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## Conflict Analysis of Liberia, and Analysis of Issues and Implications for Future Swedish Development Co-operation

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# Sida Helpdesk on Human Security



## **Conflict Analysis of Liberia, and Analysis of Issues and Implications for Future Swedish Development Co-operation**

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# Sida Helpdesk Report

## Conflict Analysis of Liberia, and Analysis of Issues and Implications for Future Swedish Development Co-operation

### Section A

#### Requested by Sida

The Swedish government plans to develop and to approve a new strategy for Swedish development cooperation with Liberia during the upcoming months. As part of the process of operationalizing the strategy, Sida will be given the task to develop an implementation plan, analysing and proposing how the expected targets should be reached and through which kind of contributions and cooperation methods this could be done. In order to analyse factors in the country that have the potential of negatively or positively affecting the results of the Swedish development cooperation, as well as to program the development cooperation in a way that prevents conflicts or doing harm to the conflict situation, the Embassy in Monrovia has identified the need for a comparative, analytical study of power relations in Liberia from an integrated conflict perspective.

In this context, the Helpdesk is requested to conduct a two-fold assignment:

1. A mapping of available analyses with relevance to the conflict and/or power relations in Liberia, summarize them briefly, analyse their current relevance, and develop a synthesized, analytical summary of the conclusions.
2. A discussion of the challenges and priorities for Sweden and other donors to design and implement co-operation programmes in Liberia in ways that maintain focus on addressing fragility issues; and an analysis of potential positive or negative effects of the identified power relations/conflict dimensions on the specific areas of work of the Swedish development cooperation – i.e. democratic governance and human rights, human security, gender, and sustainable economic development.

The aim is for the study to contribute to the Embassy's task of analysing development challenges in relation to the situation in Liberia, to identify opportunities for conflict-sensitive development and peacebuilding, as well as killing factors. Particular concern should be taken to dynamics around the 2017 elections and the UNMIL transition. Sida will provide the Helpdesk with some available documentation or guidance to help to clarify which issues and areas of programming (under the main results areas indicated above) presently appear to be under most active consideration for inclusion in Sweden's forthcoming strategy.

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# **Section B:**

## **Conflict Analysis Mapping of Liberia, and Analysis of Issues and Implications for Future Swedish Development Co-operation**

### **Introduction**

In this Section B we present our mapping of existing recent conflict analyses and studies relating conflict risk factors in contemporary Liberia (which are detailed in the Annex 1 attachment ), and also our analysis of the opportunities and challenges that the existing studies and other knowledge imply for Sweden in implementing its future strategy for development co-operation with Liberia.

Our Report starts with a short summary of our main findings and conclusions. Next, we describe our mapping of recent existing conflict analyses and studies on conflict factors, and clarify the criteria for selecting the 15 studies that we detail in the Liberia conflict analysis Mapping Annex which is submitted alongside this Report (and full versions of which are also provided alongside this Report). We then present our short synthesis of the main conclusions on conflict risks and peace-building opportunities that can be drawn from the large number of relevant recent conflict-relevant studies of Liberia. These provide a basis for the discussion in the remaining sections of this Report.

The next section identifies and discussed some key challenges and opportunities arising from state fragilities and conflict risks for Sweden and its international partners in their future cooperation strategy and programmes in Liberia; and then highlights some overall implications for Sweden to take into account when developing its next strategy for development co-operation with Liberia. Some key aspects of these issues and challenges are then specifically discussed in the following section.

### **Summary**

There are many existing publicly-available studies and analyses on conflict and conflict risk factors in Liberia that have been published over the last seven years, including a few reasonably systematic overall conflict analyses, the full range of which we have aimed to use and take into account in the preparation of this present Helpdesk Report. In this mapping of recent analyses, we have aimed to focus particularly on relatively recent reports (i.e. from 2011/15, and as far as possible since 2014). However, it is important to note that there appear to be very few recent (i.e. since 2012) systematic and comprehensive conflict analyses of Liberia. There are however, many substantial reports on specific issues related to particular risk factors. We have selected 15 studies for inclusion in our mapping, which are detailed in the Mapping Annex.

Overall, there is wide consensus across nearly all good studies that, although Liberia has made substantial progress in many ways since the 2003 peace agreement, the country remains

highly fragile and conflict-prone. A combination of powerful underlying or structural conflict risk factors persists, and there are powerful local, national and regional actors and networks that could in certain contexts rapidly develop interests and capacities to use or provoke armed violence. There are many on-going local conflicts, often associated with land tenure and use, which continue to have the potential for escalation or instrumentalisation by divisive forces.

The main explanations for the last decade of overall peace in Liberia emphasise the importance of key conflict prevention factors. These include: war exhaustion; wide-spread popular hopes for poverty reduction and a better society; the heavy presence of UNMIL and high international donor support; the skilful political and economic management under President Johnson-Sirleaf of a complex combination of informal networks, clientelist relationships and state institutions; and the relative stability of the wider Mano River region.

On the basis of this widely-supported overall conflict analysis of contemporary Liberia, most reports and studies cautiously conclude that, despite many encouraging reforms and positive programmes over the last decade, Liberia remains highly fragile; there is still widespread insecurity from violence, intimidation and lack of access to justice; and the underlying vulnerabilities to large-scale violent conflict persist. *In developing its next strategy for development co-operation for Liberia, Sweden needs at least to fully take into account these conclusions. This implies at minimum ensuring and promoting conflict sensitivity of all of the policies, programmes and activities that Sweden supports over the next five years, and specifically aims to address factors contributing to state fragility as well as to poverty reduction and development.*

*However, the Helpdesk's analysis of the range of existing studies of Liberia is that a strong case can be made that vulnerabilities to violent conflict could significantly increase during the next five years.* The reason for this is that some or all of the important conflict mitigation factors noted above are likely to either decline or come under serious challenges over the next five years. During the same period, the many positive policies and development underway are unlikely to bear sufficient fruit to proportionately improve underlying resilience against conflict. This is not, of course, in any way a statement that violent conflict is likely to resume in Liberia – on the contrary, this scenario appears to be quite preventable. However, it is analysis that indicates increased risks of violent conflict during the next five years. *This implies that Sweden and its international and local partners need also to devote serious and enhanced attention to conflict prevention, peace-building, and confidence and security building measures. If this argument is accepted, it should have implications for Sweden's strategy for development co-operation as well as for Sweden's wider foreign and security policy engagement with Liberia.*

In this context, we particularly highlight the significance of the 2017 Presidential election process and outcomes, and the ongoing drawdown of UNMIL which is presently planned for completion by the end of 2016. In some respects, these can be considered as possible trigger factors from a conflict perspective, and in other ways as changes to existing mechanisms for conflict management and resilience. Implications for Sweden's future assistance to Liberia include consideration of active measures to:

- maintain deterrence against instrumental use of armed violence, and public confidence in overall security during and after UNMIL drawdown; and

- Ensure security and prevent violence during elections, and help to prevent damaging fragmentation and division of governing networks in the post-2017 governance system while taking opportunities to further enhance accountability and the roles of legitimate state institutions and procedures in decisions on use of public funds and resources.

We then discuss the following issues and processes as particularly relevant for conflict prevention, conflict resilience and conflict sensitivity: land conflicts and natural resource governance and reform; the ongoing political decentralisation and de-concentration of service delivery processes; security sector reform and access to justice; gender equality and tackling GBV; anti-corruption, accountability and democratic governance; peace-building and reconciliation initiatives in the context of societal divisions and displaced people; and addressing vulnerabilities to transnational trafficking and crime, and to external economic shocks in the context of reduce global commodity prices. Each of these is important as conflict risk factors and as opportunities to enhance resilience against conflict in Liberia, and have implications for programmes supported under Sweden's next development co-operation strategy.

## **Mapping of Available Analyses Relating To Conflict and/or Power Relations in Liberia.**

The Helpdesk is aware of a large number of publicly-available studies and analyses on conflict, conflict risk factors and power relations in Liberia. These have informed the various Helpdesk Reports and assignments that have been prepared for Sida and the Swedish Embassy in recent years, including the Helpdesk's Political Economy Analysis of Liberia (2012).<sup>1</sup> In this context, for this present assignment we considered a large number of relevant reports and studies that have been published over the last seven years or so, the full range of which we have aimed to use and take into account in the preparation of this present Helpdesk Report.

In this present mapping of recent analyses, we have aimed to focus particularly on relatively recent reports (i.e. from 2011/15, and as far as possible since 2014). It is important to note that there appear to be very few recent (i.e. since 2012) systematic and comprehensive conflict analyses of Liberia. Those that exist are basically updates or reviews of more detailed and systematic studies between 2005-2010. There are however, many substantial reports since 2011/12 on specific issues related to particular risk factors.

We have selected 15 studies for inclusion in our mapping, which are detailed in the Annex. We have included a recent overall conflict analysis and a recent Fragility Assessment of Liberia. We have then included recent good or stimulating studies on a range of the key issue areas that are particularly relevant from a conflict or a power/political economy perspective. In most of these issue areas, there were several good studies that were eligible for inclusion, and thus qualitative and sometimes difficult decisions had to be taken on which to select. As a rule, we assume that the Swedish Embassy and Sida is already fully aware of all official UN, Government of Liberia, or World Bank documents and reports, and also generally

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<sup>1</sup> Helpdesk on Human Security, *Political Economy Analysis of Liberia – desk study*, final Report submitted to Sida 14 December 2012, pp49.

familiar with many of the good reports published on or before 2010, and also reports directly commissioned by Swedish government agencies. Thus we preferred more recent good ‘independent’ reports. Most of these summarised and explicitly built upon previously (i.e. prior to 2010) published major studies, and thus also help to brief Sida on such earlier works. We also sought to represent some diversity of perspectives, but with less success. On re-reading by the Helpdesk, several potential candidate studies prepared by local or West African institutions turned out to be more derivative or less reliable than originally hoped. Note that in one case, a series of six recent briefs are submitted as one overall study – which we included because we wanted to include at least one study focussing directly on very recent land reforms in Liberia designed to facilitate community land tenure, and in combination these six briefs (prepared for USAID) appeared to be the best available .

Note that there are numerous recent commentaries and initial about the impacts and potential implications of the recent Ebola epidemic. We do not doubt the major impact of this epidemic and the likelihood of enduring impacts. However, we judge that many of the discussions of longer-term impacts remain highly speculative and also assume that the Swedish Embassy in Monrovia is already relatively well-informed about this specific issue area. For this reason, we have not included a study of the Ebola epidemic in Liberia and its implications from a conflict perspective in our limited selection of 15 studies.

In the Annex, we have also separately listed directly-relevant Helpdesk reports submitted to Sida/Swedish Embassy since 2012, for ease of reference and access. As requested, full versions of all of the 15 selected studies are submitted in association with this Report, as are the Helpdesk reports.

