to the pre-existing Act establishing the LNP and the NSA. This has led to tension and confusion.

5.1 (b). NBI: There is no duplication of duties; however, some sources are of the view that the heads of these agencies have failed to act within the confines of their duties as indicated in their respective Acts. The other suggestion is that maybe the NBI should concentrate on transborder crimes such as money laundering, human trafficking, terrorism and others while the police deal with all major crimes within the country.

5.1. (c). MNS: The ministry is relevant and useful as a channel for reporting to the President on both domestic and foreign intelligence; it can coordinate and monitor the activities of all security agencies; and ensure that their reports are used for briefing the President on a regular basis. There is a need to have two intelligence agencies in order to ensure counter-intelligence and counter-espionage activities for unbiased reports on security matters. In fact, the MNS was meant as a policy body that briefs the President and represents the agencies in cabinet meetings. The MNS got directly involved in security operations because the other agencies were not cooperating with it. Therefore, in order to become effective and efficient, it had to carry out its own operational activities. The transfer of the anti-fraud and anti-corruption units from the Ministry of Finance and the Executive Mansion respectively indicated that they had to get involved in operational matters. The establishment of the National Security Council (NSC) has further complicated the situation for the MNS as they seem to perform similar duties.

Against this backdrop, to some, the multiplicity of agencies is necessary for the current post-conflict environment because of the enormous security challenges facing the country. Intelligence failures during the Rice Riots of 14 April 1979 and the military coup d'état of 12 April 1980 are cited as typical examples. According to their assertions, the NSA failed to predict any of these events because of inadequate intelligence surveillance over the activities of the opposition groups and the army, respectively.

Agency	Law Enforcement	Intelligence	Territorial Safeguard	VIP Service
National Security Agency	X	X		
Police	X	X		
Army		X	X	
National Bureau of Investigation	X	X		
National Fire Service	X			
Bureau of Customs and Excise	X			
Monrovia City Police	X			
Ministry of National Security		X		
Bureau of Immigration and Naturalisation	X			
Drugs Enforcement Agency	X	X		
Special Security Service	X	X		X

In deciding the future of the security sector, the issue of overlapping duties must be fully addressed so as to make the new structures coherent, affordable, effective and legitimate as argued in the RAND report. In specific relations to domestic and foreign intelligence, the question is: should the NSA be strengthened to perform both roles or should there be two agencies dealing with domestic and foreign intelligence separately? This question should be resolved in the national security policy that will emerge out of the subsequent process after the nation-wide consultation.

5.2. Lack of Infrastructure: The problem of poor infrastructure affects all the agencies and this makes it difficult for them to individually or collectively address the security challenges facing the country. For example, despite the increasing number of fire incidents in Monrovia including the fire outbreak at the Executive Mansion, the National Fire Service lacks the basic equipment to prevent or control fire occurrences. Although four fire trucks were reportedly offered by the British Government during the transitional period, the Chair of the NTGL said that fire service was not a priority and so he refused to provide the \$60,000 required to transport the trucks to Monrovia. Currently, there are no fire stations in the majority of the counties. Similarly, the police have no vehicles for patrol; they are in rent arrears in some parts of the country and so are threatened with eviction; fuel supply is very low for their operations; and there are no police stations in Gbarpolu, River Cess, Grand Kru and River Gee counties. The BIN also has no computers, vehicles and other basic equipment to perform mundane immigration duties. The Bureau of Customs and Excise also suffers from poor infrastructure and so cannot effectively do its work. There are about 176 entry points into Liberia and of these only 36 are officially recognised. In order for the BIN and BCE to effectively provide services at these entry points it will require adequate infrastructure and equipment.

