



KEY SECURITY SECTOR OVERSIGHT ACTORS AND THE LIBERIAN LEGISLATURE

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Introduction

Since the signing of the 2003 Comprehensive Peace Agreement (CPA), which put an end to fourteen years of civil war, Liberia has made significant progress towards post-conflict reconstruction. The country held presidential and legislative elections successfully in late 2017, which followed peaceful elections held in 2011 and 2014. It also adopted several policies to foster national reconciliation, such as the Strategic Roadmap for National Healing, Peacebuilding and Reconciliation¹; and its population now enjoys a higher degree of civil liberties.

The role of the Liberian legislature is critical to enable Liberia and its international partners to capitalise on this positive momentum. To achieve such a challenging task, legislators must be able to fully perform their core functions, which includes effectively monitoring the security sector

¹ Article 29 of the Constitution of Liberia describes the legislative branch as the 'Legislature of Liberia', which consists of two separate houses - the Senate and the House of Representatives.



and actively contributing to the broader provision of oversight over security issues. Especially in post-war countries such as Liberia, parliamentary oversight is indeed essential to ensure that security agencies operate in a democratic, professional, transparent, and accountable manner.

The 54th Legislature nonetheless faces various challenges that could undermine the overall impact of parliamentary core functions – such as law-making, oversight, and representation – related to good security sector governance and access to justice. To address these issues, the United Nations Development Programme (UNDP) Country Office in Liberia requested DCAF's assistance in designing and implementing a project to support capacity building with the Liberian Legislature¹. As a first step, DCAF's International Security Sector Advisory Team (ISSAT) carried out an initial needs assessment mission to identify the gaps that prevent the Legislature from fully exercising its mandate.

One issue identified in the needs assessment was a lack of coordination between security-related committees of the Legislature and other oversight bodies, which have few opportunities to interact and to share their views on common security sector governance-related issues. This brief aims to promote these exchanges by providing a 'map' of the main actors involved in security sector oversight (including relevant ministries, state oversight bodies, and community-based organizations) and by identifying ways to improve their relationship with the Legislature.

This mapping does not provide a detailed account of the many security actors that constitute Liberia's security and oversight architecture. Instead, it offers a snapshot of selected actors and focuses in particular on their relationship with the Legislature – the primary state body responsible for security sector oversight.



I/ The Legislature and the oversight of the security sector

1. The Legislature's structure and core functions

The three core functions of the Republic of Liberia are oversight, law-making, and representation. In addition to these core functions, the Legislature also has the power: 'to provide for the security of the Republic'; 'to provide for the common defence, to declare war and authorize the Executive to conclude peace' and 'to raise and support the Armed Forces'; and 'to make rules for the governance of the Armed Forces' (Art. 34).

According to the Constitution, the Legislature also has the power to:

- impeach and remove the President and members of the Judiciary; and
- confirm executive appointees (including judges and the military).

The Legislature of Liberia consists of two separate chambers:

- the Senate (upper chamber); and
- the House of Representatives (lower chamber).



The rules and regulations of the Senate and the House of Representatives include a crucial set of instruments for providing legislative oversight of the security and justice sectors by the Legislature.

The Legislature is composed of the following security- and justice-related Committees that provide oversight of the security sector:

- the House of Representatives, which has three separate committees relating to the security sector (Defense, National Security, and the Judiciary Committee); and
- the Senate, which has a Committee on Defense, Intelligence, Security, and Veteran Affairs.

2. Relationship with governmental bodies

The Constitution of Liberia does not include a provision on how the Legislature interacts with Government Ministries and non-governmental entities. However, as it relates to its oversight and budgetary functions, the Legislature interacts with government institutions as follows:

- The Legislature reviews annual reports submitted by all government institutions, including national security actors;
- The Legislature approves the annual budgetary appropriations for each institution. During this process, agencies are usually invited to 'defend' their budgets;

In some instances, security officials are summoned by plenary or the security committees to provide information about security incidents or threats, or agency performance.