## **Synthesis of Findings of Available Studies**

The literature on Liberia is large and diverse, and there are many disputes and uncertainties on detailed but important issues. Nevertheless, in our judgement, overall, there is wide consensus across nearly all good studies on the key issues and factors relating to state fragility, conflict risk factors, and main characteristics of governance and political-economic relationships in contemporary. These are reflected in the analyses in the studies selected for the mapping (as outlined above), and synthesised for example, in the GSRDC conflict analysis (2014); Helpdesk Political Economy Analysis (2012) and Workshop Report (2013); Liberia Fragility Assessment (2012) and USAID ICAF Report (2010).<sup>2</sup>

Thus overall, there is wide consensus across nearly all publically available good studies that, although Liberia has made substantial progress in many ways since the 2003 peace agreement, the country remains highly fragile and conflict-prone. There are continuing

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<sup>2</sup> Two of which are included in the Mapping and a further two also provided in Mapping Annex for this Helpdesk Report: S. Herbert, *Conflict Analysis of Liberia*, GSDRC, University of Birmingham, UK, Feb 2014; New Deal, *Liberia Fragility Assessment*, Sept 2012; Helpdesk on Human Security, *Political Economy Analysis of Liberia – desk study*, submitted 14 Dec 2012, 49pp; Helpdesk on Human Security; *Priorities for Addressing Fragility of Liberia: assessing the implications of Liberia Political Economy Analysis for EU Donor Programmes and Political Engagement; Workshop Report*, January 2013, 15 pp. The fifth study is A, Paczinska, *Liberia ICAF Report*, USAID, Washington DC, May 2010, which did not make the final mapping selection due to necessarily difficult selection decisions and its relatively older publication date.

powerful drivers and characteristics of fragility<sup>3</sup>. Associated with these, a combination of powerful underlying or structural conflict risk factors persists, and there are powerful local, national and regional actors and networks that could in certain contexts rapidly develop interests and capacities to use or provoke armed violence. There are many on-going local conflicts, often associated with land tenure and use, which continue to have the potential for escalation or instrumentalisation by divisive forces.

### *Liberia as a fragile state*

In most respects, Liberia has been a deeply fragile state throughout most of its history as an independent state. These characteristics were important contributing factors for the Liberian civil wars 1989-2003, and in turn were deeply re-inforced by these wars, with strong legacies for contemporary Liberia. The concept of fragility continues to be framed in a variety of ways. But if we refer to the five dimensions highlighted in the 'New Deal's Peace Building and State building Goals (PSG), there is wide consensus (including the Government of Liberia itself) that Liberia faces profound challenges.

**PSG 1 Legitimate politics** (foster inclusive political settlements and conflict resolution): there has been substantial progress since 2005 towards democratisation and an opening of political space for civil societies and political parties, including establishment of associated institutions and progressive policies, and a series of reasonably fair and violence-free electoral cycles. Nevertheless, in practice government and power remains relatively concentrated in the elite-group informal networks, and clientalist or neo-patrimonial relationships that both parallel and penetrate formal executive, legislative and judicial institutions. 'Big man' politics appears to continue to dominate at local and national levels, and many powerful figures during the civil wars continue to hold influential positions. A decentralisation of government process has been agreed and initiated, but it is at its early stages and in practice power, influence and resources remain concentrated in Monrovia. A Truth and Reconciliation Commission operated up to 2010, but very controversially and, moreover, very few of its recommendations have been implemented. A number of government and civil society initiatives for conflict resolution and reconciliation have been implemented, but in the above context progress has actually been very limited.

This issue area provides an example of where there is wide uncertainty and dispute about the details but consensus on the big points. There are differences about the detail of present configurations of informal networks, 'big-man' politics and clientalist relationships that are highly influential in government decisions on allocation of public funds, resources and natural resource tenure, rights or concessions – and also about the extent to which these have changed over the last decade. Nevertheless, there is virtual consensus that such networks exist, are complex, and are highly influential in government and governance in Liberia. In this context, for example, it is hard for outsiders reliably to assess the extent to the democratically-elected government under President Johnson-Sirleaf has been obliged by the realities of local power relationships to tolerate slow or unbalanced implementation of desirable reforms and wide corruption, or whether part of the explanation lies also in active

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<sup>3</sup> As discussed, for example, in the Fragility Assessment for Liberia 2012 (details in Mapping Annex) prepared in the context of the international 'New Deal' process for state-building and peace-building.

exploitation by the government of such clientalism. Judgments on such issues often ultimately still have to boil down to questions of trust, or lack of pragmatic alternatives.

**PSG 2 Security** (security conditions; capacity and accountability; and performance and responsiveness of security institutions): Studies confirm widespread perceptions of successful stabilisation and prevention of substantial armed conflict or political violence over the last decade, leading to increased public perceptions of improved security. One important point of progress appears to be increasing disconnection between intimidation and violence in Liberia and Liberian state executive and security agencies (ODI, 2015).

Across Liberia, in both rural and urban areas, there are continuing high levels of criminal and local violence - often associated with land or other natural resource disputes – and gender based violence. There is some evidence that levels of such violence are gradually decreasing, except in relation to land conflicts and GBV. For these latter two types or contexts of violence, complex local conflicts over land and natural resource tenure and access combine with frequent disputes between local communities with national or international companies who have been allocated disputed land concessions; while GBV continues to be widespread.

The main factors contributing to management and reductions in violence and insecurity appear to be the effectiveness and increased space of a plurality of local informal security providers; a relatively stable overall political settlement; high international donor support; and the capabilities and wide presence of UNMIL. Security sector reform processes have made progress in relation to the army, police and border agencies; but it is not clear that this has yet made a significant and sustainable difference to provision of, and confidence in, formal security provision. They appear to be highly dependent of UNMIL support, and also have relatively low presence outside Monrovia and a few other centres (for example, only 23% of the Liberian National Police are presently stationed outside Monrovia).

There is continuing high insecurity and violent land conflicts in border regions (particularly with Cote D'Ivoire), and most analysts agree that there is potential for rapid re-mobilisation of armed groups if powerful Liberian actors decide that the political settlement is no longer working for them.

**PSG 3 Justice** (conditions; capacity and accountability; and performance and responsiveness of justice institutions): Some progress has been made through large investments and development programmes in the justice sector by the international community since the end of the conflict. But progress is very limited. Formal state courts have never been a part of the social fabric in rural Liberia. Traditional or informal justice and dispute-resolution mechanisms have long been the dominant justice system in both rural and urban Liberia, and are still either the preferred or only realistic option or resolving disputes for most Liberians.

Traditional and customary courts are now formally recognised in the Liberian Constitution and in other national legislation, and perhaps the most promising donor-supported progress in recent years has been achieved in the area of improving linkages between local customary and formal mechanisms at local levels. However, it is important to note that in many areas both formal and informal justice mechanisms can be dominated by the interests of powerful local actors. This limits fairness and local confidence, and helps to explain why so many land disputes become violent. Moreover, women, girls and marginalised ethnic groups have particularly limited access to justice,

**PSG 4 Economic Foundations** (productive resources and prospects for growth; level of economic diversification; natural resource management; jobs, livelihoods and private sector development). The civil wars caused immense economic damage and impoverishment. Since 2003 and in the context of successful stabilisation and a relatively secure environment, Liberian GDP has on average increased at an impressive annual rate of between 5-10%, mainly through investments in natural resource extraction and commercial agriculture, international aid, and remittances.

However, this wealth has been extremely unevenly distributed. Natural resource governance is generally poor and highly contested. Despite national aggregated economic progress, the great majority of the population remains impoverished, and in 2015 Liberia still ranks 175 out of 186 countries in the UNDP Human Development Index. Unemployment or partial employment rates remain very high and educational levels of the majority of the population remains very low. Employment and other opportunities for most of the youth population remain particularly poor, leading to increasing levels of frustration and alienation. Many argue that economic conditions for the majority of Liberians have not significantly improved since the 2003 Comprehensive Peace Agreement. This is in the context of increasing accumulation and use of wealth amongst Liberian elite groups.

The recent falls in global commodity prices, associated with a slowdown in China and some other economies, is impacting on Liberian national GDP, making it very likely that Liberia's impressive annual growth rates noted above will come to an end over the next few years. This is likely to represent an external economic shock which will severally test the country's resilience. This will add to the political, security and other areas of fragility noted above and below, through 2017 and beyond.

**PSG 5 Public Revenues and Services** (revenues; public administration; service delivery): there have been very substantial policies, institutional reforms and programmes to improve public administration, financial management and revenues, and the quality and scale of public services, supported largely through major international donor and technical support programmes in active partnership with the Government of Liberia. These have established many progressive initiatives and reforms. Substantial efforts have been made to meet major capacity gaps and to improve technical expertise and systems. Deconcentration of service delivery to enhance local accountability and responsiveness is an important objective of the decentralisation process launched in 20012/13.

However, progress has been patchy at best. There are a range of different explanations for this, One, which has wide currency amongst the Liberian public, is that widespread corruption, nepotism and clientalist relationships has undermined or diminished effective negotiation of revenues from major commercial natural resource concessions and also effective distribution of resources for services.

**Impact of Ebola Virus Epidemic:** The Ebola outbreak in March of 2014, led to an epidemic which led to up to 5,000 people's deaths, left many survivors traumatised and destitute, and

demonstrated the lack of capacity and resilience of most Liberian state institutions and services. At the end of 2015, the Liberian epidemic has ended, and the country is moving towards becoming 'ebola-free'. The longer term implications are yet to become clear, and much of the speculation during 2014-15 is dubious. But one major lesson is the importance of increasing Liberia's resilience against 'shocks'. This has direct implications for the health sector, but also much more widely to enhance societal and conflict resilience.

### *Conflict analysis of contemporary Liberia*

As noted above, there is wide consensus across available studies about the conflict risks factors in contemporary Liberia. In summary, a combination of powerful underlying or structural conflict risk factors persists, and there are powerful local, national and regional actors and networks that could in certain contexts rapidly develop interests and capacities to use or provoke armed violence. There are many on-going local conflicts, often associated with land tenure and use, which continue to have the potential for escalation or instrumentalisation by divisive forces. We now briefly summarise the main conflict risk factors that are widely identified.

The underlying or structural factors that contribute to conflict risks in Liberia have remained similar for more than a decade; and overlap substantially with fragile state characteristics outlined above. They include:

- Poor governance often dominated by informal elites networks and patronage systems
- Relatively weak and low capacity state institutions, and limited state-society 'social contract'
- Fragile democratisation process, with limited accountability and responsiveness
- Widespread and persistent extreme poverty, alongside emergence of wealthy elites
- Unresolved historical grievances
- Substantial societal divisions, including Monrovia – rural and ethnic divisions
- Bad natural resource (including land) governance, including unclear and contested tenure
- Weak or biased dispute settlement systems and inadequate access to justice
- Widespread corruption, undermining public revenues, service delivery, and natural resource governance
- Widespread human insecurity from violence and intimidations, including wide violence associated with land conflict community violence, crime and GBV
- Weak national security systems (army, police, border controls), with weak public trust and high dependency on international support
- High unemployment, particularly youth unemployment and frustrated expectations
- Vulnerability to mobilisation of armed groups if powerful local and national actors perceive this to suit their interests
- Insecure and fragile Mano River sub-region, with borderland insecurity and conflicts
- Vulnerability to possible increased penetration by transnational crime or trafficking networks.

There are also a wide variety of relevant actors, whose capacities, interests, and relationships are examined in the range of available studies – often in relation to one particular sector or risk factors. These include, state leaders and institutions; customary authorities and traditional leaders; business and private sector, civil society groups, expatriate Liberians; international donors; the UN and UNMIL, international companies, mainly the natural resource extraction and commercial agricultural sectors; civil society organisations; political parties, bush societies (such as the Sande society).