5.3. Budgetary Constraints: Some of the security agencies made reference to the fact that they were provided inadequate financial resources to do their work. For example, although the fire service made a budget of \$1.2m for this fiscal year, they were allocated \$300,000; the budget for the DEA was \$369,000 in 2005 but under the new budget, they were allocated \$204,000; and even the NSA got a raw deal out of this year's budget. As one of the main intelligence agencies in the country that performs both domestic and external intelligence functions, its budget is reportedly not more than half a million dollars. Although one might suspect that these budgetary requests could have been scrutinised and reduced, current appropriations are most inadequate, given the security challenges faced by these agencies.

5.4. Poor Human Resource Capacity: One of the problems facing the security sector is the lack of professionally trained personnel. This is one of the legacies of the past that must be addressed in order to improve the image of the sector and public confidence. In the past, the usual practice was that people were employed purely on ethnic and political grounds. The issue of merit was not considered, while the security sector was the breeding ground for patronage and reward of the cronies and loyalists. As a result, the sector has had so many incompetent and unqualified people planted by past regimes and governments to which they were loyal.

Due to poor and low salaries the agency also became the fertile ground for corrupt practices. Funds belonging to the agencies were misappropriated while salaries were never paid on time. The issue of poor salaries has affected even the new trainees who have left the service to work with private agencies where they are better paid than in the

public security sector. Poor incentives such as salaries have also contributed to competent people avoiding seeking employment in the security service.

5.5. Oversized Security Sector: The issue of the nature of the country's security sector was raised during the assessment exercise. This is manifested in the sheer size of the personnel and the number of agencies that make up the sector. Worse still, some of these agencies perform overlapping duties. One of the reasons for the proliferation of agencies and the increase in the number of personnel is that the various Presidents of Liberia were at liberty to create or abolish security agencies as and when they felt the need to do so. Moreover, as indicated earlier, the number of personnel in the security sector has increased over the years due to the fact that the sector became the dumping ground for political cronies and loyalists, many of whom were highly incompetent. Thus, most importantly, if the new security architecture is to be built in a way that would enable it to survive this administration, it should be conceived in a manner that addresses these concerns. this direction.

5.6. Skewed Civilian Oversight: There is the general consensus that one of the weaknesses of the security sector is that it has always lacked an effective civilian and democratic oversight. The over-centralisation of powers in the presidency, the lack of an independent judiciary and one-party rule worsened the situation. Under single party rule, the Legislature left all oversight responsibilities to the Executive branch presided over by a powerful President. Therefore, the governance of the security sector was skewed in favour of the Executive branch through the offices of the Ministers of Justice, National Security and Defence and ultimately, the President. Although Article 34 of the Constitution spells out the role of the national Legislature, the various legislative Acts strips them of any role; these Acts say nothing about the role of the national legislature. On the contrary, these Acts mandate the agencies to report to the President either directly or through the Minister of Justice (security agencies) and Defence (army).

5.7. Security Sector Reform (SSR): Since 2004, the SSR process in Liberia has focused narrowly on the AFL, LNP and the SSS. Other agencies such as the NSA, BIN, NFS, BCE, NBI and the MNS are yet to benefit from the SSR process in the same way as the AFL, SSS and LNP. However, some of these agencies, namely the BCE and BIN have been provided capacity building training by BIVAC International and UNMIL respectively. The MNS and other agencies have gone through a vetting process and nothing else.

5.8. Politicisation of Security Sector: There is a consensus also that the security sector has suffered from years of politicisation. Consequently, there is a call for this trend to be curbed in order for the agencies to be effective and ensure that the rule of law is upheld. It was observed that in the past security agencies suppressed, intimidated and harassed the citizens in order to demonstrate their loyalties to the Government in power. Politicisation has been possible because the President appoints and dismisses officials of the sector at will. Under such circumstances, officials are always afraid of losing their jobs. In order to avoid this pitfall, there must be strict criteria for the appointment of officials of the agencies. This should be based on competence, experience and qualification and not political loyalty.