The Legislature also interacts with officials and technocrats of government institutions in the passage of legislations. Bills emanating from the Executive branch are often submitted by the President, but the appropriate ministry or agency will have to appear before the Legislature to provide justification or clarity, or to provide expert testimony;

The President of Liberia is also mandated by the Constitution to give an annual report to the National Legislature on the state of the nation, every third working Monday in January of each year; and

With regards to the Civilian Complaints Review Boards of the LNP and LIS, they report to the Minister of Justice, although independent



in their operations. The Boards therefore have no direct link with the legislature except in situations in which a member of the Legislature has personal issues with the police.

3. Relationship with non-state actors

Non-state actors such as civil society groups and the media occasionally interact with the Legislature in the enactment of legislation. For example, in the passage of the Kamara Abdulai Kamara Act of Press Freedom, the Press Union of Liberia consulted with members of the Legislature for the repeal of anti-libel laws;

The Civil Society Working Group on Security Sector Reform (SSRWG) also drafted and submitted bills to enhance Liberia's SSR agenda. Other civil society organizations (CSOs), such as the Liberia National Law Enforcement Association (LINLEA), have also interacted with members of the Legislature when called upon to provide expert opinion on some of the security related bills being discussed by legislators. Some civil society groups have made efforts to meet with members of committees to compare notes and present issues for consideration; Some civil society organizations undertake monitoring of the Legislature in terms of attendance, bills introduced and enacted, and contributions of legislators in discussions or debates during plenary. The result is published as a score sheet.

Traditional authorities mainly deal with the Ministry of Internal Affairs, hence limited interaction with legislators, except by invitation to provide input on issues being discussed at the legislature.



II/ State oversight actors

1. Governmental bodies

The Executive comprises various bodies and mechanisms with specific mandates on security-related matters, including ministries, the Office of the President, the National Security Council, joint security meetings, and county and district security councils.

a. Ministries

Ministries with key mandates in relation to security sector oversight include the following:

The Ministry of National Defense provides civilian democratic oversight over the armed forces of Liberia, namely coast guard, army, and air force. It also ensures that the goals and objectives of the military are properly articulated and implemented. Of particular note, the Ministry has developed and advocated for the enactment of the New Defense Act and the Veterans Act, both enacted in 2008¹¹, and the Uniform Code of Military Justice, enacted in 2017;



The Ministry of Justice, which is notably entrusted with internal security, provides civilian democratic oversight over the Liberia National Police, the Liberia Immigration Service, the Liberia Drug Enforcement Agency, the Liberia National Fire Service, the Bureau of Corrections and Rehabilitation, and private security companies; and

The Ministry of Finance and Development Planning, which is responsible for budgeting, and the Bureau of Maritime Affairs are overseen by the Legislature through its respective committees. The Bureau of Maritime Affairs generally oversees and regulates all activities of the marine territory of Liberia. It sets and operational regulations for vessels of commercial importance. It also supports the coast guard in monitoring other movements and conditions of services of the marine life of the Republic. Liberia has a well-developed maritime sector, hence its security importance.

b. National Security Council (NSC)

The 1999 Act establishing the National Security Council was repealed by the National Security Reform and Intelligence Act (2011), of which Section 3 establishes the NSC and spells out its mandate.

Members:

- the President (chairman of the NSC); and
- Ministers of Justice, Defense, and Internal Affairs².

Mandate:

The NSC is responsible for:

- overall policy coordination of the security sector;
- initiating or discussing proposed national or foreign security policies;
- submitting policy recommendations for the approval and timely action of the President;
- directing and monitoring the operation of decentralized security institutions, such as county and district security councils; and
- ensuring that security policy decisions made by the NSC are imple-

²The National Security Council shall be composed of the following officials of government: the President - Chairman -, the Vice President - Co-Chairman -, the Minister of National Defense, the Minister of Justice, the Minister of Internal Affairs, the Minister of Foreign Affairs, the Director of National Security Agency (NSA), and the National Security Advisor - Secretary and the Director (Inspector General) of Police. Other individuals may be invited on meetings by the Chairman.



mented in a coordinated and integrated manner by all government agencies involved.