Since 2005, civil society and democratic institutional actors have been relatively empowered. However, there is wide agreement that the primary actors that tend to dominate outcomes continue to comprise of informal, political or identity group networks dominated by powerful local or national individuals. Politics and political economic processes in Liberia continue to be highly personalised, with outcomes determined by shifting coalitions of ‘big men’ and their clientelist networks. These shifting coalitions around ‘big individuals’ navigate the institutions and structural conditions in Liberia in order to defend and pursue their perceived interests.

Experience over the last decade indicates this combination of structures and actors is relatively open and can flexibly accommodate significant changes, including democratisation processes and progressive reforms to government policies and programmes. However, it has also proved highly resilient, and capable of co-opting or instrumentalising reforms or donor-supported programmes.

Trigger factors for conflict or violence include: disputes over tenure or rights to grant concessions over land or other natural resource; escalation of local violence to involve inter-community or identity groups conflicts; elections; access to corruption opportunities; and borderland conflicts,

In this context, these analyses explain the continued risks of conflict in Liberia.

### ***Understanding recent resilience against large scale conflict in Liberia***

In order to assess overall risks and drivers of violent conflict. It is important also to examine sources of resilience against violent conflict. Reviewing the many vulnerabilities and conflict risk factors outlined above, it is reasonable to ask why the overall security situation in Liberia has remained quite stable over the last decade,

The main explanations for the last decade of overall peace in Liberia emphasise the importance of a combination of two types of factors. Firstly, the confidence-building benefits of an improved political and security environment and a range of positive policy initiatives and government commitments that help to promote confidence in the future even if they have not yet delivered widespread public benefits. Secondly, some very important conflict prevention factors, which have mitigated the risks and drivers of violent conflict.

These powerful conflict prevention factors include:

- war exhaustion;
- wide-spread popular hopes for poverty reduction and a better society;
- the heavy presence of UNMIL and high international donor support;

- the skilful political and economic management under President Johnson-Sirleaf of a complex combination of informal networks, clientelist relationships and state institutions; and
- the relative stability of the wider Mano River region.

On balance, the second set of conflict mitigation factors appear to be more powerful than the first.

On the basis of this widely-supported overall conflict analysis of contemporary Liberia, most reports and studies cautiously conclude that, despite many encouraging reforms and positive programmes over the last decade, Liberia remains highly fragile; there is still widespread insecurity from violence, intimidation and lack of access to justice; and the underlying vulnerabilities to large-scale violent conflict persist.

### **Increased risks of violent conflict during 2016-20**

*However, the Helpdesk's analysis of the range of existing studies of Liberia is that a strong case can be made that vulnerabilities to violent conflict could significantly increase during the next five years.* The reason for this is that some or all of the important conflict mitigation factors noted above are likely to either decline or come under serious challenges over the next five years. During the same period, the many positive policies and development underway are unlikely to bear sufficient fruit to proportionately improve underlying resilience against conflict. This is not, of course, in any way a statement that violent conflict is likely to resume in Liberia – on the contrary, this scenario appears to be quite preventable. However, it is an analysis that indicates increased risks of violent conflict during the next five years.

If we consider the main factors that have mitigated risks of violent conflict over the last decade, it seems very likely that the 'war exhaustion' factor is weakening, particularly in the context of a youthful population, and previous high public hopes for a major 'peace dividend' involving rapid reductions in poverty and marginalisation have substantially declined. The Mano River sub-region remains reasonably stable, but risks of volatility remain at least substantial for the foreseeable future, at least in Guinea and Cote D'Ivoire.

In this context, we particularly highlight the significance of the other two factors: 2017 Presidential election process and outcomes, and the ongoing drawdown of UNMIL which is presently planned for completion by the end of 2016. In some respects, these can be considered as possible trigger factors from a conflict perspective, and in other ways as changes to existing mechanisms for conflict management and resilience. We now consider each of these two factors in a little more detail.

### **The 2017 Elections and their challenges to overall conflict resilience**

In Liberia, the history of "democracy" is not characterized by bitter electoral violence, but is punctuated with notorious electoral malpractices. However, the elections on November 23, 2005, were the first truly legitimate and relatively fair elections in national history. Analysts argue that the process owed a great deal to the international support and oversight. The time between the signing of the CPA and demobilization was precarious, and many assessed the

relative success of the process to be due to a combination of mobilizing social networks within Liberia and international support and oversight.

During the last national elections in 2011, the presidential runoff that took place was marred by the CDC boycott, violence, and low voter turnout. These events exposed deep divisions within Liberian society and wide feelings of exclusion.

The next national elections in 2017 will without doubt be an important milestone in the development of democracy in Liberia. In addition to the process helping to more deeply embed national democratic electoral institutions and expectations in Liberia, there will inevitably be a major transfer of government power. President Ellen Johnson-Sirleaf is limited to two six-year terms in office, which she will have served by 2017. Thus she will either be replaced by her Unity Party leadership successor (probably present Vice President Joseph Boakai), or the leader of the main opposition party (probably but not inevitably the Congress for Democratic Change (CDC)).

These democratic changes of government are welcome and important. However, there are realistic concerns that the 2017 elections could pose significant challenges for resilience against conflict in Liberia. The most straightforward of these are the risks of electoral violence in 2017. The more complex challenges relate to the implied change in the networks of informal networks and clientalism and formal government.

It is important to recognise that UNMIL forces and logistic capacities played important security and stabilisation during 2011 elections, and also contributed to context in which opposition parties ultimately accepted the result. UNMIL drawdown (see below) means that it cannot be expected to play the same roles in 2017. In this context, for example, the Supreme Court Chief Justice Francis S. Korkpor has re-iterated his call for UNMIL to stay to provide security during the 2017 general elections. Similar sentiments were expressed by President Ellen Johnson Sirleaf who though reaffirming her government's commitment to implement UNMIL drawdown plans she was fully aware of the security vacuum that will be created and the election challenges in 2017.

As UNMIL gradually winds down its operations in Liberia over the next two years, there are wide and justified calls for special internationally-supported security arrangements to be in place to help to manage security in the lead-up, during and after the elections at least until a new democratically-elected government is securely in place. Pragmatically these could best be based on residual UNMIL capacities, supplemented by additional resources and capacities. But at present plans for such security arrangements appear, on the basis of our information, to be vague and uncertain.

The deeper challenges arise from the fact that stable governance in Liberia has depended importantly of President Johnson-Sirleaf's skilful management of a combination of informal networks, clientalism and formal legislative and government institutions, as discussed above. Without strong pressure and support, it is not clear that her successor as President will be able and willing to reduce reliance on such informal networks and clientalism. On the contrary, there appears to be a risk that the successor may find it very hard to retain the power and authority of the Presidency, or may come to rely on a narrower of more sectarian set of networks, with enduring impacts on resilience against re-emergence of violent conflict.

Such risks are inevitable in Liberia in its present situation, and are in many ways an unavoidable challenge that needs to be addressed if Liberia is to move out of fragility. However, it is important to take measures to reduce the risks of serious setbacks.

### **UNMIL Drawdown and its implications for conflict resilience**

After the signing of the August 2003 Comprehensive Peace Agreement, on September 19, 2003, the UN Security Council adopted Resolution 1509, establishing the UN Mission in Liberia (UNMIL), which was first deployed in October 2003. It is a multidimensional peacekeeping operation in response to human rights and governance issues in post-war Liberia. Thus UNMIL's mandate includes the following elements

- Enabling the transition of full security responsibility to the Liberia National Police by strengthening its capabilities;
- Promoting the enhanced respect for human rights;
- Supporting national processes of national reconciliation, constitutional reform and decentralization;
- Enhancing support for security sector and rule of law reforms;
- Supporting the participation of women in conflict prevention, conflict resolution and peacebuilding;
- Enhancing cooperation with the United Nations Mission in Côte d'Ivoire (UNOCI) for the stabilization of the border area;
- Coordinating and collaborating with the Peacebuilding Commission on its engagement in Liberia.

With the end of large-scale violent conflict and establishment of democratic and functioning governments in Liberia since 2003, the United Nations Security Council decided on phased withdrawal of the UN Mission in Liberia (UNMIL). This process was proposed to be a gradual drawdown of peacekeepers from 15,000 in the aftermath of the civil war. The first scaled down to around 8,000 between 2007 and 2010. In September 2012, the U.N. Security Council decided to reduce further the number UNMIL troops by 4,200. On August 12, 2013 Security Council Resolution 2116 extended the mandate for UNMIL until September 30th, 2014, during which time the Mission would continue its military drawdown. Subsequently, the drawdown period has been further extended. The present plan is that by June 2016, there will be a reduced strength of 1,240 UNMIL military personnel and some 606 police personnel. Equally, the Mission's civilian capacity will be rationalized, in accordance with its streamlined substantive mandate. UNMIL's approach has been to increase its police presence in Liberia to support the Liberia National Police. This includes UNMIL's capacity to provide a quick and effective response to any security incidents. The drawdown is aimed at transferring security responsibilities to the Government of Liberia.

There are widely-recognised risks associated with UNMIL's drawdown that could jeopardize the peacebuilding gains achieved. In December 2012 the Government of Liberia requested a slower phased withdrawal citing that the departure of UNMIL would create human and logistical gaps for the Government of Liberia to fill. However in March 2015, the GoL has reportedly approved a detailed security transition plan that will enable the country to assume full responsibility for all facets of its security by 30 June 2016, the deadline set by the Security Council. According to the Helpdesk's understanding, UNMIL staff and their

counterparts at the UN in New York are also aware of these risks, but feel that there is nevertheless no option other than to proceed for the time being according to the declared draw-down timetable, even if in practice it is possible that some residual UNMIL presence might remain for the 2017 election process and its aftermath.

**Security concerns:** At each instance during the visit by the new Special Representative of the Secretary-General (SRSG) in September this year and in view of timelines for the drawdown, Liberian officials have repeatedly voiced deep concerns about the capacity of security agencies in the rural counties and in Liberia at large, citing critical shortfalls in manpower and other resources. “We doubt their capacity to fill in the gap after UNMIL leaves,” Grand Gedeh Superintendent Peter L. Solo noted, recalling how recent cases of mob violence had severely challenged the strength of security forces in the county. For example, recent cases of insecurity include incidents, in which police units were stretched to breaking point as they scrambled reinforcements to contain a riot in the small and hard-to-reach gold mining camp of Bateljam.

Thus the Security Council further adopted Resolution 2239 1 at its 7525th meeting on September 17, 2015 giving UNMIL the mandate to assist Liberia implement the national strategy on the Security Sector Reform in accordance with its draw-down plan. The mandate allows for UNMIL to advise the Liberian Government on security reform and the organization of the Liberia National Police (LNP), Bureau of Immigration, as well as the justice and correction sector. The Security Council emphasized that this mandate should be implemented in close coordination with bilateral and multilateral partners.

