

# THE IMPACT OF LIBERIA'S ELECTION ON WEST AFRICA

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## HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN  
RIGHTS AND INTERNATIONAL OPERATIONS

OF THE

COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES

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## **THE IMPACT OF LIBERIA'S ELECTION ON WEST AFRICA**

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**WEDNESDAY, FEBRUARY 8, 2006**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS  
AND INTERNATIONAL OPERATIONS,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 11:05 p.m. in room 2200, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH OF NEW JERSEY. The hearing will come to order. Good morning, everybody.

On January 16th, as we all know, Ellen Johnson-Sirleaf was sworn in as the first elected female President in the history of independent Africa. Mrs. Sirleaf had run against Charles Taylor in 1997, but lost, at least partly due to the impression that Taylor would return to war if he failed to win the election. Following the election, Mrs. Sirleaf spent a great deal of time outside of Liberia, and many observers felt her gender and her supposed lack of common touch would prevent her from being elected President.

In 2005, former international soccer star George Weah captured the imagination of many inside and outside of Liberia, who felt that his connection with Liberia's youth made him an almost inevitable winner, despite his lack of education and political experience.

However, in the run-off election between the two, Mrs. Sirleaf employed modern campaign techniques, including polling, message development and targeted campaigning to achieve a stunning victory. Her connection with the female voters may have not only made the difference in her election, but also may pave the way for other female candidates throughout Africa.

Now that she is leading this West African nation, the question is: What can she do to turn it around from the chaos and poverty into which it has fallen? From its independence in 1847 until 1980, Liberia was ruled by the descendants of former slaves from the United States. They managed to turn this nation into an economic engine, using the country's wealth of natural resources. Abundant sources of water and fertile soil supported rubber, palm oil and tropical fruit plantations, as well as some of the richest timber supplies in Africa. Liberia's mountains contain some of the highest quality iron ore in the world, and there were significant deposits of diamonds and gold.

Unfortunately, the so-called Americo-Liberians denied the descendants of the indigenous people their benefit from Liberia's nat-

ural wealth and their fair share of political power. The 1989 coup by then-Sergeant Samuel Doe led to the ascendancy of indigenous ethnic groups, but it also led to a poisonous political atmosphere and rampant official corruption.

In late 1989, Charles Taylor, a former member of the Doe Government and an escapee from a prison in America, began an insurgency that eventually toppled the Doe Government in 1990. Several years of factional fighting devastated the capital of Monrovia, as well as much of the country. Following a rather shaky cease-fire, a 1997 election brought Charles Taylor to power. By that time, more than 150,000 of his countrymen had died in the fighting, and more than half of the population had been displaced.

The Taylor regime was a disaster for Liberia. Taylor and his Government looted the treasury and Liberia's natural resources. Political opponents were jailed, or in the case of Dam Dokie and his family members, they were killed. However, Taylor was also a catastrophe for its West African neighbors. Rebels who had been supported by Taylor have destabilized Sierre Leone, Guinea and Cote d'Ivoire.

Taylor's crimes against his own people stimulated an insurgency that eventually led to his negotiated exile in Nigeria. His crimes against the region led first to United Nations sanctions in 2001 for his support of the Revolutionary United Front rebels in Sierra Leone and subsequently to an indictment for war crimes by the UN War Crimes Tribunal in Sierra Leone in 2003.

The issue of Taylor's extradition to the Sierra Leone Special Court remains high on the agenda of the United States Government. Nevertheless, there are internal issues facing the new Government in Liberia that also are pressing, and that is the main focus of our hearing today.

During the Taylor regime, and apparently also during the transitional government headed by Gyude Bryant, corruption became a way of life in Liberia. Illegal logging and mining and just plain theft of government resources were commonplace. In fact, the transitional government officials reportedly took furniture, computers and even rugs and light fixtures when they left office just a couple of weeks ago.

In one of her first acts as President, Mrs. Sirleaf fired the entire staff of the Ministry of Finance for corruption and told the officials to stay in the country pending an audit. The ministry and the Central Bank significantly differ as to the amount of money on hand for government operations.

Those funds are desperately needed to repair Liberia's roads, water systems and power supply—all of which suffer from years of warfare and neglect. The Sirleaf Government will have to examine all contracts to determine if they are in the best interest of the nation and rationally exploit Liberia's resources.

Too many of the population of 3 million remain displaced, and 85 percent of Liberia's people are unemployed and 80 percent live below the poverty line. About 70 percent of the population survives on agriculture, which remains disrupted due to the lingering impact of the war.

If Liberia is to recover from its long nightmare, the United States will have to take the lead among the international commu-

nity to assist in its restoration. That will require focus and consistency in America's engagement, and we are here today to determine what that focus should be.

Liberians feel a kinship to America that Americans do not always share with Liberia. Nevertheless, our country's relationship with Liberia is quite real and very important to the welfare of its neighbors. The Bush Administration and the Congress must take these facts into account in developing policies and programs to respond to Liberia's new, post-election realities.

Let me just say, before turning to my good friend and colleague, Mr. Payne, the Ranking Member, we will be hearing in panel II from David Crane, and he is, in my opinion, one of the real heroes in the effort to bring justice—and because of that justice, reconciliation—to that troubled part of the world. And as the special prosecutor, he was often at great risk to his own life, and yet he persisted with a tremendous amount of competence, and we will introduce him later when he makes his presentation.

But I want to say how much this Subcommittee, and really the Congress, respects the contributions to justice that he has made.

I would like to yield to Mr. Payne.

[The prepared statement of Mr. Smith of New Jersey follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

On January 16th, Ellen Johnson-Sirleaf was sworn in as the first elected female president in the history of independent Africa. Mrs. Sirleaf had run against Charles Taylor in 1997, but lost, at least partly due to the impression that Taylor would return to war if he failed to win the election. Following the election, Mrs. Sirleaf spent a great deal of time outside Liberia, and many observers felt her gender and her supposed lack of common touch would prevent her from ever being elected president.

