

CRS Report for Congress

Liberia's Post-War Recovery: Key Issues and Developments

Updated December 18, 2006

Nicolas Cook
Specialist in African Affairs
Foreign Affairs, Defense and Trade Division



Prepared for Members and
Committees of Congress

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Summary

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

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

In addition to providing substantial support for Liberia's post-war peace and reconstruction processes, the 109th and preceding Congresses maintained continuing interest in the status of Charles Taylor. The 109th Congress passed laws and resolutions urging that SCSL indictees, like Taylor, face trial at the court, and the 109th Congress and its predecessors provided \$35 million in assistance to the SCSL through FY2006. Other proposed legislation in the 109th Congress centered on immigration, debt, and tax haven issues, and the commendation of Liberia for successfully holding elections. The 110th Congress is likely to monitor Liberia's efforts to consolidate its post-war governance and economic rebuilding processes and the implementation of the work of the SCSL. It may consider providing further U.S. support for these ends. The 109th Congress did not pass a full year-long FY2007 appropriation for Foreign Operations programs, which are currently operating under the terms of a continuing resolution (CR) for appropriations (H.R. 5631/P.L. 109-289, as amended by subsequent CRs). The current CR, H.J.Res. 102, extends funding through February 15, 2007, at the FY2006 level, including the FY2006 supplemental for recurring need, or at the House-passed FY2007 level, whichever is less. The total level of potential FY2007 U.S. assistance to Liberia and the SCSL will not be known until the 110th Congress finalizes FY2007 appropriations, which many expect may take the form of an extended CR.

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Liberia's Post-War Recovery: Key Issues and Developments

Recent Key Developments

In early October 2006, President Sirleaf signed into law the National Forestry Reform Law of 2006, passed by Liberia's legislature in mid-September 2006 in one of its first major legislative actions. Her action fulfilled a key requirement set out by the United Nations (U.N.) Security Council when it provisionally lifted a long-standing ban on exports of Liberia timber in June 2006. Liberia remains subject to U.N. sanctions that bar the import of Liberian diamonds, pending Liberia's development of a capacity to comply with the Kimberley Process.¹

On June 15, 2006, President Bush signed H.R. 4939 (Jerry Lewis), the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, into law. It became P.L. 109-234. It provides \$50 million in Economic Support Funds and \$13.8 million in Migration and Refugee Assistance funds for Liberia, over and above previously passed regular appropriations (see **Table 3**, below, "U.S. Assistance to Liberia, FY2004-FY2007").

The total level of potential FY2007 U.S. assistance to Liberia and the Special Court for Sierra Leone will not be known until the 110th Congress has passed a comprehensive, full year FY2007 appropriation, which many observers expect may take the form of an extended continuing resolution (CR). Currently, FY2007 appropriations for Foreign Operations programs are being funded under the terms of a CR, H.R. 5631/P.L. 109-289, as amended by subsequent CRs. The current CR, H.J.Res. 102, extends funding through February 15, 2007, at the FY2006 level, including the FY2006 supplemental for recurring need, or at the House-passed FY2007 level, whichever is less. The House-passed FY2007 level is contained in H.R. 5522, which as passed by the House recommends diverse spending guidelines for accounts that affect Liberia, but recommends Liberia-specific spending levels for only certain accounts. These specifications include \$29.499 million in Development Assistance funding and \$40 million in Economic Support funding for Liberia. The Senate Committee on Appropriations reported H.R. 5522. The full Senate did not vote on H.R. 5522. Committee report S.Rept. 109-277, which accompanies the Senate Committee on Appropriations version of H.R. 5522, lays out FY2007 spending for Liberia by account.

¹ The Kimberley Process is a voluntary international trade regime that regulates the global trade in rough diamonds in order to prevent the sale of "conflict diamonds," i.e., rough diamonds used to fund armed conflict.

A tentative date for the trial in April 2007 of former Liberian President Charles Taylor was set after status conferences in July and September 2006 pertaining to his prosecution on war crimes charges were held. The charges were first brought against him by the Prosecutor of the Special Court for Sierra Leone (SCSL) in 2003. Taylor is awaiting trial in the Hague, the Netherlands, where he is being held in the prison premises of the International Criminal Court (ICC). Taylor was transferred from the headquarters of the Special Court for Sierra Leone (SCSL) in Freetown, the capital of Sierra Leone, to the Hague in June 2006. The transfer was made for reasons of security and to prevent possible instability in Sierra Leone and Liberia arising from his trial. Under a special agreement, the SCSL will use ICC facilities when it tries Taylor, who was taken into SCSL custody after being arrested in March 2006 in northern Nigeria after fleeing his home in exile in southern Nigeria. He fled after Nigeria's government announced that Liberia was "free" to take Taylor into its custody.

Taylor's arrest followed a mid-March 2006 official working visit by President Sirleaf² to the United States, during which she addressed, respectively, a joint session of Congress (March 15) and the U.N. Security Council (March 17), and met with President Bush (March 21). Sirleaf, elected in a November 8, 2005, runoff vote, had taken office on January 16, 2006. In her inaugural address, she laid out a detailed, multi-faceted governance agenda. In late January, she announced the first of several nominees to her cabinet. Most are seen as well-seasoned technocrats and professionals, but several proved controversial. Nominations for sub-cabinet positions have continued to date.³ Recruitment and vetting of personnel to serve in a reconstituted Liberian military, a U.S.-funded effort, began in late January.

Sirleaf began her tenure by launching a series of actions to counter corruption. She announced an audit of the transitional administration that preceded hers and dismissed all transitional government political appointees and, later, the entire staff of the Finance Ministry, pending a screening of employees' qualifications and level of probity. In February, she revoked all existing timber concession contracts, which had been widely criticized for being let in a corrupt fashion and for being executed in an environmentally unsustainable manner. This action provided the basis, in part, for the U.N. Security Council's June 20, 2006, decision to lift a ban on Liberian timber exports. Sirleaf has also suggested that she may review other contracts and concession deals granted by the transitional government. In early June, she fired three sub-cabinet level officials and several mid-level civil servants accused of corruption. Her administration is also set to publicly release audit reports of several state agencies.

² Although her name is widely cited as Johnson-Sirleaf, the Liberian president does not employ a hyphenated form of her last name. See Wil Haygood, "For Liberia's 'Iron Lady,' Toughness Part of Territory," *Washington Post*, Dec. 16, 2005.

³ *The Analyst* (Monrovia), "Liberia: Ellen Makes More Appointments," June 26, 2006.

Background

Liberia, a small, poor West African country of about 3.4 million people, is undergoing a post-conflict transition and peace-building process after its second civil war within a decade. The latter conflict burgeoned in 2000, after several minor border incursions in 1999. It pitted the forces of Charles Taylor, elected president in 1997 after Liberia's first civil war (1989-1997), against two armed anti-Taylor rebel groups: Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL). The war led to an extreme deterioration in political, economic, humanitarian, and human rights conditions. It also affected neighboring states, which accepted Liberian refugees and, in some cases, hosted anti-Taylor forces. The Taylor regime also sponsored or facilitated acts of armed aggression against its neighbors, Guinea, Sierra Leone, and Cote d'Ivoire.⁴

A peace accord was signed on August 18, 2003, after months of international mediation. It was facilitated by two events: Charles Taylor's resignation of the presidency and departure from Liberia on August 11, after he was granted political asylum in Nigeria; and the early August deployment of an Economic Community of West African States (ECOWAS) military intervention force, the ECOWAS Mission in Liberia (ECOMIL). ECOMIL, with extensive U.S. and United Nations (U.N.) assistance, deployed to Liberia to end heavy fighting and alleviate a worsening humanitarian crisis in the wake of a failed June 2003 cease-fire. It was tasked with monitoring and securing the cease-fire, enabling the delivery of relief aid, and preparing the way for the U.N. Mission in Liberia (UNMIL). UNMIL, first authorized by the U.N. Security Council on September 19, 2003, deployed to Liberia on October 1, 2003, two weeks before the National Transitional Government of

Liberia at a Glance

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

Population: 3.04 (2006 est.); some estimates are higher.

Ann. Population Growth Rate: 2.64% (2004) to 4.91% (2006); Est. vary

Exchange Rate Adjusted Gross National Income (GNI): \$374.3 million (2004)

GNI per Capita: \$120 (2004)

External Debt: \$3.2 billion (2005)

Key Exports: Rubber, timber, iron, cocoa, gold, coffee. Diamond exports subject to a United Nations trade ban.

Languages: English & 29 distinct languages/dialects

Ethnic groups: 16 indigenous groups (95%) and Americo-Liberian/freed slave descendants (5%)

Religions: Indigenous beliefs 40%, Christian 40%, Muslim 20%

Literacy: 20% (2005) - 57.5% (2003) Data vary*

Under-5 Mortality rate: 235 deaths/1,000 live births

HIV/AIDS adult infection rate: 5.9%-12% (est. vary)

Life Expectancy, years at birth: Male, 37.99; Female, 41.35 (2006 est)

Sources: CIA *World Factbook 2006*; World Bank Development Indicators; Ethnologue.com; UNAIDS.

*Published data on literacy vary. State Department and United Nations sources report adult literacy at 20% but the source of that data is not cited. World Bank data vary; current data sources do not show a rate, but an April 2004 entry from the World Bank's *World Development Indicators* database gives a rate of 55.9% for 2002. The CIA *World Factbook*, (2006) gives a figure of 57.5% for 2003.

⁴ This report focuses on current issues and recent events. CRS Report RL32243, *Liberia: Transition to Peace*, and CRS Report RL30933, *Liberia: 1989-1997 Civil War, Post-War Developments, and U.S. Relations*, both by Nicolas Cook, provide in-depth background on events in Liberia during recent decades, and on the presidential tenure of Charles Taylor.

Liberia (NTGL) took office on October 14. ECOMIL was dissolved and its military forces absorbed into UNMIL, which carries out diverse peacekeeping, civilian policing, and socio-economic assistance functions in support of Liberia's transition process. UNMIL has also assumed responsibility from the U.N. Mission in Sierra Leone (UNAMSIL) for providing a military guard force for the Special Court for Sierra Leone, discussed below; UNAMSIL's mandate ended on December 31, 2005.

UNMIL has a current authorized force strength of 15,250 military troops and 1,115 police. As of late May 2006, it had a total force size of 15,808. As of late May 2006, U.S. uniformed personnel in UNMIL included five troops, seven military observers, and 26 civilian police. U.S. funding for UNMIL is covered in **Table 2**, below. In September 2005, the Security Council requested that UNMIL leaders recommend a force drawdown plan for UNMIL, including specific benchmarks and a planned schedule in a March 2006 report. The report, the Tenth Progress Report of the Secretary-General on the United Nations Mission in Liberia (S/2006/159, March 14, 2006), found that there was a need for a two-year "consolidation phase," but that it is "too early for a major drawdown of UNMIL." During the "consolidation period," UNMIL would implement an "adjusted mandate" defined by a 11-point agenda of "priority tasks," centering on such objectives as maintenance of a stable and secure environment; completion of ex-combatant, refugees, and internally displaced persons reintegration; security sector reform; and consolidation of state authority and governance capacity. However, the report recommended that "in the absence of an immediate armed threat within Liberia [...] an adjustment to the UNMIL military component by reducing one infantry battalion in mid-2006 and another infantry battalion in early 2007 would be appropriate." These adjustments would be "followed by a drawdown of the Mission, which should begin in early 2007, security conditions permitting."

UNMIL has implemented measures to prevent, monitor for, investigate, and punish acts of sexual exploitation and abuse (SEA), in line with recent reforms and renewed U.N.-wide regulations regarding sexual conduct, following abuses in several U.N. peacekeeping missions around the world, including in Liberia. U.N. Resolution 1626 (2005) bars SEA, and UNMIL has created a mission conduct and discipline team and investigatory capacity to ensure adherence to these rules. Between January 1, 2004 and June 8, 2006, 17 UNMIL military personnel were repatriated to their home countries for probable SEA crimes; two UNMIL civilians were dismissed or faced a non-renewal of their contract; three UNMIL civilians were suspended; and investigations cleared 13 UNMIL military personnel and three UNMIL civilian police.⁵ In mid-March 2006, five crew members of a UN contractor, who had been under investigation for alleged rapes and the assault of Liberian police officers, left Liberia after being released on bond. According to UNMIL, their departure "is highly regretted and the matter is being brought to the attention of the authorities of the country concerned."⁶

⁵ State Department compilation.

⁶ See UNMIL, "Statement on the Departure from Liberia of Five Crew Members, Employees of a UN Contractor," Mar. 14, 2006.

Transition Process

The August 2003 Comprehensive Peace Agreement,⁷ signed by the three warring factions and 18 political parties, laid out a peace process, provided for the creation of the National Transitional Government of Liberia (NTGL), and allocated leadership positions within it. The NTGL was mandated to re-establish functioning government authority and prepare for national elections that were held in mid-October and November 2005. The Sirleaf government replaced the NTGL in late January 2006. The NTGL consisted of an executive branch, presided over by a Chairman, Gyude Bryant, and an interim parliament, the National Transitional Legislative Assembly. Bryant, a businessman and church layman who led the Liberian Action Party, oversaw the functions of the central government and various public corporations, agencies, and commissions. The transition faced many challenges, most related to the extremely destructive effects of many years of war in Liberia. Others included the dominant role within the NTGL of the three former armed factions, which were prone to internal rivalries; political discord over the allocation of state positions and resources; very limited state capacities; and reported public sector corruption.

2005 Post-War Elections

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

In contrast to the presidential race, election results for seats in the bicameral legislature were disparate; no party received more than 24% of seats in either chamber and none dominated in both the Senate and the House. The largest party in the 64-member House of Representatives is Weah’s Congress for Democratic Change (CDC), which won 15 seats. The Liberty Party (LP) won nine House seats, while Sirleaf’s Unity Party (UP) and the Coalition for Transformation of Liberia (COTOL) each won eight. Seven other parties each won between one and five House seats, and seven independent candidates each won a seat. In the 30-seat Senate,

⁷ Accord text available from U.S. Institute of Peace [<http://www.usip.org/library/pa.html>].

COTOL won seven seats and the UP won four; all other parties won between one and three seats.⁸

**Table 1. Election 2005 Legislative Results by Party:
Seats and Percentage of Vote Won**

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

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

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

⁸ Full election results are available online from the NEC: [<http://www.necliberia.org/results>].

exile in Nigeria.⁹ Gbollie is a former Taylor fighter and Taylor administration police official accused of human rights abuses. Farley is an ex-MODEL commander and NTGL official accused of threatening the 2003 peace accord. Jewel Taylor, Dolo, Snowe, and Farley are subject to U.N. travel sanctions.

Conduct of Elections

With some minor exceptions, the election was reportedly well-administered. About 1.35 million citizens registered to vote in April and May 2005, in a process that was marred by some minor acts and threats of violence and localized disruptions but was generally peaceful. Attempts by some NTGL ministers to try to run for office in the 2005 election, in violation of the 2003 peace accord, also sparked controversy. About 1.012 million registered voters (74.9%) participated in the October elections, and over 821,000 (60.7%) voted in the runoff poll. Registration results guided decision making about the distribution of polling places and electoral materials and the composition of constituencies. The large number of presidential candidates (over 50 initial prospective candidates, of whom 22 were ultimately registered) and registered political parties (30) reportedly proved confusing for some voters. Key election issues included national reconciliation and unity, corruption, jobs, general economic growth, and social services and physical infrastructure needs.

UNMIL elections staff and U.N. agencies supported media outreach and civic education, technical tasks, and electoral security coordination, together with the national police. UNMIL aid for the elections reportedly totaled about \$8 million, and the European Union pledged \$1 million. Most of \$10 million in U.S. elections assistance supported the programs of the nonprofit democracy strengthening organizations IFES (elections technical assistance); the National Democratic Institute or NDI (civic education); and the International Republican Institute or IRI (political party training). IRI and NDI, the latter jointly with the Carter Center, deployed teams to monitor the elections, as did the African and European Unions, the U.S. and many other governments, and international organizations. Over 6,000 domestic observers, including over 3,500 from civil society groups, also monitored the vote.¹⁰

Weah Election Dispute

Weah, who had claimed to have been cheated in the first round, contested his loss in the second round. Citing alleged evidence that he maintained had been turned over to him by “concerned citizens,” he claimed that the election had been rigged and “not free and fair” and called for a nullification and re-run of the vote. He pursued his claim through a number of formal channels, but after the NEC dismissed his claim, after meeting with Sirleaf, and under heavy international pressure, in late December 2005 he agreed to drop his claim and accept the poll results. Many

⁹ Coalition for International Justice, *Following Taylor's Money: A Path of War and Destruction*, May 2005.

¹⁰ The author of this report observed the election as a member of the IRI delegation. In the county where he monitored the voting process, the election was well-run. Poll workers appeared well trained; voting equipment and materials were distributed on time and in sufficient quantity; and voting was peaceful and voter turnout rates high.

observers were skeptical about claims that systematic or large-scale fraud may have marred the election. U.S. officials viewed the process as having been orderly, largely well-administered, and free and fair, and such views were shared by most other governments and international entities that observed the vote. The United States nevertheless called for an investigation of Weah's claims and for any contest of results to be carried out peacefully and through established legal channels.

