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**Strengthening Parliament in Post Conflict Situations:  
Liberia Case Study**

**By**

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### **1.0 Introduction**

Liberia has endured more than 14 years of a violent civil war. The Catholic Justice and Peace Commission, a leading human rights organization in Liberia, has reported that more than 300,000 Liberians lost their lives over the course of the civil war in Liberia. The country was massively destroyed and its infrastructure lies in ruins. The war was preceded by a violent coup d'etat in April 1980 at which time the President, William R. Tolbert, Jr., was assassinated. Following a rushed trial and in the absence of any scintilla of due process - such as the lack of defense counsel and public trial - 13 key cabinet officials were summarily executed. These officials were tried by a military tribunal, established by the People Redemption Council, as the new Government was called. The trial was described as blatantly unfair and violating rules of due process under the Liberian Constitution and Liberian criminal code by human rights organizations. The PRC suspended the constitution, disbanded the national parliament and ruled the country by military decrees.

In 1985 democratic elections were held. Once the counting of the votes began, the Election Commission was dismissed and a new group of fifty individuals were selected to count the ballots. Following this, the military dictator, Samuel K. Doe, was declared the winner. Immediately after the elections, a violent attempt to overthrow the government occurred on November 12, 1985 but was aborted. The leader of the November 12th aborted coup d'etat was Thomas Quiwonkpa, who was among the thirteen men that overthrew the Government in 1980 and named Samuel K. Doe as their leader.

On December 24, 1989, Charles Taylor launched his war efforts. His organization, the National Patriotic Forces of Liberia (NPFL) that conducted the war has been accused of committing and directing massive human rights violations including war crimes and crimes against humanity. Mr. Taylor has since been indicted by the Special Court of Sierra Leone on 17 counts of war crimes and crimes against humanity. Mr. Taylor has been blamed for igniting the Sierra Leone war by supporting the Revolutionary United Front (RUF). By the time the first phase of the Liberian war ended in 1997, more than five different warring factions had emerged.

Liberia held elections in October 1997 where Mr. Taylor was elected. He was consistently accused of supporting the war efforts and was allegedly involved in the selling of diamonds in exchange for the purchase of weapons. In the late nineties, the United Nations imposed an arms embargo on the country and banned the exportation of diamonds and subsequently timber. By the year 2000, Liberia was again at war. The Liberian United for Reconciliation and Democracy (LURD) invaded the country from neighboring Guinea and unleashed a new wave of wide-scale killing and looting.

Following the intervention of the Economic Community of West Africa States (ECOWAS), the war was brought to an end with the signing of the Comprehensive Peace

Accord (CPA) in Accra, Ghana in August 2003. Following the signing of the CPA, the United Nations dispatched a 15,000 peacekeeping mission to Liberia, United Nations Mission in Liberia (UNMIL) in October 2003.

## **2.0 The Liberian Legislature**

According to Article 29 of the Liberian Constitution “The legislative power of the Republic shall be vested in the Legislature of Liberia which consists of two separate houses: A Senate and a House of Representatives, both of which must pass on all legislation.”<sup>1</sup> Thus, the national legislature is a bi-cameral body according to the law. However, the current legislative body that is a by-product of the Comprehensive Peace Accord signed in Accra on August 11, 2003 that brought Liberia’s war to a conclusion is a unicameral body called the National Transitional Legislative Assembly (NTLA), which came into being in October 2003.

Each of Liberia’s 15 political sub-divisions known as counties is entitled to two seats in the Senate, which is the upper house and one representative for every 20,000 residents within the county. Prior to the current transitional period, the Senate was comprised of 30 senators and the House of Representatives was made up of 64 members. At present, the NTLA is composed of 76 members. The membership of the NTLA is distributed as follows:

1. The three warring factions:
  - i. 12 representatives from the Movement for Democracy in Liberia (MODEL);
  - ii. 12 Representatives from the Liberia United for Reconciliation and Democracy (LURD); and
  - iii. 12 Representatives from the former Government of Liberia (GOL).
2. The 18 registered political parties that participated in the negotiations resulting in the signing of the CPA were each allotted one seat in the NTLA.
3. Civil society organizations were allocated seven seats in the NTLA. The seven allocations were apportioned to represent various clusters within the sector, namely:
  - i. Professional bodies
  - ii. Youth and student organizations
  - iii. Women organizations
  - iv. Diaspora and refugee organizations
  - v. Human Rights and pro-democracy organizations
  - vi. Trade/labor unions
  - vii. Business organizations

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<sup>1</sup> Making Democracy Work in Liberia: The Constitution, Chapter 5 page 13

4. The 15 political subdivision of the country were each allocated 1 seat.

None of the current members of the NTLA obtained their position by means of a democratic election. They were chosen by the various entities indicated above and not in accordance with Liberia's constitutional provisions. Therefore, they do not have any popular mandate to serve. The formula for the distribution of the 76 seats is directly beholden to the CPA.

The county representatives were selected by residents of the various counties, although the selection process was not constitutional, it was legal in so far as the CPA is concerned. According to the Liberia Electoral Law, members of the National Legislature are elected within a constituency framework in which one seat in the House of Representatives was to be allocated for every 20,000 residents within each district.

Under the current dispensation, each county was allocated one single seat. The great majority of those who now represent the counties in the NTLA were selected by a group of citizens from the designated county, who resided in Monrovia or other major cities around the country, especially those in close proximity to the Capital. For example, the current representative of Sinoe County was selected by individuals from the county, who were residents in Monrovia the capital. The Representative selection was conducted about 300 miles away from the designated constituency. Many rationales were proffered by the prevailing authority. The most important rationale put forward to explain the improbability of holding elections within the county was the prevailing security conditions. At the time, the disarmament process had not occurred and the 15,000 UNMIL troops pledged for peacekeeping duties were yet to reach their full strength. As a result the UN was unable to deploy troops throughout the country in order to establish a minimal basis for peacekeeping and by extension, a secured environment. During this period, the country was essentially divided into three zones with varying rebel factions holding sway. LURD controlled the Western flank, while MODEL controlled the South-East. The GOL and LURD forces were each making claims on Central Liberia and Monrovia, the capital city.

Liberia's last parliamentary body was dissolved in October 2003 following the resignation and exile of Charles Taylor, who served as President of Liberia from 1997 – 2003. The Legislature that came into being in 1997 was a product of a revised electoral law. Instead of a constituency-based electoral system, a proportional representation electoral system was conducted. As a result, Mr. Taylor single-handedly named more than 70 % of the members of the Senate and the House since he garnered about 77 % of the votes during the 1997 election. Obviously, the body was not representative of the people and was referred to by critics of the Taylor government as a "rubber stamp" unit.

### **3.0 Political Conditions**

As indicated above, Liberia's 14 years of violent civil strife ended when the CPA was signed. Positions in the government were distributed among the three warring factions, political parties and civil society organizations. The current government has been dogged

by corruption charges from national and international organizations including the United Nations, the World Bank and the IMF. Since its inception, the government has not demonstrated any commitment to the welfare of the citizens. Following more than 18 months in power, it has yet to restore basic social services such as running water, and electricity. The country's infrastructure is in ruins and road networks are impassable, especially during the rainy season, which runs from mid-May to mid-October.

The economic and social conditions of the country are dire, with unemployment as high as 85 %, according to the United Nations Development Program. A UNDP study indicates that more than 75 % of Liberians live below the poverty line (i.e. live on less than US\$1.00 per day, while 52 % of the people live in absolute poverty, i.e. live on US\$0.50 per day).<sup>2</sup> The government, which is the largest employer in the country, can hardly honor the timely payment of salaries to civil servants. This undoubtedly has entrenched corruption at all levels of government.