5.9. Command of the new Army: Although the army is benefiting from the current SSR process in the country, certain concerns were also raised about its command structure. There is a debate over who will provide leadership over the brigade when it is

formed. There is strong opposition to any attempt to appoint a new recruit to lead the brigade. There are four options available but each has its own problem:

- Appoint a foreign brigade commander but this is contentious and politically sensitive, particularly because currently, a retired Nigerian General heads the army. Liberians will find it difficult to accept and under the Constitution, this will be highly problematic;
- Appoint a retired Liberian officer from the United States army as brigade commander. Once again this person will have to renounce his/her nationality and moreover, the person will have no knowledge of the local environment;
- Appoint high school graduate aged under 60 who has gone through the ranks of the Liberian army; has acquired advanced military training; never participated in the war and is apolitical. Such person could be given further training and mentorship. If this is acceptable, then the present rule that only college graduates can become officers will be violated;
- Appoint a Liberian serving in the US army and have him/her seconded to the Liberian army. But the issue of citizenship will also be invoked.

The decision about this should be made before the middle of 2007 or the President will be constrained to make an appointment as she deems necessary.

Finally, it is evident that the decision to train 2000 soldiers for the army was influenced by the purse and not by any threat assessment. However, there seems to be the general view that with time and improvement in the revenue base of the country, the original number of 4,600 should be trained. This number will be adequate to perform the tasks of protecting the people and the territorial integrity of the country. There are strong suggestions that the army should have medical, engineering and other battalions.

5.10. Coast Guard: It is generally agreed that Liberia does not need a Navy and should rather develop a Coast Guard service to patrol its territorial waters. But the question is who directs and controls the Coast Guard – Ministry of Defence or the Ministry of Justice? Traditionally and by law, the Coast Guard was placed under the Ministry of Defence but because of its law enforcement responsibilities, there are suggestions that it should be placed under the direction and control of the Ministry of Justice. Also it is suggested that even if it is placed under the Ministry of Justice, the Coast Guard vessel should be supervised and controlled by the MoD. Another suggestion was that the vessel patrolling the waters should have on board a task force comprising Coast Guard, Immigration and Customs officers with the MoD controlling the vessel.

5.11. Local Ownership: There was an overwhelming concern about the lack of local ownership of the SSR process in the country. For example, the Legislative Committees on Defence and Security see themselves on the periphery; ex-senior servicemen argue that they were left out of the SSR debate and process; and some of the agencies were not even aware of the review carried out by RAND Corporation. Civil society groups feel completely marginalised and argue that most of the policies and decisions about SSR are made by external experts and others like DynCorp and UNMIL. In order to fill in this vacuum, they have proposed a Technical Committee on SSR comprising nine members: three from GOL, three from the international community, and three from civil society. About 81 civil society groups have signed a petition to this effect and a SSR Working Group has already been established comprising Centre for Democratic Empowerment (CEDE), Foundation for Human Rights and Democracy (FOHRD), Civic Initiative,

Liberia National Law Enforcement Agency (LINLEA) and International Center for Transitional Justice (ICTJ).

The SSR process requires local ownership because in this way it will be embedded in local cultures and realities as opposed to externally imposed 'one size fits all' solutions that have the tendency to create more problems than providing a durable solution. The importance of local ownership is rooted in the belief that during the war the people of Liberia lost confidence in the institutions that govern their country. Historically, poor civil-military relations and 14 years of war have conspired to make the Liberian public lose confidence in the security sector. Therefore, one way to rebuild this lost confidence is to ensure that the people participate in the process of evolving a security policy for post-conflict Liberia. With local ownership, the unique security needs of the country would be identified, enabling the process to be properly contextualised.

6.0. EXISTING AND POTENTIAL THREATS TO NATIONAL SECURITY

In as much as the criteria of affordability will guide the reform process in Liberia, the point should be made that the creation of the new security architecture should also take into cognisance the existing and potential threats to the national security of Liberia. To reiterate the point made in the background to this report, there are existing and potential sub-regional and local threats to the national security of the country. It is within the very unique sub-regional and local contexts that the reform of the security sector must be located and carried out.