In Monrovia, the capital, Weah's claims spurred political unrest and some political street violence, largely attributed to Weah supporters, who chanted such slogans as "No Weah! No peace!" While he called on his supporters to protest peacefully, he also made volatile statements on several occasions. In mid-December 12, for instance, after returning to Liberia following meeting presidents John Kufuor of Ghana and Thabo Mbeki of South Africa, who urged him to concede his defeat with grace, Weah was quoted as stating on his King FM radio station that "I am President of this country, whether you like it or not ... One cannot have an inauguration in January when the case we are pursuing is not resolved. ... We are seeking justice and there cannot be peace without justice."

New Government: Prospects

Sirleaf may face challenges in meeting high voter expectations, for instance in relation to her election promise to provide public electricity in Monrovia within six months of being elected, despite the complexity and great cost of such an undertaking. Voters also are seen as unlikely to give the new government a honeymoon period, following what many see as disappointing performance by the transitional government. The public is likely to demand rapid improvements in social services and the construction of physical infrastructure, particularly in support of education, healthcare, and transportation.

Past incumbents were the beneficiaries of a long tradition of concentrated executive branch power and strong ruling party power. Sirleaf may not be able to govern as unilaterally as they did, because the electorate gave no single party a strong governing mandate. In the 22-candidate presidential first round vote, no candidate garnered more than Weah's 28.3% of votes, necessitating a run-off presidential poll. That keenly contested election and the splintering of the legislature among many parties suggests that no party enjoys the backing of a majority of the electorate. Sirleaf's Unity Party does not enjoy a majority in the legislature, whereas several of the parties that lost in the presidential election are comparatively well positioned to potentially wield significant political power.

Many observers also believe that the legislature may take a more engaged and assertive role in policy-making than has been traditional in Liberia. The fractionalized make-up of the legislature, however, suggests that successful national policy decision making will require coalition-building and that many independents and small parties may be able to exercise substantial bargaining power within such a process. The same features could, however, produce political gridlock or political flux characterized by fluid, *ad hoc*, and possibly issue-specific alliances, rather than clear and unified policy-making trends. Given the Liberian polity's fragmented

nature; the fact that Weah's defeat has proven a bitter outcome for his largely youthful, sometimes volatile base of support; and because of deeply felt war-related social divisions and antagonisms, many analysts also see a need for Sirleaf to rapidly initiate efforts to foster national reconciliation and rebuild national unity, goals that she vowed to strongly pursue in her inaugural address.

Sirleaf Policy Agenda

In her inaugural address, Sirleaf laid out a multi-faceted policy agenda, based on what she pledged would be "a new era of democracy" characterized by political inclusion and toleration, non-violence, and safe-guarding and promotion of constitutional and civil liberties and rights. She highlighted national reconciliation as the most "urgent" and "compelling" task facing her administration. In late February 2006, Sirleaf inaugurated the Liberian Truth and Reconciliation Commission (TRC), which was created by the transitional legislature in 2005. She also pledged to support and strengthen the TRC, which began operations in early June 2006 and has a mandate to investigate crimes and human rights abuses committed from 1979 until 2003.¹¹ The U.S. Agency for International Development (USAID) is providing \$.5 million (FY2006) in support to the TRC.

Economic Renewal. Sirleaf vowed to achieve "quick and visible progress" during the first 150 days of her tenure, in coordination with donors, under five "major pillars: Security, Economic Revitalization, Basic Services, Infrastructure, and Good Governance." She laid out plans to create a \$1 billion "multi-year economic reconstruction plan tied to a Poverty Reduction Strategy Program" to relieve Liberia "from a staggering \$3.5 billion external debt" and meet the U.N. Millennium Development Goals in Liberia, saying that details of the plan would be presented at a "partnership meeting" in May or June 2006. She said she would pursue an economic agenda emphasizing the creation of "an investment climate that gives confidence to Liberian and foreign investors," the exploitation of Liberia's rich natural resources, land tenure reform focused on increasing agricultural production, job creation, and expanded economic and social infrastructure rehabilitation.¹² She vowed to make youth and reconstruction-focused job creation a high priority and to target aid toward historically economically marginalized areas. Many observers view the broad dissatisfaction, extremely high jobless rates (the unemployment rate is commonly estimated at 85%), and economic and education disenfranchisement of Liberia's large youth population as having been a key structural factor facilitating Liberia's armed conflicts.

Governance. Sirleaf vowed to "forcibly and effectively" fight the "debilitating cancer of corruption" as "the major public enemy" and warned that any member of her administration who tried to "challenge us in this regard" would "do so at his or her personal disadvantage." She promised that she and all members of

¹¹ The TRC website [<http://www.trcofliberia.org>] contains documents about the mandate and current activities of the Commission.

¹² See Lisa Schlein, "Liberian President Calls Employment Key to Stability" and "Liberia's President Calls for Debt Relief and Private Investment, Voice of America [VOA hereafter], June 7, 2006.

her administration would lead by example, and that all key officials would be required to declare their assets, and follow a National Code of Conduct, passage of which she outlined as a prospective legislative goal. She strongly endorsed and promised to “enforce” the Governance and Economic Management Program (GEMAP, discussed below) to deal with “serious economic and financial management deficiencies” in Liberia and to achieve her policy goals and obtain foreign assistance conditional upon implementation of GEMAP. She said that these outcomes, along with the implementation of an “integrated capacity building initiative” and what she predicted would be Liberia’s “competence and integrity in the management of our own resources,” would eventually obviate the need for GEMAP. She also vowed to undertake a wholesale overhaul of the civil service, the agencies of which she said “lack clarity in mandate and have little or no linkages to our national priorities, policies, and goals” and suffer from a “seriously bloated” workforce, but also contended that civil servant pay was poor and in arrears by about \$20 million. She promised to institutionalize a meritocratic civil service system based on “qualification, professionalism, and performance.”

Foreign Policy. Sirleaf declared peaceful regional integration and security cooperation “based upon economic partnership” and private sector-focal regional integration to be her guiding foreign policy goals. She also vowed to maintain strong international bilateral and multilateral partnerships, notably within multinational organizations and treaty frameworks to which Liberia is a party and significantly, given recent regional history, stated that “no inch of Liberian soil will be used to conspire to perpetrate aggression” against neighboring countries. Liberia established bilateral relations with China in late 2003, after the departure from power of President Taylor, who had maintained relations with Taiwan.¹³

Women. Paying homage to what she said were the special efforts of women in securing her election and the peace that made it possible, even in the face of war-related “inhumanity,” “terror,” military conscription, forced labor, and rape, Sirleaf vowed to “empower Liberian women in all areas.” She promised to strengthen laws and law enforcement to protect women against rape, support the education of children, notably of girls, and to provide programs to enable women to play a key role in the economic revitalization process.¹⁴ Sirleaf has nominated women to head the ministries of justice, finance, commerce, and youth and sports, and the national police force, the auditing bureau, and a commission on refugees repatriation and resettlement.

¹³ On China’s diplomatic rivalry with Taiwan, see CRS Report RL33510, *Taiwan: Recent Developments and U.S. Policy Choices*, and CRS Report RL32804, *China-U.S. Relations: Current Issues and Implications for U.S. Policy*, both by Kerry Dumbaugh. China’s role in Africa is covered in CRS Report RL33055, *China and Sub-Saharan Africa*, by Raymond W. Copson, Kerry Dumbaugh, and Michelle Weijing Lau.

¹⁴ According to UNMIL media summaries, local Liberian media reported that a Liberian women’s group demanded the establishment of a special expedited rape cases court during a late June 2006 public demonstration. See also Katharine Houreld, “Liberia’s Women Fight Back,” *Mail & Guardian*, June 2, 2006.

In mid-April 2006, in a document entitled *150 Day Action Plan: A Working Document for a New Liberia*, the Sirleaf administration laid out the details and status of its on-going short-term, quick impact policy and project implementation efforts and achievements to date.¹⁵

Criticisms of the Sirleaf Administration

The general public appears to giving Sirleaf a political honeymoon, but she has been the target of some criticism, both of a routine political nature by opposition parties (including Taylor supporters upset by his extradition to the Hague) and by some human rights advocates. Although many Liberians and international human rights advocates have praised Sirleaf's strongly stated support for such rights and the rule of law, for instance, some have criticized her nomination of the recently confirmed Kabineh Janneh as a Supreme Court Justice. Janneh was the transitional government's justice minister and is a former leading member of the LURD rebel group. Critics see Janneh as responsible, in part, for violence committed by LURD fighters against civilians during the Liberian war and view his nomination as counter to the goals and spirit of the TRC.¹⁶

There have been several reports of assaults or harassment of journalists by members of the Special Security Service (SSS), a Liberian executive branch security agency, and by regular police. In response, the Press Union of Liberia (PUL) threatened to launch a "news black-out" of coverage of the government. President Sirleaf reportedly responded to the allegations by stating that "those who violate the rights of the Liberian people or journalists for that matter will be dealt with and punished appropriately" and that her "government will not tolerate violation of the rights of people, including journalists."¹⁷ Information Minister Johnny McClain also met with the PUL and re-emphasized that the Sirleaf administration "is committed to press freedom and that there is a standing policy of respect and cordiality toward the press."¹⁸ The international press rights advocacy organization Committee to Protect Journalists (CPJ) has stated in an open letter to President Sirleaf that it is "troubled" by the alleged attacks on the press and that "despite an Information Ministry statement [...] affirming the government's commitment to press freedom, there has been no evidence of an investigation into these incidents nor any public effort to punish those responsible." The CPJ also stated in an open letter to President Sirleaf that

¹⁵ Available online from PeaceAfrica, a project of the AllAfrica Foundation. See [<http://allafrica.com/peaceafrica/resources/view/00010785.pdf>].

¹⁶ Michael Kpayili, "Liberia: Liberian Senate Confirms Kabineh Jan'eh As Associate Supreme Court Justice," *The Liberian Times*, May 9, 2006.

¹⁷ *The Analyst* (Monrovia), "Liberia: President Promises to Probe Manhandling of Journalists," June 19, 2006.

¹⁸ James Butty, "Liberian Media Reports Government Harassment of Press," VOA, June 16, 2006; CPJ, "Liberia: Journalist Assaulted by Security Forces," May 24, 2006; and CPJ, "Liberia: Sports Editor Assaulted," Mar. 10, 2006, among others.

While there is no evidence that these incidents are the result of government policy, your administration has a responsibility to restrain security forces from attacking or harassing journalists who are trying to do their jobs. As an organization of journalists dedicated to defending the rights of our colleagues worldwide, CPJ respectfully urges you to make good on your pledges to uphold press freedom by ensuring a prompt and transparent investigation into these cases.¹⁹

Security Conditions

Liberia's security situation has improved markedly since August 2003 but remains "fragile," subject to periodic volatility and localized instability, and "anchored on the presence of UNMIL" (see S/2006/159, March 14, 2006, *op. cit.*, and previous reports of the U.N. Secretary-General on UNMIL, among other sources).²⁰ Liberia remains under U.N. sanctions, first imposed to counter the Taylor regime's alleged regional destabilization efforts and other activities counter to international law and U.N. policy goals. The Liberia sanctions regime was later altered; individuals associated with the Taylor regime's sanctioned activities continued to be targeted, but the basis for other sanctions was broadened. An arms embargo and bans on trade in Liberian timber and diamonds were imposed in order to counter the illicit exploitation and trade in natural resources and the proliferation and the regional trafficking of illegal arms used in conflicts in Liberia and West Africa generally.²¹

More than 101,000 ex-combatants (22% women and 10.8% children), were demobilized under a disarmament program administered by UNMIL and the NTGL that ended in late 2004. Public security has periodically been threatened by criminal acts, often by ex-combatants; civil unrest related to socio-economic grievances, predominantly involving students, workers, civil servants, and jobless youth; former

¹⁹ Ann Cooper, Exec. Dir, "Liberia: CPJ Urges President to Probe Attacks on Press [open letter]," CPJ, June 16, 2006.

²⁰ A March 30, 2006, State Department travel warning on Liberia states that "the overall security situation remains unpredictable [because...] there remains an undercurrent of political and social tension and economic hardship that could result in sporadic violence and instability.

²¹ These sanctions were first imposed under U.N. Security Council Resolution 1521 (2003), which prohibited trade in arms and diamonds with Liberia, and the travel of certain designated individuals, mostly members or associates of the Taylor regime. Some of the listed individuals are also subject to financial asset freezes mandated by U.N. Security Council Resolution 1532 (2004). On June 20, 2006, the Security Council lifted a ban on Liberian timber exports (Resolution 1689) imposed by Resolution 1521. Liberia reportedly has yet to meet the criteria that the Security Council would require in order for it to lift diamond sanctions, and in passing Resolution 1689, it maintained diamond sanctions on Liberia. Liberia remains under the general arms embargo imposed by Resolution 1521, but on June 13, 2006 (Resolution 1683), the Security Council exempted from the ban limited weapons and ammunition "intended for use by members of the Government of Liberia police and security forces who have been vetted and trained" and certain armaments "already provided to members of the Special Security Service (SSS) for training purposes pursuant to advance approval."

fighters awaiting reintegration and expressions of dissatisfaction by former members of the Liberian military relating to severance and pension payments, and members of security services not included in demobilization programs; and political groups who lost political power due to Liberia's elections and the attendant realignment of Liberian political forces. Price increases for rice, fuel, and cement are key sources of social dissatisfaction. In May and June 2006, there were a number of reports of community-level property conflicts between members of the Gio/Mano and Mandingo ethnic groups in northern Liberia. Contested claims over home and land occupancy and ownership rights are often at the center of such disputes, which sometimes take on ethnic dimensions. Such disputes often occur when displaced persons or refugees return to their places of origin and find their property occupied. Instability in neighboring Côte d'Ivoire also poses a significant external threat to the stability of Liberia and to sub-regional security, according to the United Nations (S/2006/159, March 14, 2006, *op. cit.*).

Prior to his capture, U.N. and U.S. officials and many Members of Congress had been concerned about persistent, credible reports that Charles Taylor had periodically interfered in Liberian affairs from exile in Nigeria through a network of political, military, and business associates, which Taylor denied. These alleged actions were seen as destabilizing and threatening to the consolidation of peace (see section on Taylor below). There had been some speculation that former Taylor administration officials would make large gains in the 2005 elections and that he would be able to use them as proxies to influence the new government. There was no such general outcome, but several close Taylor associates were elected (see "2005 Post-War Elections," above). Although there are currently no specific publicly reported threats against Sirleaf, the United States provided her with a personal State Department Diplomatic Security team at the start of her tenure and has continued to help train the Special Security Service; these efforts are described below.

An electrical fire in the Executive Mansion in July 2006 during a visit by neighboring heads of state highlighted that Liberia largely lacks emergency services. Firefighters from UNMIL, the Firestone rubber company, and the international airport, the latter two based about 45 minutes out of the capital, were called in to fight the blaze, since National Fire Service largely lacks the capacity to respond to fires in the capital. That lack of capacity was again illustrated in August 2006, when the U.S. Navy's *Apache*, an ocean tug boat, helped to extinguish a fire on a commercial freighter in the Port of Monrovia, and later rescued a fishing crew at sea. The *Apache* crew was in Monrovia to conduct repairs on the city's main commercial pier and survey the harbor. Following the *Apache*'s departure from Liberia, marine safety experts from the International Maritime Organization (IMO) undertook an assessment of Liberia's search and rescue capabilities.²²

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

Rubber Sector Reform

Rubber has traditionally been a key source of state export revenues and employment in Liberia. The presence, however, of ex-combatants on several rubber plantations, some armed, has undermined the industry's post-war redevelopment. Rubber workers and local residents near plantations have reported that former fighters have robbed them and coerced them into selling rubber latex at sub-market prices, in the process earning revenues that were reportedly not taxed.²³ Ex-combatant control of plantations also reportedly resulted in unsustainable harvesting practices, various human rights abuses, and environmental degradation. To address this situation, in mid August 2006 the government and armed UNMIL troops took possession of Gutherie, a major rubber tree plantation, from former LURD ex-combatants who had squatted on it, tapping rubber and in some cases controlling local rubber sales. Gutherie had been the reported site of forced child labor and diverse violent crimes against persons

The repossession was one of the objectives of a joint government-U.N. task force created to make the rubber industry transparent, environmentally sound and sustainable, subject to state governance and regulation, and a source of legal jobs, including for the ex-combatants from whom control of Gutherie was seized. UNMIL plans call for a similar seizure of another key ex-combatant-occupied rubber plantation in the southeast county of Sinoe, though ex-combatants at the plantation have reportedly met with local officials and agreed to vacate the site peacefully.²⁴ In May 2006, the UNMIL Human Rights and Protection Section (HRPS) conducted a study of Liberia's rubber sector. It examined the industry with respect to human rights; post-conflict business practices and corruption; the status of and role of commercial rubber concession and management agreements; worker, child, and community rights; implications of the industry and practices within it for the environment; and the rule of law within the rubber sector, including issues relating to ex-combatant occupation of plantations. It provided key summary findings and laid out diverse recommendations pertaining to these issues.²⁵

Security Sector Reform

With U.S. assistance, Liberia has begun to create a new military made up of an initial 2,000 recruits.²⁶ Recruiting plans call for 20% of this number to be female.²⁷

²³ Marcus Malayea, "Gunmen Seize Cocopa, Claim Right of Inheritance," *The Analyst*, Aug. 18, 2006, among others.