While renewing the mandate, the Security Council urged the Government of Liberia to intensify its efforts toward achieving progress on the transition of security responsibilities from UNMIL to the national authorities. Particularly, the Government was encouraged to prioritize and resource the critical gaps in the capacity and capability of the Liberia National Police, the Bureau of Immigration and Naturalization, and the justice sector. Doubts remain on the extent to which these critical security sector legislation; such as the Firearms and Ammunition Control Act, the Police Act, and the Immigration Service Act, will have been enacted in order to providing a robust legal framework for a smooth transition. Such progress is welcome, but it is important to recognise that the Liberia National Police still have low capacity, and even low presence in the counties away from Monrovia. Local traditional, customary or informal institutions in practice provide most policing functions at local levels, though these also can be weak or biased, and are vulnerable to manipulation by ruling elites or natural resource companies (national or international)

**UNMIL Deterrent effect:** Further concerns in terms of security relate to those who may seize opportunities in the vacuum left. Many believe that UNMIL has served a valuable deterrent effect with regard to organized crime, and that their draw-down could result in an increase in Liberia as a trans-shipment point. Should this occur, government agencies will be hard pressed to cope; with Bureau for Immigration and Naturalization (BIN) staff, for example, stationed at borders unarmed, with limited training and often deployed in isolation limiting their ability to provide effective border security. The lack of a national drug law to

govern illicit drugs and weak capacity of the DEA to tackle trafficking and other related challenges presents difficulties for the GoL. Reports indicated that there has been reported growing signs that drug trafficking, mob violence; extortions and security excess are on the increase and the UNMILs withdrawal will only exacerbate the situation. These security concerns have been noted as some of the cardinal issues that need to be addressed to sustain the fragile peace.

**Capacity gaps:** There has been concerns raised about the capacity of not only the security services but also of the civilian staff—including those responsible for supporting important reforms including the forthcoming general elections and democratisation process. These remain unlikely to be in place at the time withdrawal. There is further lack of sufficient personnel, infrastructure and equipment required for successful implementation of the de-concentration and decentralization initiatives.

**Border Insecurity/downsizing of UNOCI:** Similarly, the potential for border insecurity to destabilise Liberia or Côte d'Ivoire has been mentioned in the reports of the Secretary-General on UNMIL and UNOCI as well as in the various reports of the experts supporting the 1521 Liberia and 1572 Côte d'Ivoire sanctions committees. On June 8, 2012, armed gunmen launched a raid across the Liberian border into Côte d'Ivoire, killing 7 UN Operations in Côte d'Ivoire (UNOCI) peacekeepers, and at least 8 civilians. As a result UNMIL began intense collaboration with UNOCI working together to ensure that the border remains secure. The result has been few major incidents of cross-border violence have occurred since. The concern is that as well the withdrawal of UNMIL, the UN mission in Côte d'Ivoire (UNOCI) is also downsizing; this could increase the insecurity within the border regions. Similarly, the ongoing crisis in Côte d'Ivoire adds to the existing challenges as the number of refugees entering, fleeing sporadic violence in Côte d'Ivoire continues to increase. Over 2,500 Ivorian refugees arrived in Liberia in 2013 alone (see sub-section on refugees).

The drawdown of the UNMIL will leave the porous entry points of Liberian borders with Sierra Leone, Ivory Coast and Guinea, sparsely manned by Liberia security forces and with limited logistics to patrol the and address the issue of suspected traffickers and users. Containing prohibited drugs and usage in the country remains crucial to sustain peace. UNMIL's withdrawal will expose Liberia's vulnerability in this area.

**Economic gaps:** The presence of UNMIL has undoubtedly contributed significantly to Liberian national GDP. In this context, UNMIL drawdown will have wider economic implications. More specifically, the reduction in UNMIL resources to support security services and capacities has already had serious implications for resourcing the Liberian national army and police. The GoL Economic Stabilization and Recovery Plan recognises there is a significant funding gap within the budgets for Agenda for Transformation, particularly in as far as developing Liberia's capacity to deliver security following UNMIL's drawdown. The ESRP notes that this is despite GoL having prioritized funding to this sector through the National Budget including for development and reform of the Judiciary. In response of the UN Security Council resolution the Government has developed its Plan for UNMIL Transition covering 15 institutions and 8 priority areas, with a total cost of US\$104.8

million between FY2015/2016 and FY2017/2018. This includes a cost of US\$76.2 million for FY2015/2016. In practice, it is very unclear that these funds will actually be delivered, or that they will be adequate to develop and maintain adequate policing and security across Liberia.

### **Vulnerabilities arising from slow-down in Liberia's National GDP growth**

In the context of the above comments on the economic impacts of UNMIL withdrawal it is important to return to the risks raised in an earlier section arising from the likely slow-down in Liberia's national GDP growth, due to declines in global commodity prices. As noted above, the consistently high GDP growth rates of 5-10% have characterised Liberia's post-conflict economic recovery. Such growth is widely understood to have been driven by a combination of: international investments in natural resource extraction and commercial agriculture, international aid, and remittances. The reductions in global commodity prices are likely to substantially reduce these drivers. Although the links between this and levels of international aid and remittances are complex and unclear, at the least it appears unlikely that remittances or international aid to Liberia will increase over the next few years in ways that compensate for reductions in international natural resource investment or commodity prices. For example, levels of international aid to Liberia has been disproportionately high over the last decade compared to aid to most other developing fragile or conflict affected states, and are likely to decline from now on. Thus it is likely that Liberia's GDP will grow only at a slow rate in the next few years, and there is possible a risk of decline.

The implications of this economic slowdown for Liberian fragility and conflict risks are very unclear, but they can confidently be expected to be negative overall. They can be expected, for example, further to limit government resources available of reforms and improvements in government institutions and services. However, these have not made rapid progress even during the years of rapid GDP growth, a discussed above. Similarly, levels of poverty, unemployment and marginalisation remained stubbornly high in the context of high GDP growth. So it is possible that most ordinary Liberians will not be greatly directly affected.

However, one clearly predictable implication of a slowdown in national GDP growth is that there is likely to be less resources available for governing elites to use for the purposes of clientalism, patronage, or management of interest group coalitions to maintain their acceptance of the present political settlement in Liberia. In principle, this could provide an important stimulus for efforts to clean-up Liberian governance systems, as for example it did in several South East Asian countries in the aftermath of their 1997 financial crises. However, it also tends to exacerbate the political and security risks discussed above in relation to the political transition during the 2017 election process and UNMIL drawdown. .

## Overall Implications for Sweden's future co-operation strategy and programmes in Liberia

In developing its next strategy for development co-operation for Liberia, Sweden needs at least to fully take into account the on-going powerful set of conflict risk factors in Liberia

*This implies at minimum ensuring and promoting conflict sensitivity of all of the policies, programmes and activities that Sweden supports over the next five years.* In this way, Sweden can not only reduce risks of unintentionally increasing insecurity of vulnerable groups; but also help to ensure that the range of its programmes contribute to human security at the same time as achieving their directly stated intended outcomes.

*It also implies a need to specifically aim to address factors contributing to state fragility as well as to poverty reduction and development.* This implies learning lessons from the resilience of drivers of fragility over the past decades, and designing strategies, programmes and modes of engagement. This, for example, was a focus for the EU Donor workshop in Monrovia in January 2013, and the Helpdesk's Workshop Report for this meeting (as referenced in the Mapping Annex and provided to the Swedish Embassy on 8 Nov 2015) provides many useful comments and suggestions relevant to this goal.

*The Helpdesk's analysis that a strong case can be made that vulnerabilities to violent conflict could significantly increase during the next five years has wider implications. It implies that Sweden and its international and local partners need also to devote serious and enhanced attention to conflict prevention, peace-building, and confidence and security building measures.* If this argument is accepted, it should have implications for Sweden's strategy for development co-operation as well as for Sweden's wider foreign and security policy engagement with Liberia. That is, it implies substantially increased prioritisation of conflict prevention measures targeted to mitigation the risks associated with UNMIL drawdown and the government transition associated with the 2017 elections (in the context of national economic slow-down),.

Implications for Sweden's future assistance to Liberia include consideration of active measures to:

- maintain deterrence against instrumental use of armed violence and aim to maintain public confidence in overall security during and after UNMIL drawdown; and
- ensure security and prevent violence during elections, and help to prevent damaging fragmentation and division of governing networks in the post-2017 governance system while taking opportunities to further enhance accountability and the roles of legitimate state institutions and procedures in decisions on use of public funds and resources.

The withdrawal or drawdown on UN Missions was the subject of the Peacebuilding Commission's Working Group on Lessons Learned (WGLL) in 2014. This working group focused its work programme on the issue of transition of UN missions to UN Country Teams, as a crucial phase in the transition from conflict to sustainable peace and have noted that there are challenges that may negatively affect these efforts, namely, 1) funding and technical capacity gaps for peacebuilding priorities; and 2) Sustaining inclusive political processes.

These and other concerns are some of the issues that SIDA and its donor partners need to be aware of whilst developing the next 5 year cooperation strategy for Liberia.

Thus, it is important to review in detail the measures that are in place to manage the transitions associated with UNMIL drawdown, and to ensure that some capacities and mechanisms remain in place during the transition that adequately fills the gaps of UNMIL drawdown during the critical 2016-2018 period. This will involve clarifying the realities of the identification of, and efforts to address, such gaps. The available documents prepared for this purpose by UNMIL and the GoL in 2015 can be misleading – the gaps identified have been constructed through a complex inter-institutional and diplomatic process, and on closer attention may not adequately relate to the key issues and ‘gaps’ that need to be addressed to address key fragilities and conflict risks.

## **Selected Conflict Risk Factors requiring particular attention in implementing Sweden’s future strategy**

In this section, we briefly discuss some selected issue areas to which we suggest that Sweden needs to devote particular attention when implementing Sweden new strategy for development co-operation with Liberia. As is clear from the outline of conflict risk factors in previous sub-sections, this is not a comprehensive set. Nevertheless we believe they are all particularly important in relation to ensuring conflict sensitivity, addressing drivers of fragility, and contributing to conflict prevention and resilience.

In each sub-section, we briefly highlight the relevance to conflict risks and resilience, outline the situation and trends, and then briefly discuss possible implications for implementation of Sweden’s new strategy.

### **Natural resource governance and managing land and resource-based conflicts peacefully**

This is a vital issue area for Sweden and its partners. It merits concerted attention, not only through dedicated programmes but also as a cross-cutting conflict sensitivity issue for all programmes. Amongst the top priorities are to aim to enhance mechanisms for peaceful management and settlement of land and natural resource disputes, to reduce violence and enhance human security throughout much of Liberia, and also contribute to wider conflict prevention in relation to the heightened conflict risks during 2016-2020 highlighted above,

Liberia’s land and natural resource-related disputes were intrinsic to the civil wars. An estimated 800,000 people were displaced during Liberia’s 14 years of civil war. Following the ceasefire and signing of the CPA, many returned to their homes only to discover that their

land had been captured.<sup>4</sup> These complex and land ownership disputes remain largely unresolved in the post-conflict context, and claims over land are in the views of most Liberians the primary source of social tensions in the country.<sup>5</sup> Moreover, throughout the country's history, natural resources and agricultural land have been largely under the control of foreign-owned companies. During the wars, successive regimes acquired and controlled land and resources, and closed special deals with foreign companies for the exploitation of natural resources that did not benefit the majority of the people.<sup>6</sup>

According to PeacebuildingData.org<sup>7</sup>, 23 percent of the Liberian population has experienced some sort of land disputes after the end of the war. The study identified multiple forms of land conflicts with the most commonly reported issues being: land being taken over by someone else (land grabbing), with grabbing of house plots being more common than grabbing of farm land. A significant majority of respondents of the study (69 percent) perceived land disputes, commonly referred to as *land palavas*, to be much more frequent after the war compared to before the war. Additional common forms of land disputes include boundary conflicts, ownership conflicts linked to inheritance, ownership conflicts due to the lack of land registration and multiple sale of privately owned land by private individuals.