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c. Joint Security meetings

Joint security meetings are chaired by the Minister of Justice as part of its management, oversight, and coordination role;
The meetings are intended for security coordination as well as experience and intelligence sharing purposes.

d. County and District Security Councils

County and District Security Councils are part of the decentralized security system to replicate the National Security Council (NSC) at the local level. They were established by the National Security Reform and Intelligence Act of 2011¹¹;
They are chaired by the superintendent of each county;
Their members consist of: the county heads of the Police, Immigration, the National Security Agency, the Liberia National Fire Services, civilian authorities including the paramount, clan, and town chiefs.

Mandate:

The County and District Security Councils are responsible for:

- like the NSC, acting as the highest policy and decision-making bodies at the local levels;
- serving both as early warning mechanisms and as structures through which security and justice concerns can be discussed; and
- allowing citizens to give input to decisions regarding the security sector and help inform policies by sharing concerns related not only to security issues, but also to socioeconomic- or health-related issues.



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2. Anti-corruption and accountability bodies

a. Liberia National Police Civilian Complaints Review Board

The Liberia National Police Civilian Complaints Review Board was created under the Liberia National Police (LNP) Act of 2015 ^{IV}.

Mandate:

The Liberia National Police Civilian Complaints Review Board is responsible for:

- receiving, processing, and adjudicating any complaint made against the Liberia National Police, any police officer, or civilian personnel;
- promulgating rules of procedure for the way complaints are received and processed, and feedback relayed to the complainants; and
- establishing an alternative dispute resolution process as an option for the public to use to restore minor complaints against the Liberia National Police, police officers, and civilian personnel.
- Its members consist of: Liberia National Bar Association (Chair), Ministers of Justice, and Internal Affairs, Independent National Human Rights Commission, Federation of Liberian Youth, National Civil Society Council, and Liberia National Law Enforcement Association (LINLEA).
- Since its creation, the Board has set up a Joint Secretariat to review complaints Police as well as Immigration Officers and has commenced the review of cases filed against police and immigration officers. The Police Professional Standards Division (PSD) has submitted to the Board about three hundred and fifty cases it received against police officers between January and June 2019, while the Immigration PSD submitted a total of twenty cases. The Board has now secured its own independent office and will shortly embark on public outreach to raise awareness about its functions.



Contact:

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b. Liberia Immigration Service Civilian Complaints Review Board

Mandate:

Under the 2015 Act establishing the Liberia Immigration Service (LIS) ^v, the LIS Civilian Complaints Review Board is responsible for:

- receiving, processing, and adjudicating any complaint made against the Liberia Immigration Service, immigration officers, or civilian personnel;
- promulgating rules of procedure for the way complaints are received and processed, and feedback relayed to the complainant; and
- establishing an alternative dispute resolution process as an option for the public to use to restore minor complaints against the Liberia Immigration Service, immigration officers, and civilian personnel.

Its members consist of representatives of the following institutions: Liberia Bar Association, Ministries of Justice, and Internal Affairs, Independent National Human Rights Commission, Federation of Liberian Youth, National Civil Society Council, and the Liberia National Law Enforcement Association (LINLEA).

Contact:

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c. Independent National Commission on Human Rights (INCHR)

The INCHR was established by an Act of Legislature in 2005;

It is a member of regional human rights groups, such as the National Human Rights Institutions in West Africa based in Abuja, Nigeria, and the “Network of African National Human Rights Institutions” based in Nairobi, Kenya.

Mandate:

The INCHR is responsible for:

- promoting and protecting human rights within Liberia’s jurisdiction;
- investigating complaints of human rights violations and conduct hearing;
- proposing amendments or reforms to laws, policies, and administrative practices and regulations;
- advising the government on the implementation of national and international human rights standards; and
- monitoring the implementation of the recommendations of the Truth and Reconciliation Commission, including reparations for individuals and communities victimized by the years of instability and war, especially women and children.