²⁴ IRIN, "Liberia: Gov't Reclaims Rubber Plantation From Former Fighters," Aug. 16, 2006; Alphonso Toweh, "Liberia takes rubber estate back from ex-rebels," Reuters, Aug. 15, 2006; IRIN, "Liberia: UN Vows to Repossess Another Troubled Rubber Plantation," 23 Aug. 23, 2006; and D. Sonpon Weah II, "Ex-Combatants At SRC Ready to Leave," *The Analyst*, Sept., 27, 2006.

²⁵ UNMIL, *Human Rights in Liberia's Rubber Plantations: Tapping into the Future*, May 2006.

²⁶ In mid-February 2006, President Sirleaf, stating that "our country currently lacks the (continued...)

Selection of volunteer enlistees, for purposes of screening out human rights abusers, began in late January 2006. Selectees were undergoing a vetting process in late June 2006.²⁸ The State Department is administering the overall military training program through two contractors: DynCorp International and Pacific Architects and Engineers (PAE), in coordination with U.S. military trainers. DynCorp is helping to vet, recruit, and provide basic training for the new force. PAE is to provide specialized advanced training, equipment, logistics, and base services. The training package is projected to cost about \$95 million, prospectively to be drawn from a mix of FY2004 through FY2007 International Disaster and Famine Assistance, Regional Peacekeeping, and Foreign Military Assistance funds. Training is slated to begin soon. Military restructuring was hindered by a need to demobilize and verify the severance pay eligibility of over 13,000 irregular forces and Armed Forces of Liberia (AFL) soldiers. Funds for this purpose were scarce, but most irregular and regular forces have been demobilized. Total demobilization cost estimates vary between \$15 million and \$18 million. In late April 2006, 400-500 former AFL soldiers claiming nonpayment of salary arrears and retirement benefits conducted a violent protest outside the defense ministry and clashed with UNMIL peacekeepers sent to contain the unrest.²⁹

The United States is providing Liberia with UNMIL-administered civilian police (CIVPOL) training assistance, which includes the deployment of about 20 U.S. CIVPOL advisors as members of UNMIL, as well as equipment and contractor-based logistical support. The United Nations (S/2006/159, March 14, 2006, *op. cit.*) reports that while police reform and restructuring “has made progress,” a shortfall in funding for the demobilization of ineligible officers has impeded these processes. It also reports that the “Liberian National Police urgently requires [*sic*] continued mentoring.” U.S. and UNMIL assistance efforts also support the rehabilitation of the judicial and penal systems.³⁰

²⁶ (...continued)

technical and tactical capacities and proficiency to provide for its own defense and national security,” appointed Major-General Luka Yusuf, a Nigerian UNMIL officer, to be Liberia’s military Chief of Staff heading the rebuilding of the armed forces. This action drew criticism from former Liberian military elements, who called it unconstitutional and an insult to Liberia’s national pride. She also said that she would seek the appointment of a U.S. military advisor. See *Agence France-Presse*, “Liberian Leader Names Nigerian to Head Military,” February 13, 2006 and Alphonso Toweh, “Liberia Leader Gets Flak for Hiring Nigeria General,” Reuters, February 14, 2006.

²⁷ Jonathan Paye-Layleh, “Liberia Begins Recruiting Women Soldiers,” Associated Press, June 5, 2006.

²⁸ *The Inquirer* (Monrovia), “Liberia: Public Vetting for Army Recruits Begins Monday,” June 23, 2006.

²⁹ Some of these soldiers may reportedly receive such back pay (“President Authorizes Defense Ministry to Pay Salary Arrears to Former Soldiers,” UNMIL media summary citing ELBS Radio and Star Radio, June 14, 2006).

³⁰ Such U.S. programming is supported, in part, by USAID Rule of Law programs and separate ones carried out by the Justice Sector Support Liberia (JSSL) program of the State Department’s Bureau of International Narcotics and Law Enforcement Affairs (INL).

Special Security Service

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

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

The restructuring process, which seeks to correct reported leadership weaknesses and professionalize all aspects of SSS organization and operations, is being undertaken with the assistance of the State Department's Diplomatic Security Service (DSS). Using a mix of Nonproliferation, Antiterrorism, Demining and Related Projects (NADR) and other foreign assistance funds, DSS directly provided close protection services for President Sirleaf during the first few months of her tenure, while about 100 SSS agents underwent specialized DSS close protection training in Liberia and in the United States. Another 300 SSS agents received basic close protection support and perimeter training in Liberia. About 600 SSS officers have also reportedly received general UNMIL police training. DSS is continuing to assist the SSS on an interim basis but is proposing to provide a more structured two-year-long assistance package. Under the proposal, DSS would provide five U.S. contract-based presidential security advisors who would help run SSS operations on an interim basis and at the same time help the SSS to enhance its operational and administrative capacities. Some equipment and training would be provided under the package, which is projected to cost about \$3 million per year.

Humanitarian Conditions

Humanitarian conditions are steadily improving, although from a base of severe and widespread post-war need, and poverty remains endemic. Liberia continues to receive substantial international food aid and is highly donor-dependent. International assistance is, however, increasingly supporting resettlement and socio-economic recovery, rather than emergency humanitarian needs. According to a U.N. High Commissioner for Refugees (UNHCR) briefing note, about 200,000 Liberian refugees had repatriated by mid-February 2006. By late April 2006, over 321,000 internally displaced persons (IDPs), including over 59,000 families, had

returned to their places of origin or resettled. Most had received resettlement assistance, usually consisting of basic non-food items, transport aid, and two months of food supplies. U.N. agencies, together with non-governmental organizations (NGOs) and NTGL ministries have implemented a wide range of reconstruction and capacity building projects relating to nutrition, water and sanitation, primary health care services, and transport infrastructure. Numerous schools have re-opened nation-wide, with extensive assistance from UNICEF.

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

Health Issues

Liberia faces substantial public health challenges. Malaria is endemic, water-borne stomach illnesses are common, tuberculosis cases often go uncured, and there are periodic outbreaks of diseases like Yellow Fever, measles, and cholera, but Liberia lacks an adequate health infrastructure for combating such illnesses.³¹ Medical supplies and trained staff are in chronic short supply. A number of donor-backed initiatives help improve health care capacity, however. UNICEF is aiding the reopening of health clinics nation-wide, and a UNICEF/WHO polio vaccination campaign that began in October 2004 has reached some 1.2 million children. WHO coordinates a U.N./government/NGO/USAID technical group that is working to improve the national health system, notably regarding HIV/AIDS, malaria and tuberculosis (see below). WHO and FAO are also helping the government to create an avian flu surveillance and response plan.

AIDS

The threat of HIV/AIDS in Liberia is gaining increasing attention. Although no reliable national prevalence tests have been completed recently — though such efforts are underway — Liberia is estimated to have an HIV infection rate of between 5.9% and 8.2%; some observers believe that the rate could be as high as 12% in some

³¹ War-related psycho-social trauma is also seen as widespread. The preliminary findings of a September 2005 WHO/Liberian government sexual and gender-based violence survey found that 91.7% of women and girls interviewed had been the victims of multiple violent acts during Liberia’s war (Security Council, S/2005/764, Dec. 7, 2005). The transitional legislature made all rape illegal in December 2005 (only gang rape had previously been illegal) and laid out punishments for rape-relation violations, but activists say increased sexual violence-related law enforcement is needed. See U.N. Integrated Regional Information Networks (IRIN hereafter), “Liberia: Sexual Abuse of Children Still Rampant, Report Says,” Feb. 22, 2006, *inter alia*.

population sub-groups.³² The UNMIL HIV/AIDS Adviser's Office is supporting public education-related AIDS prevention and national planning efforts focused on care of orphans and vulnerable children, among other activities. The World Health Organization, in coordination with other U.N. agencies and the NTGL, is developing project proposals to fight AIDS, malaria, tuberculosis and build health system capacity. The U.N. Population Fund supports several AIDS awareness and prevention programs. Liberia receives Global Fund assistance, but its application for further assistance under the Fund's recent Round 5 funding project assessment process was reportedly rejected.³³

USAID implements several AIDS-related programs in Liberia on behalf of the Office of the U.S. Global AIDS Coordinator (OGAC). These include the first post-war demographic health survey, in partnership with other donors, which includes HIV surveillance; targeted behavior change efforts focusing on youth and other groups; and support for home-based care and related assistance. In her inaugural speech, in which she cited the 12% infection rate, President Sirleaf vowed to "tackle this national scourge by updating and reinvigorating our HIV/AIDS policy within our first 150 days [and...] reconstitute and empower, along with our development partners, the National Commission on HIV/AIDS." At a February 2006 House International Relations Committee hearing on Liberia (see below), Members suggested to USAID Assistant Administrator for the Bureau for Africa Lloyd O. Pierson that Liberia be considered for U.S. assistance under the Presidents Emergency Plan for AIDS Relief in South Africa (PEPFAR), a consideration that Mr. Pierson stated he would raise with appropriate Administration officials.

Governance: Background

Liberia's supreme law is its 1984 constitution, effective since 1986. It provides for a political and legal system that is substantially modeled on that of the United States, though not entirely; for instance, federalism is absent. Liberia's government is made up of three branches that exercise separate powers and authorities: a bicameral legislature, which consists of a 64-member House and a 30-member Senate; a presidentially led executive branch that controls multiple line ministries and several independent agencies; and a judiciary. Legislators are directly elected by voters in each of Liberia's 15 counties, while the president is directly elected by universal suffrage. The President and House Members are each elected to six-year terms, and Senators serve nine-year terms, except in cases of irregular vacancies of elected positions. Presidents may serve up to two terms. Although the Sirleaf government's mandate is derived from the constitution, that of the NTGL was extra-constitutional. During its tenure, those provisions of the Constitution and laws of Liberia that were inconsistent with the provisions of the 2003 Comprehensive

³² IRIN PLUSNEWS, "Youth Not Putting HIV Prevention Lessons into Practice," Oct. 27, 2005 and USAID, Health Profile: West Africa-HIV/AIDS, n.d.

³³ For background on the Global Fund, see CRS Report RL31712, *The Global Fund to Fight AIDS, Tuberculosis, and Malaria: Background and Current Issues*, by Tiaji Salaam.

Peace Agreement were suspended, though all other provisions of the constitution remained in force.

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

Transitional Government

Progress in governance under the NTGL was mixed. Although it carried out most basic functions, the restoration of state authority and the rehabilitation of state institutions under its authority were hampered by central government ministry inefficiencies, widespread resource constraints, and lack of institutional and financial system capacities and trained manpower. Progress was reported in the last half of the transitional government's tenure, however. Many revenue, customs, immigration, and local officials were deployed to sites outside Monrovia, and regional Central Bank offices opened, permitting salary payments without recourse to time-consuming travel to Monrovia. USAID is supporting the rehabilitation of administrative buildings in several key counties.

Among the most challenging issues facing governance capacity-building efforts were persistent reports of corruption within the NTGL, in some cases on a large scale. Alleged acts were particularly notable in the context of import-export transactions, government contracts and budgeting, and the issuance of commodity marketing or land, natural resource, and associated concession rights.³⁴ The U.N. Secretary-General reported in mid-March 2005 that there was a "lack of [NTGL] transparency in the collection and use of revenues and the resistance of some government and public corporation officials to reforms and audits aimed at fighting corruption" (S/2005/177). The World Bank and bilateral donors made similar observations and called for transparency measures. National fiscal and budget obligation mechanisms and voucher record-keeping systems under the NTGL were chaotic and subject to manipulation by key officials in some cases.³⁵ In some government agency budgets, the miscellaneous expense budget account category "Other" was reportedly substantial in many cases, and expenditures of such "Other" funds were said to have been carried out in an *ad hoc* manner, with few controls. Actions by the transitional legislature either to appropriate for private use or pay very

³⁴ See, for instance, *The Analyst*, "NTGL's Past Haunts Bryant, Others," Mar. 9, 2006, regarding Liberian parliamentary investigations into the transitional government's budget and EU audits of key Liberian parastatals, available online through FrontPage Africa [<http://www.frontpageafrica.com>].

³⁵ Discussion with U.S. embassy official.

nominal lease fees for expensive vehicles that each legislator was given drew local and foreign condemnation. In November 2005, the U.S. Embassy in Monrovia stated that the U.S. government was

shocked and disappointed by the recent incidents of transfers of Liberian Government property and resources into private ownership. This drains vital government resources that could otherwise be used for critical developmental programs, and sends the wrong signal to international donors who finance such programs. It also perpetuates the culture of abuse of public trust and impunity that has contributed to two decades of decline in Liberia. The U.S. Embassy considers these transfers unscrupulous, irresponsible, and contrary to the public interest of the people of Liberia. Liberian government resources are for the benefit of the Liberian people and should not be misappropriated for private use.³⁶

Citing a 2004 presidential proclamation, it stated that Liberian government officials who engage in “violations of the public trust” and persons who abet such actions might, along with their families, be ineligible for U.S.-funded programs and services, including consideration for Diversity Visa, Immigrant Visa, and other visa services.³⁷

Liberia is not eligible for African Growth and Opportunity Act (AGOA) benefits, “largely for reasons related to its poor record on economic reform, rule of law, corruption, human rights, and regional destabilization,” according to the Office of the U.S. Trade Representative (USTR).³⁸

Concession Deals

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

The NTGL also signed two major long-term natural resource concession deals. One, with the Firestone group of companies, extends and amends a previous series

³⁶ See U.S. Embassy-Monrovia, “U.S. Embassy Shocked and Disappointed at Abuse Of Public Trust,” Press Release, Nov. 18, 2005, and Integrated Regional Information Networks (IRIN), “Liberia: Scramble for Goodies Ahead of Political Handover,” Nov. 21 2005. IRIN is an editorially independent component of the U.N. Office for the Coordination of Humanitarian Affairs. It provides news and analysis about sub-Saharan Africa and other selected global regions. It seeks to inform decision makers in host and donor governments, non-governmental and international humanitarian and advocacy organizations, academic institutions, and the media about developments in the regions it covers.

³⁷ See Proclamation by the President, *To Suspend Entry as Immigrants or Non-immigrants of Persons Engaged in or Benefitting From Corruption*, Jan. 12, 2004.

³⁸ USTR, *2005 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act*.

of concession agreements, first signed in 1926, giving Firestone rights to large plantation areas for the cultivation of rubber.³⁹ The contract was amended, in part, because Firestone contended that it was unable to exploit its holdings due to fighting over the last decade and a half, and in order to boost foreign investment in Liberia. The deal gave the Firestone group surface rental and other rights to nearly 200 square miles of active or proposed rubber plantation land for 36 years in exchange for \$.50 per acre per year and various investments, tax payments, social and infrastructure development outputs, and various other commitments. It may be extended for another 50 years after renegotiation. Another deal, with Netherlands-based Mittal Steel Holdings, provides for the rehabilitation or construction of diverse mining, administrative support, processing, and transport infrastructure intended to support the extraction and shipment of iron ore from northern Liberia. It gives Mittal a variety of surface rental, mineral license, iron ore extraction, transport infrastructure construction, and other rights in exchange for diverse capital investments, totaling about \$900 million, and royalty, lump sum, tax, and other payments to the government. The initial term of 25 years is extendable for additional 25-year terms, if certain criteria are met.

Both deals drew criticism from some civil society groups that contended that the NTGL lacked a legal mandate to negotiate long-term concessions, that such functions could only be carried out by a duly elected government, and that such deals should be negotiated in a manner more favorable to Liberian economic and other national interests.⁴⁰ The contracts were also politically controversial. The Mittal deal was the subject of rival bids by the large mining firms Global Infrastructural Holdings Limited (GIHL), BHP Billington and Real Tito, and its ratification was contested legally and in parliament. Some civil society critics have alleged that the deals were not undertaken in a transparent manner.⁴¹ Mittal has denied that charge, and maintains that the contract was won in a “transparent and competitive bid process” and will bring significant foreign investment and infrastructure development to Liberia.⁴² The former U.S. Ambassador to Liberia, John Blaney, reportedly pushed

³⁹ The agreement is between the government of Liberia and Firestone Natural Rubber Company, a U.S. limited liability firm that is an affiliate of Bridgestone-Firestone North American Tire, and its Liberian subsidiary, Firestone Plantations Company.

⁴⁰ A coalition of Liberian human rights groups unsuccessfully petitioned the Liberian Supreme Court to halt execution of the two contracts on such grounds and contended that the deals had been made without public input. The complainants reportedly may seek to re-file their case after the formation of the new elected government. See Morrison O.G. Sayon, “Supreme Court Places ‘Stay Order’, Firestone, Mittal Steel Agreements,” *The Inquirer* (Monrovia), Nov. 7, 2005; John Walsh, “Supreme Court Issues Stay Order On NTGL; Ja’neh Appears Today,” *FrontPageAfrica*, Nov. 7, 2005; George Bardue, “Supreme Court Stops Budget Execution and Summons NTGL Officials,” *The News* (Monrovia), Nov. 7, 2005.