A discussion of the threat factors provided answers to the key questions: Whose security? What security? And who are the referents of Liberia's security? Given the threats identified, the concept of security adopted in Liberia has shifted from the traditional narrow, state-centric and militaristic notion to a broader and deeper notion of security.

Accordingly, the followings were identified as existing and potential threats to security in Liberia.

6.1. Deactivated and Demobilised Ex-Servicemen and Ex-Fighters: Currently, there are roughly 20,000 ex-servicemen who have been deactivated and retired from the army, police, SSS and other security agencies. More will be added to this number after the NSA, NBI, MNS, BIN, BCE and others go through similar process. During the DDRR process, 103,019 ex-fighters were demobilised and out of this number, more than 26,000 are yet to benefit from the RR phase of the programme. In addition, some of those who went through the different phases of the programme have illegally occupied various rubber plantations throughout the country. Worse still, some of these ex-fighters have reportedly been recruited to fight either for Gbagbo or the New Forces in Cote d'Ivoire. The ex-servicemen, specifically, the former AFL soldiers continue to demonstrate for delays in severance payment whereas the ex-fighters continue to lay claims to the rubber plantations. These two categories of people constitute threats at the national and local levels because they feel marginalised. With their experiences of using weapons, they pose a potential threat and therefore the appropriate measures should be taken to ensure that their queries and demands be taken care off and that they are properly reintegrated into the larger society.

6.2. Drugs: The use of marijuana is on the increase throughout the country and there are indications that the country has become a transit point for drugs smuggling-cocaine,

heroin and duggie or crack cocaine. There are reports indicating that drugs are smuggled into the country by road from as far as Nigeria. The main targets are the youth and areas where illegal mining is taking place. Drugs are inextricably linked to crimes. This poses threats to rural communities and agricultural activities. In a country whose people are facing extreme hunger and food insecurity, the activities of these smugglers threaten the security of the country.

6.3. Fire Occurrences: In recent times, Monrovia has experienced several fire incidents and these have caused deaths and the destruction of properties. The fire incident at the Executive Mansion on 26 July 2006 is a classic example. Most of the houses in Monrovia were wired in the 1960s and 1970s. During the war, these houses were vandalised by thieves who disconnected electrical wires; gun shots were also fired into these homes and therefore causing damage to electrical wires. In addition, most inhabitants in the city will continue to live on candle lights for a longer period than anticipated and Liberia is on the verge of shifting from 110 volts to 220 volts. The lack of fire trucks means that the security of individuals and whole communities is at risk. The inability of the Government to provide fire protection for the time being can undermine its credibility and confidence in the people. It was stressed therefore that the reform process should recognise and incorporate fire outbreaks as a security threat.

6.4. Pervasive Poverty and Unemployment: Pervasive poverty and unemployment were identified as existing and potential threats to national security in the broader sense of the word – state and human security. These problems permeate the society at all levels. Although they were exacerbated by the war years, the decline of the economy started at the end of the 1970s. The oil crisis of the 1970s, the drop in demand for the country's export products, and the imposition of IMF and World Bank conditionalities led to socio-economic crises even before the war. At the moment, the vast majority of the people live on less than a dollar a day and unemployment stands at 85%. With more people being thrown out of jobs under the policy of 'downsizing' and 'rightsizing', the people will continue to go through the painful experiences of poverty and joblessness until there is improvement in the economy. The economy will not be improved overnight and therefore, the SSR process should be incorporated into the poverty reduction strategy. Improving the economy should be taken seriously. However, this will require improving the investment climate and recruiting trained manpower for employment.

6.5. Crime: The increase in armed robbery in Liberia poses threat to the security of individuals and whole communities. The so-called Isakaba Boys are terrorising communities and individuals with impunity because of the slow pace of restoring the rule of law. The police do not have the capacity to deter or prevent these activities. There are no adequate correctional centres to detain convicted criminals. Armed robbery poses a serious threat to human and societal security. Such activities, particularly in a post-conflict environment, do not inspire confidence in the people and also in investors. There is therefore a strong link between crime, unemployment, lack of investment and insecurity.