On the human misery index, Liberia is located almost at the bottom, at position 151. The political environment in the country is characterized by the misapplication of state resources and a lack of concern for the welfare of the people. Some critics refer to the current government, whose term of office will expire in January 2006, as a “come, grab and go” government. Mr. Samuel Kofi Woods, a leading Liberia Human rights lawyer referred to the government as a “kleptocracy – a government run by thieves”.<sup>3</sup>

#### **4.0 Parliamentary Competence**

In the absence of a democratic path to the national legislature, the majority of the current membership of the parliament leaves so much to be desired. For example there are members of the current legislature who are functional illiterates and are unable to read and write English, the official language of the State. Yet they are mandated to write and pass legislation for the country. A member of the legislature is entitled to a number of staff persons. A cursory review of individuals who are employed as staff members was found to include maids, drivers, secretaries and/or personal assistants. As a result, members of the current parliament do not have professional and capable staff persons to assist the members in the discharge of their legislative duties.

#### **4.1 Legislative Committees**

There are several legislative committees that are composed of individuals from the various groups represented in the National Transitional Legislative Assembly (NTLA). They include: Executive, Ways, Means and Finance, Claims and Petitions, Rules and Order, Foreign Affairs, Judiciary, Peace Process and Reconciliation, National Security, etc. Most of these committees are active but the level of the influence is difficult to gauge. The Ways and Means and Finance Committee is influential given that they have budgetary and expenditure oversight responsibilities. However, a recent probe by an ad-hoc Commission established by the NTLA to examine the expenditure practices of the

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<sup>2</sup> UNDP Report - Liberia 2000s

<sup>3</sup> The Analyst Vol 6 No 137 February 25, 2005

NTLA, concluded that almost all members of the Ways and Means Committee were involved in improper financial behavior, specifically in the awarding of contracts to themselves in the absence of a public bidding process as the law requires. This practice violates the Conflict of Interest clause in the Liberian Constitution.

## **5.0 Parliamentary Role**

### **5.1 During Conflict**

From the inception of the war in 1989, the role of the National Legislature in resolving the conflict has been conspicuously absent. Mr. Samuel Doe, who was President of the country when the war broke out, did not seek any legislative mandate to respond to the incursion nor did he employ Legislative services in efforts to resolve the war. During May 1990, Mr. Doe dispatched a large contingent of Government officials to seek international intervention, specifically by the United States and some European countries including the United Kingdom in ending the war. The delegation was headed by Mr. Winston Tubman, who served as Minister of Justice at the time. There was not a single Member of Parliament in the delegation.

During the reign of Charles Taylor, efforts by the National Legislature to intervene in efforts at consolidating the new found peace during this period were met by dismissal and exile. Senator Charles Brumskine, the Pro Tempore of the Senate, was one of such victim. Senator Brumskine was the second highest official in the Senate (the President of the Senate is the Vice President of the country) and the de facto head of the body. He called for an investigation into the allegations that President Taylor was involved in gun running and diamond smuggling on behalf of the Revolutionary United Front of Sierra Leone. Immediately following the announcement he was denounced by the Government, his life was threatened - according to him - and he fled the country and lived in exile in the United States. He subsequently returned to Liberia in 2002 and declared his candidacy to contest the 2003 presidential elections. He was subsequently prevented from leaving the country and had his passport seized by the Government.

The composition of the National Legislature during the recent conflict did not accord the national legislature any meaningful leadership role. Mr. Taylor's rule was essentially a one man rule. Given that members of the legislature were hand picked by him and the fact that he was ruthless in dealing with those who disagreed with him, the national legislature under the Taylor regime was ineffectual. The national legislature during the Taylor regime was not only inept but blatantly subservient to the Executive Branch of Government.

One glaring example of the ineptitude of the national legislature is related to the rectification of concession agreements. The Liberian Constitution stipulates that:

“The Republic shall, consistent with the principles of individual freedom and social justice enshrine in this Constitution, manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum

feasible participation of Liberia citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia”<sup>4</sup>

Accordingly, all concession agreements entered into by the government should be rectified by the Senate, however, during the Taylor regime not a single concession agreement was rectified as stipulated. In fact an Executive Ordinance was issued by Mr. Taylor which removed this responsibility from the government and lodged it within the Executive Branch of government. This constitutional engineering did not provoke any debate from the legislative branch of government. Members of the legislature never used their enormous power as the first branch of government to appropriately intervene in order to keep the Executive Branch of Government in check. More importantly the assignment of concession agreement rectification to the Executive Branch of Government happened when a number of organizations including Global Witness had issued several reports that Liberian natural resources, including diamonds and timber, were being exploited and proceeds derived thereof were either being used to profit a few government officials or to fuel war efforts in the region.