⁴¹ Ben Garside, “Police probe Mittal Steel’s Liberian Iron Ore Deal,” *Metal Bulletin News Alert Service*, July 13, 2006.

⁴² Alphonso Toweh, “Liberia Minister Wants Mittal Iron Ore Deal Revised,” *Reuters*, Sept. 14, 2005; D. Moses Wantu, “Mittal Steel Hearing Backfires,” *The Analyst* (Monrovia), Sept. 6, 2005; Economist Intelligence Unit, “Liberia: A steel?,” *Country Monitor*, Aug. 29, 2005;

for a deal that would require that a major railroad that was to be rehabilitated as part of any proposed iron ore investment arrangement would be made into a multi-use railroad, regardless of what firm was awarded mining rights.⁴³ Liberia and Mittal are reportedly near to reaching a new, amended deal, but the details of the terms have not been reported.⁴⁴

The Firestone contract drew attention for other reasons. Some Firestone plantation workers have complained about poor working conditions and high production quotas. Some environmental advocacy groups and residents living near Firestone rubber processing facilities have alleged that chemicals used in latex processing are polluting wells, rivers, and water life. The Firestone group also is the subject of a class action suit brought in California by the International Labor Rights Fund, an advocacy organization that says its goal is to counter child, forced, and other abusive labor practices internationally, including through litigation. The suit alleges that Firestone employs children, practices forced labor, involuntary servitude, and negligent employment practices. Firestone categorically denies these charges, describing the suit as “outrageous” and “completely without merit.” It maintains that its operations comply fully with Liberian laws and asserts that its workers are all adults of legal working age, are union-represented, are paid well above prevailing wages, and are provided with social services, and that Firestone is bringing much needed investment to Liberia.⁴⁵

NTGL Anti-Corruption Efforts

The NTGL took some steps to halt corrupt practices. It established a Task Force on Corruption and a Cash Management Committee and attempted to eliminate bribetaking in relation to commodity imports, notably by better managing Monrovia’s port, of which UNMIL took temporary control in late April 2005. In addition, the National Transitional Legislative Assembly (NTLA) created a committee to investigate allegations of administrative and financial irregularities by its leadership, which eventually led to the removal of key NTLA leaders. Some observers,

⁴² (...continued)

Steve Swindells, “Mittal Steel Defends Pursuit of Liberian Iron Ore Concession,” June 14, 2005 *Metal Bulletin News Alert Service*; *The Analyst* (Monrovia), “Bryant, Mittal Steel Flout Law,” June 13, 2005; *The Analyst* (Monrovia), “NTGL Sued in U.S. District Court - Over LIMINCO Bidding,” June 13, 2005, *inter alia*.

⁴³ A smaller former mine railroad between Monrovia and Bong County has been rehabilitated by AmLib, a mineral exploration firm, and put into use as a multi-use transport line. It has reportedly contributed to a several-fold drop in charcoal prices in Monrovia, and is increasing the supply of other farm products to the capital. Charcoal is the main cooking fuel in Liberia.

⁴⁴ BBC News, “Better Iron Ore Deal for Liberia,” Dec. 12, 2006; and *Agence France-Presse*, “Liberia Postpones Signing of Billion Dollar Mining Deal,” Dec. 18, 2006.

⁴⁵ Femi Oke, “Is Bridgestone/Firestone Exploiting Liberian Workers?,” *Inside Africa*, CNN International, Nov. 12, 2005; Joe Bavier, “Firestone Lease an Issue in Liberia Election Campaign,” VOA News, Sept. 14, 2005; Gary Gentile, “Firestone Accused of Using Slave Labor,” Associated Press, Nov. 17, 2005; and Reuters, “Labor Group Sues Bridgestone on Liberia Plantation,” Nov. 17, 2005, *inter alia*.

however, saw the NTGL Task Force as lacking the capacity or political will to achieve significant results, and some Liberian officials resisted donor and ECOWAS-backed transparency and audit measures. An African Development Bank loan was reportedly not disbursed in 2005 because Liberia failed to provide required fiscal data, and an ECOWAS-sponsored auditing mission was opposed by Liberian auditors and certain government officials, who cited concern over a violation of Liberian sovereignty, despite the publicly-stated support of Chairman Bryant for the audit. In July 2005, Chairman Bryant suspended two officials over their alleged diversion of funds paid by the satellite communications firm Inmarsat to several Liberian state entities, and the NTGL suspended three Bureau of Maritime Affairs officials, including the Commissioner, and Liberia's International Maritime Organization representative for fraud.⁴⁶

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

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

Current Governance Issues

Anti-Corruption Efforts Under Sirleaf

Liberian-donor government relations have improved under Sirleaf, in large part due to her strong policy emphasis on anti-corruption efforts. In late January 2006, she announced a financial audit of the outgoing transitional government, which had

⁴⁶ Liberia's Solicitor-General, the former human rights lawyer Tiawan Gongloe, reportedly stated that the Liberian government will seek to extradite from the United States the former Maritime Commissioner, J.D. Slangar, to face charges of alleged public funds embezzlement. "Accused Former Official to Be Extradited," UNMIL Media Summary June 19, 2006 citing the *Daily Observer* and *New Democrat* newspapers.

repeatedly been accused of corruption. Sirleaf has also suggested that she may seek a review of other public contracts and concession deals granted by the NTGL.⁴⁷ The Liberian government is also working to reform its key export-earning forestry and diamond sectors.

Forestry Sector

In early February 2006, Sirleaf adopted the recommendations of the Liberian Forest Concession Review Committee, an entity comprised of Liberian civil society, government agency, UNMIL, and donor government representatives. It reviewed the legality and propriety of logging concession contracts and recommended diverse logging sector reforms. Sirleaf's action effectively canceled all existing logging concessions and created a Forestry Reform Monitoring Committee (FRMC) to regulate future concession contracts. The natural resources and human rights policy advocacy group Global Witness, which has tracked abuses and corruption in Liberia's forestry sector for several years, praised the move. It called, however, for "greater support" by UNMIL "to the Forestry Development Authority ... to ensure that it is able to operate in a secure environment" as a prerequisite to the removal of then-current U.N. timber sanctions on Liberia.⁴⁸ UNMIL, along with a consortium of donor governments and specialized agencies known collectively as the Liberia Forest Initiative (LFI), is assisting the Liberian government to implement timber reforms.⁴⁹

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

- land-use planning principles;
- a timber production and export chain-of-custody tracking system;
- a market value-based tax system timber tax system defined by "equitable sharing of the benefits with local communities;"
- revised contract requirements;
- transparent forest concession allocation procedures, based on Liberia's Public Procurement and Concession Act of 2005, which allows the suspension of participants who abet civil disturbances or

⁴⁷ Katharine Houreld, "Liberian Leader Says to Review Govt Contracts," Reuters, Feb. 20, 2006.

⁴⁸ "Global Witness Welcomes President Sirleaf's Decision to Cancel All Forest Concession Agreements," Feb. 9, 2006.

⁴⁹ The Liberia Forest Initiative (LFI) began in 2004 as a U.S. government, State Department-led inter-agency and non-governmental organization effort to provide coordinated assistance to Liberia's forestry sector. U.S. government agency participants other than the State Department included the U.S. Forest Service, USAID, and the Treasury Department. These agencies collaborated with several U.S. and Liberian non-governmental organizations to help lay the groundwork for technical, legal, and regulatory and other reforms of the sector. LFI was later joined by the World Bank, the European Commission, the Food and Agriculture Organization (FAO), the International Monetary Fund (IMF), and the World Conservation Union (IUCN). Information on the LFI is available online. See [<http://www.fao.org/forestry/site/lfi>].

default on their financial obligations — a key aim in light of alleged patterns of abuse under the Taylor administration;

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

It was also given the tasks of advising on the implementation of GEMAP goals (see below) as they pertain to the Liberian Forestry Development Authority; ensuring the full and transparent participation of communities and civil society in forest management, conducting a full review of the forestry laws and regulations; and recommending legislation to implement forestry reforms.⁵⁰

Sirleaf's cancellation of prior logging concessions and creation of the FRMC were seen as key steps prompting the U.N. Security Council to pass Resolution 1689 on June 20, 2006, which lifted the ban on Liberian timber exports first imposed under Security Council Resolution 1521 (2003). In passing Resolution 1689, the Security Council cited the Sirleaf administration's "commitment to transparent management of the country's forestry resources for the benefit of Liberians and its reforms in the timber sector." It warned, however, that it would reinstate the timber ban if the government does not adopt FRMC-proposed forestry reform legislation. Global Witness opposed the Security Council's lifting of sanctions, contending that the Liberian government lacks full control over forest lands and has not yet adequately reformed the forestry sector.⁵¹ Some other experts have expressed concerns that echo those of Global Witness.⁵²

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

⁵⁰ See *Liberia, Forest Sector Reform* (Executive Order #1), Feb. 7, 2006, available online at [<http://www.elaw.org/resources/text.asp?id=3051>].

⁵¹ See Global Witness, "United Nations Security Council Lifts Liberia Timber Sanctions Despite Insufficient Reform of the Industry [press release]," June 22, 2006, and Global Witness's *Cautiously Optimistic: The Case for Maintaining Sanctions in Liberia*, June 2006.

⁵² E.g., remarks at "Conflict Timber, Sustainable Management, and the Rule of Law: Forest Sector Reform in Liberia," Woodrow Wilson Center panel presentation, June 8, 2006.

monitoring this process to ensure that it meets the forestry management, conservation, and other goals of the new law.⁵³

Liberia's forests are the home to diverse species of flora and fauna, some rare or endangered. According to U.N. research findings, in 2000, Liberia's forests "constitute[d] approximately 45% of the remaining Upper Guinea Forest, which spans 10 West African States from Guinea to Cameroon" and were "variously assessed as [occupying] between 31.3% and 50% of the total territory of Liberia." Estimates of the contribution of timber exports to Liberia's foreign exchange earnings vary. They declined after the imposition of sanctions on such exports in 2003, but U.N. research findings indicate that for 2002, such earnings totaled "at least \$146 million" and could have been as high as "\$180 to 200 million."⁵⁴ Although precise data on the value of pre-war timber revenues vary, such revenues are generally thought to have comprised as much as half of all export earnings.

Depending on such factors as price, rates of cutting, and relative use of sustainable forestry practices, future export levels could vary widely from those estimated for 2002, when forestry concessions were administered by the Taylor regime and harvested by commercial interests with allegedly close links to the Taylor administration. The Taylor regime was accused of allowing the use of unsustainable forestry practices and illicitly diverting earnings from the timber sector. It also allegedly used some timber firms' transport and trade activities as cover for arms trafficking and turned the security forces of some firms into pro-government militias.⁵⁵ In early June 2006, Guus Kouwenhoven, a Dutch businessman and associate of former President Taylor, was convicted of using the Oriental Timber Company, in which he reportedly owned a 35% share, to import small arms to Liberia in violation of a U.N. weapons embargo on Liberia. Kouwenhoven, who held

⁵³ "Liberian Leader to Ratify Forest Concession Pact to Ensure End of Un Timber Ban," Liberian Star Radio via BBC Monitoring Africa, Oct. 4, 2006; UN News, "Country Enacts New Forest Policy With UN Help to Ensure Benefits for All," Oct., 5, 2006; IRIN, "Government Lays Foundation for Legal Logging," Dec. 15, 2006; and Environmental Law Institute, "Liberian President Ellen Johnson-Sirleaf Signs National Forestry Reform Law of 2006," Oct. 5, 2006.

⁵⁴ See United Nations, *Report of the Secretary-General in Pursuance of Paragraph 19 of Resolution 1478 (2003) Concerning Liberia*, S/2003/793, Aug. 5, 2003.

⁵⁵ See *Taylor-Made: The Pivotal Role of Liberia's Forests and Flag of Convenience in Regional Conflict*, Global Witness and the International Transport Workers Federation, September 2001, *inter alia*. The environmental activist Silas Siakor, who ran the Save My Future Foundation (SAMFU) of Liberia from 2000 to 2003, is credited by many with carrying out then-politically risky documentary work that eventually led to the imposition of U.N. forestry sanctions on Liberia. Siakor, a 2006 Goldman Environmental Prize winner, now heads the Sustainable Development Institute (SDI), an NGO that helps to coordinate Liberian civil society participation in national forest sector reform efforts. See SAMFU, *Living Dangerously: An Assessment of Multinationals in Liberia Logging Industry*, Feb. 20, 2001.

other business interests in Liberia and was listed on a U.N. travel sanctions list, was acquitted of charges of war crimes and crimes against humanity.⁵⁶

Diamonds

Liberia remains under a U.N. diamond sanctions regime that bans the import of Liberian diamonds. It was imposed by the U.N. Security Council (Resolution 1521, 2003). On June 20, 2006, when the U.N. lifted timber sanctions on Liberia (Resolution 1689), it left in place the diamond import ban.⁵⁷ The Security Council appears to be unconvinced that the Sirleaf administration has had “sufficient time to establish an effective Certificate of Origin regime for trade in Liberian rough diamonds that is transparent and internationally verifiable” (Resolution 1689) that would comply with the Kimberley Process, a voluntary regulatory regime that governs international trade in rough diamonds. The Liberian government is endeavoring to implement such measures, which are viewed as a precondition for the removal of the U.N. diamond embargo. As part of such efforts, it suspended issuance of diamond mining licenses, all of which expired at the end of December 2005; diamond mining is thus effectively illegal in Liberia at present. According to the U.N. Secretary-General (S/2006/159 March 14, 2006, *op. cit.*), the Liberian government “has made steady progress in meeting the conditions to join the Kimberley Process Certification Scheme” but “urgently needs funding and technical assistance to support” such efforts.

After an October 2006 briefing by the chairman of the U.N. sanctions monitoring committee on Liberia for the purpose of reviewing its decision in Resolution 1689 (2006), the Council renewed its Liberian diamonds sanctions regime until December 20, 2006. The Council’s president stated that the Council was “encouraged by the steps Liberia has taken toward meeting the requirements for the lifting” of the diamond sanctions but affirmed that “more needs to be done for Liberia to establish a Certificate of Origin Regime for export of Liberian rough diamonds.” He said that the Council had urged Liberia’s government “to accelerate [...] necessary reform measures, including stronger management and effective verification and accountability mechanisms, so that Liberia can soon join the Kimberley Process” and had expressed a “wish to lift the ban on diamonds as soon

⁵⁶ See Steve Bloomfield, “Dutch Court Jails Liberian Warlord’s Right-Hand Man,” *The Independent*, June 8, 2006 and Toby Sterling, “Dutch Court Convicts Businessman of Violating U.N. Arms Embargo on Liberia,” Associated Press, June 7, 2006, among others.

⁵⁷ A diamond embargo was initially imposed on Liberia in 2001 after the Security Council found that the Taylor government was “actively supporting” the Revolutionary United Front (RUF), a rebel group then fighting the government of Liberia’s neighbor, Sierra Leone, including by illicitly trading in Sierra Leonean diamonds. See U.N. Security Council, Resolution 1343, Mar. 7, 2001. The diamond sanctions under Resolution 1343 were terminated by Security Council Resolution 1521 (Dec. 22, 2003), which imposed a new ban on diamond exports from Liberia. Resolution 1521 asserted that there existed a “linkage between the illegal exploitation of natural resources such as diamonds and timber, illicit trade in such resources, and the proliferation and trafficking of illegal arms as a major source of fueling and exacerbating conflicts, in West Africa, [and] particularly in Liberia.”

as possible, so that revenues from the diamond sector can benefit the Liberian people.”⁵⁸

Diamond deposits in Liberia are mostly alluvial, i.e., found on or near the surface after having been deposited by water flows, often far from their point of origin. In January 2006, however, the firm Diamond Fields International (DFI) Ltd. announced that it had discovered strong indications of a kimberlite, or pipes of igneous, volcanic, often diamond-bearing material, in Grand Cape County.⁵⁹ If the kimberlite is verified as being richly diamondiferous, Liberia’s future production of diamonds could rise substantially, potentially to the level of neighboring Sierra Leone.

GEMAP

Sirleaf has expressed strong support for the Governance and Economic Management Assistance Program (GEMAP), an agreement signed in September 2005 by the NTGL and the International Contact Group on Liberia (ICGL), an international policy coordinating group of donor and regional governments and multinational institutions.⁶⁰ GEMAP provides for contract-based management of the revenue and expenditure flows of key public sector entities, notably the main port, airport, and fuel refining firm, among others, in order to strictly enforce central government controls over state revenues and to improve public fiscal capacities.⁶¹ It also supports diverse economic governance and judicial capacity-building measures aimed at institutionalizing transparent state management capacity-building goals and reforms. Elements of GEMAP that call for an external management and financial monitoring role were initially opposed by some in Liberia as an intrusion on national sovereignty, but donor governments, including the United States, pushed for strict conditionality for future assistance to Liberia. International financial and monitoring experts have reportedly assumed duties at the Central Bank of Liberia, where the international GEMAP expert has co-signing authority, and on the Cash Management Committee, a Ministry of Finance-led body that manages all government funds. Similar personnel are expected to fill positions in key ministries, notably the Ministry of Lands, Mines, and Energy and the Bureau of Budget, and revenue-earning sources, including ports, airports, customs offices, and the forestry sector.⁶² GEMAP is

⁵⁸ U.N., “Security Council Press Statement On Review Of Liberia Sanctions,” SC/8856, Oct. 20, 2006.