**The duality of legal systems pose added stress to the issue of land-disputes.** Land laws are plagued not only by the duality of the system in which they operate but by the weakness of the state, through its judiciary, to be a platform of redress for complaints due to the heavy burden of caseloads and the lack of rural legal services.<sup>8</sup> It is estimated that 90 percent of Liberia's civil court cases are related to land, and land disputes are a major driver for over 60 percent of violent conflicts in Liberia.<sup>9</sup>

Customary land ownership rights have been largely inadequately recognised, clarified or respected throughout the country's history, yet most rural Liberian's have greater trust in the customary justice system compared to the formal system. Women traditionally have unequal rights to land compared to men in the statutory and customary land governance systems. Nevertheless, in 2003, Liberia passed a new inheritance law, which gives greater recognition

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<sup>4</sup> Saa and WANEP Liberia Crises Prevention Department: *Critical Questions and Responses on Land Reforms in Liberia*, available from:

[http://www.wanep.org/wanep/files/2013/sept/critical\\_questions\\_on\\_land\\_reform\\_in\\_Liberia.pdf](http://www.wanep.org/wanep/files/2013/sept/critical_questions_on_land_reform_in_Liberia.pdf)

<sup>5</sup> USAID (2010): *Liberia ICAF Report*, May 2010.

<sup>6</sup> Corporatejustice.org: *Liberia back in Business? Conflicts and human rights issues in a post conflict environment*, SOMO paper, July 2015.

<sup>7</sup> <http://www.peacebuildingdata.org/research/liberia/results/disputes-threats-to-safety/land-general-disputes>

<sup>8</sup> Crabtree-Condor and Casey (2012): *Lay of the Land: Improving Land Governance to Stop Land Grabs*, Action Aid.

<sup>9</sup> Pichel, et. al. (2012): *Implementing an Affordable, Rapid Deployment Land Records Management Solution for Liberia*, White paper presented at the Annual World Bank Conference on Land and Poverty in Washington, D.C. on April 23-26, 2012.

to women's property rights and provides for a wife to receive one third of her husband's estate on his death, with the remainder passing to his children.<sup>10</sup>

In August 2009, the Liberian National Land Commission was established with the mandate to propose, advocate and coordinate reforms of land policy, laws and programs in Liberia. In May 2013, the Commission had developed the country's first-ever land rights policy, which clearly defines the various categories of land and accompanying rights and responsibilities, including for: Public Land, Government Land, Customary Land, and Private Land, as well as Protected Areas that will be conserved for the benefit of all Liberians. According to Focus on Land in Africa (December, 2013), the Policy includes some positive provisions that, if successfully implemented, could lead to significant improvements in land governance in the country. For the implementation of the Policy to have meaningful positive change for women, the significant disparities and inconsistencies between civil law and custom law that governs women's property rights need to be addressed.<sup>11</sup>

Population growth, displacement and foreign investments in the extractive industry are also important factors driving land-disputes in the post conflict context. In the five years between 2006 and 2011 the government granted over a third of the country's lands to private investors which were earmarked for logging, mining and agro-industrial corporations (Crabtree-Condor and Casey 2012). CorporateJustice.org, identifies three categories of conflicts related to business activity in Liberia: (i) community-company conflicts regarding access to land, resettlement, loss of livelihoods and environmental concerns; (ii) inter and intra-community conflicts (as a result of pre-existing conflicts) regarding issues such as employment opportunities, community development projects and the question of who benefits from these investments, and (iii) state-community conflicts as a result of concessions to foreign companies and the state's role in providing security services to these corporations and lack of capacity/political will to ensure proper implementation of concession agreements.<sup>12</sup> UNMIL's progress report of February 2014 also noted that land concessions granted by the government to private companies "continue to provoke violent demonstrations"<sup>13</sup>, involving mobilization of large groups, "often armed with crude weapons"<sup>14</sup>.

### *Risk, dilemmas and implications for Sweden's' development cooperation with Liberia*

Grievances over land and resources are among the root causes of conflict in Liberia and land-related disputes continue being a primary source of social tensions in the post conflict

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<sup>10</sup> Norwegian Refugee Council: *Searching for soap trees: Norwegian Refugee Council's Land Dispute Resolution Process in Liberia*, January 2011.

<sup>11</sup> Scalise and Hannay (2013): *Land Policy Reform for Women in Liberia*, Focus on Land in Africa, December 2013.

<sup>12</sup> Corporatejustice.org: *Liberia back in Business? Conflicts and human rights issues in a post conflict environment*, SOMO paper, July 2015.

<sup>13</sup> Cited in Connolly: *Liberia: A Fragile State*, Trinity College Dublin, Thesis December 2014, p. 35.

<sup>14</sup> Ibid.

context. As identified by the International Alert (2011)<sup>15</sup>, land disputes risk becoming violent “when linked to wider processes of political exclusion, social discrimination, economic marginalisation, and a perception that peaceful action is no longer a viable strategy for change”. Many of these risk factors are identified in the Liberian post-conflict context. But people’s commitment to peaceful resolution of existing disputes has so far served as an important mitigating factor (easing the risk of large-scale conflict).

As noted by the United Nations (2010)<sup>16</sup>, providing support to land dispute resolution is challenging in Liberia as the country has a high level of land tenure insecurity, weak legal and institutional frameworks and a rather fragile land administration system. In addition, dispute resolution is carried out by a large number of state and non-state actors. The Land Commission’s Dispute Resolution Program Initiative has in recent years rather successfully handled a number of land dispute cases, with the aim of developing alternative dispute resolution methods (including mediation, negotiation and arbitration) to reduce the number of incidents that may end up in court or may develop into violent conflicts.

In light of the various factors driving land-disputes in the post conflict context, any support provided to agricultural development and business, including regional and international trade (i.e. cooperation area two of Sweden’s strategy with Liberia), as well as land governance and reform in Liberia needs to carefully consider both historic (unresolved land ownership disputes) and new forms of grievances (predominantly associated with investments in the extractive industry).

Sida is recommended to conduct (or make use of existing reliable sources) political economy and power analysis of land ownership, land use and markets. In providing support to the broader land reform process, important conflict sensitivity considerations include ensuring inclusiveness of all stakeholders concerned.

Moreover, we recommend that Sida, and the Swedish embassy, remain sceptical about the likely effectiveness of initiatives or programmes that aims to address and prevent land disputes primarily through measures to clarify or revise laws and regulations. Although such efforts can play important roles, it is important to recognise that in the Liberia context, any new land or natural resource rights law or regulation will remain highly contested. It is much more likely simply to add to the range of existing formal and customary bases for land rights claims, rather than replace them with a new and clearer one. In our judgement, the priority is to enhance availability and effectiveness of dispute-settlement through conflict resolution mechanisms, where disputing parties arrive at a mutually-acceptable and adequately just

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<sup>15</sup> Van der Zwan: Practice note 7: Conflict-sensitive land policy and land governance in Africa, International Alert, April 2011, available from: <http://www.international-alert.org/sites/default/files/publications/PracticeNote7.pdf>

<sup>16</sup> Cited in Van der Zwan: Practice note 7: Conflict-sensitive land policy and land governance in Africa, International Alert, April 2011, available from: <http://www.international-alert.org/sites/default/files/publications/PracticeNote7.pdf>

outcome, rather than relying on legal or regulatory procedures which will remain corrupted and inefficient for the foreseeable future.

### **Decentralization and deconcentration of services**

Politics in Liberia is historically highly centralized in the capital Monrovia and dominated by a political and economic elite. Local units of governance, such as counties and territories have been created, but most real power has remained at central level with the presidency.<sup>17</sup> Historical inequalities, and the political dominance of the Americo-Liberians at the expense of native population, are generally held as central root causes of the conflicts in Liberia. A decentralization process is therefore essential for securing long-term peace in the country.

At the end of the civil war in 2003 governance reform was seen as a way to promote political participation and ownership across the country. The Governance Commission<sup>18</sup> that was established under the peace agreement was mandated *inter alia* to: ‘ensure subsidiarity in governance through decentralization and participation.’<sup>19</sup> In 2010 Liberia adopted a National Policy on Decentralization and Local Governance (NPDLG). The policy calls for decentralization and transfer of substantial political, fiscal and administrative powers to local governments. In 2013, the GoL approved, with international donor support, a national implementation plan for decentralisation of aspects of governance authority to country levels and for deconcentration of service delivery. Both the NPDLG and the Local Government Act were drafted in the context of substantial consultations within Liberia, led by the Governance Commission with support from the Ministry of Internal Affairs, the Law Reform Commission and development partners.<sup>20</sup> Implementation has been postponed by the Ebola epidemic, but in late 2015 is now resuming.

As noted by the International Monetary Fund (IMF), for example, decentralisation in Liberia is due to take place in two ways: i) devolution of political and decision-making power to locally-elected officials; and ii) ‘deconcentration’, giving decision-making power to officials stationed at local level, but appointed by the centre.<sup>21</sup> The agreed decentralization reforms in Liberia have mainly been ‘deconcentration’ of power, and local officials have been appointed to and answered to superiors in Monrovia. Efforts to extend state authority, including the Justice and Security Hubs discussed under the Access to Justice section of this report, fall into this category.

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<sup>17</sup> Nyei, Ibrahim, *Decentralizing the State in Liberia: The Issues, Progress and Challenges*, International Journal of Security and Development, 29 October 2014.

<sup>18</sup> Originally the *Governance Reform Commission*.

<sup>19</sup> Comprehensive Peace Agreement, Article XVI, Section (d), as quoted in Nyei (2014).

<sup>20</sup> Zanker, (2014); and Nyei (2014).

<sup>21</sup> IMF, *Liberia: Poverty Reduction Strategy Paper – Annual Progress Report*, as referenced in Caparini, M. *Extending State Authority in Liberia – The Gbarnga Justice and Security Hub*; The Norwegian Institute of International Affairs. NUPI Report no. 5, 2014.

It is also telling that when stakeholders in Liberia (local government officials, chiefs, civil society actors and academics) were asked what they thought about decentralization, most respondents reflected on decentralisation in terms of development and access to services, rather than as political empowerment.<sup>22</sup> The decentralization of government functions and services is important and a central component of repairing and building trust between the government and the population. This does not, however, truly empower people politically.

Once the Act is adopted, there are several outstanding issues regarding its implementation. There are, for example, still questions concerning the right to stand for local election (political parties or independent candidates), harmonisation of administrative district boundaries affecting the current system of chieftaincy, and the inclusion of seats reserved for women and youth in local governance structures.<sup>23</sup>

Political decentralization – or devolution – is a longer-term process, and there are a number of difficult challenges that still need to be overcome in Liberia in this regard. The adoption of the Local Governance Act is key step in the process (*currently pending introduction by the President to the Legislature*).

There is wide agreement, however, that one of the major challenges is that the Act will require changes to the Constitution of Liberia: *“New elements, such as the creation of county councils, will need to be added, as well as the election of local government officials (superintendent and district commissioner), curtailing the current power of the president to appoint them.”*<sup>24</sup> A USAID assessment report from 2012 noted that one of the main constraints in relation to the decentralization process is *“the Legislature and its willingness to vote for the public good”*, and that the authors of the report *“questioned whether incentives exist for legislators to pass the Law, approve the contents of the referendum or sign-off on the results if it does not promote their personal rather than public interest.”*<sup>25</sup>

The USAID assessment concluded, however, that: *“there is considerable reason to believe that political decentralization has the commitment of the country’s leaders and its people. Overcoming entrenched interests that have burrowed into the body politic over generations will not be easy to overcome but there are champions [...] in and out of government that must be mobilized into a broad-based constituency for decentralization reform.”*<sup>26</sup> The assessment further noted that because politicians (the supply side) are primarily driven by preserving privileges and power, the success in political decentralization will depend on mobilisation and demands from an informed public (the demand side), which points to a need for

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<sup>22</sup> Zanker (2014).