In 2005, former international soccer star George Weah captured the imagination of many inside and outside Liberia, who felt that his connection with Liberia's youth made him an almost inevitable winner, despite his lack of education and political experience. However, in the run-off election between the two, Mrs. Sirleaf employed modern campaign techniques, including polling, message development and targeted campaigning to achieve a stunning victory. Her connection with women voters may have made not only the difference in her election, but also may pave the way for other female candidates throughout Africa.

Now that she is leading this West African nation, the question is: what can she do to turn it around from the chaos and poverty into which it had fallen? From its independence in 1847 until 1980, Liberia was ruled by the descendants of former slaves from the United States. They managed to turn this nation into an economic engine, using the country's wealth of natural resources. Abundant sources of water and fertile soil supported rubber, palm oil and tropical fruit plantations, as well as some of the richest timber supplies in Africa. Liberia's mountains contained some of the highest quality iron ore in the world, and there were significant deposits of diamonds and gold.

Unfortunately, the so-called Americo-Liberians denied the descendants of the indigenous people their benefit from Liberia's natural wealth and their fair share of political power. The 1980 coup by then-Sergeant Samuel Doe led to the ascendancy of indigenous ethnic groups, but it also led to a poisonous political atmosphere and rampant official corruption. In late 1989, Charles Taylor, a former member of the Doe government and an escapee from a prison in America, began an insurgency that eventually toppled the Doe government in 1990. Several years of factional fighting devastated the capital city of Monrovia, as well as much of the country. Following a rather shaky cease-fire, a 1997 election brought Charles Taylor to power. By that time, more than 150,000 of his countrymen had died in the fighting, and more than half the population had been displaced.

The Taylor regime was a disaster for Liberia. Taylor and his government looted the treasury and Liberia's natural resources. Political opponents were jailed, or in

the case of Sam Dokie and his family members, they were killed. However, Taylor also was a catastrophe for its West African neighbors. Rebels who had been supported by Taylor have destabilized Sierra Leone, Guinea and Cote d'Ivoire.

Taylor's crimes against his own people stimulated an insurgency that eventually led to his negotiated exile in Nigeria. His crimes against the region led first to United Nations sanctions in 2001 for his support of the Revolutionary United Front rebels in Sierra Leone and subsequently to an indictment for war crimes by the UN-sponsored war crimes tribunal in Sierra Leone in 2003.

The issue of Taylor's extradition to the Sierra Leone Special Court remains high on the agenda of the U.S. government. Nevertheless, there are internal issues facing the new government in Liberia that also are pressing, and that is the main focus of our hearing today.

During the Taylor regime, and apparently also during the transitional government headed by Gyude Bryant, corruption became a way of life in Liberia. Illegal logging and mining and just plain theft of government resources were commonplace. In fact, the transitional government officials reportedly took furniture, computers and even rugs and light fixtures when they left office just a couple of weeks ago. In one of her first acts as president, Mrs. Sirleaf fired the entire staff of the Ministry of Finance for corruption and told the officials to stay in the country pending an audit. The ministry and the Central Bank significantly differ as to the amount of money on hand for government operations.

Those funds are desperately needed to repair Liberia's roads, water systems and power supply—all of which suffered from years of warfare and neglect. The Sirleaf government will have to examine all contracts to determine if they are in the best interest of the nation and rationally exploit Liberia's resources. Too many of the population of three million remain displaced, and 85% of Liberia's people are unemployed and 80% live below the poverty line. About 70% of the population survives on agriculture, which remains disrupted due to the lingering impact of the war.

If Liberia is to recover from its long nightmare, the United States will have to take the lead among the international community to assist in that restoration. That will require focus and consistency in America's engagement, and we are here today to determine if that focus and consistency will be forthcoming.

Liberians feel a kinship to America that Americans do not share with Liberia. Nevertheless, our country's relationship with Liberia is quite real and very important for the welfare of its neighbors. The Bush Administration and Congress must take these facts into account in developing policies and programs to respond to Liberia's new, post-election realities.

Mr. PAYNE. Thank you very much. Thank you, Mr. Chairman, for calling this very important hearing on the most timely subject of Liberia.

Liberia, as many of us know, is a country where African-Americans have had longstanding relations when back in 1822 free men and women went back to Liberia, went to Liberia under a program of, actually, some church groups to have a back-to-Africa movement. And as we know, I believe in 1848, it became an independent country and patterned many of its laws on United States laws. The color of its flag is red, white and blue, and had an extremely close relationship with our Government throughout the years.

As a young person, the first indigenous African persons I had the opportunity to meet were from Liberia. Those, as a young boy, met Howard students that visited Newark, New Jersey, and had an opportunity to—for the first time have a chance to meet actually ancestors from Africa. So I have had a long-time interest in Liberia.

Back in 1991, when the situation began, when Doe was under siege, I had the opportunity to meet with then-National Security Advisor Brent Scowcroft in the White House because we were urging the United States to move into Liberia at that time. We felt that the Marines were in the bay, and that if they had moved in it could have prevented the growth of Taylor and the removal of Doe, and that the country may have been saved from the terrible problems that it had since that time.



But you may recall that it was at the time of the first Persian Gulf situation, and Brent Scowcroft said that we do not want to be involved in two areas at the same time. Almost similarly the same thing happened when the Iraqi situation occurred, and Liberia too came about.

So I have had a long-time interest even to the standpoint of following some Jerseyites in Essex County who back in 1822 left my home county of Essex County to go to Liberia, and we have been able to trace the names of some of the original people who went back at that first trip.

So the whole question of Liberia—and in my district there are many Liberian-Americans. We have Leslie Coe who is in the audience, former schoolboard member in the township of Union, who convened a meeting of Liberians in my district when I returned from the first election. As you know, they had a run-off election, but I had the privilege to be an observer at the election, the first election, and Lloyd Pierson and I shared one of the only houses standing, I guess. We were roommates, different rooms. [Laughter.] But we are friendly, but not that close. [Laughter.]