Its members consist of seven Commissioners that are appointed by the President upon approval from the Senate;

Main achievements and challenges:

- The INCHR’s main challenges include the selection of its members, vetting procedures, lack of adequate funding, little civil society involvement, and insufficient expertise. In 2009, the 2005 Act establishing the Commission was amended and removed most of the Commission’s Subpoena and other Quasi-Judicial powers; and
- The INCHR’s main achievements include a study on the ‘Palava Hut

³ The Palava Hut is a traditional transitional justice process based on restorative justice practiced throughout Liberia. It was recommended by the TRC as part of the reconciliation roadmap for the country.



process', which was piloted in 2016 in Grand Gedeh and Lofa with 300 participants. Regrettably³, the project could not continue because of a lack of financial resources. The INCHR has also deployed 'human rights monitors' to various counties to work with a number of justice actors to address the issue of pre-trial detention and raise awareness about human rights among various communities⁴.

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d. Liberia Anti-Corruption Commission (LACC)

LACC was established by an Act of Legislature 2008.

Mandate:

The LACC is responsible for:

- leading the implementation of the Anti-Corruption strategy of Liberia (2008);
- actively preventing corruption in public sector institutions; and
- raising awareness among citizens and public officials about corruption and its impact.

LACC is governed by five commissioners, including an Executive Chairperson and Vice Chairperson and assisted by a Secretariat headed by an Executive Director who is supported by three-line managers responsible for Administration, Education and Prevention, and Enforcement, respectively.

Main achievements and challenges:

- LACC struggles to obtain information from senior officials, such as asset disclosures or cooperation in building cases against government officials;

⁴ (UNDP and UNMIL, 2016: 52; see also INCHR, Human Rights Situation Report, June 2018).



- LACC only has the authority to investigate alleged corruption cases. In November 2016, for instance, LACC abandoned a high-profile case on the misappropriation of \$5.7 million in petroleum sales following the Ministry of Justice's decision to drop the charges against the alleged offenders due to insufficient evidence. This reliance on the Ministry of Justice is a weakness that potentially adds a political barrier to the prosecution of criminal cases.

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e. General Auditing Commission (GAC)

The GAC was first created in the 1950's and known as the General Auditing Office (GAO).

Although it became an autonomous public commission in 2005, its independence has been questioned by most observers. Its status has been specified in 2014 by an Act of Legislature⁵.

Mandate:

The GAC is responsible for:

- strengthening the Legislature's oversight of the Government regarding management of public resources; and
- carrying out independent audits on government actions and reporting to the Legislature with copies to the President.

⁵ In June 2005, an Act was passed by the National Legislature of Liberia to amend Chapter 53.2 of the Executive Law of 1972 which granted the General Auditing Commission status of autonomous agency of Government amendable to the National Legislature of Liberia. The 2005 amendment makes Chapter 53 of the Executive Law comply with Article 89 of the 1986 Liberian Constitution, which named GAC as one of the three autonomous Commissions in Liberia.



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f. Liberia National Commission on Small Arms (LINCISA)

The LINCISA was established by an Act of Legislature in 2012 following the decisions of the Economic Community of West African States (ECOWAS) to work on small arms issues.

Mandate:

The LINCISA is responsible for:

- providing oversight over small arms, including fire arm registration and regulation;
- formulating policies and ensuring the implementation of policies and measures aimed at addressing the problem of proliferation and illicit manufacturing, use, distribution, possession, and trafficking of small arms and light weapons;
- coordinating and monitoring all private and public sector efforts to prevent, combat, and eradicate the proliferation and illicit trade in small arms and light weapons within and across the borders of Liberia; and
- collaborating with the Ministry of Justice and the Liberia National Police (LNP) in the regulation and issuance of licenses to would-be users of small arms characterized by transparency and accountability.

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g. Financial Intelligence Unit (FIU)

The FIU was established by an Act of the legislature in 2013 as an autonomous agency to serve as the central, national agency of Liberia responsible for receiving, requesting, and conducting preliminary investigations, and analyzing and disseminating information concerning suspected proceeds of crime and terrorist property.