<sup>23</sup> Zanker (2014).

<sup>24</sup> Zanker (2014).

<sup>25</sup> USAID: An Assessment of Decentralization and Local Governance in Liberia – A Strategic Review with Recommendations for USAID/Liberia’s Cross-Cutting Decentralization Strategy, September 2012.

<sup>26</sup> USAID (2012).

enhanced efforts to raise awareness about the political rights and obligations of the citizenry.<sup>27</sup>

The decentralization process has been seen as an opportunity for Liberian women to gain greater access to political life and decision-making, and both the Decentralization Policy and the draft Local Government Act include gender equity measures reserving two seats in every County Council for women. A joint study by the Governance Commission, the Ministry of Gender and Development, and UN Women (2014) held that: “*If implemented in a gender-responsive manner, decentralization provides and unprecedented opportunity for women to compete for positions in local government and to influence planning, policy and budget decision-making processes.*”<sup>28</sup>

A number of analysts agree that there is a need for significant capacity building of the civil service at both central and local levels in order to achieve responsive and accountable local governance structures in Liberia. There is also agreement on the need for enhanced efforts to raise the awareness of the general public, both relating to the on-going reform efforts and, more long-term, on the rights and obligations of citizens in the democratic process.<sup>29</sup>

*Overall, the Helpdesk’s assessment is that this programme of decentralisation of governance and deconcentration of service delivery is important and greatly to be welcomed from a conflict and fragility perspective. If it is well implemented on a conflict sensitive way, it could help to reduce the drivers of fragility and conflict risk factors considerably. But it also has the potential to increase such risks if it is not implemented in a conflict sensitive way. Any such reform provides opportunities for local elites to consolidate or challenge for power or local wealth, as well as providing opportunities for more inclusive, accountable and responsive local governance. There is also the risk that such decentralisation processes could be instrumentalised by powerful actors in struggles for power associated with the government transition in 2017 in the context of UNMIL drawdown. It is also important to note that there are potentially powerful de facto links between the ways in which decentralisation processes are implemented and prospects for improved natural resource governance and management of land disputes.*

*At present, the Helpdesk assesses that insufficient attention is being devoted to mitigating such risks of conflict insensitive decentralisation and deconcentration processes. This implication is that Sweden needs to ensure that it has the local contextual information and systems to ensure that all of the programmes that it supports engage with the decentralisation process in a way that it at least conflict sensitive and preferably directly helps to contribute*

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<sup>27</sup> USAID (2012).

<sup>28</sup> Liberia Governance Commission, Ministry of Gender and Development, and UN Women: *From the Sidelines to the Forefront - Ensuring a Gender-Responsive Foundation for Liberia’s National Decentralization Process*, February 2014: <http://reliefweb.int/sites/reliefweb.int/files/resources/Decentralization%20Study.pdf> (last accessed on 2 November 2015).

<sup>29</sup> Nyei (2014), Zanker (2014), USAID (2012).

*to local dispute settlement and conflict prevention, In addition, Sweden could usefully consider ways of promoting such attention from all other international donor partners.*

### **Security Sector Reform and Access to Justice**

The formal justice system in Liberia has been shaped of the political history of the country, with centralization of power to elites in the capital, patronage and endemic corruption. The system of justice in Liberia broke down completely during the 14 years of civil war. In the first comprehensive post-conflict assessment of the justice sector, conducted by the International Legal Assistance Consortium in 2003, it was held that: “*There is an almost unanimous distrust of the legal system and a corresponding collapse of the rule of law.*”<sup>30</sup> It is important to note that the system had significant weaknesses also in pre-war Liberia. An International Crisis Group (ICG) report from 2006 held that. “*Even before the conflict, the justice system suffered from a historical lack of independence from the executive and failed to operate as an impartial forum since access to it was dependent on economic or social capital.*”<sup>31</sup> The lack of access to justice in the country is closely linked with the root causes of conflict and fragility in the Liberian context.

The formal court system in Liberia consists of some 350 Magistrate Courts (court of first instance) across the country. The ILAC assessment from 2003 found that only about ten of the magistrates in these 350 courts had any form of formal legal education. Legal textbooks and case law were not available in local courts and throughout the years of conflict, magistrates had not been paid salary, which had led to widespread corruption and ‘highest-bidder justice’. In areas where there are no magisterial courts, there are so called Justices of the Peace Courts with jurisdiction over a limited number of criminal and civil cases. Justices of the Peace are not employees of the state and not required to be legally trained. They are generally paid through fines paid by litigants in the courts.<sup>32</sup>

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<sup>30</sup> International Legal Assistance Consortium (ILAC): Liberia Report 2003 <http://www.ilacnet.org/publications/>

<sup>31</sup> International Crisis Group Liberia: *Resurrecting the Justice System* (2006).

<sup>32</sup> Liberia Judiciary Law, paras 8.3(a) and (b). See also Herman, Hohanna, and Martin-Ortega Olga: *Narrowing the Gaps in Justice: Rule of Law Programming in Liberia*, in Chandra Lekhana Sriram *et al*: *Peacebuilding and Rule of Law in Africa: Just Peace*, Routledge 2011.

Some progress has been made through large investments and development programmes in the justice sector by the international community since the end of the conflict, access to formal justice in Liberia is still weak and the lack of trust in the system prevails. The 2014 Human Rights Watch World Report (the latest one available for Liberia) holds that: “*Persistent weaknesses in the judiciary undermined access to justice and due process. Prolonged pre-trial detention is prevalent; fair and speedy trials are rare. The judiciary is able to conclude only a small number of cases every year. Poor management of the judiciary and corrupt practices by judges, jurors, ministry administrators, and others also severely undermine the dispensation of justice.*”<sup>33</sup>

Formal national courts have never been a part of the social fabric in rural Liberia, and traditional justice mechanisms are still the preferred forum for resolving disputes for most Liberians. The United States Institute of Peace (USIP) found in a comprehensive study in 2009 that: “*Affordability, accessibility, and timeliness are three of the most consistent demands that Liberians have when it comes to the provision of justice. Our research reveals that the formal justice system is seen almost universally by Liberians as falling abysmally short of their expectations in all three of these important service categories.*”<sup>34</sup>

Traditional courts are formally recognised in the Liberian Constitution and in other national legislation. The recognition requires the traditional courts to apply Liberian national laws, but it is clear that other justice traditions and practices are widely used, sometimes contrary to fundamental human rights principles. In theory, it is possible to appeal decisions from traditional courts to the formal justice system, but in practice there are very few cases of appeal. The jurisdiction of traditional courts does not include serious criminal cases, and according to the USIP study referenced above, this limitation is generally respected.

The USIP study noted that of criminal cases “*only 2 percent were taken to a formal court; 45 percent to an informal forum; and 53 percent to no forum at all*”, and out of examined civil cases “*only 3 percent were taken to a formal court; 38 percent to an informal forum; and 59 percent to no forum at all*”<sup>35</sup> The study further holds that Liberians felt that the formal system was both ineffective and inaccessible, and prohibitively expensive for regular Liberians. There was a strong feeling that the justice system was geared towards defending the privileges of elites and that there was “*no justice for the poor*”.<sup>36</sup> One of the most interesting findings of the USIP study from 2009, however, was that most Liberians were believed to favour the informal justice system even if the formal system were to deliver timely, affordable and impartial results. The reason for this was held to be the differences in the

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<sup>33</sup> Human Rights Watch World Report 2014, <https://www.hrw.org/world-report/2014/country-chapters/liberia> (last accessed on 2 November 2015).

<sup>34</sup> Isser, D; Lubkemann, S; and N’Tow, S: *Looking for Justice – Liberian experiences with and perceptions of local justice options*, United States Institute of Peace 2009; [http://www.usip.org/sites/default/files/liberian\\_justice\\_pw63.pdf](http://www.usip.org/sites/default/files/liberian_justice_pw63.pdf) (last accessed on 2 November 2015).

<sup>35</sup> Isser *et al* (2009). The study refers to a survey conducted by the Centre for the Study of African Economies at Oxford University.

<sup>36</sup> Isser *et al* (2009).

foundational principles of justice underpinning the formal system (*individual rights, adversarial process, and punitive sanctions*), differ considerably from the perceptions of justice held by most Liberians. Traditional views of justice in Liberia are more focused on repairing social relations and achieving reconciliation. The helpdesk has not found any updated data on the use of informal versus formal forums of justice, but it is reasonable to assume that the ratio has not changed dramatically since 2009.

Access to justice for women is particularly weak in Liberia. Sexual and Gender-Based Violence (SGBV) is highly prevalent also in post-conflict Liberia. There are weaknesses in the formal legal framework relating to the protection of women, particularly against violence and abuse in within the family. As outlined in the gender section of this report, there are no laws criminalizing domestic violence, sexual harassment or female genital mutilation. Referring to a 2010 joint study by the Government of Liberia and the UN, Caparini notes that one third of all reported SGBV-cases are never forwarded by the police to the magisterial- or circuit courts.<sup>37</sup> Special units within the police (WACPS) and a special court for SGBV-cases have been established in Liberia. The capacity of the court is limited, however, and it currently only has jurisdiction in Montserrado County. The Liberian Ministry of Justice has also created an SGBV Crimes Unit to support the specialised court and the WACPS in investigating and prosecuting SGBV-crimes.

Women are also particularly vulnerable in traditional justice processes where conservative views of women and traditional practices prevail, and progress made in the formal legal system is not automatically integrated in traditional processes. Whereas traditional processes can supplement the formal system and enhance access to justice for large groups of Liberians, it is essential that processes are closely monitored and that integration of principles of rights and gender equality is promoted.

#### *Trends and development of the issue in the post-conflict context*

Given the state of the formal justice system in post-conflict Liberia, it is obvious that change was going to take a long time and require substantial resources. International actors, including ILAC and its member organisations, the Carter Centre, and the UNDP Justice and Security Programme, have made significant efforts to train magistrates and provide materials to courts. The Supreme Court of Liberia also established a Judicial Training institute in 2008, with the support of ILAC and the American Bar Association. The first 60 magistrates graduated from the one-year training programme at the Institute in November 2011.<sup>38</sup> The Institute has since engaged in various capacity building efforts for the judiciary and is currently reported to be in a process of recruiting for a second round of formal training.<sup>39</sup>

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<sup>37</sup> Caparini, M. *Extending State Authority in Liberia – The Gbarnga Justice and Security Hub*; The Norwegian Institute of International Affairs. NUPI Report no. 5, 2014.

<sup>38</sup> American Bar Association:

[http://www.americanbar.org/advocacy/rule\\_of\\_law/where\\_we\\_work/africa/liberia/news/news\\_liberia\\_new\\_magistrates\\_committed\\_to\\_public\\_confidence\\_in\\_the\\_judiciary\\_1011.html](http://www.americanbar.org/advocacy/rule_of_law/where_we_work/africa/liberia/news/news_liberia_new_magistrates_committed_to_public_confidence_in_the_judiciary_1011.html) (last accessed on 2 November 2015).

<sup>39</sup> <http://allafrica.com/stories/201508131474.html> (last accessed on 2 November 2015).