⁵⁹ See DFI, “Diamond Fields Announces the Discovery of Kimberlite in Liberia and Progress with Gold Exploration,” Jan. 9, 2006. Several other firms are involved in diamond explorations in various counties of Liberia. DFI is also involved in gold exploration in Liberia.

⁶⁰ Online; see [<http://siteresources.worldbank.org/LIBERIAEXTN/Resources/GEMAP.pdf>].

⁶¹ Sirleaf administration officials have reported that 2006 first quarter revenues collections are reportedly 34% higher than those for the same period in 2005 (*The Analyst* (Monrovia), “Liberia: Govt. is 34 Percent Richer!,” June 8, 2006).

⁶² See IRIN, “Liberia: Foreign Nationals Step into Government Positions to Combat Graft,” Mar. 3, 2006; IRIN, “Liberia: Foreign Corruption Spotters Now in Place,” May 24, 2006;

(continued...)

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

U.S. Support

The United States is supporting both the public sector transparency and government capacity-building efforts of the Sirleaf and its market-based economic growth agenda. In late February 2006, the U.S. Trade Representative announced that President Bush had reinstated duty-free Generalized System of Preferences (GSP) trade benefits for Liberia. USTR said that the action was intended to provide “strong support to recently elected President Ellen Johnson Sirleaf’s efforts to increase employment, diversify exports, and stabilize society.” It was made, according to the USTR, because Sirleaf had repealed a decree prohibiting strikes and invited the International Labor Organization (ILO) to help Liberia to conform with ILO obligations, thus making “improving worker rights a high priority.”⁶³ In mid-February 2006, the U.S. Export-Import Bank (Ex-Im) announced that it had renewed its Short-Term Insurance Pilot Program for Africa (STIPP) for three years beginning March 31, 2006, and that Liberia had been added to the program. The STIPP helps businesses in eligible countries buy U.S.-made goods and services by insuring short-term export credit transactions involving various payment terms in countries where Ex-Im Bank is otherwise not open.⁶⁴ Following the USTR and Ex-Im announcements, the Overseas Private Investment Corporation (OPIC) announced that “following the election of President Ellen John Sirleaf and the conclusion of its long civil war,” it had “reopened its programs in Liberia for the first time since 1990” as part of an effort of “[r]eaffirming U.S. government support for Liberia.” OPIC provides political risk insurance and financing aimed at helping U.S. businesses invest in emerging markets and developing nations.⁶⁵ In mid-May 2006, the U.S. Trade and Development Agency (USTDA) announced a solicitation for a Definitional Mission that will “investigate and analyze potential electric power sector project opportunities in Liberia.”⁶⁶

Donor Cooperation

A Liberian donor cooperation conference is slated to be held in mid-February, 2007, in Washington, D.C.⁶⁷ The event is slated to review governance and fiscal

⁶² (...continued)
and S/2006/159, *op. cit.*, among others.

⁶³ USTR, “U.S. Reinstates Trade Preference Benefits for Liberia,” Feb. 22, 2006.

⁶⁴ Export-Import Bank, “EX-IM Bank Renews, Expands Africa Short-Term Insurance Initiative,” Feb. 10, 2006.

⁶⁵ OPIC, “OPIC Reopens Programs In Liberia,” Mar. 21, 2006.

⁶⁶ USTDA, *Pipeline* [Bi-Weekly E-Mail Update], May 12, 2006.

⁶⁷ Items to be reviewed include the status of peace consolidation, Liberia’s transition to (continued...)

achievements and challenges. The conference follows a similar one held in July 2006.

Legislative Branch

As discussed elsewhere in this report,⁶⁸ Liberia's current Congress could potentially play a more prominent role in governance than have its predecessors, in part because President Sirleaf's party does not enjoy a majority in either chamber of the legislature. Many Members are enthusiastic about their representative role and are determined to assertively exercise the constitutional powers and responsibilities of the legislature.⁶⁹ A range of challenges may, however, impede the realization of such goals. A key impediment is the relative inexperience of many of Liberia's legislators. Although a number of Members are professionals with varying private or public sector experience and a few served previously in the legislature as Members or staff, the vast majority have never previously held elected office and have no lawmaking or policy-making experience. In meetings attended by the author in July 2006, many Members expressed a need for instruction or information regarding the basic functions of being a legislator, the workings of the committee system, and the legislature's oversight, appropriations, authorizing, and constituent relations roles.

In many cases, Members are unable to turn to their personal staffs to provide expertise on legislative functions because, as is common across the public sector in Liberia, many staff lack appropriate training or job-specific skills. In many instances, the professional work of the legislature is carried out by university students, reportedly because pay levels are viewed as too low to attract trained, professional staff. In other cases, staff reportedly lack appropriate skills because they were hired "based solely on contacts and family relationships," with little regard to competence or training, "rendering [many offices...]dysfunctional."⁷⁰

⁶⁷ (...continued)

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

⁶⁸ See sections on "New Government: Prospects" and "Governance: Background."

⁶⁹ The following account draws from the author's observations; John Johnson and Robert Nakamura, *Liberia Legislative Needs Assessment*, Univ. at Albany, State Univ. of New York for U.N. Development Program-Liberia, Feb. 2006; parliamentary information by European Commission/Konrad Adenauer Foundation, SUNY; and news accounts. In July 2006, the author participated in a U.S. government mission to assess the needs and status of the Liberian legislature; the assessment team met with numerous Members of the Liberian legislature.

⁷⁰ Konrad Adenauer Foundation, *Background information on the National Legislature* (continued...)

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

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

Some Liberians, including some legislators, as well as outside observers are also concerned that legislators' lack of knowledge regarding their normative and constitutional roles as representatives of the public may cause some to seek use their offices for purposes of private gain, rather than to serve the public. Such concerns were highlighted in October 2006 when, just prior to the slated start of a U.S.-supported project to rehabilitate the Capitol building (see below), several Liberia news reports described acts of alleged "looting" of the Capitol building by some Members and staff of the legislature, who were reported to have removed and appropriated government property for personal use from the Capitol.⁷¹ Similar concerns reportedly arose in relation to legislative negotiations relating to the recently enacted forestry law reforms. According to informed observers, during talks prior to the passage of the forestry reforms, some legislators made remarks suggesting that they viewed a successful outcome of the reform process as being one in which they personally — as persons representing the public, in contrast to the general Liberian public itself — would directly benefit from processes at issue, such as the allocation of forestry concessions or revenues.

A certain amount of on-going public skepticism about government transparency in general may be attributable to public perceptions formed of the NTGL and of the transitional legislature, the decision-making conduct of which was often opaque and sometimes allegedly corrupt (see "Transitional Governance," above), and to

⁷⁰ (...continued)

Senior Staff Workshop, Mar. 13, 2006.

⁷¹ Although some legislators later explained that they had removed personal property prior to the rehabilitation project, press reports suggested that what was removed in many cases included physical fixtures, such as doors and windows, and publicly funded office equipment and furnishings.

widespread reports of corruption under previous Liberian governments. Such views may be spurred by on-going investigations of alleged corruption under the NTGL.⁷²

U.S. Legislative Assistance

To help overcome the challenges faced by the legislature, the United States is supporting a \$1.8 million USAID project to rehabilitate the Capitol and is providing legislative capacity-building assistance under a USAID-backed contracting coordination mechanism known as the Consortium for Elections Political Process Strengthening (CEPPS). Under CEPPS, the U.S. democracy-building organizations the National Democratic Institute (NDI) and the International Republican Institute (IRI) are undertaking assistance programs designed, in part, to help develop the capacity of the Liberian legislature. A third CEPPS participant, IFES (the elections technical assistance and democracy-building organization formerly known as the International Foundation for Election Systems) also pursues limited programs related to similar goals.

The NDI program centers on helping to bolster Members' constituent relations skills, strengthening the ability of committees to conduct open public meetings, improving legislative staff legislative drafting and reporting skills, coaching legislators, and rebuilding the legislature's research service. NDI has also been conducting assessments of constituent needs and views and the views of legislators, in part through questionnaires and in part through town hall-style meetings. IRI's program helps political parties to build their organizational and financial mobilization capacities, in part through the provision of a resource center that gives parties access to computers, photocopiers, reference materials, and other resources, and through political party trainings. It helps parties to develop party policy positions and messages and the ability to project such messages through communication and outreach strategies. It also fosters an effort aimed at promoting inter-party dialogue, known as the Inter-Party Consultative Committee, and sponsors civic advocacy skills-building workshops. Other IRI activities include focus group research and exit polling. IFES is pursuing a variety of civic education programs that, in part, bolster constituent interaction with legislators. Germany's Konrad Adenauer Foundation is also implementing a European Union-funded legislative strengthening program. The UNDP is tasked with coordinating the delivery of such donor assistance.

⁷² An audit of the NTGL performed by ECOWAS reportedly "points to a lot of criminal activities, criminal charges, malpractices, inefficiencies, [and] corruption of former officials in the Gyude Bryant administration, including chairman Bryant himself," according to the current information minister, Lawrence Bropleh. Bropleh's comments came in the wake of the detainment of two former NTGL officials, finance minister Lusinee Kamara and his deputy, Tugbeh Doe, in a \$9 million public funds corruption probe. See James Butty, "Liberia - Government Says Former Leader Could Face Charges," VOA News, Dec. 5, 2006; *The Analyst*, "Police Clutches Lusinee Kamara, Tugbeh Doe," Dec. 5, 2006; and Jonathan Paye-Layleh, "Liberia Charges Former Finance Minister with Stealing from Government," Associated Press, Dec. 4, 2006, among others.

Congressional Role

In addition to appropriating funds to assist Liberia, Congress is taking a direct role in supporting governance capacity-building in Liberia. In July 2006, following a visit by a congressional delegation and a parliamentary assessment by a House Democracy Assistance Commission (HDAC) staff team, Liberia was selected to participate in a multi-year HDAC partnership. HDAC partnerships provide “technical assistance to the parliaments of newly democratic countries on a peer-to-peer basis, with Members of Congress working with Members of Parliament and congressional staff working with their parliamentary counterparts.”⁷³

Taylor War Crimes Case

Trial

Former Liberian President Charles Taylor faces an amended, 11-count war crimes indictment first brought against him in 2003 by the Prosecutor of the Sierra Leone-based Special Court for Sierra Leone (SCSL).⁷⁴ The indictment alleges that Taylor, in contravention of applicable international and Sierra Leonean law, actively aided and abetted certain activities of the former the Revolutionary United Front (RUF), a now defunct Sierra Leonean rebel group, during its armed insurgency against the government of Sierra Leone.

On June 20, 2006, Taylor was transferred from the headquarters of the SCSL, in Freetown, Sierra Leone, to the prison premises of the International Criminal Court (ICC) in the Hague, the Netherlands, where he is slated to face trial by the SCSL. The ICC, with the agreement of the Dutch government, agreed to allow the SCSL to use ICC facilities in order to conduct the Taylor trial.⁷⁵ Dutch authorities agreed to allow Taylor to be tried on Dutch soil after Britain offered to imprison Taylor if he is convicted.⁷⁶ The SCSL will retain legal and institutional control over the Taylor case

⁷³ HDAC fact sheet, November 2006.

⁷⁴ The original indictment, dated March 3, 2003, approved on March 7, 2003, and unsealed on June 4, 2003, charged Taylor with 17 counts of war crimes, crimes against humanity, and other serious violations of international humanitarian law. The indictment was amended on March 16, 2006, to 11 counts to “ensure a more focused trial,” according to a statement by the prosecutor. The SCSL Prosecutor’s indictment is available online; see [<http://www.sc-sl.org/Taylor.html>].

⁷⁵ On the day that Taylor was taken into SCSL custody, the SCSL made a request to the Dutch government and to the ICC asking that the SCSL be permitted to use the Hague premises of the ICC while hearing Taylor’s trial. See SCSL Press and Public Affairs Office, “Special Court President Requests Charles Taylor be Tried in The Hague,” Mar. 30, 2006. The U.N. Security Council subsequently endorsed an agreement later reached between the Dutch government and the SCSL, after a memorandum of understanding was agreed between the SCSL and the ICC.

⁷⁶ The Netherlands agreed to accept Taylor’s transfer onto its territory on the condition that,
(continued...)

but will use the physical premises of the ICC in the Hague, the Netherlands, to conduct his trial and related hearings. Taylor's transfer to the Netherlands was made for reasons of security and to prevent potential instability in Sierra Leone and Liberia, where his trial could prove politically controversial and emotive.⁷⁷ The decision to transfer him to the Hague remains a topic of debate.

SCSL Status Conferences on Taylor's case took place on July 21, 2006, and September 22, 2006. A further one is scheduled to take place on January 26, 2007, and a tentative date for the start of his trial has been set for April 2, 2007.⁷⁸

Apprehension

Taylor was taken into the custody of the SCSL following his arrest on March 29, 2006, at a border checkpoint in the northern Nigerian state of Borno, as he tried to cross by road into Cameroon. He was apprehended by Nigerian security forces after fleeing the southern Nigerian city of Calabar, where he had lived with an entourage of aides and family members since August 2003, when he was given asylum by Nigeria's government. He reportedly fled on March 27, two days after Nigeria's government announced that Liberia was "free" to take Taylor "into its custody,"

⁷⁶ (...continued)

prior to the transfer, provisions be put in place to ensure that Taylor depart Dutch soil following his trial. It is not clear where Taylor might go if he is acquitted, but Dutch authorities will not, at present, permit him to remain in the Netherlands after he is tried. Britain's offer to imprison Taylor is subject to approval by its parliament, but prior to its proffer, the UK government reportedly consulted the political opposition, which agreed to support the proposal. Sweden's parliament had earlier passed legislation, "specifically because of the Charles Taylor case," that amended Swedish laws to enable it to imprison an SCSL convict. The Swedish government, however, had not formally offered to imprison Taylor if he were convicted, though it had reportedly considered doing so. See Netherlands Min. of For. Affairs, "War Crimes Suspect Charles Taylor Arrives in the Netherlands," June 20, 2006; UK Foreign Office, "Beckett: Charles Taylor Could Serve Prison Sentence in the UK," June 15, 2006; David Clarke, "Britain to Jail Liberia's Taylor If Convicted, Reuters, June 15, 2006; IRIN, "Sierra Leone: Taylor Prison Location Holding Up Trial," May 4, 2006. IRIN, "Liberia-Sierra Leone: Taylor Trial Could Go to Europe," Mar. 30, 2006; BBC, "Sweden Considers Taylor Detention," Apr. 6, 2006; Michelle Faul, "International Community Determined to Move Former Liberian President's Trial to The Hague," Associated Press, Apr. 4, 2006; and Karl Ritter, "Sweden, Austria Considering Request to Imprison Charles Taylor after Trial," Associated Press, Apr. 5, 2006, among others.

⁷⁷ Once the decision to transfer Taylor out of Sierra Leone had been made, the SCSL Prosecutor stated that the transfer of the Taylor trial to the Hague was "the only option" because the courts of the International Criminal Tribunal for the Former Yugoslavia or the International Criminal Tribunal for Rwanda (ICTR) — two institutional venues to which the transfer of the Taylor case was reportedly considered — are "too full." The ICTR is based in Arusha, Tanzania. The Prosecutor also stated that President Sirleaf had requested that Taylor's case be heard outside of Sierra Leone and the local Mano River sub-region. See SCSL, Office of the Prosecutor, "The Prosecutor's Meeting with Civil Society of Sierra Leone: The Prosecutor's Statement," Apr. 12, 2006, as well as U.N. Security Council resolution 1688 (S/RES/1688, June 16, 2006).

⁷⁸ SCSL, "Background," *Prosecutor vs. Charles Ghankay Taylor*, n.d., available online at [http://www.sc-sl.org] and verbal information from SCSL officials.

while not specifying how that end could or would be achieved, or moving to arrest him. The Nigerian statement came in response to an early March request by President Sirleaf that Nigeria to transfer Taylor to the custody of the SCSL, in order that he face the indictment against him.⁷⁹ After his capture, Taylor was extradited to Liberia in a Nigerian presidential jet. He was then immediately flown by UNMIL helicopter to the premises of the SCSL in Freetown, the capital of Sierra Leone, where he was taken into SCSL custody. On April 3 he was arraigned and pled not guilty, though he qualified his plea by questioning the SCSL's "jurisdiction over me, as the 21st President of the Republic of Liberia."⁸⁰

Trial in the Hague: Debate

There is debate over the implications for justice of transferring the trial to a venue outside of Sierra Leone or the continent of Africa.⁸¹ Some contend that Taylor should be tried in the country where his alleged crimes took place. Such an outcome, in this view, would demonstrate — both to victims and perpetrators of international human rights and laws of war violations in Sierra Leone and, by extension, neighboring Liberia — that accountability for such actions can be achieved in the same social and geographic contexts in which they were committed. Similarly, some contend that the didactic and symbolic value for the region of a local public trial would be greater than one undertaken abroad, in part because it would allow more direct and proximate access to the court proceedings by the local population. Sierra Leoneans lack widespread access to television and print media, particularly many of the western media sources that might — in contrast to the local Sierra Leonean press — possess the resources to cover a trial in the Hague. Some observers worry that if

⁷⁹ In early March 2006, published news reports alleged that the Liberian government had made a request to Nigeria for Taylor's extradition, but neither government would initially publicly confirm that such a request had been made. However, on March 16, 2006, Representative Jim Kolbe stated on the House floor that President Sirleaf had verifiably informed Representative Nita Lowey and himself that she had requested that Nigeria extradite Taylor (see *Congressional Record* (House), pp. H1097-H1098, Mar. 16, 2006). Nigeria later acknowledged that the request had been made. See Nico Colombant, "Nigeria Confirms Liberia Request for Taylor's Extradition," VOA, Mar. 17, 2006, *inter alia*.