But there are not too many places at that time that we had, and of course, Ms. Vivian Derryck was also there, and Ms. Frazer—this is a kind of little reunion we have here, and so we have much interest in what is going on. And as a matter of fact, just yesterday—I do not have the opportunity like you, Ms. Frazer, to see the President of the United States often, but I did happen to bump into him yesterday in Atlanta at the funeral of Mrs. King, which was quite a moving experience, but did have a moment to get a word in, and it was about Liberia, and said that we were looking forward to continued support for Liberia, and he agreed, at least he nodded his head. I will take it as an agreement that we should do more for Liberia.

But I think that the impact of Liberia's election on West Africa is very important, and I look forward to hearing both from you, Dr. Frazer, and Mr. Pierson. We had a good trip. I think the only one missing is Senator Chafee, who was along with us, and has a very strong interest in Liberia.

As I was mentioning, Leslie Coe had convened a meeting of many, many Liberians. When I came back, I brought the newspapers, brought the election materials, and there is a tremendous amount of interest of Liberians in New Jersey and throughout the United States.

I am excited about the optimism about Liberia's future, the transition period, which began in 2003 when ECOWAS, then the UN, stepped in to stop the bloodshed and more than 14 years of civil conflict as we know. We saw the tragedy of Sergeant Doe coming in, taking over militarily, murdering the first family, and many of the officers of the Government of Liberia.

The *New York Life Magazine* had on its cover a picture of the President and some of his Cabinet people on the beach tied to a stake where they were murdered, and so that picture remained for many, many years, and actually when Doe was challenged, many felt that things could not get worse, and that to have a person who took over with a blood-letting murder of government officials, that

things could not get any worse, but of course, we had the emergence of Charles Taylor, and things in fact did get worse.

President Ellen Johnson-Sirleaf's victory is not only historical because she is Africa's first woman to be elected President, but also because these elections, which were unblemished March 1st contested election in Liberia in a long time, after the first election since the brutal dictator Charles Taylor when he won it in 1997. And I have to say that the turnout was unbelievable.

I think, Lloyd, when we looked around, people stood in long lines, took them a long time to get to the polling places, took them a long time to vote, and it took a long time to get back to their villages, and turnout probably exceeding 80–85 percent on the first election. I did not have the opportunity to go back to the run-off, but it was tremendous, and we thought it was unblemished.

I commend the National Elections Commission and the UN mission in Liberia for all of their work and ensuring that the elections were able to take place and in an environment that was conducive to free and fair elections, and I have to commend the IRI and the NDI and IFIS for the outstanding job that they did in preparing the people of Liberia for this election. It was outstanding, and the Carter Center.

President Johnson-Sirleaf has received widespread support from the international community. Among those who attended her inauguration in January was the First Lady, Laura Bush, and Secretary of State Condoleezza Rice. Johnson-Sirleaf walked home after the ceremony and was accompanied by cheers and cries of the thousands of Liberians who lined the streets along her way.

She faces many challenges ahead, but the country has an opportunity for lasting peace while it takes its steps forward toward democracy.

As the Chairman mentioned, Liberia is rich in natural resources, one of the two remaining untouched forests in the world, rubber trees, rich arable land, minerals, and possibly petroleum sources, which hold possibilities for economic growth in the future.

However, the road ahead is long and uphill. Sustained international support, particularly from the United States, is critical to Liberia's progress. President Johnson-Sirleaf finds herself strapped with a hefty responsibility to bring Liberia from a post-war transition into a bludgeoning democracy. Some of the challenges she will face include providing public electricity in Monrovia.

We had the opportunity, when I met with her when she was here, to talk about Stanley Engineering from Muscatine, Iowa, which was the actual company to build the first energy plant in Liberia. I do know, 50–60 years ago, 70 years ago, and still had all the original blueprints, and we made contact with Congressman Leach, who is from that area, and Stanley Engineering has actually visited Monrovia, and we are hoping, Ms. Frazer, that perhaps there could be some interest in the State Department and our Government in seeing whether Stanley Engineering, who originally started the project, could be re-engaged because, as we know, there is no energy in Liberia, and that would be fantastic, and they certainly would have a jump start since they built the original plant. So I would like to discuss that with you further.

She has avowed to attempt to get something started in the first 6 months, trying to show that there can be improvement and that democracy works, and the physical infrastructure, as we saw, all of us who were there recently, that there is a tremendous need for that, for education, for healthcare, for transportation.

So to conclude, the repatriation of refugees is another one of the many issues the President will have to address along with job creation and education and training of former combatants, primarily former child soldiers.

I made a suggestion to President Bush in a meeting we had in 2003, that we should start a program similar to the old depression-era programs of the CCC (Conservation Corps), where we could take people out of the city, especially young combatants, and put them out in the environment and work on the environment and get them away from the urban ills, and so the WPA where you created work.

He asked, that meeting, then-National Security Advisor Condoleezza Rice whether we had funds available to start a project, a small project before we got the real funding, and lo and behold we were able to start some program similar to that, and so we are very pleased at the interest and the White House was there, and hopefully we can have it continued.

President Johnson-Sirleaf will also face challenges to Liberia's stability within the subregion for nearly a decade, and have conflict in Liberia generated a range of efforts that undermine the national security, political stability, and economic prosperity of its neighbors and brought about negative repercussions in the wider subregion. Among the most serious of such efforts were the spread of small arms, increased mercenary activity, deployment of diverse, often state-assisted rebel groups along regional borders, a rise in human rights abuses, and the creation of refugees and internally-displaced populations. Instability in the region could pose serious problems, and we need to make sure that Liberia is stable.

Within Liberia, I also have concerns about the Security Council decision recently to decrease the UN force in Liberia as of March. I think it is a mistake. I do not think the country is stable enough to reduce the UN forces at this time. This decision was taken against the advice of Secretary-General Kofi Anan. Without a national army, the President needs a sustained international presence, and I hope we can perhaps get the United States, who will be in charge of the Security Council, perhaps we can get us re-engaged in an interest in keeping peacekeepers still in Liberia. It would be a shame to move out prematurely and waste all of the investment that we have put in.