6.6. HIV/AIDS: The increase in HIV/AIDS infection rate was also identified as a national security threat. Although the actual figure for HIV/AIDS prevalence in the country remains unclear, some estimate that it is at 8.2%. The UNAIDS estimates that

about 100,000 adults and children were HIV infected at the end of 2003.²² Unless the appropriate measures are taken now, this trend may not be reversed. The impact of the spread of the virus on the country's national security is immense. It will endanger the citizens of Liberia including those serving in our security institutions and this will adversely affect their ability to perform their duties. Their treatment will require extra costs. The spread of the virus to rural areas will also undermine agricultural production and hence food production.

6.6. Subregional Concerns: The never ending crisis in Cote d'Ivoire and the uncertain political situation in Guinea constitute potential threats to Liberia. Furthermore, West Africa is going through a period of economic decline and stagnation and this is leading to high rate of youth unemployment throughout the subregion. Some of these young people have fought in the various wars in the sub-region; they loot natural resources; and serve as conduits for the proliferation of small arms. Liberians have been recruited to fight on the side of Gbagbo's government and also on the side of the New Forces in Cote d'Ivoire. The overwhelming consensus is that the possibility of a military aggression from neighbouring states is very low but as in the past, these territories could be used as staging grounds by local insurgents.

All of the above constitute the existing and potential threats and security challenges that Liberia must recognise, confront and take into cognisance in building its new security architecture and the formulation of its national security policy.

7.0. CHARACTERISTICS OF THE NEW SECURITY SECTOR

In order to break away from the past, the new sector must be constructed on agreed set of criteria and principles, and it must be guided by sound policies. Importantly, the new structures should be established based on the four criteria proposed by RAND Corporation - legitimate, coherent, affordable and effective.²³

7.1. Referents of the New Security Sector: Given the subregional and local existing and potential threats to national security, the new security architecture should be constructed on the basis of promoting state, human and societal security; it can not continue to be reduced to regime security as in the past. Therefore the referents for national security should not be limited just to the state and the regimes but to the people of Liberia including individuals, communities, ethnic and religious groups. In this light, the SSR process should be participatory and inclusive in order to ensure legitimacy and transparency.

7.2. Agencies and Types of Security Services: The new structures should be constructed around and reflect the following four security services required for now:

7.2(a). Protection of the People and Sovereignty of Liberia: Army

7.2(b). Law Enforcement: Police, Customs, Immigration, Coast Guard, DEA (under threat of being abolished)

²²Liberia. Country Profile. The Economist Intelligence Unit, 2005, p17

²³See final draft of the RAND Report by David Gompert, Olga Olikier, Brooke Stearns, Keith Crane and Jack Riley, Making Liberia Safe: Transformation of the National Security Sector, April 2006

7.2(c). Protection of State Officials, Properties and Documentation: Special Security Services

7.2(d). Intelligence: NSA, NSC, NBI (Under threat of being), MNS (Under threat of being abolished), Army, Police

7.3. Civilian Oversight and Characteristics: Since independence, civilian oversight of the security sector has been extremely weak in Liberia. They were all responsible to the president through the appropriate civilian ministries: Security, Justice and Defence. The national legislature was placed on the periphery and so did not play anymore meaningful role in the process. Hence, civilian democratic oversight should be strengthened over the security sector; the agencies should be subject to public and legislative scrutiny and more specifically, the legislature should have a say in budgetary and policy issues but without necessarily getting involved in operational matters.