Currently and as a result of this lack of parliamentary intervention, the CPA called for the review of all concession agreements entered into by the erstwhile government of Charles Taylor. The review is ongoing but already a number of agreements are coming into question especially those granted to the timber sector.

## 5.2 Peace Negotiations

The negotiations which culminated in the signing of the August 11, 2003 Comprehensive Peace Agreement included the three belligerent forces: LURD, MODEL and former GOL. The CPA was witnessed by political parties, civil society organizations and the some members of the international community including ECOWAS, the International Contact Group on Liberia, and the United Nations. Even though the GOL included members of the national legislature, the legislature *per se* was not an accredited participant at the Peace Conference, when the Peace Accord was negotiated. Even after the Peace Accord was signed, the legislature did not formally endorse it and was never called upon by the government to do so. The dissolution of the legislature as a result of the coming into effect of the CPA was automatic and was never resisted.

## 6.0 The Legislature in Post Violence Liberia

The role of the National Transitional Legislative Assembly which is a by product of the CPA in Liberia’s post violence transitional period is mixed. At its inception, the members of the current NTLA were more interested in securing financial and other benefits for themselves and were far removed from the apparent concern of the generality of Liberians to consolidate Liberia’s fragile peace. A review of Liberia’s newspapers (November 2003 – March 2004) showed that most legislative debates centered around pecuniary benefits to legislative members including the purchases of luxury vehicles, the

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<sup>4</sup> Liberia Constitution Article 7.

vaunted “resettlement package” – a financial package to assist members of the Assembly to comfortably “resettled” themselves in Monrovia and the refurbishment of homes and offices of leaders of the Assembly. While it is customary for some financial allotment to be made to cover the cost for accommodation for members of the legislature, the public felt that given the special circumstances within the country, it was not helpful for members of the legislature to be more concerned about their individual comfort while the overwhelming majority of Liberians were living in destitute conditions especially in Internally Displaced Persons (IDP) camps in the country and refugee camps in neighboring countries. It was the public view that if any monies were to be appropriated for resettlement, the monies should be made available to IDPs and/or refugees. No such provision was made in the budget and yet the members of the legislature received about US\$3,000.00/member as resettlement benefit – the equivalent of a six-month salary for the average Liberian civil servant, most of whom go unpaid for two-three months at a time.

The preoccupation of the Assembly members with their personal benefits versus the public interest is manifested in the lack of debate, which have characterized two budget presentations. The first occurred in November/December 2003. Currently, the national government is being run on a cash-based budget. This budget framework creates huge loopholes for the misapplication of state resources. During late December, when the Government presented its first budget to the Assembly, no real debate occurred. The budget was passed within less than one week since the Assembly “resettlement package” was included.

In March 2004, the Chairman of the NTGL traveled to New York, the United States of America to attend a donor conference on Liberia. Once the size of the Chairman’s delegation was announced members of the Legislature called for a reduction in the size of the delegation on account of the amount of money that would be expended. The Executive responded that the NTLA was disingenuous on this score since the expenditure was in line with the budget already passed by the Legislature. Given the lack of debate on the budget, the legislature may not have noticed the budget line for travel expenses of the government.

However, the second budget presented to the government in June 2004 was similarly not debated. Again, once the appropriation for the purchase of luxury vehicles was included (each vehicle costing US\$33,000.00 – the equivalent of constructing a 6 bed-room fully furnished clinic in rural Liberia), the budget was passed. It has been more than one year since the current government assumed power and no appreciable expenditure on social service delivery can be discerned from the national budget. Meanwhile, the national legislature has been silent on this important issue that has implication for durable peace in Liberia. A number of donor agencies have publicly stated that government fiscal policies need to be reined in and the provisions of social service delivery be given priority. They have also condemned the “conspicuous consumption” pattern of government officials including members of the legislature. These statements have come on the heel of numerous critiques from civil society actors about corruption in the National Assembly and the Executive Branch of government.