Additionally, I was disturbed by reports that the multinational rubber manufacturing company, Firestone, has been using extensive child labor, exposing its workers to dangerous pesticides and fertilizers, forcing its employees to work in inhumane conditions, and that should be a concern to all of us.

An alien torts claim act suit was filed in the United States on behalf of the Liberia Firestone employees. Firestone has operated a rubber plant in Liberia since the 1920s, and in February 2005, Liberia's transitional government extended their land concessions for 36 years. If Firestone is going to do business in Liberia for

years to come, they have a responsibility to provide quality working conditions and fair pay for their employees. But it appears that the opposite is happening. It is time for Firestone and many other multinational corporations to take responsibility for their actions, and to make some substantial changes in their behavior.

Certainly, Mr. Chairman, I look forward to the testimony, and I really apologize for taking—I took a page from you, I went a little bit long. You can see that I have a very strong interest. And I would just like to also mention—I know that Mr. Crane is here, I am going to have to run out at 5 minutes to 1 o'clock, and I will be back a few more minutes after that, but I do believe that we need to deal with former President Taylor, and we need to have that whole question resolved.

However, I think that we need to stabilize Liberia and give the President an opportunity to start her process moving forward without having the tremendous distraction of focusing solely on Taylor, and other things will certainly fall by the wayside. I think we need to keep the Taylor issue very much in front of us. However, I would hope that we do not get distracted and do give the total support she needs to try to move that country on the road to recovery.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Payne follows:]

PREPARED STATEMENT OF THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW JERSEY

I commend Chairman Smith for calling this extremely important hearing on “The Impact of Liberia’s Election on West Africa”. I welcome Assistant Secretary Frazer and Lloyd Pierson back to the committee. It’s good to see you both and I greatly enjoyed traveling with you and Senator Chafee to observe the elections on October 11th.

I am excited and optimistic about Liberia’s future. The transition period—which began in 2003 when ECOWAS and then the UN stepped in to stop the bloodshed after more than 14 years of civil conflict—has given way to a new democracy thanks to the peaceful and transparent elections in October and the runoff in November of last year.

President Ellen Johnson-Sirleaf’s victory is not only historic because she is Africa’s first woman to be elected president, but also because these elections which were unblemished, marked the first contested elections in Liberia in a long time and the first elections since the brutal dictator Charles Taylor won in 1997.

I commend the National Elections Commission and the UN Mission in Liberia for all their work in ensuring the elections were able to take place in an environment that was conducive to a free and fair process.

President Johnson-Sirleaf has received widespread support from the international community. Among those who attended her inauguration in January were First Lady Laura Bush and Secretary of State Condoleezza Rice. Johnson-Sirleaf walked home after the ceremony and was accompanied by the cheers and cries of the thousands of Liberians who lined the street along her way. She faces many challenges ahead but the country has an opportunity for lasting peace while it takes steps towards democracy.

Liberia is rich in natural resources—one of the two remaining untouched forests in the world, rubber, rich, arable land, mineral and possible petroleum resources—which hold possibilities for economic growth in the future. However, the road ahead is long and uphill. Sustained international support, particularly from the US is critical to Liberia’s progress.

President Johnson-Sirleaf finds herself strapped with a hefty responsibility—to bring Liberia from a post-war transition into a burgeoning democracy.

Some of the challenges she will face include: providing public electricity in Monrovia, which she has vowed to attempt to do within her first six months of being elected, rapid improvements in social services and the reconstruction of physical infrastructure, particularly for education, healthcare, and transportation.

The repatriation of refugees is another one of the many issues the president will have to address along with job creation and education and training of former combatants, particularly former child soldiers.

I made a suggestion to President Bush in a meeting in 2003 that we should help implement a program similar to the Civilian Conservation Corps (CCC) to give former child soldiers education in conservation while at the same time protecting Liberia's forests.

President Johnson-Sirleaf will also face challenges to Liberia's stability within the sub-region. For nearly a decade and a half conflict in Liberia generated a range of effects that undermined the national security, political stability, and economic prosperity of its neighbors, and brought about negative repercussions in the wider sub-region.

Among the most serious of such effects were: the spread of small arms, increased mercenary activity, deployment of diverse, often state-assisted rebel groups along regional borders, a rise in human rights abuses and the creation of aggrieved refugee and internally displaced populations.

Instability in sub-regional neighbors Cote d'Ivoire and Guinea could pose serious challenges and will take the sustained engagement of the U.S. to help contain those situations.

Within Liberia I also have concerns about the Security Council decision recently to decrease the UN force (the UN Mission in Liberia) as of March. This decision was taken against the advisement of Secretary-General Annan. Without a national army, the president needs a sustained international presence in these times.

Additionally, I was disturbed by reports that the multinational rubber manufacturing company, Firestone, has been using extensive child labor, exposing its workers to dangerous pesticides and fertilizers, and forcing its employees to work in inhuman conditions should greatly concern us all. An Alien Tort Claims Act suit was filed in the U.S. on the behalf of Liberian Firestone employees

Firestone has operated a rubber plantation in Liberia since the 1920s, and, in February 2005, Liberia's transitional government extended their land concession for thirty-six years. If Firestone is going to do business in Liberia for years to come, they have a responsibility to provide quality working conditions and fair pay for their employees, but it appears that the opposite is happening.

It is time for Firestone and many other multinational corporations to take responsibility for their actions and make some substantial changes in their behavior.

I look forward to the testimonies and thank the Chairman again for calling this important hearing.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Payne. Vice Chairman Royce.

Mr. ROYCE. Thank you, Chairman Smith. I appreciate the opportunity here to say a few words, and welcome Dr. Frazer, and welcome Mr. Pierson. And I thank Chairman Smith for convening this hearing.