Significant international support has also been directed towards reforming and training Liberian Police, particularly through the engagement of UNMIL. After the conflict, a vetting process reduced the number of police officers to fewer than 1,000 (partially by excluding individuals who had committed human rights violations during the war). By February 2014 there were 4,573 Liberian police officers and another 1,000 waiting to be trained (which is a significant improvement but still short of the 8,000 estimated to be necessary given Liberia's current population of some 4 million).<sup>40</sup> There are still, however, considerable problems associated with police conduct: *“Widespread police indiscipline and corruption continue to compromise equal and impartial justice and the establishment of the rule of law. Liberian police officers routinely demand bribes and participate in extortion schemes. Members of two armed units [...] regularly engage in armed robbery and other criminal acts during patrols.”*<sup>41</sup>

In an attempt to enhance access to formal justice institutions in rural Liberia, a regional Justice and Security hub-system has been created. The hubs comprise armed police officers, immigration units, and judges and are to be located in five regional centres outside of Monrovia. The first Justice and Security Hub opened in Gbarnga, in Bong County, in 2013. A study conducted a year after the creation of the hub concluded that the initiative had indeed helped enhance the presence and response of the national police outside Monrovia, whereas other expected benefits had not yet materialized. Particularly, the project had been hampered by persisting lack of resources. As in the rest of the country, the study held that: *“Liberians who have been victims of crime are required to pay fees at virtually every step of the criminal justice process.”*<sup>42</sup> Informal fees are used both for personal gain (petty corruption) – to supplement income of police or court officials – but also to cover basic costs of carrying out basic duties such as fuel and transportation costs, or photocopying records.

In the next phase, two additional Hubs will be set up, one in Harper and one in Zwedru. Based on the lessons from the first Hub, the implementation of the two new Hubs will focus more on service delivery and less on infrastructure.<sup>43</sup>

#### *Risk, dilemmas and implications for Sweden's' development cooperation with Liberia*

Despite a decade of international and national efforts to strengthen the justice system in Liberia, access to formal justice processes remains weak and limited to the main cities. The linkages between lack of access to justice in general and risks of violent conflict and insecurity are well recognised and documented. In Liberia, the limitations in the formal justice system and the lack of trust among Liberians in the state administered justice, is closely linked with historical inequalities and root causes of conflict.

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<sup>40</sup> Caparini, (2014). The number of police officers needed in Liberia is referenced to estimation by the World Bank and UNMIL.

<sup>41</sup> Human Rights Watch World Report 2014, <https://www.hrw.org/world-report/2014/country-chapters/liberia> (last accessed on 2 November 2015).

<sup>42</sup> Caparini (2014).

<sup>43</sup> The UN Peacebuilding Fund: <http://www.unpbf.org/countries/liberia/>

As was shown in the USIP study from 2009, the considerable lack of trust in the formal justice system in Liberia has practical as well as cultural reasons. The duality of the justice system, whereby the traditional courts are formally recognised, is a constructive way of extending access to justice in rural areas, and mitigating the significant conflict risks associated with widespread perceptions of the formal justice system as a tool for the privileged to control and oppress the poor. There needs, however, to be close monitoring and effective oversight of these justice processes. Building *inter alia* on the interesting research conducted by USIP, as well as on experiences from local level peacebuilding and conflict prevention efforts, more could be done to find synergies and linkages between traditional and formal justice processes. It is important to engage in these processes with a high degree of cultural sensitivity, particularly in relation to local perceptions of justice. Adversarial court processes might actually be seen as exacerbating rather than resolving conflicts in and between communities.

Engaging in support directed at strengthening the ‘formality’ of the traditional justice processes also holds potential to promote greater gender equality in rural Liberia. There are positive experiences from involving women in local peacebuilding and conflict resolution structures in rural Liberia, for example through projects implemented by Kvinna till Kvinna and local partners. In relation to women’s rights, it will also be central to continue promote legal reform processes to ensure full protection of women’s rights under the national laws of Liberia, and to continue support to women’s organisations advocating for change.

The regional Justice and Security Hubs have the potential to extend the reach of the formal justice system beyond urban areas. There are important lessons to be learned from the first Hub in Gbarnga. Among the most important are ensuring that the Hubs focus on service delivery rather than infrastructure (which is being addressed in the second phase), ensuring sufficient resources for transports, equipment and salaries for police and other officials, basing implementation on a thorough analysis of local needs and perceptions of justice, and effective outreach and engagement with communities in the relevant areas to ensure a local understanding of the Hub and available services. As noted in Mariana Caparini’s study of the pilot Hub, the structures could also be used to promote synergetic linkages between the formal and traditional justice systems.<sup>44</sup>

*Overall, our assessment is that Sweden’s established support for capacity-building and reforms to formal policing and justice institutions remain well-justified, and should form an important part of its programming under Human Security issue area. As at present, these should aim to combine programmes for wider institutional reform and capacity building with more targeted interventions to enhance policing services and access to justice for vulnerable women.*

*However, a major priority over the next five years is to improve dispute settlement, access to justice and policing services for communities in the counties beyond Monrovia, particularly those in the border regions. This is not only important because of the high insecurity and inadequate access to justice for almost all sectors of the populations in these areas. It is also because of the importance to conflict prevention in these counties and border regions. For example, as argued in an early section of this report, there are major risks that powerful*

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<sup>44</sup> Caparini (2014).

Liberian actors may consider breaking from, or testing, the present Liberian settlement, and if they choose to do so, they are likely to be tempted to take advantage of insecurity or violent land disputes to provoke or use instability of conflict in the border regions or rural areas for wider political purposes. *In order to be effective, initiatives to enhance policing or peaceful dispute settlement systems in the counties beyond Monrovia and its hinterland should focus particularly on enhancing local customary and informal policing and justice institutions, and on improving their linkages with emerging formal state institutions – if the aim is to impact on actual police and justice delivery within a few years.*

### **Ethnicity, Societal divisions and conflict resolution priorities**

Ethnic tensions that arose through the semi-colonization process have been central to Liberia's recent legacy of civil conflict. A small Liberian elite of American descendants (the Americo-Liberians) has dominated society and instituted a political system effectively excluding Liberia's other 16 main 'indigenous' ethnic groups from political decision-making, power and resources. Americo-Liberians also became a cultural elite to the detriment of 'native' Liberians. Perceptions of historic injustices and inter-ethnic tensions grew and culminated in a military coup, led by indigenous leader, Samuel K. Doe in 1980. Internal unrest and opposition to the new military regime grew steadily and led to the outbreak of the first tribal and civil war in 1989.

Doe's Khran tribe began fighting other tribes, in particular Gio (or Dan) and Mano tribes in the north and in Nimba County in the northeast of Liberia. Doe's Armed Forces of Liberia, however, quickly lost control of most of the country to Taylor's NPFL, and the war developed into a multi-dimensional power struggle between a number of rebel and non-rebel factions.<sup>45</sup> The war was characterised by widespread ethnic-based killings, particularly directed at the political opposition to the government. The short post-war period after the first Liberian war (1989-1996) failed largely due to continued ethnic scapegoating, the severe human rights abuses by the Taylor regime and the regime's failure to tackle social and economic inequalities.<sup>46</sup>

The second civil war came to an end with the signing of the Accra Comprehensive Peace Agreement (CPA) in 2003. The agreement called for power-sharing and created a National Transitional Government (NTG), consisting of 76 members: 12 each from the three warring parties; 18 from political parties; seven from civil society and special interest groups; and one from each of Liberia's 15 counties.

The CPA also established a Truth and Reconciliation Commission (TRC) in 2006. TRC's final report of 2009 constitutes an important account of the numerous human rights violations and war crimes committed during the civil war. On the issue of accountability, the report includes four sub-sections of recommendations: Extraordinary Criminal Court for Liberia,

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<sup>45</sup> Insight on Conflict: Liberia profile, available from: <http://www.insightonconflict.org/conflicts/liberia/conflict-profile/>

<sup>46</sup> Kieh, Jr., George Klay, The roots of the second Liberian war, International Journal on World Peace, March 2009, Vol. 26 Issue 1, p7-30.

domestic criminal prosecution, public sanctions, and the National Palava Hut Program. However, the TRC faced numerous challenges in its operation, including limited technical capacity, poorly coordinated programming, and disharmony among its commissioners, and these organisational weaknesses are reflected in the commission's final report, according to the International Centre for Transitional Justice (May 2010).<sup>47</sup>

*Trends and development of the issue in the post-conflict context*

In March 2013, Liberia developed a strategic Roadmap for National Healing, Peacebuilding and Reconciliation. The roadmap established an 18 month-plan towards: (a) fostering more coherent institutions and systems; (b) supporting national healing and reconciliation; and (c) strengthening efforts towards sustainable peace. According to a case study on the implementation of the Roadmap for National Healing, Peacebuilding and Reconciliation (June 2014), intra-communal cohesion and trust has not yet been achieved. According to the report, reform and conflict resolution mechanisms at the local and national levels have not adequately addressed issues of inter-ethnic, inter-religious and inter-generational tensions over key conflict drivers such as natural resource management and land access and management.<sup>48</sup>

Nevertheless, a nationwide survey carried out by the University of Berkeley in 2011<sup>49</sup> found that the issue of ethnicity is not necessarily regarded as a key driver for conflict and fragility amongst Liberians today. The study found that, although 40 per cent of the population identified ethnic divisions as one the causes of the civil war, only 4 per cent found it to be a current source of insecurity. The same survey went on to find that 89 per cent of respondents described their relationship with other ethnic groups as good or very good and 95 per cent stated that they would not take issue with their relatives marrying someone from another ethnicity. Other analyses tend to re-inforce this general assessment

This does not mean that ethnicity is not a political or conflict issue in contemporary Liberia, but rather that it is not today a primary driver for conflict. Ethnic tensions could well come back to the fore as a consequence of other issues not being addressed, and are highly vulnerable to exploitation by any groups that try to test or de-stabilise the current Liberian political settlement in 2017 or beyond.

The Berkeley survey identified greed and corruption (at 63 per cent) as the main issues plaguing the country today.<sup>50</sup> When ethnic problems were reported they were framed within a context of perceived violence from the other group or pre-existing hatred from the other ethnic group, pointing to ethnicity being a secondary driver, which is activated by and

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<sup>47</sup> James-Allen, et. al. (May 2010): Beyond the Truth and Reconciliation Commission: Transitional Justice Options in Liberia, International Center for Transitional Justice.

<sup>48</sup> Shilue and Fagen (2014): Liberia: Links between peacebuilding, conflict prevention and durable solutions to displacement, Brookings-LSE, Project on Internal Displacement, September 4, 2014.

<sup>49</sup> Vinck, et al (2011): Talking Peace: A Population Based Survey on Attitudes About Security, Dispute Resolution, and Post-Conflict Reconstruction in Liberia', Human Rights Center University of California. Berkley, California, p. 43.

<sup>50</sup> Ibid.

coupled to a primary one.<sup>51</sup> Particularly land conflicts have the potential to exacerbate ethnic tensions.