## **6.1 Corruption charges in the NTLA and a Constitutional Crisis**

In early 2004 the leadership of the NTLA came under severe criticism from vocal members of the Assembly. They accused the NTLA leadership of financial improprieties and mandated a committee to investigate the allegations. A cursory investigation was conducted and several members of parliament were implicated in the abuse of their position and conflict of interest in the procurement process. Some leaders were accused of receiving money but not producing the items that were to be procured.

The Speaker of the NTLA, his deputy and two leaders of key committees: Ways and Means Committee and Rule and Order Committee were “indefinitely suspended”. The aggrieved parties filed a Writ of Prohibition with the Supreme Court challenging their suspension and calling into question the Assembly’s regulatory practices embedded in the Rules and Order of the NTLA. The newly “elected” Acting Speaker of the Assembly and the other new leaders threatened members of the Supreme Court with impeachment if they interfere in the “proceedings” of the honorable assembly, “the first branch of government.” The Court went ahead to hear the case, but has yet to hand down its ruling.

## **7.0 International Support and the NTLA**

To date, the most impressive interventions on the part of the international community to engage the NTLA occurred in December 2004 during the debates on the Electoral Reform Act and subsequently during the formulation of the Act to Establish the Truth and Reconciliation Commission of Liberia (TRC). For the purpose of this paper, The TRC draft act would be the focus of this international intervention.

In March 2004, the current members of the TRC, civil society organizations and members of the international community were concerned about the legitimacy of the existing TRC, and therefore, set out to establish an enabling legislation that would indicate the function, mandate and composition of the commission, amongst other issues. Civil society actors were invited to spearhead the efforts. The Transitional Justice Working Group, a coalition of 20 organizations, was requested to organize events that would produce a draft TRC Act. The Office for Transitional Initiative of the United States Agency for International Development (OTI/USAID) offered to provide funding for the activities leading up to the production of the TRC draft Act.

The TJWG mandated the Center for Democratic Empowerment (CEDE) to coordinate the efforts. In collaboration with UNMIL Human Rights Section (which provided expertise and other logistical support, especially related to outreach programs targeted at grassroots persons and organizations) and OTI/USAID, a five county consultative process was undertaken to gather and collate the views of Liberian citizens regarding the issues that should inform a TRC draft Act. More than 600 Liberians were consulted in five counties including: Bomi, Bong, Margibi, Montserrado, and Nimba counties. The five counties were selected because they were declared safe for travel by UNMIL and due to resource constraints.

The United Nations Development Program intervened and provided funding to hold a workshop to Draft the TRC Act. In July, a three day workshop was held in Monrovia, with over 70 participants that included officials of the transitional government such as the Ministry of Justice and the NTLA, relevant United Nations agencies including UNMIL, UNDP, UNICEF, UNMIL Human Rights and Gender Sections and leading members of the Liberia civil society sector. At the end of the three day workshop a Technical Committee was constituted and comprised of Liberian lawyers and experts, former and current government officials, members of the current TRC, civil society leaders and international experts. After a 2-week drafting session, the Technical Committee produced a TRC Draft Act. The draft act was subjected to a peer review process for comments. Experts on truth commissions in North America and Africa were invited to comment on the TRC draft Act. Those who responded included the International Center for Transitional Justice (New York) and Yasmin Sooka, a former member of the South Africa TRC and Sierra Leone TRC. Their comments were integrated into the draft Act and in September 2004 a TRC draft Act was presented to the NTGL.

The NTGL government expressed serious reservation about provisions in the TRC draft Act related to the composition of the TRC and the inclusion of non-Liberians on the TRC. Civil society leaders, UNMIL Human Rights Section, members of the TRC, the Ministry of Justice and the Executive Mansion entered into negotiations to find a compromise. The negotiations began in September 2004 and were concluded in January 2005. On February 7, 2005, the Transitional Government forwarded a draft TRC Act to the NTLA for “urgent passage”.<sup>5</sup>

In April 2005 and with funding support from the UNDP, the NTLA began public hearings on the TRC Draft Act. The public hearings were broadcast live on national and private radio stations, the Draft Act was published in leading dailies and community outreach programs were conducted in eight counties and with more than 30 communities across the country. The various community outreach programs and various media campaigns conducted by the TJWG during this period were supported by the National Democratic Institute/USA and the OXFAM/Great Britain and OTI/USAID.