As we will hear today, Congress and the Administration have shown a commitment to Liberia. Over \$1 billion has been devoted to the rebuilding of that country over the last several years, and of course, in 2003, the President dispatched U.S. Marines to Monrovia. I not only supported those efforts, Don Payne and I had a meeting with the President, requested and pressed for these very actions, and we were glad the Marines were dispatched, and we are certainly heartened by Liberia's recent elections, which resulted in Ellen Johnson-Sirleaf becoming President of the country.

As the Administration will testify, I think this election is something that Americans should feel proud of. Needless to say, Liberia still faces tremendous challenges. I do feel that the new Liberian Government's road ahead will be far less treacherous and the futures of not only Liberia but the rest of West Africa would be far more secure if the warlord who brought so much destruction to the region was forced to face justice before the Special Court for Sierra Leone.

That court indicted Charles Taylor on 17 counts of war crimes, and crimes against humanity for his destruction of Sierre Leone. Many West Africans understand, I think, the importance of ending Taylor's cushy exile in Nigeria. The campaign against impunity is a coalition of over 300 African and international society groups, and they recently wrote President Johnson-Sirleaf asking her to take urgent action to ensure that Nigeria properly surrenders Taylor to the court.

This group stated, and I will just quote:

"The campaign against impunity looks to you as Liberia's President to demonstrate your commitment to fighting impunity and to manifest the leadership necessary to ensure that justice is done. We believe the victims of the crimes committed in Sierra Leone, including murder, rape and other sexual violence, mutilation and widespread use of child soldier, deserve nothing less."

I think they are right, and Mr. Chairman, I am going to ask unanimous request that this letter be placed in the record.

Mr. SMITH OF NEW JERSEY. Without objection.

[The information referred to follows:]

PROMPT ACTION TO ENSURE TAYLOR'S SURRENDER NEEDED

CIVIL SOCIETY COALITION LETTER TO NEW LIBERIAN PRESIDENT JOHNSON-SIRLEAF

January 26, 2006

H.E. Mrs. Ellen Johnson-Sirleaf  
President of the Republic of Liberia  
Executive Mansion  
Monrovia, Liberia

Dear President Johnson-Sirleaf,

We are writing on behalf of the Campaign Against Impunity, a coalition made up of some three hundred African and international civil society groups, to urge you to take concrete steps to ensure Nigeria promptly surrenders former Liberian President Charles Taylor to the Special Court for Sierra Leone. The Campaign Against Impunity believes your urgent action on this issue would not only help consolidate political stability in Liberia, but would also send a strong message about the importance of establishing the rule of law in West Africa.

We welcomed news reports last week that you would ask Nigerian President Obasanjo to surrender Charles Taylor following consultation with regional leaders. The Special Court has a mandate to prosecute those bearing the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed during Sierra Leone's armed conflict, while ensuring a fair trial for all those who stand before it. Charles Taylor has been indicted on seventeen counts of war crimes and crimes against humanity for his alleged role in atrocities committed during the Sierra Leone armed conflict.

While a request from you for Taylor's surrender to the Special Court should not be needed given his outstanding indictment, it could prove determinative. As you know, President Obasanjo has thus far refused to surrender Charles Taylor to the Special Court. However, President Obasanjo has indicated that he would consider surrendering Taylor upon a request from a duly-elected Liberian government.

The Special Court will only operate for a limited time. It is already advanced in its operations and will confront increasing international pressure to complete its mandate. As such, this valuable window of opportunity for bringing justice to countless victims of atrocities in Sierra Leone and for helping to set a precedent for the fight against impunity is rapidly closing. Of course, Charles Taylor's trial by the Special Court would not preclude trials for the many war crimes for which he has been implicated in Liberia. The Campaign Against Impunity also urges you to ensure that Liberian authorities will promptly investigate all accusations of crimes in the country with a view to bringing those responsible to justice.

The Campaign Against Impunity looks to you, as Liberia's president, to demonstrate your commitment to fighting impunity and to manifest the leadership necessary to ensure that justice is done. We believe the victims of the crimes committed in Sierra Leone—including murder, rape and other sexual violence, mutilation and widespread use of child soldiers—deserve nothing less.

We appreciate your consideration of this letter.

Sincerely,

Ezekial Pajibo  
Executive Director  
Centre for Democratic Empowerment  
(Liberia)

Aloysius Toe  
Founder and Director  
Foundation for Human Rights and Democracy  
(Liberia)

Atty. Alfred Brownell  
President  
Environmental Lawyers Association of Liberia  
(Liberia)

Shina Loremkin  
Director of Programmes  
Committee for the Defence of Human Rights  
(Nigeria)

Sulaiman Jabati  
Executive Secretary  
Coalition for Justice and Accountability  
(Sierra Leone)

Kolawole Olaniyan  
Director, Africa Programme  
Amnesty International

Richard Dicker  
Director, International Justice Program  
Human Rights Watch

Brima A. Sheriff  
Acting Section Director  
Amnesty International-Sierra Leone

Mr. ROYCE. This group wrote Liberia's president because President Obasanjo of Nigeria, who is—Nigeria, of course, is harboring Taylor under the agreement—has indicated over the last several years that he would surrender Taylor to the court upon receiving a request from a duly-elected Liberian Government.

Well, thankfully, Liberia now has that government. Justice demands that Taylor face the court. I will remind my colleagues here of a hearing that we had with the African Subcommittee several years ago when I was Chairman in which Sierra Leonean boys and girls with amputated hands and amputated arms spoke to us. They were victims of Taylor.

The Special Court, which is backed by the United Nations and United States-financed, is, frankly, challenging the culture of impunity that plagues West Africa, and helping to establish critical standards of accountability. It needs to succeed and it needs to have Charles Taylor face justice.

There is also a practical reason to send Taylor to the court. Until he is tried, he continues to plot in seaside Calibar, Nigeria. Taylor says he will return to Liberia, and I would say that his track record suggests that he would do that if he is not stopped.