Mandate:

The FIU is responsible for:

- receiving and analysing intelligence and other public and non-public information in order to disseminate useful information to law enforcement and other competent authorities involved in investigating, prosecuting, detecting, and preventing money laundering and terrorist financing; and
- tracing and/or monitoring property or assets suspected of being related to money laundering or its predicate offenses, terrorist financing, or proceeds of crime, among other tasks.

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III/ Non-state oversight actors

1. Civil society

a. Liberia National Law Enforcement Association (LINLEA)⁶

LINLEA was established in 1994 as a 'membership-based, non-partisan and non-profit group.

Mandate:

LINLEA is responsible for:

- representing the interests of both retired and current law enforcement officers;
- serving as a platform for sharing knowledge and experiences by security personnel; and
- promoting professionalism and advocating for respect for human rights and a good working environment for its members.

⁶ www.linlea.org



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b.Liberia Female Law Enforcement Association (LIFLEA)

LIFLEA comprises female law enforcement officers and supports women's role in the security sector.

Mandate:

LIFLEA is responsible for providing a platform for women officers to share their experiences and encourage professionalism and leadership role in their ranks. The implementation of UNSCR 1325 is one of LINLEA's major objectives.

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Community-Service/Liberia-Female-Law-Enforcement-Association-LIFLEA-585212365317747/

c.Security Sector Reform (SSR) Working Group

The SSR Working Group is a consortium of civil society groups working on SSR-related issues, which was set up in 2006. It does not work within a legal framework but serves as a platform for the exchange of ideas and concerns affecting SSR issues in the country. It has had



the privilege of serving in advisory capacities for SSR issues including on the development of the new Acts on Defense, Security, and Intelligence, and the revision of the National Security Strategy.

Mandate:

The SSR Working Group is responsible for:

- promoting further involvement of civil society groups on SSR-related matters;
- supporting the SSR process through training and policy discussions, and creating a core of local expertise on SSR issues;
- creating a forum for dialogue, discussion, and analysis of SSR issues;
- conducting research on SSR issues; and
- providing an alternative source of expert opinion on security policies.

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2. The media

In their capacity as watchdogs and whistle blowers, the media in Liberia serve as key oversight actors for the security sector alongside other government bodies.

They are faced with a number of challenges, but freedom of the press has improved notably since August 2018, when the House of Representatives repealed the Penal Law of 1978, which impedes freedom of speech with criminal libel against the President, Sedition and Criminal Malevolence (2018 Abdulai Kamara Act of Press Freedom).

3. Traditional authorities

Traditional authorities continue to provide security, order, and peace in areas where there is no government presence. Thus, Liberia is a

hybrid political order in which both the modern state and traditional authorities co-exist and complement each other.

In cases where national authorities are unable or unwilling to meet their obligations, traditional authorities deal with all disputes between local people, particularly at the village level. These include, but are not limited to, 'woman palava' (infidelity), conflicts between families, land disputes, petty theft, youth disrespect for elders, and domestic violence.

Enduring concerns include the fact that traditional authorities are barred from handling criminal issues, especially sexual and gender-based violence. The weak justice system however leaves many of these cases unaddressed, thus creating a 'no justice for such crimes' and 'no redress for victims' syndrome in many locations of the country.

IV/ Bibliography

ⁱ Government of Liberia, 2013 Strategic Roadmap for National Healing, Peace-building and Reconciliation (2013-2030).

ⁱⁱ An Act to Repeal the National Defense Law of 1956, the Coast Guard Act of 1959, and the Liberian Navy Act of 1986 and to establish the New national Defense Act of 2008.

ⁱⁱⁱ National Security Reform and Intelligence Act, 20100, Section 5: Establishment of County and District Security Mechanism.

^{iv} LNP Act, Section 22.85, The Liberia National Police Civilian Complaints Review Board.

^v Liberia Immigration Service Act of 2015, Section 22.123.

^{vi} Division of Public Safety, Guidelines to Organize and Operate Private Security Companies (Monrovia: Ministry of Justice).