On May 12, 2005, the NTLA passed the TRC Draft Act. The vote was extremely close. In fact there was a tie vote, which was broken by the Acting Speaker of the Assembly and the result was 18 votes in favor of the Act, 17 votes against its passage and 4 abstentions. In excess of 45% of members of parliament did not participate in the voting on account of being absent.

The establishment of the TRC Act by way of its adoption, which reflects the view and aspirations of Liberians and is in consonance with international standards is perhaps the best example in Liberia today about the ability of various groups – national and international - working in concert and collegially can produce a significant outcome in terms of public policy. The funding support and the demonstrated leadership of civil society organizations are central to this achievement.

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<sup>5</sup> Letter from NTGL Chairman Gyude Bryant to the NTLA Speaker forwarding the bill to the Assembly.

Furthermore, the Joint Committee of the NTLA on the TRC Draft Act that included the Committee on the Peace Process and Reconciliation and the Judicial Affairs Committee played a pivotal role in shepherding the Act through the treacherous corridors of the NTLA and produced a TRC Act. Incidentally the Joint Committee is headed by Assemblyman Conmany Wesseh, who is the Pro-Democracy and Human Rights Representative (a civil society slot in the Assembly) in the NTLA. The TRC Act is perhaps the only piece of legislation amongst several legislations passed by the current Assembly that is a product of broad popular consultations with the Liberian people and civil society organizations.

### **7.1 Transitional Justice and the NTLA**

The Comprehensive Peace Agreement called for the establishment of the TRC. With the passage of the Act, the first real step in terms of accounting for past abuses has been put into place. Amongst the mandate of the TRC according to the recently passed TRC Act points out that “The objectives/purpose of the Commission shall be to promote national peace and security, unity and reconciliation by contributing to the cause of human rights by:

- a. “Investigating gross human rights violations and violations of international humanitarian law as well as abuses that occurred, including massacres, sexual violations, murder, extra-judicial killings and economic crimes, such as the exploitation of natural or public resources to perpetuate the armed conflict, during the period January 1979 to October 14, 2003; determining whether these were isolated incidents or part of a systematic pattern; the antecedents, circumstances; factors and context of such violations and abuses as well as the motives and perspectives of victims, as well as those responsible for the commission of such violations and abuses.

“Notwithstanding the period specified herein, the Commission may, on an application by any person or group of persons, pursue the objectives set out in Article IV (Mandate of the Commission) in respect of any other period preceding 1979.

- b. “Providing a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences in order to create a clear picture of the past to facilitate genuine healing and reconciliation;
- c. “Investigating the antecedents of the crises which gave rise to and impacted on the conflict in Liberia;
- d. “Conducting a critical review of Liberia’s historical past, with the view to establishing and giving recognition to historical truths in order

to address the falsehoods and misconceptions of the past relating to the nation's socio-economic and political development.

- e. "Adopting specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violations, as well as to the issue of child soldiers, providing opportunities for them to relate their experiences, addressing concerns and recommending measures to be taken for the rehabilitation of victims of human rights violations in the spirit of national reconciliation and healing.
- f. "Compiling a report that includes a comprehensive account of the activities of the Commission, and its findings." (TRC Act of 2005)

Clearly, the TRC Act contains provisions which called for the prosecution of individuals and or institutions/groups that may have committed crimes against humanity or war crimes. Against this background, current members of the NTLA can not be shielded. However, a number of candidates, who are members of the NTLA and other government officials in the upcoming elections, harbor the mistaken belief that once elected to public office; they would be immuned from prosecution. The immunity provision in the Liberian constitution only confers immunity in regards to utterances made during debates while the Legislature is in session. This immunity does not cover acts that may have been committed prior to being elected into the Legislature.