To subject Liberians and West Africans to another Taylor nightmare would be unconscionable. The United Nations Security Coun-

cil understands Taylor's potential for destruction. Last November, in passing a resolution giving the United States peacekeepers in Liberia a mandate to arrest him, the UN identified Taylor as a threat to the peace of Liberia. The Liberian people, many who want Taylor to face justice, need to hear this.

In December, a bipartisan group of 13 House and Senate Members wrote Secretary of State Rice regarding Taylor, noting:

“Should Mr. Taylor continue to evade justice, the international community may show reluctance to continue with its strong support for the reconstruction of Liberia and Sierra Leone.”

I am going to amplify and fine-tune this concern. This friend of Liberia has very little interest in providing more money to rebuild Liberia until its President brings Taylor, a known force for destruction, one step closer to justice by calling on Nigeria's President to send him to the Special Court.

The Special Court's indictment of Charles Taylor is nearly 3 years old. Time is running out on its mandate, which I can assure you Taylor understands. Many are looking to President Johnson-Sirleaf for an active leadership in forging an era of accountability that would distinguish her for all time.

Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you, Vice Chairman Royce. Ambassador Watson.

Ms. WATSON. I want to thank you, Mr. Chairman, for scheduling this hearing at such a critical time in Liberia's history. I also want to thank my colleague, Mr. Payne, who has been such a leader on the issue, and of course, my California colleague, Ed Royce, whom I have been so proud to work with on bringing Charles Taylor to justice and supporting Liberia's future.

Now, I am interested in today's hearing about what the plans are of the United States Government and what plans are being made to sustain the necessary long-term commitment to democracy and development in Liberia. Experience has taught us the hard lesson that we need a comprehensive plan both for how we intend to help Liberians rebuild their country as well as a plan for how we will sustain United States and international commitment to this effort.

No one who has watched the events of the last 6 months in Liberia can fail to be inspired by the transition which is underway. Through their historic election process, Liberians engaged in a lively but peaceful debate about the future of their own country.

Several times during the process Liberians encountered political disputes that threatened to derail the process. Yet these results were ultimately solved peacefully and legally and it can be argued that the fragile institutions of Liberian democracy were strengthened as a result.

In the end, Liberians chose a remarkable lady, Ellen Johnson-Sirleaf, to be their President. President Johnson-Sirleaf, the first woman elected President of an African nation, has a wealth of expertise in finance, in governance, and is a very wise, wise woman. And to anyone who doubted her nickname, “The Iron Lady,” she has proved her mettle early by taking immediate, strong actions to fight corruption and restore a measure of the public's trust.



But no matter how talented and dedicated the President might be, her nation and people face immense challenges. They will need the help of the United States and other countries of Africa and Europe to support them as they seek to rebuild their nation and their society. Among the many challenges it faces, the Liberian Government must root out the systematic corruption that threatens to rut the foundation of this new democracy, and saps the energy from free enterprise.

The GEMAP program, while controversial, offers the opportunity to institutionalize transparency and accountability. We must provide the support to ensure this program is a success. The Liberian Government must also be able to provide security for its people. This will require above all the successful reintegration of tens of thousands of former child soldiers in their community and society as young citizens.

Americans have a stake in Liberia's success because it is our national security interests to have strong, effective, democratic partners around the globe, and particularly in West Africa. Liberia is now at crossroads where it can become the type of partner we need and want in order to keep our country safe. We must embrace this opportunity or we will be dealing with the consequences of that failure for another generation.

There is one more issue which I cannot let go unmentioned, and that is the issue of Charles Taylor. My colleagues have already spoken of that issue. The Special Court for Sierra Leone has indicted Taylor on 17 counts of war crimes, including unlawful killings, abductions, forced labor, physical and sexual violence, use of children as soldiers, and looting and burning of civilian structures.

While today's war criminals such as Slobodan Milosevic and Saddam Hussein are behind bars, Charles Taylor lives in freedom on a Nigerian estate, and he remains a major source of instability in the area of West Africa. We have a duty to make sure that Taylor is immediately transferred to the jurisdiction of the Special Court in Sierra Leone.

Thank you, Mr. Chairman, for the role you are playing at the time, and I look forward to hearing from our witnesses as to how the United States is working to plan and sustain the necessary long-term commitment to Liberian democracy and development.

In closing, I have many friends whose families many, many decades ago went back to Liberia, and therefore many of the Liberians have the same names as we do here in this country, and they stayed, and they re-found their roots, but several of them returned, and their children and grandchildren, great-grandchildren were born here in America, so we do have some natural ties to that area, and we are deeply interested and committed to democracy succeeding in that land.

Thank you very much.

Mr. SMITH OF NEW JERSEY. Thank you very much, Ambassador.

Let me now go to our first panel, but I would like to acknowledge and welcome the Liberian Ambassador, Charles Minor, who is with us this afternoon. If he could just wave and be acknowledged. Thank you for being here and joining us today.

Let me first begin by introducing Dr. Jendayi Frazer who is the Assistant Secretary for the Bureau of African Affairs. Prior to be-

coming Assistant Secretary, Dr. Frazer served as the U.S. Ambassador to South Africa. Ambassador Frazer also served as Special Assistant to the President and Senior Director for African Affairs at the National Security Council. As a Council of Foreign Relations International Affairs Fellow, she served as a political-military planner with the Joint Chiefs of Staff in the Department of Defense, and as Director for African Affairs at the National Security Council.

We will then hear from Lloyd Pierson who serves as the USAID Assistant Administrator for Africa and as the Government Representative on the Board of Directors of the African Development Foundation. Prior to joining USAID, he was Chief of Staff/Chief of Operations for the Peace Corps. Shortly after the inauguration of President Bush, Lloyd was named a member of the transition team at the Peace Corps, and then in September 2001, he was named Acting Deputy Director. Prior to returning to the Peace Corps in 2001, Mr. Pierson was the Director of the African Division for the International Republic Institute, or IRI.