It is important to reiterate that the emerging security institutions should be responsible to civilian oversight bodies both in the Executive and Legislative branches of Government. As a result thereof, it is important to adopt the set of characteristics proposed by UNMIL for the new security sector. In their view, the new structure should possess the following characteristics:

- Clearly defined mission, tasks and roles for each security agency;
- Avoidance of duplication, overlap or conflict of interests between agencies;
- Transparency in the recruitment of personnel who should be qualified, well trained and led, and receive adequate and timely remuneration;
- Accountability of security agencies to civilian oversight;
- Ensure effective security of the country's borders, territory, national waters, airspace and also natural resources;
- Responsiveness to subregional security issues;
- Be inclusive and reflective of the country's diverse ethnic and religious groups;
- Ensure that the security of the state does not compromise the security of the Liberian people; and
- The new security structure should be affordable.²⁴

7.4. The Judicial System and SSR: An effective security sector will also require an independent and effective judicial system that will ensure the rule of law. Therefore, judiciary, legal and constitutional reforms should be considered as an integral part of the overall SSR process in Liberia. This will also require re-visiting and re-writing of the existing legislation on the security sector in order to avoid the errors and practices of the past. For example, the Acts establishing the various security agencies should be revisited and written. Maybe there should be one major national security act that will define and clarify the specific roles and responsibilities of the security agencies; and also define the oversight responsibilities of civilian institutions over the sector.

7.5. Small Arms and the West African Subregion: The Liberian Government and the governments of the neighbouring countries of West Africa have lost their monopoly over the use of violence and this has eroded their authority. The proliferation of

²⁴Security Sector Reform: An UNMIL Perspective. Unpublished Document

transnational security threats like drugs smuggling, small arms, human trafficking and others signifies that the SSR process in Liberia should be based on a regional approach. It should take into consideration the impact of these on Liberia and the entire subregion. Therefore, there should be a harmonisation of legislation and cooperation with other countries in tackling subregional problems through collect efforts. In this light, the SSR process in Liberia should be embedded within West African subregional context, experiences and security practices.

8.0. RECOMMENDATIONS

In order to evolve a shared vision of national security and a national security policy or strategy, the following recommendations are proposed:

8.1. Role of GRC: That based on the general consensus emerging out of the assessment exercise, the GRC should continue to provide intellectual leadership over the policy debates of the SSR process. It should evolve a national policy through a participatory and inclusive process that will involve civil society, government institutions including security agencies, the national legislature, and UNMIL, UNDP and other appropriate and interested agencies. Through the GRC, national ownership will be ensured. As it was stressed, there is a need to bring some synergy into the SSR process because fragmentation undermines and derails the process. A recurrent suggestion was that UNMIL, DynCorp and other external agencies should ensure that there is transparency in their SSR work.

8.3. Overlapping of Duties: That the issue of overlapping duties should be considered and the appropriate changes made. From all indications, the issue of the purse or affordability will be important in determining what to do with the multiplicity of agencies but the factors of threats should be taken into consideration as well. If money is the problem, then for the time being, the NSA can perform both domestic and foreign intelligence activities but with time, this should definitely change. There should be two separate agencies dealing with domestic and foreign intelligence separately. The CID and G2 of the Defence can continue to do intelligence work.

8.4. Command of the new Army: That the issue brigade command should be discussed and debated in order to find a solution to it prior to the formation of a brigade. Formers senior officers of the defunct AFL, the Ministry of Defence, Legislative Committees on Defence, UNMIL, US Embassy Defence attached, ECOWAS, AU and others should be part of this discussion. The ultimate decision rests with the President with the advice and consent of the Liberian Senate. A decision must be well thought out in order to reduce any future conflict over this issue.

8.5. Coast Guard: Although traditionally and by law the Coast Guard was under the authority and supervision of the Ministry of Defence, the current changes in the country require new thinking. In this light, because of the law enforcement role of the Coast Guard, its logical place will be the Ministry of Justice but for a compromise, the vessel(s) should be controlled and managed by the Ministry of Defence.