### **Security Sector Reform and the Transitional Parliament**

According to the CPA, the responsibility for restructuring Liberia's security sector is in the hands of the United Nations Mission in Liberia. As a result, there has been no public or parliamentary debates in regards to the nature, content and contours of Liberia security architecture. Civil society organizations have expressed concern over the lack of public debates in this regard. The concern is informed by the history, nature and conduct of the Liberian military and the prevailing conditions in the country. What civil society group has found more alarming is that UNMIL has abdicated its responsibility related to the restructuring of the Armed Forces of Liberia (AFL). The United States Government is singularly responsible for restructuring the AFL. Accordingly, it has awarded a US \$200 million contract to a private military firm, DYNCORP to conduct the restructuring exercise. The lack of public debate on this important sector poses a number of problems for the post-election period. Some of these problems are related to how an elected government can exact loyalty from an army that is not beholden to public debates and participation. In addition, is the question of how resources will be obtained to adequately remunerate a supposedly "professional army" amidst the dire economic conditions in the country and the need to respond to several other post-conflict conditions such as economic recovery, infrastructure development, reducing high unemployment and the provision of much needed social services including education, healthcare, safe drinking water and electricity.

## **Gender and the Transitional Parliament**

The Liberian society is decidedly patriarchal. Against this background issues related to mainstreaming gender has become a herculean task. For example during the debate on the Electoral Reform Act of 2004, a provision which stated that 30 percent of all political parties candidates to be women was overwhelmingly rejected by the 76 member NTLA – only four of whom are women. The content of the debate was exceedingly machismo and characterized by outright male chauvinism bordering on the demonization of Liberian womanhood.

Although the 30 percent female candidature provision was rejected, it was included in a Code of Conduct for Political Parties, which was agreed to by registered political parties in 2005. However, given the lack of any enforcement mechanism, it is largely left to the discretion of the political party to comply. It is safe to assume that the majority of Liberia's 26 registered political parties will not meet this target.

Meanwhile, the NTLA passed a “Devolution of Estate and the Right of Inheritance Act of Spouse Act, which recognizes the rights of especially rural women to inherit the property of their deceased husband. Liberia has a dual legal regime: statutory and customary. Under customary laws, widows do not have the right to inherit the property of their deceased husband but the recently passed Act has changed that. In addition, the Ministry of Justice, the Association of Female Lawyers of Liberia and the NTLA are working on crafting a Rape Law. Liberia's judicial history has been wanting in prosecuting rape cases. The proposed Rape Law is intended to enhanced the ability of the State to actively pursue the successful prosecution of rape cases, which is on the increase in the country.

As yet, debates in the NTLA on the National Budget are not held within the prism of gender. As a result the national budget is not at all gender sensitive. Members of the NTLA and the Liberian society at-large need to be thoroughly educated on gender issues.

## **ECOWAS and Liberia**

Aside from contributing to the Peacekeeping operation in Liberia, ECOWAS has been charged by the International Contact Group on Liberia (ICGL) to referee the Liberian Peace process. Former Nigerian Head of State Abdulsalami Abubakar was named as the Mediator. He has carried out his duties with measured amount of success. In mid March- April 2005, ECOWAS dispatched a Panel of Investigators to Liberia to investigate charges of corruption against the NTGL. Following initial obfuscation by the Government and with pressure mounted by civil society actors, the Liberian Government was forced to comply and the Pane of Investigators completed their work. Their findings helped to informed an international agenda called the Economic Governance Action Plan for Liberia, which essentially seeks to prevent the misuse and abuse of revenues and to ensure that Liberian taxes are used to improve social service delivery.

As well, ECOWAS has been providing technical support to the National Elections Commission. Recently, it was announced that the ECOWAS Parliamentary Forum would conduct a Parliamentary Conference with the NTLA in Monrovia. The expected outcome of that meeting is yet to be made public. Essentially, the interaction between the transitional Assembly and the ECOWAS Parliamentary Forum has not witnessed any enhanced ability on the part of the NTLA to respond to post-war conditions in the country.

## **8.0 Conclusion**

The Liberian nation has been beset by a number of problems from its inception as an independent republic in 1847. The founding Constitution limited the right to vote to only male property owners, thereby denying the majority of its citizens, mostly indigenous people and women, of the right to vote. The 1985 Constitution recognized these rights and gave the Liberian people the right of one person one vote. However, when Liberians voted in the 1985 elections, the results were rigged in favor of the powers that be.