Dr. Frazer, please.

Ms. WATSON. Can I submit my testimony for the record?

Mr. SMITH OF NEW JERSEY. Your full statement will be made a part of the record. Without objection, so ordered.

Ms. WATSON. Okay.

[The prepared statement of Ms. Watson follows:]

PREPARED STATEMENT OF THE HONORABLE DIANE E. WATSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Thank you, Mr. Chairman for scheduling this hearing at such a critical time in Liberia's history. I also want to thank Mr. Payne, who has been such a leader on this issue, and of course my California colleague Mr. Royce, whom I have been so proud to work with on bringing Charles Taylor to justice and supporting Liberia's future.

I am interested in hearing today about what plans the United States government is making to sustain the necessary long-term commitment to democracy and development in Liberia. Experience has taught us the hard lesson that we need a comprehensive plan both for how we intend to help Liberians rebuild their country as well as a plan for how we will sustain the U.S. and international commitment to this effort.

No one who has watched the events of the last six months in Liberia can fail to be inspired by the transition which is underway there. Through their historic election process, Liberians engaged in a lively but peaceful debate about the future of their country. Several times during the process, Liberians encountered political disputes that threatened to derail the process. Yet these results were ultimately solved peacefully and legally, and it can be argued that the fragile institutions of Liberian democracy were strengthened as a result.

In the end, Liberians chose a remarkable lady, Ellen Johnson-Sirleaf, to be their President. President Johnson-Sirleaf, the first woman elected President of an African nation, has a wealth of expertise in finance and governance. And to anyone who doubted her nickname—the "Iron Lady"—she has proved her mettle early, by taking immediate, strong actions to fight corruption and restore a measure of public trust.

But no matter how talented and dedicated President Johnson-Sirleaf is, her nation and people face immense challenges. They will need the help of the United States to support them as they seek to rebuild their nation and society.

Among the many challenges it faces, the Liberian government must root out the systemic corruption that threatens to rot the foundations of this new democracy and saps the energy from free enterprise. The GEMAP program, while controversial, offers the opportunity to institutionalize transparency and accountability. We must provide the support to ensure this program is successful. The Liberian government must also be able to provide security for its people. This will require, above all, the successful reintegration of tens of thousands of former child soldiers into their communities and society.

Americans have a stake in Liberia's success because it is in our national security interest to have strong, effective, democratic partners around the globe, and particularly in West Africa. Liberia is now at a crossroads where it can become the type of partner we need and want in order to keep our country safe. We must embrace this opportunity or we will be dealing with the consequences of that failure for another generation.

There is one more issue which cannot go unmentioned—Charles Taylor. The Special Court for Sierra Leone has indicted Taylor on seventeen counts of war crimes, including “unlawful killings, abductions, forced labour, physical and sexual violence, use of child soldiers, looting and burning of civilian structures.”

While today war criminals such as Slobodan Milosevic and Saddam Hussein are behind bars, Charles Taylor lives in freedom on a Nigerian estate. And he remains a major source of instability for West Africa. We have a duty to make sure that Taylor is immediately transferred to the jurisdiction of the Special Court in Sierra Leone.

Thank you Mr. Chairman, for the time, and I look forward to hearing from our witnesses as to how the United States Government is working to plan and sustain the necessary long-term commitment to Liberian democracy and development.

Mr. SMITH OF NEW JERSEY. Dr. Frazer, please proceed.

**STATEMENT OF JENDAYI E. FRAZER, Ph.D., ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE**

Ms. FRAZER. Thank you and the Members for the opportunity to testify about the positive domestic and regional implications of Liberia's recent Presidential election.

With your permission, Mr. Chairman, I would like to submit my written testimony for the record.

Mr. SMITH OF NEW JERSEY. Is there objection? No objection. It will be made part of the record.

Ms. FRAZER. Thank you.

President Bush and Secretary Rice have made Africa a policy priority, and I am proud to appear before you as a member of their team. It was my privilege to join First Lady Laura Bush and Secretary Rice at the recent swearing-in of President Ellen Johnson-Sirleaf, and I believe this high-level United States delegation conveyed our interests in renewing our close relationship with the people of Liberia.

After 14 years of civil war, Liberia is reconciling under the leadership of a new government. The United States has played an active and important role in helping Liberia make this transition. Our engagement is driven not only by our sense of connection to Liberia, which was founded in 1847 by freed American slaves and free African-Americans, but also by our foreign policy objectives.

The President has set a goal for us to make the world safer, freer, and better. American involvement with Liberia is part of that mission, and Liberia's transition has been a boon to its people as well as its neighbors.

Our success up to today is thanks to the Congress, the President, Executive Branch agencies, many non-governmental organizations, the diaspora, and other friends of Liberia working in partnership with Liberians. Americans and Liberians have offered their efforts and expertise for the good of Liberia. Our investment is now paying dividends for Liberia's 3.3 million people.

Liberia is a good news story about Americans supporting African efforts to better Africa. As Secretary Rice recently noted:

“Transformational diplomacy is rooted in partnership, not paternalism. In doing things with other people, not for them, we seek to use America’s diplomatic power to help foreign citizens to better their own lives and to build their own nations, and to transform their own futures.”

The defense, diplomacy, and development efforts that the U.S. Government has undertaken are helping Liberia move from a state of war toward being a state of peace. The American people deserve to feel proud of their Government and its actions.

Today, my goal is to elaborate on three key reasons why the 2005 Liberian Presidential election is a win not only for the people of Liberia, but also for the people of this country.

The first reason is that regional stability is improved with a democratic and secure Liberia. The second reason is that the region’s trend toward democratization is reenforced by Liberia’s election. And lastly, an economically prosperous Liberia will have positive repercussions, enhancing trade and development throughout West Africa. Economic growth will reenforce the simultaneous political transformation, establishing a welcome cycle of progress toward whole, stable-elected rule and prosperity.