#### *Risks, dilemmas and implications for Sweden's' development cooperation with Liberia*

As noted above, a number of important challenges linked to ethnic identities and inequalities remain in the post-conflict context. On-going social disputes are, to some extent, underpinned by divisive historical identities, excluding various groups in society from full participation in peacebuilding, reconciliation, political processes and economic activities. As noted in Liberia's Agenda for Transformation (AfT), the country's political system "*must continue to develop and mature so that political parties can work together and demonstrate multipartite commitment to advance dialogue and joint action for reconciliation (...)*"<sup>52</sup>. At the community level, alternative dispute resolution mechanisms to handle land and civil disputes need to be further strengthened, together with the national Palaver Huts program (as recommended by the TRC's final report). The AfT further notes that: "*True reconciliation in Liberia is currently hindered by inadequate accountability for human rights violations committed during the civil war (...)*."<sup>53</sup>

In light of the above, prevailing horizontal inequalities among (ethnic) groups in various spheres of society including social, economic and political, is identified as a risk to peace and stability in Liberia. A joint report by the United Nations Peacebuilding support office and Saferworld (2013)<sup>54</sup> presents evidence of the effect that various types of horizontal inequalities have on violent conflict that is relevant to the Liberian post-conflict context. Most importantly, the study highlights that horizontal inequalities become particularly important as drivers of conflict when a number of these dimensions (i.e. economic, social, political, cultural, security or justice) coincide, as in the case of Liberia. Horizontal inequalities as a potential conflict driver can be effectively mitigated by providing support to strengthening the relations among groups, thereby mitigating divisions that can lead to violence. In this sense, Sida should continue to give priority to interventions underpinned by the principles of inclusion, fairness, responsiveness and accountability to all social groups.

### **Gender inequalities and GBV**

During both periods of civil war in Liberia, all factions, including rebel and non-rebel armed groups, committed serious human rights abuses and war crimes against civilians, in particular against women and girls. Women and girls were targets of rape and other forms of SGBV, and these atrocities continue to be a serious problem facing women and girls in post-conflict Liberia.

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<sup>51</sup> Ibid.

<sup>52</sup> Republic of Liberia: *Agenda for Transformation, Steps Toward Liberia Rising 2030, Liberia's Medium Term Economic Growth and Development Strategy, 2012-2017*, available from: [http://cdcliberia.org/The\\_Agenda\\_for\\_Transformation\\_AfT.pdf](http://cdcliberia.org/The_Agenda_for_Transformation_AfT.pdf)

<sup>53</sup> Ibid.

<sup>54</sup> Attree and Hezir (2013): *Addressing horizontal inequalities as drivers of conflict in the post-2015 development agenda*, United Nations Peacebuilding support office and Saferworld, February 2013.

A WHO survey found that almost 94 per cent of women and girls from six of Liberia's 15 counties had experienced some form of sexual abuse.<sup>55</sup> Today, close to 40 per cent who are married or living with a partner have experienced sexual or physical abuse from their partner.<sup>56</sup> Moreover, Female genital mutilation (FGM) is one of the most significant harmful cultural practices in Liberian society. It is commonly practiced through the so-called bush societies (most notably the Sande society).<sup>57</sup>

Throughout the post-war period, the Ministry of Gender, Children and Social Protection (MoGCSP) has played a key role by developing a number of important national gender policies, action plans and procedures that aim to facilitate the prevention of and response to sexual violence in Liberia. In 2009 it launched the National Gender Policy promoting gender equality and gender-mainstreaming in national development processes. The MoGCSP also developed the national Gender- Based Violence Plan of Action (GBV- PoA). This plan sets out to achieve an integrated national protection system that will address GBV, including sexual exploitation and abuse (SEA). The objective was to reduce GBV by 30% by 2011 and to provide appropriate care and services to survivors of GBV. There is a general lack of verifiable data on GBV, but many studies note with concern that the act seem to be increasing.<sup>58</sup> In 2009, the MoGCSP also developed standard operating procedures (SOPs) for preventing and responding to GBV at the national level. It also developed County- specific SOPs for addressing GBV at the County level.<sup>59</sup>

In 2012, the Agenda for Transformation was adopted, which is Liberia's medium-term economic growth and development strategy for the period 2012-2017. Gender equality and child protection are cross-cutting issues of the agenda, which includes a number of important pillars, such as, peace, justice, security and rule of law, etc.<sup>60</sup>

Rape is an illegal act in Liberia, but remains to be a serious and persistent problem. The Liberian legal system has no laws criminalizing domestic violence, sexual harassment or female genital mutilation (the prevalence of which is estimated at 58 *per cent*<sup>61</sup>). However, a draft domestic violence bill has been developed and is awaiting approval by the legislature.

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<sup>55</sup> Cited in Wild and Brown (2013): *Evaluation of UN Women's Contribution to Increasing Women's Leadership and Participation in Peace and Security and Humanitarian Response*, ODI Liberia Case Study, September 2013, p. 191.

<sup>56</sup> OECD Development (2015), Social Institutions and Gender Index, 'Liberia' accessed on 29th October, 2015 at: [http://genderindex.org/country/liberia#\\_ftn30](http://genderindex.org/country/liberia#_ftn30)

<sup>57</sup> Liberia: Demographic and Health Survey 2013, p 276.

<sup>58</sup> This could potentially be associated with increased willingness among women to report on these incidents but this is not possible to confirm due to lack of data.

<sup>59</sup> Griffiths (2011): Mapping Study on Gender and Security Sector Reform Actors and Activities in Liberia, DCAF 2011.

<sup>60</sup> Shilue and Fagen: *Liberia: Links between Peacebuilding, Conflict Prevention and Durable Solutions to Displacement*, Brookings Institution, September 5 2014.

<sup>61</sup> OECD Development (2015), Social Institutions and Gender Index, 'Liberia' accessed on 29th October, 2015 at: [http://genderindex.org/country/liberia#\\_ftn30](http://genderindex.org/country/liberia#_ftn30)

Liberia suffers from a significant lack of resources, together with inadequately sustained political will, to ensure effective implementation of these gender-sensitive policies. Inadequate resources was identified as one of the main challenges to achieving a gender-inclusive SSR process in the Civil Society Monitoring report on the implementation of UNSCR 1325 in 2011<sup>62</sup>. Additional important challenges include: limited access to remote areas; lack of logistical support in certain security institutions; low attendance by senior officers in security institutions to gender-related meetings and trainings; limited recruitment of qualified women in various security institutions; and limited monitoring and evaluation of activities.<sup>63</sup> Moreover, socio-cultural norms and attitudes towards gender is a strong factor contributing to persistent high levels of GBV. These norms and attitudes place the male at the head of the household and serves as the model for organizing society—its economy, politic and socio-cultural life. Male partners or husbands often restrict women’s civil liberties and their active participation in society. For example, a quarter of women have reported that they are not given permission to visit female friends and 12 per cent have had contact with their families curtailed.<sup>64</sup>

Under President Ellen Johnson-Sirleaf, women have gained more influential positions, for example several women have been appointed to official government positions traditionally held by men. This marks some important progress. But women’s representation in politics in Liberia is still significantly below the average in the Sub-Saharan region. Moreover, it is important to point out that these women have been appointed by the government, and that support for women’s participation in politics among the Liberian public remains rather weak. The re-election of Ellen Johnson-Sirleaf in 2011 was also followed by a decrease in the number of ministerial positions held by women. Women in the legislature also decreased from 17 to 13 out of the total 94 seats.<sup>65</sup> These worrying trends after the 2017 elections could continue unless preventive measures are taken by women’s’ coalitions in Liberia, supported by Sweden and other donors.

#### *Risk, dilemmas and implications for Sweden’s’ development cooperation with Liberia*

Several studies have found strong correlation between countries ‘peacefulness’ and their levels of gender equality. While most evidence focus on the impact of conflict on gender inequality, inequality (between genders and social groups) is also described as a structural risk factor for conflict and fragility. Thus, gender inequality, conflict and violence tend to be mutually reinforcing.<sup>66</sup>

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<sup>62</sup> Luppino and Webbe: Security Council Resolution 1325: Civil society monitoring report 2011: Liberia.

<sup>63</sup> Global Network of Women Peacebuilders: Security Council Resolution 1325: Civil Society Monitoring Report 2011: Liberia.

<sup>64</sup> OECD Development (2015), Social Institutions and Gender Index, ‘Liberia’ accessed on 29th October, 2015 at: [http://genderindex.org/country/liberia#\\_ftn30](http://genderindex.org/country/liberia#_ftn30)

<sup>65</sup> Consultancy Africa Intelligence; Failing to get the Vote, 4 March 2013, available from: [http://www.consultancyafrica.com/index.php?option=com\\_content&view=article&id=1237:failing-to-get-the-vote-liberian-women-and-political-participation-&catid=57:africa-watch-discussion-papers&Itemid=263](http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=1237:failing-to-get-the-vote-liberian-women-and-political-participation-&catid=57:africa-watch-discussion-papers&Itemid=263)

<sup>66</sup>: Hanna Wright: Gender in the post-2015 framework, UN Women in collaboration with ECLAC, EGM/MDG/EP.2, October 2013.

In the Liberian context, evidence suggests “*gender inequality and sexual violence were key motivating factors for female combatants during civil wars in those countries*”<sup>67</sup>. Patriarchal gender norms, which lie at the heart of gender inequality, continue being a risk factor for instability in Liberia, which together with other interrelated triggers could fuel new cycles of violence in the country.

In light of the above, continuous exclusion/insufficient inclusion of men in addressing GBV and supporting women’s participation in society, could have long-term negative implications for peace and stability in Liberia. Development interventions need to increasingly consider men’s strong resistance towards change (i.e. women’s empowerment) and the reasons behind these prevailing attitudes. This concerns the broader women’s empowerment agenda, but in particular with regards to specifically cultural sensitive issues such as the practice of FGM, which is strongly supported by both men and women and different levels of society.

Another commonly identified reason why women in Liberia were not been able to capitalize on the empowerment experienced through their active involvement in bringing an end to the conflict, is the weak involvement of rural women in the peace process and in the post-conflict recovery. Women’s participation in politics, and in society broadly, is limited very to a small elite in the capital. This contributes to prevailing inequalities and fragmentation within the Liberian women’s movement. In mitigating the risk of continuous inequalities and division among women (and various social groups), Sida should consider to further increase the focus on rural and remote areas – and identifying linkages with the national policy level – in its development cooperation with Liberia.

## **Concluding Remarks**

In the context of continuing fragility of Liberia, and substantial and increasing risks of violent conflict during the 2016-2017 combination of national election processes, UNMIL drawdown, and a more severe external economic context, Sweden’s new cooperation strategy for Liberia over the next 5 years needs not only to ensure and promote conflict sensitivity of the programmes that it and its partners support in Liberia, but also to enhance their focus on more directly supporting conflict prevention and ‘pathways out of fragility’.

These wider implications for Sweden’s co-operation strategy and programmes for the next five years are elaborated in the relevant section of this Report above. In the subsequent Section examining in more detail several selected conflict risks factors, we have identified and discussed implications and recommendations for future Swedish programming in more detail for each of the selected issue area in turn.

In this context, our overall conclusion is that the proposed new ‘Human Security’ Results Area of Sida-supported programing in Liberia is much needed and highly justified. Moreover, it needs not only to help to promote human security of specific vulnerable sectors of the

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<sup>67</sup> Ibid.

population, including women, but also to carefully and determinedly priorities the sets of issue identified in this report as priorities for managing and addressing fragility and promoting conflict prevention. In this context, there are important synergies and cross-cutting issues with the other two proposed Results Areas. Moreover, it is important for Sweden to adopt a highly political and conflict prevention and security-oriented approach alongside developmental approaches, linking Sida's financial or capability-building programme support with diplomatic, political and security engagements. The Swedish embassy has been taking this approach already, but it needs to be re-inforced over the next challenging five years.