⁸⁰ The arraignment hearing judge, however, reminded Taylor that the SCSL Appeals Chamber had in May 2004 decided that heads of state could be prosecuted before the SCSL. It had ruled in response to a motion by an attorney, acting on behalf of then-president Taylor, who requested that the court quash Taylor's indictment on the grounds that the court lacked jurisdiction to indict Taylor because he was a head of state at the time he was indicted. At Taylor's April arraignment, a court-appointed defense attorney for Taylor also requested that he be tried in Sierra Leone, to facilitate the logistics of bringing defense witnesses resident in the sub-region before the SCSL and to prevent their possible denial of visas to travel to a venue held in Europe. See IRIN, "Transcript of Charles Taylor's Plea on First Court Appearance," Apr. 4, 2006.

⁸¹ Human Rights Watch (HRW) has reviewed many of the arguments for and against transferring Taylor's case to the Hague and has made a number of related recommendations. See HRW, *Trying Charles Taylor in The Hague: Making Justice Accessible to Those Most Affected*, HRW Briefing No. 2, June 2006, as well as Howard Lesser, "In Sierra Leone, Mixed Reaction to Taylor's Trial Transfer," VOA, June 21, 2006, among other press analyses of the transfer.

local journalists are unable to cover the trial directly due to cost or other factors, Sierra Leoneans might be deprived of a key channel of information and analysis accessible to them in the local patois (Krio, an English-based Creole) and responsive to local concerns. Other factors cited in favor of holding a trial locally include concerns about the logistical, legal, financial, and bureaucratic barriers that an overseas venue might pose for witness participation in the trial, as well as for its general organization and staging.⁸²

Others argue that any factor that might spark political unrest or conflict — such as Taylor’s trial — should be avoided if at all possible, given the relatively fragile and recent transition to peace in Liberia and Sierra Leone, both of which have extended histories of political instability. In this view, moving the trial to the Hague would lessen the immediacy of any political controversy prompted by Taylor’s trial and undercut his ability to directly appeal to or rally his potentially armed followers, should he attempt to use the trial as a political platform. Some also maintain that holding the trial in a distant location would help Sierra Leoneans and Liberians overcome the legacies of war. A local trial, according to this point of view, might present too visceral a reminder of the wartime suffering that so many in these countries have recently begun to overcome. Many local residents are tired of war and its effects and want to “move past” their experiences of wartime brutality and focus on peace and socio-economic reconstruction.⁸³

Controversy Over Arrest and Extradition

Nigeria’s transfer of Taylor and the manner in which it was achieved were a matter of some controversy, and the facts surrounding his flight prior to his arrest remain unclear. Taylor was arrested at the remote customs and immigration checkpoint of Ngala, on the border with Cameroon. He was traveling in a jeep carrying diplomatic license plates and had with him two large boxes or sacks of U.S. and European currency. He was accompanied by a female relative, a child, a driver, and a local guide.⁸⁴ How he was able to travel to the northern frontier post from his compound in Calabar remains the subject of speculation. Calabar, the capital of the

⁸² The potentially higher costs of conducting a trial in the Netherlands may pose a particularly significant funding challenge to the SCSL. See IRIN, “Sierra Leone: New War Crimes Court President Pleads for Extra Funds,” May 25, 2006.

⁸³ Such sentiments might undercut calls made by some for a special court to try crimes committed during Liberia’s civil wars. See Catherine Maddux, “Hague Trial Could Mean Justice for More West African War Victims,” VOA News, Apr. 10, 2006 and IRIN, “Liberia: Youths Petition for War Crimes Court,” Apr. 11, 2006. Some observers have suggested that Sirleaf does not, in general, support prosecuting those who committed war time atrocities during the 1989-2003 civil wars. See Jeremy I. Levitt and J. Peter Pham, “Liberia Must Confront its Past If It Wants a Brighter Future,” *The Baltimore Sun*, December 8, 2005, which quotes Sirleaf as stating consistently that she does “not support any war crime tribunal in Liberia,” because such tribunals might reignite old antagonisms and conflict.

⁸⁴ IRIN, “Taylor Captured By Nigerian Police,” Mar. 29, 2006 and Abdullahi Bego, Joe Oroye, and Bassey Ita, “How Charles Taylor Was Arrested,” *Daily Trust* (Nigeria), Mar. 30, 2006, among others.

southeastern state of Cross River, was his place of exile for nearly three years. Cross River state officials had been charged by Nigeria's federal government with hosting Taylor and ensuring his protection, and had insisted just prior to Taylor's flight that he was well-monitored.⁸⁵ Journalists, however, reported that in the days before Taylor fled, members of his entourage had begun to depart the Taylor compound in Calabar and that Nigerian security personnel who had normally guarded it had left their posts.⁸⁶

Taylor's flight, Nigeria's Information Minister said, had "shocked" President Obasanjo, who later stated that the act was an "abuse of our hospitality" by Taylor, who he characterized as "neither a friend of the President of Nigeria nor that of its people."⁸⁷ Obasanjo reportedly responded to Taylor's getaway by ordering the arrest of Taylor's aides, the detention of 22 police officers charged with guarding him, and an "aggressive and comprehensive search" for Taylor to ensure that he did not depart Nigeria. He also appointed an investigatory and advisory panel to probe Taylor's "disappearance," though it was disbanded after Taylor's capture.⁸⁸

Various accounts of how Taylor was able to flee Calabar have been published, some speculating that elements of the Nigerian government may have played a role.⁸⁹ Such speculation may be attributable to its long-standing reluctance to commit to transferring Taylor to the SCSL. When the Nigerian government, under U.S. and other international pressure, agreed to provide him with refuge in August 2003, it had stated that it was doing so to aid the Liberian peace process and would not countenance later pressure to extradite Taylor.⁹⁰ It also later stated that it would only

⁸⁵ George Onah, Charles Ozoemena, John Ighodaro, and Tunde Sesan, "Taylor Escapes," *Vanguard*, Mar. 29, 2006; John Ighodaro, "Taylor's Escape No Surprise to Foreign Observers," *Vanguard*, Mar. 29, 2006; and *Mail and Guardian*, "Nigeria orders arrest of Taylor's aides," Mar. 28, 2006.

⁸⁶ Anietie Akpan and Francis Obinor, "Taylor's relations, aides leave Calabar," *The Guardian* (Nigeria), Mar. 24, 2006 and Robyn Dixon and Hans Nichols, "Taylor to Face War Crimes Charges," *Los Angeles Times*, Mar. 29, 2006. As late as March 23, there were reportedly as many as 66 Taylor aides and extended family members at the compound. John Ighodaro, "Charles Taylor, 66 Aides Counted," *Vanguard*, Mar. 27, 2006.

⁸⁷ *Statement by His Excellency, President Olusegun Obasanjo, GCFR, President, Federal Republic of Nigeria on the Circumstances Surrounding the Disappearance of Mr Charles Taylor*, Washington DC, Mar. 29, 2006.

⁸⁸ Michelle Faul, "Ex-Liberian Warlord Disappears in Nigeria," Associated Press, Mar. 28, 2006; *Mail and Guardian*, "Nigeria orders arrest of Taylor's aides," Mar. 28, 2006; Vincent Nwanma, "Nigeria Orders Agents Arrested Over Taylor's Disappearance," Dow Jones Newswires, Mar. 28, 2006.

⁸⁹ Michelle Faul, "Ex-Liberian Warlord Disappears..."; Michelle Faul, "Evangelist: Charles Taylor says Nigerians told him to flee, Nigeria's Obasanjo betrayed him," Associated Press, Apr. 2, 2006, and IRIN, "Taylor Captured By Nigerian Police," Mar. 29, 2006; and Felix Onuah, "Nigeria rejects Taylor death plot allegation," Reuters, Apr. 5, 2006, among others.

⁹⁰ In a March 30, 2006 statement while in the United States, Obasanjo stated that "I took great political risk in offering to host Mr. Taylor on behalf of the international community

(continued...)

agree to turn Taylor over to an elected Liberian government at the latter's request, and not to the SCSL directly.⁹¹ Many human rights groups took issue with these positions. They argued that Nigeria, a member of the SCSL's management committee, had an obligation to cooperate with the court, and that Taylor's continued asylum perpetuated a "culture of impunity" for human rights abusers in Africa.⁹² Pressure for extradition grew as reports emerged that Taylor, who was living in what many accounts described as luxurious circumstances, had extensively violated a Nigerian requirement that in return for asylum, he disengage from involvement in Liberia's politics and internal affairs, either directly or through proxies.⁹³ Such pressure, including more direct U.S. admonitions in favor of extradition, increased following Liberia's successful conduct of peaceful elections, but Nigeria's reluctance

⁹⁰ (...continued)

and humanity to avoid continued bloodshed in Liberia even in the face of allegations of his [Taylor's] complicity in the death of some Nigerians in his country." *Statement by His Excellency...*, Mar. 29, 2006.

⁹¹ Nigeria, speaking on behalf of ECOWAS also contended that any decision relating to Taylor's extradition would require the assent of governments in the region. In mid-2005, at least three members of ECOWAS, Sierra Leone, Liberia and Guinea, had formally urged that such consultations occur. In July 2005, the three countries, acting in their capacity as the constituent members of the Mano River Union, issued a joint communiqué suggesting that Nigeria should review the terms of Taylor's asylum or refer consideration of his status to the ECOWAS Heads of State. See *Agence France-Presse*, "Backed by Neighbors, Liberia Requests Taylor Handover to Sleone War Court," July 29, 2005. The role of non-African members of the international community regarding Taylor's case was contested by some. In mid-November 2005, ECOWAS peace mediator and former Nigerian head of state Abdulsalami Abubakar rejected a call by the European Union, a major donor to Liberia, for the Sirleaf government to call for Taylor's transfer. He stated that any decision on Taylor's status was "beyond the scope of the European Union" and that such a proposition did "not meet the support of ECOWAS." See Hans Nichols, "Liberian President to Ask Nigeria to Hand over Charles Taylor to War Crimes Court," Associated Press, Jan. 20, 2006; *Agence France-Presse*, "Taylor's Indictment Not Immediate Priority: Sirleaf," Jan. 27, 2006; SAPA-DPA, "Sirleaf Addresses Taylor War Crimes Issue," Nov. 20, 2005; BBC News, "Liberian Taylor's Fate Discussed," Nov. 30, 2005; and Ann Curry, "Interview: Liberian President Ellen Johnson Sirleaf Discusses Her Election and Plans for Liberia," NBC News: *Today*, Jan. 16, 2006.

⁹² Other observers of Liberian affairs argued that Taylor's asylum in Nigeria remained the best way to ensure continued stability in Liberia. Further background and information about debate surrounding Taylor's extradition and the case against him are contained in CRS Report RL32243, *Liberia: Transition to Peace*, by Nicolas Cook. It provides background on Taylor's indictment; issues pertaining to his departure from Liberia and political power; and his alleged involvement in illicit diamond trading and links with Al Qaeda. The latter issues are also covered in CRS Report RL30933, *Liberia: 1989-1997 Civil War, Post-War Developments, and U.S. Relations*, and CRS Report RL30751, *Diamonds and Conflict: Background, Policy, and Legislation*, both by Nicolas Cook.

⁹³ Taylor was reported on multiple occasions to have been in cell phone-based contact with political and business allies in Liberia, and to be have been involved in efforts to influence political events and outcomes in Monrovia and call in old business and political debts. See Douglas Farah and Shaoli Sarkar, *Following Taylor's Money: A Path Of War And Destruction, Coalition for International Justice*, May 2005, as well as multiple U.N. and press reports.

to surrender Taylor remained steadfast until he fled. Its position was highlighted after it acceded to Liberia's formal request for Taylor's extradition. Following Nigeria's announcement that Liberia was "free" to take Taylor "into its custody," human rights groups and other interested parties, including some members of Congress, called on Nigeria's government to secure Taylor and prevent him from fleeing. The SCSL prosecutor also again formally requested that Nigeria's government arrest Taylor. The Nigerian government, however, contended that it had not received such a request, and refused to arrest Taylor; a Nigerian presidential spokesperson stated that "our job is done" and that "Taylor is not a prisoner here."⁹⁴

Some observers believe that Nigeria's position may have been driven by hesitancy on the part of President Obasanjo to alter his original commitment to Taylor, then a fellow elected regional head of state, possibly due to a fear that in the future other leaders might doubt Obasanjo's word. Others have suggested that Obasanjo did not want to establish or help to legitimate a precedent that might facilitate the indictment on international human rights violations of other African heads of state, as a matter of principle, given that many African governments are accused of serious human rights abuses. Another interpretation of Obasanjo's motives, given his government's extensive involvement in regional conflict mediation and management efforts, is that he did not want to create a precedent that might cause belligerents in future conflicts, including those accused of human rights abuses, to become averse to accepting negotiated ends to their disagreements.⁹⁵

Another factor that some believe may have played a part in Taylor's capture was the possibility that a scheduled meeting on March 29, 2006, between President Obasanjo and President Bush would have been canceled. According to some reports, the fact that Taylor had disappeared on Nigerian territory — after the Liberian government, backed by the United States (see below), had requested his extradition — had imperiled the meeting.⁹⁶ Several Members of Congress issued statements calling on President Bush to cancel the meeting if Taylor were not produced. Taylor's capture, however, was announced hours before the meeting was to begin, and it was held as scheduled, a fact that some analysts suggest may be more than

⁹⁴ Michelle Faul, "War tribunal urges Nigeria to arrest Liberian warlord Charles Taylor," Associated Press, Mar. 25, 2006; *Agence France-Presse*, "Obasanjo agrees to surrender Charles Taylor: official," Mar. 25, 2006; and *Agence France-Presse*, "Nigeria Rebuffs Call to Detain Taylor, Says: 'Our Job Is Done'," Mar. 27, 2006, among others.

⁹⁵ Other, more speculative interpretations have been proposed; they include the possibility that Taylor might hold information potentially damaging to the Nigerian or other governments, or that Taylor had some sort of financial relationship with key Nigerian officials.

⁹⁶ In comments, a White House spokesman, while not directly addressing whether or not the meeting would be held, stated that "[W]e are looking for answers from the Nigerian government about the whereabouts of Charles Taylor... It is the responsibility of the Nigerian government to see that he is conveyed to the Special Court for Sierra Leone. We expect the government of Nigeria to fulfill this commitment." See White House, Press Briefing by Scott McClellan, Mar. 28, 2006. According to an account by a former SCSL official, National Security Advisor Stephen Hadley warned President Obasanjo that the meeting would be called off unless Taylor was apprehended.

coincidental, though none have offered evidence proving, as they imply, that the Nigerian government may have stage-managed Taylor's capture.

SCSL: U.S. Views and Assistance

The United States strongly supports the SCSL's mandate to try those responsible for war crimes in Sierra Leone. The court is also seen by some as providing an alternative institutional model to the International Criminal Court and is viewed as a smaller, leaner organization compared to the more administratively extensive and costly international criminal tribunals for the former Yugoslavia and Rwanda. Congress has appropriated \$35 million to date in funding for the SCSL.

There is some congressional support for an FY2007 U.S. contribution to the SCSL. H.R. 5522, as reported by the Senate Committee on Appropriations, states that \$12 million in FY2007 ESF funds "should" be made available to the SCSL. Support for such a goal was also expressed by several Members of both chambers in an October 2006 letter that respectfully requests that the Chairs and Ranking Members of the House and Senate Appropriations subcommittees with jurisdiction over foreign operations include \$12 million in FY2007 U.S. funding for the SCSL. In contrast to the Senate Committee-reported version of H.R. 5522, the House-passed version of H.R. 5522 does not contain a provision designating a specific level of FY2007 funding for the SCSL.

A total annual level of potential funding for the SCSL in FY2007 has not yet been appropriated. Foreign Operations programs are currently operating under the terms of a continuing appropriations resolution (H.R. 5631/P.L. 109-289, as amended by subsequent continuing resolutions), which provides funding at the FY2006 level, including the FY2006 supplementals for recurring need, or the House-passed FY2007 level, whichever is less. The current continuing appropriations resolution, H.J.Res. 102, expires on February 15, 2007. In FY2006, the total regular and supplemental appropriation for the ESF account, the account under which the SCSL was funded in FY2006, was higher than that in the House appropriation for FY2007 (i.e., that in H.R. 5522, as passed by the House), suggesting that the House-passed version of H.R. 5522 may determine the final level of FY2007 ESF funding levels, unless Congress sets a new level upon the expiration of H.J.Res. 102.⁹⁷ According to a State Department official whom the author of this report consulted, the Department will not be in a position to propose or determine any potential level of total annual funding for the SCSL prior to congressional passage of an overall annual ESF appropriation.