8.6. Formation of a National Task Force on SSR: In order to facilitate work toward the formulation of a national security policy and strategic framework in Liberia, a national task force on SSR should be formed to be headed by a Technical Expert. This

should comprise not more than seven persons drawn from the Government and Civil Society, and possibly UNMIL. This group will steer the national debates under the supervision of the GRC through its Executive Director and the Chair. This group will also be supported by the proposed Security Transformation Facilitation Team for Liberia (STFT), a core group of the African Security Sector Network (ASSN). The main objectives of the STFT are to: provide policy advice to the GRC with regard to governance dimensions of the SSR; and provide technical assistance to security oversight-related committees in the legislature. The STFT will comprise representatives of the CSDG and the Liberia Working Group at King's College, ASSN, ASDR, CDD and DCAF.

9.0. PROVISIONAL WORK SCHEDULE

Below is a recommended work schedule for the evolution of the national security strategy. It is subject to revision.

- a) October 2006: An Experience sharing workshop in October that will bring together representatives from the following countries and institutions who have worked on SSR before: Countries – Sierra Leone, Mozambique, South Africa and Uganda; and Organisations – ASSN, DCAF, CDD, ICTJ, CSDG and its Liberia Working Group and others. Locally, the event would involve representatives of the security agencies and the Government, Legislative Committees on Security, and Defence, UNMIL and civil society groups. Through this workshop, the experiences of other countries will be shared with Liberians and this will help to facilitate process of evolving a national policy on security affairs. Of course the unique Liberian experience will be overarching guide in this process.
- b) Meeting of the Task Force with the Security Transformation Facilitation Team (STFT).
- c) November 2006: Beginning of nation-wide dialogue and consultation on SSR.
- d) Meeting of the Task Force under the supervision of the GRC
- e) December 2006: Continuation of nation-wide dialogue and consultation.
- f) January 2007: completion of draft national security policy.

ANNEX

During the assessment exercise, the GRC consultant met with the following heads of security agencies, ministers, and former high-ranking personnel of the security agencies and representatives of UNMIL and the US embassy:

Hon. Brownie Samukai – Minister of Defence
Mr. Alan Doss – Special Representative of the Secretary-General
Mr. Luiz Carlos da Costa – Deputy Special Representative of the Secretary-General, Operations and Rule of Law
Lt. General Isaac Abiakor, Force Commander of UNMIL
Mr. Steve Ursino – Head, UNDP in Liberia
CDR Dan Honken, Chief, Office of Defence Cooperation, US Embassy
Col. James Dew, European Command, US Army
Hon. Gayflor Tarpeh – Deputy Director of Police for Operations (acting as Acting Director of Police)
Hon. Peter Zaizay – Commandant, Police Academy
Mr. Fombah Sirleaf – Director, National Security Agency
Mrs. Abla G. Williams – Acting Commissioner, Bureau of Immigration and Naturalisation
Col. James Jaddah – Executive Director, Drug Enforcement Authority
Mr. J. Henry Shaw, Deputy Director for Administration, Drug Enforcement Agency
Mr. Reginald Tay, Deputy for Operations, Drug Enforcement Agency
Hon. G. Alphonso Gaye – Commissioner of Custom and Excise
Mr. Ezekiel Pajibo – Executive Director, Centre for Democratic Empowerment (CEDE)
Mr. Urias Pour – Head of Small Arms, Centre for Democratic Empowerment (CEDE)
Ms. Nessie Golakai – Program Assistant, UNDP-Liberia
Mr. Verlee M. Keita – Managing Director, First Security Inc and former Deputy Director of Police
Mr. Abraham B. Mitchell – former Commissioner, Bureau of Immigration and Naturalisation
Mr. Wolobah G. Zubah – Acting Director of the National Bureau of Investigation
Hon. Anthony Kromah – Minister of National Security
Mr. Cecil Griffiths – Liberia National Law Enforcement Association (LINLEA)
Hon. Elijah Seah – Co-Chair of the House Committee on National Security
Hon. Edwin Juah – Chair of the House Committee on Foreign Relations and Member of the House Committee on National Security
Hon. Rufus Gbeyor – Chair of the House Committee on National Defence
Hon. Sarh Gbollie – Chair of the House Committee on National Security