In 1997 another election was held, but given the prevailing circumstances in the country at the time, the elections did not produce a genuinely democratic outcome. The country soon returned to war in 2000. It is therefore safe to deduce that the Liberian state has never had a truly democratic order in which the principle of checks and balances, espoused by both the 1847 and 1985 Republican Constitutions, was entrenched. As a result, the Liberian National Legislature especially since the late 1940's became essentially a "rubber stamp parliament."

Liberia's emerging democratic order presents both an opportunity and a challenge to establish a truly democratic system in which the principle of checks and balances can be instituted and become central to its governance practice. At the moment, the country does not really have a political class that has access to a coercive force such as the military or the Police – Liberia's security for the foreseeable future will be under the control of the United Nations and the United States of America. In addition, the recreation of the Liberian state is largely in flux and very fluid. It is thus highly likely that seeds of democratic renewal can find fertile ground in this new era. The challenge therefore is to seize the opportunity that has presented itself to the country, engage the relevant stakeholders (including the national government, civil society organizations and the international community) and work in concert to establish a truly democratic, capable, efficient and independent National Legislature.

## **9.0 Lessons Discerned**

1. The current composition of the NTLA, in which almost half of its members represent various warring factions, undermine the core tenets of a deliberative and august body.
2. The abilities and competence of members of a deliberative body such as the National Legislature should include clear understanding of the relevance of the august body including its functions, mandate and the assigned role it must

- dutifully undertake in order to maintain and sustaining a democratic government that is beholden to concepts of republicanism. Current members of the NTLA for the most part are not sufficiently appreciative of such principles.
3. Skills in the areas of consultation, negotiations and public policy formulation processes are lacking in the current membership of the NTLA and need to be responded to.
  4. The ability to develop alternative public policy that is anchored in research and consultation with the public needs to be developed as this is important within the context of parliamentary debates, where half truths and out right misinformation appear to be pervasive.

### **10.0 Recommendations:**

1. In October 2005 Liberians will go to the poll and elect a new National Legislature. Political parties should be encouraged to field credible personalities whose presence in the National Legislature will enhance the credibility, independence and viability of the body.
2. Membership in the National Legislature should be a full time job. At the moment a number of Liberia Legislature especially lawyers continue to practice, while others are gainfully and fully employed in various other professions including business.
3. International Donors should begin deliberate engagement with the National Legislature in order to assist the body in establishing greater competence and thereby sufficient independence from other branches of Government. This support can be in the form of specialized training for members of the Legislature and their key staff persons especially on public policy formulation processes and the *raison d'être* of parliamentary entities in so far as the checks and balances which are inherent in our Republican form of Government are concerned.
4. Members of the National Legislature should be afforded opportunities to learn from other successful National Legislatures, especially in Africa.
5. Special assistance should be granted to Members of parliament in order to establish the basic environment for the successful conduct of its mandate and to facilitate periodic exchanges with their constituencies.

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#### **Members of Parliament Interviewed**

1. Ruth Caesar, Chairlady Gender Equity Committee, Women & Children
2. Joseph Cornomia, Fmr. Minority Leader
3. David Gbala, Acting Deputy Speaker
4. Mr. Conmany B. Wesseh, Chairperson, Peace Process and Reconciliation Committee
5. Renee Jackson, Representative of Liberia in the Diaspora and Refugees

#### **Civil Society Leaders interviewed included:**

1. Dan Saryee, Liberia Democratic Institute
2. Etweda Cooper, Liberia Women Initiative
3. Lois Brutus, Association of Liberia Female Lawyers
4. Alfred Quadjani, National Human Rights Center of Liberia

Note: During this exercise the Parliament was in disarray and crisis. This made it near impossible to conduct interviews with relevant personality within the leadership since the leadership was under scrutiny and eventually disposed of. The contestation surrounding the incumbent leadership lends an air of illegitimacy that constrained any motivations to secure interviews with those currently in the leadership.