⁹⁷ See CRS Report RL33420, *Foreign Operations (House)/State, Foreign Operations, and Related Programs (Senate): FY2007 Appropriations*, by Connie Veillette, Susan B. Epstein, and Larry Nowels.

Table 2. U.S. Assistance for the SCSL to Date
(\$ millions)

Account ^a	Amount	Fiscal Years by Appropriation and Obligation
DFA	3	“No-year” funds de-obligated from prior year funds (Funds provided in FY2001)
ESF	2	FY2000 (Provided in FY2001)
ESF	5	FY2002 (Provided in FY2002)
ESF	10	FY2003 (\$5 million provided in FY2003 and \$5 million in FY2004)
K Fund	2	FY2005 (Provided in FY2005)
ESF	13	FY2006 (Provided in FY2006)
Total to Date	35	
ESF	12	<i>Potential</i> FY2007 funding, as reflected in, H.R. 5522, as reported in the Senate*
Potential Total through FY2007	47	

Source: State Department. K Fund: Emergencies in the Diplomatic and Consular Service; DFA: Development Fund for Africa; ESF: Economic Support Fund.

- a. As noted above, the Special Court may receive funding in FY2007 at the FY2006 level, i.e., \$13 million, minus any potential rescissions or other appropriation qualifications.

There has been occasional friction, however, between the Administration and the SCSL with regard to the effect that certain of the court’s actions have had on political events and U.S. policy goals in West Africa. Some State Department officials in private, for instance, questioned the political prudence of certain actions taken by former SCSL Prosecutor, David Crane, such as his unsealing of the indictment against Taylor at a critical juncture during peace talks in June 2003. Some also questioned the accuracy of his assertions that Taylor abetted Al Qaeda operatives’ purchases of Sierra Leonean diamonds; that Taylor sponsored the January 2005 attempted assassination of President Lasana Conté of Guinea; and that Taylor had traveled outside of Nigeria while in exile. Such reservations may, in part, explain the SCSL’s failure to obtain authority under Chapter 7 of the U.N. Charter, which would oblige U.N. member states to cooperate with the SCSL. However, on November 11, 2005, the U.N. Security Council passed Resolution 1638, which authorized UNMIL to arrest Taylor were he to return to Liberia, as it did on March 29.

Despite continuing U.S. support for the SCSL, some critics faulted the Administration for not pushing harder to obtain the extradition of Taylor from Nigeria after the latter provided him with asylum in August 2003. Following Nigeria’s action, Administration officials periodically called for Taylor to “face justice,” usually in response to questions from the press. Administration spokesmen maintained that the Nigerian and U.S. governments were “engaged” in talks about Taylor and his activities and about how “to address the matter,” but generally offered few specific or concrete suggestions on how Taylor might be “held to account for the

crimes he has committed.”⁹⁸ In 2006, however, the United States began to pursue this goal more urgently, explicitly, and directly. During a telephone call to congratulate Sirleaf on her electoral victory, President Bush reportedly expressed support for bringing Taylor to justice so that “he can no longer threaten the people of Liberia and the region of West Africa,” though he did not specify a venue where such a goal could be achieved.⁹⁹ At a February 8, 2006, House Committee on International Relations hearing on Liberia entitled *The Impact of Liberia’s Election on West Africa*, State Department Assistant Secretary for Africa Jendayi Frazer stated that “the U.S. Government has consistently maintained that Taylor must be brought to justice before the Special Court” and had relayed that message to the Sirleaf administration. She added that the time for his extradition “is now,” following the establishment of a duly-elected Liberian government. However, she also portrayed Taylor as a largely spent political force. At a February 16, 2006, House Committee on International Relations Hearing on the Fiscal Year 2007 International Affairs Budget, Secretary of State Condoleezza Rice portrayed him as representing a more pressing potential threat. She stated that

we believe very strongly that he ought to be brought to justice and that he ought to be brought to justice as soon as possible. We will work with all parties concerned to see that happen. He is a danger. He needs to be brought to justice [...] not just for reasons of reconciliation and justice, but because we don’t want him in a capacity or a capability to come back. And so I think there’s a very strong interest and there should be a very strong interest in the Liberian government — also the African states that helped to arrange his ouster — to see this resolved. And so you can be sure that it is the policy of the United States to pursue that.

Sirleaf and the Taylor Case

Taylor’s SCSL case and extradition are delicate matters for President Sirleaf, because her government was not party to his asylum deal or indictment, but was charged with resolving issues arising from them. Another concern is the hypothetical possibility that the stability of her government could potentially be undermined if Sirleaf were to alienate or anger supporters of former President Taylor, particularly

⁹⁸ See, e.g., State Department, Daily Press Briefing, May 5, 2005 and White House Press Briefing, May 5, 2005. In 2005, at least one State Department official did publicly call on Nigeria to hand Taylor over to the SCSL directly (Daniel Balint-Kurti, “Wanted for War Crimes, Liberia’s Ex-president Hunkers down in Nigerian Exile,” Associated Press, May 31, 2005). Some had suggested that the United States should honor Nigeria’s conditions for accepting Taylor after it agreed to accept Taylor following President Bush’s publicly stated contention in 2003 that “Taylor must go” (White House, Press Conference of the President, “President Bush Discusses Top Priorities for the U.S.,” July 30, 2003), and defer to Nigeria’s views on the matter, given its central role as a regional peacekeeping and political mediating power. Howard F. Jeter, former U.S. ambassador to Nigeria, stated that “President Obasanjo acted with our full knowledge and concurrence” in testimony before the House Committee on International Relations at a hearing entitled *Confronting War Crimes in Africa* on June 9, 2004.

⁹⁹ State Department, “Bush Congratulates Liberian President-Elect,” *Washington File*, Nov. 30, 2005.

given that he is a former warlord who won the presidency with 75.3% of the vote in 1997, and whose formerly armed supporters had a reputation for brutality. Prior to her mid-March 2006 visit to the United States, Sirleaf had stated that her administration would eventually seek the repatriation of former president Charles Taylor from Nigeria or his transfer to the SCSL under certain conditions. These included consultations with and the assent of “regional leaders who managed the process of leading to his exile;” accommodation for certain unspecified timing considerations; and a transfer process that would “not undermine the security” of Liberia. She also reportedly said that she did not view it as an immediate priority. She specifically stated that any solution would require the concurrence of the European Union, the African Union, and West African leaders, with whom she met during a regional pre-inauguration consulting tour, in part intended to address “certain national and regional sensitivities.”

Notwithstanding these statements, in early March 2006, published press reports suggested that the Sirleaf administration was in talks with the Nigerian government regarding Taylor’s possible extradition from Nigeria and that President Sirleaf had made a formal request toward that end to the Nigerian government. Her government, however, publicly denied that a formal extradition letter had been given to the Nigerian government — though Liberian Information Minister Johnny McClain confirmed the existence of a “briefing note” on this topic.¹⁰⁰ At various fora during a mid-March state visit to the United States, however, Sirleaf confirmed that a request had been made. She also said that his extradition would need to happen promptly, given the fragility of Liberia’s peace and the potentially significant influence of Taylor in Liberia, and that any decision taken by the international community would have to “ensure that the safety of the Liberian people and the stability of our nation is not undermined.” She also observed that “Taylor was not indicted in a Liberian court ... he was indicted in the [SCSL] supported by the United Nations. This is why we say the resolution of this must be in accordance with the United Nations and the international community.”¹⁰¹ She further stated that international pressure “constraining our effort to ... raise the resources that we need for our development” had, in part, motivated her to request that Nigeria extradite Taylor.¹⁰² She said, however, that such pressure had been “unfair” and that the

¹⁰⁰ Tom Ashby and Alphonso Toweh, “Liberia denies asking Nigeria to extradite Taylor,” Reuters, Mar. 13, 2006.

¹⁰¹ Some observers, including the Special Assistant to the SCSL Prosecutor and human rights activists, asserted that there was no need for Nigeria to consult African Union or Economic Community of West African States (ECOWAS) leaders regarding the potential extradition, as the Nigerian government had contended was necessary. See Robyn Dixon, “Liberia Seeks Extradition of Indicted Ex-Leader,” *Los Angeles Times*, Mar. 18, 2006.

¹⁰² Prior to confirmation of Sirleaf’s extradition request to the Nigerian government, some in Congress had suggested that the continued provision of substantial U.S. development aid to Liberia would need to be conditioned upon her making such a request. During the February 8, 2006, House Committee on International Relations hearing on Liberia, Representative Royce, after outlining diverse reasons why Taylor should be promptly extradited, stated that “[t]his friend of Liberia has very little interest in providing more [U.S. assistance] money to rebuild Liberia until its President brings Taylor — a known force for (continued...)

Nigerian government and international community should have resolved the issue “long before” her administration took office.¹⁰³ In a March 30 statement to the Liberian people on Taylor’s transfer to the SCSL, Sirleaf welcomed the return to Liberia of the members of Taylor’s entourage of supporters who had lived with him in Nigeria, and warned that anyone who attempted to use Taylor’s transfer as the basis for insurrection would be dealt with harshly.¹⁰⁴

Case of “Chuckie” Taylor

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

Hours after his sentencing, Belfast pled not guilty to an indictment brought against him by a U.S. federal Grand Jury, which charged him with torture, conspiracy to torture, and of using a firearm during an act of violent crime. These crimes were allegedly committed during the 2002 torture in Liberia of an abductee, a putative political opponent of the Taylor government, while Belfast was serving as the head of the Liberian Anti-Terrorist Unit (ATU) during his father’s tenure as president. The ATU was a state security unit under former President Taylor that was staffed primarily by members of Taylor’s former civil war faction. Belfast’s putative acts of torture involved burning, electrical shock, and other violence against the victim, and were allegedly undertaken in concert with a further interrogation of the victim at the residence of a co-conspirator, who was then a member of Liberia’s Special Security Service. The indictment reportedly comprises the first-ever charge brought under a statute that allows U.S. courts to hear criminal cases involving acts of torture committed abroad by U.S. nationals or any person present in the United States. Although Belfast was indicted for allegedly torturing one person, after his indictment

¹⁰² (...continued)

destruction — one step closer to justice by calling on Nigeria’s President to send him to the Special Court.” He voiced similar sentiments during consideration of H.R. 4939 (later enacted as P.L. 109-234); see *Congressional Record* (House), Mar. 16, 2006, p. H1097. Royce introduced H.Con.Res. 127, passed in May 2005, which urged that Nigeria transfer Taylor to the SCSL.

¹⁰³ U.N., “Press Conference by Liberia’s President,” Mar. 17, 2006. Some have echoed Sirleaf’s views, criticizing what they see as the unfair conditioning of assistance to Liberia on the Sirleaf government’s request for Taylor’s extradition, given that the Sirleaf administration was not a party to Taylor’s indictment or to the arrangements leading to his exile in Nigeria. Interview with Emira Woods, Institute for Policy Studies, *BBC World News*, Mar. 17, 2006.

¹⁰⁴ Nation-wide Address By Her Excellency Ellen Johnson Sirleaf, President of the Republic of Liberia, Mar. 30, 2006, via [<http://AllAfrica.com/>].

he was publicly accused of having committed multiple other acts of torture or illegal beatings in his capacity as a security official by self-identified victims of such acts.¹⁰⁵

The torture charges were brought against Belfast after the advocacy group Human Rights Watch (HRW) urged that the United States investigate him “for torture and war crimes.” HRW asserted that Belfast had committed “egregious abuses such as burning Liberian civilians alive [...] from approximately 1997 through at least 2002, most notably while he headed the notorious ... ATU”; HRW had strongly urged the Justice Department to invoke against Belfast the statutes that it ultimately used for that purpose. HRW also submitted a dossier to the Justice Department in support of its allegations against Belfast.¹⁰⁶ Like former President Taylor and many of his associates, Belfast is subject to a U.S. asset freeze under Executive Order 13348 (July 22, 2004) and to a United Nations travel ban. These measures were originally imposed to halt support by the Taylor government for the Revolutionary Front of Sierra Leone (see “Taylor Case,” above). Some press reports suggest Belfast may have abetted such activities.¹⁰⁷

U.S. and Congressional Focus

The United States has voiced support for President’s government since she took office. U.S. First Lady Laura Bush and Secretary of State Rice, among other prominent U.S. guests, attended President Sirleaf’s inauguration. Their presence, Sirleaf stated in her inaugural speech, “manifests a renewal and strengthening of the long-standing historic special relations which bind our two countries and peoples.” She also stated that it “reflects a new partnership with the United States based on shared values” and that Liberians are “confident that we can continue to count on the assistance of the United States [...] in the urgent task of rebuilding of our nation.”

¹⁰⁵ See Immigration and Customs Enforcement (ICE), “Roy Belfast Jr. AKA Chuckie Taylor Indicted on Torture Charges/First-Ever Torture Charges,” Dec. 6, 2006; and R. Jeffrey Smith, “Anti-Torture Statute Used to Indict Son of Liberia’s Ex-Leader,” *Washington Post*, Dec. 7, 2006; and IRIN, “Liberia: Speaking Out About Taylor’s Son,” Dec. 13, 2006, among others.

¹⁰⁶ Curt Anderson, “Son of Ex-Liberian President Admits Passport Fraud,” Associated Press, Sept. 15, 2006; verbal communication from U.S. Attorney’s office, Nov. 28, 2006 and Dept. of Justice press release, Sept 15, 2006; Curt Anderson, “Activists Want Charles Taylor’s Son Tried for War Crimes, Torture,” Associated Press, Aug. 6, 2006; HRW, “U.S.: Investigate Taylor’s Son for Torture, War Crimes,” May 26, 2006; and James Rupert, “Diamond Hunters Fuel Africa’s Brutal Wars; In Sierra Leone, Mining Firms Trade Weapons and Money for Access to Gems,” *Washington Post*, Oct. 16, 1999, among others.

¹⁰⁷ See U.S. Treasury, Office of Foreign Assets Control (OFAC), *Liberia Sanctions*, [<http://www.treas.gov/offices/enforcement/ofac/programs/liberia/liberia.shtml>] and U.N., *Security Council Committee Established Pursuant to Resolution 1521 (2003) Concerning Liberia*, [<http://www.un.org/Docs/sc/committees/Liberia3Template.htm>].

President Sirleaf made an official visit to the United States in March 2006, during which she addressed a joint session of Congress on March 15¹⁰⁸ and met with President Bush on March 21. She reportedly closely consulted with U.S. officials regarding her priorities for Liberia and the status of Charles Taylor. During a pre-inaugural December 2005 trip to the United States, Sirleaf also met with key U.S. and international financial institution officials.¹⁰⁹

Congress has long monitored developments in Liberia. Most recently, in February 2006, the Subcommittee on Africa, Global Human Rights and International Operations of the House Committee on International Relations (109th Congress) held a hearing on Liberia entitled *The Impact of Liberia's Election on West Africa*. The 109th Congress and its immediate two predecessors closely monitored the status of Charles Taylor, beginning with his resignation in 2003. With a few exceptions, these Congresses have consistently strongly supported the SCSL and the implementation of its mandate. The 109th Congress passed laws (P.L. 108-199 and P.L. 108-106) urging that SCSL indictees, like Taylor, be transferred to the court, and in May 2005, the House and Senate passed H.Con.Res. 127 (Royce), which urges the same outcome.¹¹⁰ P.L. 109-102, the FY2006 Foreign Operations Appropriations bill, reaffirmed congressional support for the court. It imposed FY2006 obligation restrictions on some types of assistance under certain conditions for countries in which SCSL indictees “are credibly alleged to be living” unless such countries cooperate with the SCSL, including by transferring such indictees to the court. It specifically would have barred assistance to Nigeria unless the President were to have reported to the Committees on Appropriations on steps taken in FY2003 through FY2005 to obtain Nigeria’s cooperation in surrendering Taylor to the SCSL and a strategy and time line for achieving that purpose. It further required that the United States support efforts within the U.N. Security Council to obtain the transfer of SCSL indictees into the custody of the court. H.Amdt. 480 (Watson) to H.R. 2601, the FY2006-FY2007 foreign relations authorization act, also would have required the Administration to seek the expeditious transfer of Taylor to the SCSL for trial.

Recent Congresses have provided substantial support for Liberia’s rebuilding and peace building processes; U.S. assistance is summarized in **Table 3**. An Administration Economic Support Fund (ESF) FY2006 budget request for \$75 million for Liberia was not included in P.L. 109-102 (formerly H.R. 3057, Kolbe, the FY2006 foreign operations appropriations bill, which mandates special congressional notification for the expenditure of funds used to assist Liberia). Additional FY2006 ESF funding for Liberia was, however, provided under P.L. 109-234, formerly H.R. 4939 (Jerry Lewis), the Emergency Supplemental Appropriations Act for Defense,

¹⁰⁸ *Congressional Record* (House), pp. H996-H998, Mar. 15, 2006.

¹⁰⁹ Reed Kramer, “Showered With Enthusiasm, Liberia’s President-Elect Receives High-Level Reception in Washington,” *AllAfrica.com*, Dec. 11, 2005, *inter alia*. During a March 20 appearance with Sirleaf, World Bank President Paul Wolfowitz reportedly announced that the World Bank would provide \$25 million for a road-building fund for Liberia and stated that he was seeking debt forgiveness for Liberia by the World Bank, the IMF, and the African Development Bank. See VOA, “World Bank Commits \$25 Million to Liberian Infrastructure Fund,” Mar. 21, 2006.

¹¹⁰ The European Parliament passed a similar resolution in February 2005.

the Global War on Terror, and Hurricane Recovery, 2006. It appropriated \$63.8 million in assistance for Liberia, in the form of \$50 million in ESF and \$13.8 million in Migration and Refugee Assistance funds.¹¹¹

Other congressional interest in Liberia in the 109th Congress focused on Liberia-related immigration and debt issues, and several other matters. H.R. 257 (Jackson-Lee), H.R. 2092 (Jackson-Lee), H.R. 3450 (Patrick Kennedy), and S. 656 (Reed) would have given permanent U.S. residence status to qualified Liberians resident in the United States, among other measures, as would have S.Amdt. 452 (Reed) to H.R. 1268 (Jerry Lewis).¹¹² H.R. 1130 (Waters) would have enacted various measures intended to reduce the national debts of certain poor countries, including Liberia, and have encouraged their governments to fund social services. Two concurrent resolutions, H.Con.Res. 327 (Eddie Bernice Johnson) and H.Con.Res. 313 (Payne), would have commended Liberia for successfully conducting elections and congratulated President Sirleaf for her electoral victory. S. 779 (Dorgan), A Bill to Amend the Internal Revenue Code of 1986 to Treat Controlled Foreign Corporations Established in Tax Havens as Domestic Corporations, would have designated Liberia as a “tax-haven country,” allowing the Internal Revenue Code to treat certain foreign corporations created or organized under Liberian law as U.S. domestic corporations for tax purposes.

FY2007 Appropriations

Most U.S. assistance to Liberia appropriated by the 109th Congress would have been funded under H.R. 5522 (Kolbe), the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2007. As discussed previously (see “SCSL: U.S. Views and Assistance”), a full-year FY2007 Foreign Operations appropriation,

¹¹¹ The ESF funds were initially added after the House Appropriations Committee adopted by voice vote an amendment offered by Representative Jesse Jackson, Jr., to provide \$50 million in Economic Support Fund (ESF) assistance for Liberia. The vote took place during a March 8, 2006, House Appropriations Committee markup hearing on President Bush’s FY2006 Emergency Supplemental request for other humanitarian assistance. The committee recommended that of the ESF funds, \$30 million be used for emergency employment activities to strengthen security and build roads; \$10 million be used to establish an electricity grid; and \$10 million be used for demobilization and reintegration of ex-combatants. The House passed H.R. 4939, as amended, on March 16. On April 5, the Senate Committee on Appropriations reported an amendment to H.R. 4939 in the nature of a substitute (see S.Rept. 109-230) that maintained the same levels of assistance for Liberia as the House-passed bill. No further funds for Liberia were added to H.R. 4939 during Senate floor consideration of the bill, which was passed by the Senate on May 4 with non-Liberia-related amendments. On the same day, the Senate insisted on its amendment and asked for a conference with the House. The conference committee maintained the \$63.8 million funding level for Liberia.

¹¹² In August 2005, the Department of Homeland Security extended the designation of Liberia for Temporary Protected Status (TPS) by 12 months, from October 1, 2005, until October 1, 2006. TPS is a temporary “safe harbor” immigration status granted to qualified nationals of some countries affected by ongoing armed conflict, natural disaster, or other difficulties. See CRS Report RS20844, *Current Immigration Policy and Issues*, by Ruth Ellen Wasem and Karma Ester.

under which most assistance for Liberia would be funded, has not yet been passed. Foreign Operations programs are operating under the terms of a continuing appropriations resolution (H.R. 5631/P.L. 109-289, as amended by subsequent continuing resolutions). It provides funding at the FY2006 level, including the FY2006 supplementals for recurring need, or the House-passed FY2007 level, whichever is less. The most recent extension and amendment of H.R. 5631, H.J.Res. 102, expires on February 15, 2007. The total level of potential FY2007 U.S. assistance to Liberia and the SCSL will not be known until the 110th Congress finalizes FY2007 appropriations, which many expect may take the form of an extended CR.¹¹³

Senate Consideration

H.R. 5522, as reported by the Senate Committee on Appropriations (109th Congress), did not itself specifically address funding levels by account for Liberia, but the Committee's accompanying report, S.Rept. 109-277, did. The Committee's recommendations, which total \$92.698 million and reflect an increase of \$2.753 million over the Administration's budget request, are contained in **Table 4**, below. In addition to setting recommended country assistance levels, the committee's report also laid out a range of policy views and expectations. In the report, the committee stated "its strong support for much needed political, legal, security and social reforms in Liberia, and [that it] encourages President Ellen Johnson-Sirleaf to continue to advance an aggressive reform agenda." It also reported that it "expects the Government of Liberia to make the management of natural resources and anti-corruption programs top priorities," noting that "Liberia is one of Africa's most resource rich countries, which, if managed wisely and in a fully transparent manner, could generate much needed state revenue." The Committee also stated that "In addition to other health and development programs, the Committee expects the State Department and USAID to support sustainable drug treatment and vocational programs for ex-combatants" in the belief that "should this segment of Liberian society be neglected, political, economic, and social development in Liberia will be stymied." It also laid out its expectation that "the Government of Liberia, in coordination with the United Nations, the diplomatic community, and international aid agencies [...] arrest, prosecute, and appropriately punish U.N. peacekeeping personnel, aid workers and others allegedly involved in the sexual exploitation of girls and women in Liberia."¹¹⁴

¹¹³ See CRS Report RL33420, *Foreign Operations (House)/State, Foreign Operations, and Related Programs (Senate): FY2007 Appropriations*, by Connie Veillette, Susan B. Epstein, and Larry Nowels.

¹¹⁴ On the issue of sexual exploitation in U.N. peacekeeping missions, see Senate, Committee on Foreign Relations, 109th Congress, 1st Session, *United Nations Reform Hearing*, S. Hrg. 109 — 356, July 21, 2005; and House, Subcommittee on Africa, Global Human Rights and International Operations, Committee on International Relations, 109th Congress, 1st Session, *United Nations Organization Mission in the Democratic Republic of Congo: a Case for Peacekeeping Reform*, Serial No. 109 — 13 (Briefing and Hearing), March 1, 2005.

House Consideration

In its consideration of H.R. 5522, the House Committee on Appropriations (109th Congress) addressed Liberia-related funding recommendations in a report accompanying the House-passed version of H.R. 5522, H.Rept. 109-486. In it, the Committee on Appropriations recommended diverse spending guidelines for accounts that affect Liberia, but recommended Liberia-specific spending levels for only certain accounts. These recommendations include \$29.499 million in Development Assistance funding and \$40 million in Economic Support funding for Liberia. The Committee stated in its report that it “recognizes the importance of conflict resolution as Liberia enters a new chapter in its history,” and it urged the State Department and USAID to “consider a proposal from the Liberian Center for Mediation and Conflict Resolution” to fund conflict resolution efforts. The House-passed version of H.R. 5672 (Wolf), the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2007, the House vehicle for setting Contributions For International Peacekeeping Account funding levels, did not specify a funding level for UNMIL.

U.S. Assistance Summary

U.S. assistance to Liberia, which is discussed periodically throughout this report, seeks to strengthen Liberia’s fragile state system and prevent destabilizing factors, such as political and social exclusion and competition over resources, from again leading to the growth of violent conflict, as has repeatedly occurred during the last decade and a half. It includes a mix of quick impact and medium-term USAID programs that focus on establishing the social and economic conditions necessary to engender community reintegration, rebuild infrastructure (including reconstruction of electric and water provision infrastructure, and the rehabilitation of schools, clinics, roads and other public facilities) and prevent and manage community conflicts, which are common in post-conflict contexts. Key USAID goals are to build capacity and provide other support to boost basic economic and income-earning activities, notably through enhancements to the agricultural sector and through and sustainable management of natural resources. The United States, through USAID, supports efforts to increase access to basic education and health services. It also sponsors projects to increase participatory governance, public sector transparency and accountability (notably under GEMAP; see above), adherence to the rule of law, including the Truth and Reconciliation Commission, and greater civil society capacity to monitor and reform government activities. Economic Support Funds are used to support wide-ranging program activities in such areas as fiscal and forestry policy reform and implementation efforts, parastatal privatization, private sector micro-lending, trade and investment reform, ex-combatant reintegration, and judicial and rule of law programs, among other activities. Levels of U.S. assistance to Liberia, FY2004-FY2006 and the Administration’s request for FY2007, appear in Table 3.¹¹⁵

¹¹⁵ Jendayi E. Frazer, Assistant Secretary of State for Africa in the State Department and Lloyd Pierson, former Assistant Administrator for Africa for USAID described current U.S. policy and assistance strategies in detail before the House Subcommittee on Africa, Global Human Rights and International Operations, Committee on International Relations in a (continued...)

Table 3. U.S. Assistance to Liberia, FY2004-FY2007

(\$ millions; actual, estimate, supplemental, or request levels; errors due to rounding)

Account	FY2004 Act.	FY2005 Act.	FY2006 Est. ^d	FY2006 Supp. ^f	FY2007 Req.
Child Survival and Health Program (CSH)	2.82	3.97	3.16	-	3
Development Assistance (DA)	-	6.85	23.93	-	29.5
Economic Support Fund (ESF)	-	24.8	42.72	50	40
Foreign Military Financing (FMF)	-	2.98	1.98	-	1.6
International Disaster & Famine Assistance (IDFA)-Supplemental	200	-	-	-	-
IDFA Regular ^b	-	9.71	-	-	
Int. Narcotics Control & Law Enforcement (INL)	0	5	0.99	-	0.8
Int. Military Education and Training (IMET)	0	0	0.2	-	0.25
Nonprolif., Antiterrorism, Demining & Related Projects-Small Arms & Light Weapons (NADR-SALW)	0.16	-	-	-	-
Africa Regional Peacekeeping (PKO)	-	25	20	-	14.8
P.L. 480, Title II [Emerg. Food Aid] ^a	22.5	22.55	15.19 ^b	-	-
Transition Initiatives (TI)	4.1	2.53	5.6 ^c	-	-
Migration and Refugee Assistance (MRA) ^a	27.89	28.19	-	13.8	-
Democracy and Human Rights Fund	-	.05	-	-	-
Special Self-Help Fund	-	.07	-	-	-
Totals - Bilateral and Emergency Aid	257.47	131.69	113.77	63.8	89.95
U.N. Mission in Liberia (UNMIL)/ Contribs. to Int. Peacekeeping Account (CIPA)	290.34	230.06 ^c	157.18	-	150
Totals - All Funding	547.81	361.75	270.95^f	63.8^f	239.95

Sources: State Department, *Congressional Budget Justification for Foreign Operations, and International Affairs (Function 150) Budget Request*, FY2007 and other fiscal years; and information from USAID/OFDA, State/PRM, and State/Political-Military Affairs officials.

- a. Funding under some accounts, such as P.L. 480, Title II, IDFA, and MRA, often rises during a given fiscal year because these accounts are appropriated in a global lump sum and allocated throughout the year in response to emergent needs.
- b. Levels to date. FFP entry reflects level as of March 14, 2006. The FFP levels are expected to rise to \$19.8 million by the end of April 2006.
- c. UNMIL FY2005 figure reflects payments to date; assessments from the U.N. total \$235.42 million; the amount for FY2006 reflects the appropriated level.
- d. P.L. 109-102, the foreign operations FY2006 appropriation act, which was signed into law on November 14, 2005, does not specify aid levels for Liberia, though it requires that the Committees on Appropriations be notified if funds appropriated under the act are used to assist Liberia. FY2006 assistance levels for Liberia have not yet been finalized pursuant to requirements in the Foreign Assistance Act of 1961 relating to Administration aid allocation decisions, which are arrived at, in part, through consultations between the executive branch and congressional appropriators.

¹¹⁵ (...continued)

February 2006 hearing entitled *The Impact of Liberia's Election on West Africa*; see House Serial No. 109 — 146.

- e. FY2006 budget is \$5.6 million; as of mid-March 2006, OTI had spent \$2.7 million in TI.
- f. Appropriation under P.L. 109-234. The Administration requested \$13.8 in MRA funds for Liberia but did not request \$50 million in ESF support. Regular and supplemental FY2006 appropriations for Liberia total \$334.75 million.

**Table 4. Senate Committee on Appropriations-Recommended
FY2007 U.S. Assistance for Liberia Under H.R. 5522**
(\$ millions)

Account (A)	Fiscal Year 2007 Budget Estimate	Committee Recommendation
CSHPF	3.001	3.001
DA	29.499	25.752
ESF	40	26.5
DF	0	20
FMF	1.6	1.6
IMET	0.245	0.245
INCLE	0.8	0.8
PKO	14.8	14.8
Bilateral Total	89.945	92.698
CIPA	150	150
Total	239.945	242.698

Source: S.Rept. 109-277.

Notes: The House-passed version of H.R. 5522 recommended \$29.499 million in DA and \$40 million in ESF funding for Liberia but did not give Liberia-specific amounts for other accounts.

- a. CSHPF: Child Survival Health Programs Fund; DA: Development Assistance; ESF: Economic Support Fund; DF: Democracy Fund; FMF: Foreign Military Financing; IMET: International Military Education and Training; INCLE: International Narcotics Control and Law Enforcement; PKO: Peacekeeping Operations; CIPA: Contributions for International Peacekeeping Activities.

Possible Issues for the 110th Congress

Liberia-related activities by the 110th Congress may build on those pursued by the 109th Congress. Apart from monitoring of the activities of the SCSL and in particular the progress of the war crimes case against former President Taylor, Congress's focus on Liberia is most likely to center on the pace and focus of Liberia's efforts to consolidate its post-war governance and economic rebuilding processes and the level of appropriate U.S. support, if any, for such efforts. Issues that may draw particular congressional attention include the following:

- Efforts to rehabilitate schools, clinics, roads and other public facilities;
- Progress under the GEMAP transparency initiative;
- Progress of U.S.-backed security sector restructuring;

- Consideration of potential continued support for UNMIL; and
- U.S. decision-making on debt relief for Liberia, a topic slated to be discussed at a February 2007 Liberia donors' conference. Congress may see a need to examine a possible lifting of Brooke Amendment restrictions on Liberia, which restrict certain kinds of assistance to Liberia due to its arrears on national debt repayments to the United States.¹¹⁶

Figure 1. Map of Liberia



Source: Map Resources. Adapted by CRS. (K.Yancey 2/10/06)

¹¹⁶ USAID, *Audit of USAID/Liberia's Compliance with the Brooke Amendment and Sections 620(q) and 617 of the Foreign Assistance Act of 1961*, (Audit Report No. 7-669-02-001-P), March 7, 2002 provides background on the Brooke Amendment.

Appendix 1: Acronyms Used in this Report

AFL:	Armed Forces of Liberia
AGOA:	African Growth and Opportunity Act
CDC:	Congress for Democratic Change, Liberian political party
CIPA:	Contributions to International Peacekeeping Account
CIVPOL:	Civilian police
COTOL:	Coalition for Transformation of Liberia; Liberian political party
CSH:	Child Survival and Health Program Fund
DA:	Development Assistance Account
ECOMIL:	ECOWAS Mission in Liberia
ECOWAS:	Economic Community of West African States
ESF:	Economic Support Fund
FMF:	Foreign Military Financing Account
GEMAP:	Governance and Economic Management Assistance Program
GIHL:	Global Infrastructural Holdings Limited
ICC:	International Criminal Court
ICGL:	International Contact Group on Liberia
IDFA:	International Disaster & Famine Assistance Account
IDP:	Internally displaced person
IFES:	Elections technical assistance organization formerly known as the International Foundation for Election Systems
INL:	International Narcotics Control & Law Enforcement
IRI :	International Republican Institute
LP:	Liberty Party, Liberian political party
NADR-SALW:	Nonproliferation, Antiterrorism, Demining and Related Projects-Small Arms and Light Weapons
NDI :	National Democratic Institute
NEC:	National Elections Commission (of Liberia)
NGO:	Non-governmental organization
NTGL:	National Transitional Government of Liberia
NTLA:	National Transitional Legislative Assembly
OFDA:	USAID Office of U.S. Foreign Disaster Assistance
OGAC:	U.S. Global AIDS Coordinator
P.L. :	Public Law
P.L. 480, Title II :	Humanitarian food aid
PKO :	Regional Peacekeeping Account
PRM:	Population, Refugees & Migration Bureau, State Department
RFTF:	Results-Focused Transitional Framework
RUF:	Revolutionary United Front; defunct armed Sierra Leonean rebel group
SCSL:	Special Court for Sierra Leone
SDN:	Specially Designated National
SSS:	Special Security Service (of Liberia)
TI:	Transition Initiatives Account
U.N.:	United Nations
UNAMSIL:	U.N. Mission in Sierra Leone
UNICEF:	U.N. Children's Fund
UNMIL:	U.N. Mission in Liberia
UP:	Unity Party; Liberian political party
USAID:	U.S. Agency for International Development
USTR:	Office of the U.S. Trade Representative