On regional stability, one of the central elements of President Bush’s Africa policy has been the emphasis on supporting the capacity of African countries and regional organizations to mediate conflicts and carry out peacekeeping operations, to reduce the amount of external help that is needed. We all know that Liberia’s internal conflict produced untold death and destruction, shattered the nation’s infrastructure, and exported trouble to nearby states such as Sierra Leone and Guinea.

Indeed, we worked with the regional countries—Ghana, Nigeria, Senegal and others—to try to end this destruction. We understand that Liberia’s former President Charles Taylor bears much of the responsibility for Liberia’s suffering, and the U.S. Government has consistently maintained that Taylor must be brought to justice before the Special Court. This will significantly help close a tragic chapter in Liberia’s history and help all of West Africa overcome patterns of impunity, illicit trade and civil conflict.

Liberia’s condition is clearly of concern beyond its own borders. If Liberia is internally secure, all of West Africa will benefit. It becomes easier for the region to address the ongoing unrest in Cote d’Ivoire, as well as fragile situations in Guinea and Sierra Leone. A stable Liberia is a force for regional stability.

With few interludes, Liberia’s civil war raged for 14 years, but in the spring and summer of 2003, President Bush supported the economic community of West African States in putting together a comprehensive agreement toward a lasting peace. When chaos broke out in the streets of the capital, President Bush sent U.S. Marines into Liberia to protect the innocent and create a sense of order amid the chaos. Only Nigerian soldiers arrived earlier than our Marines.

The American action was historic and represented the first time American boots had touched African soil for stability operations in nearly a decade.

Following that deployment, the United States has stayed the course in Liberia with further logistical assistance to the ECOWAS

mission in Liberia, ECOMIL, and to UNMIL and providing extensive humanitarian assistance.

National reconstruction is now underway, and the United States has also taken a lead as a major contributor. The U.S. Congress has generously appropriated over \$880 million in the last 2 fiscal years to help with Liberia's reconstruction efforts, which will enhance regional stability. More than \$520 million of that money has supported the UN mission in Liberia, UNMIL.

For Fiscal Year 2006, we have allocated more than \$270 million for continued support of the nation's reconstruction and peace-keeping efforts.

Liberia continues to benefit from various U.S. Government funding, including economic support funds, development assistance, migration and refugee assistance, P.L. 480 Title II Food Aid, and Child Survival and health funds. The United States has the largest diplomatic mission in Liberia, and the United States is supporting security reform including a new Liberian national police academy.

Between 2004 and 2005, the United States contributed \$60 million to support the training and equipping of a civilian-led Liberian military force. Recruiting of the new army began on January 18, and the goal is to have a new army of 2,000 soldiers ready by 2008.

A stable Liberia is clearly good for regional security in West Africa given that Liberia's conflicts have spilled over its borders into Sierra Leone, Guinea and Cote d'Ivoire. So the efforts that the United States is taking to both strengthen and support the ECOWAS mission, the UN mission, as well as to reform Liberia's security sector, is a key component of our effort toward regional stability as a whole.

On the democracy front, within Liberia itself the return of a stable democratic order offers space for civil society to develop and grow. It allows the Government of Liberia to extend its authority throughout the country, providing security and essential services. It allows Liberians to channel their energies into economic development and to channel their differences into democratic competition rather than civil war.

The United States has been a key partner in strengthening Liberia's democracy. Last fall we supported the Liberian legislative and Presidential elections with \$10 million. Liberian voters chose a new legislature and elected Africa's first woman President, and polling that was free and fair. And as Congressman Payne said, we had the honor of going there to monitor the first round of that election, and I can attest with Lloyd that it was indeed free and fair.

We know that democracy is the way forward, but we also know that this election was only the beginning of a longer journey. In Liberia, our goal is to support local efforts to stand up a freely-elected government, a dynamic economy, and the health, educational and other services that are essential to the well-being of any nation.

The U.S. Government has proactively engaged the international community and advocated on behalf of Liberia's democracy. In February 2004, this country co-hosted an international conference on Liberia's reconstruction. Donors pledged more than \$522 million in assistance. The United States contributed \$200 million toward the critical humanitarian needs of refugees and displaced persons, com-

munity revitalization, and independent media, policing social service, and other sectors critical to the promotion of democracy.

The United States has also funded a program in support of law and justice that will send a resident legal advisor and a five-person team of technical experts to Liberia. This team will help improve the Liberian criminal justice system. We will help launch a Truth and Reconciliation Commission while also supporting an access to justice program to increase the confidence of Liberians to resolve disputes efficiently, fairly, and effectively through the justice sector.

Additionally, we will work to establish legal services, advice centers, and a national referral network; integrate alternative dispute mechanisms; and provide incentives to attract public defenders. And the point here, Your Honor, is that our efforts toward the promotion of democracy will heavily focus on building an institutional basis of that democracy by supporting reform and transformation of the justice system.

On the economic prosperity front, we believe that direct aid is helpful, but is by no means a panacea. As Secretary Rice recently remarked, "America's foreign assistance must promote responsible sovereignty, not permanent dependence." It is with those words in mind that we move to try to promote economic prosperity and security in Liberia.

Liberia has potential to be a regional economic force. It has valuable natural resources which could be exported abroad. This would create many local jobs and generate revenue to finance the nation's budget. Liberia has these abundant natural resources, including timber, rubber, iron ore and diamonds, that could support export-oriented job creation.

We believe that by enacting key reforms, especially in the timber and diamond sectors, Liberia's Government can spur much needed economic growth. In addition, the Administration hopes to add Liberia to the list of nations eligible for the Generalized System of Preferences and the African Growth and Opportunity Act. In the long run, a strong national economy is the best bulwark against ebbs and flows and foreign aid. It is also the most persuasive reason for displaced Liberians to consider returning home.

We believe that many Liberians would choose to head back to their safer, freer homes if they will have the jobs that will allow them to contribute to the prosperity and stability of their country.

In closing, I would like to thank you, Mr. Chairman, for calling this hearing. I believe that Liberia is a success story that should be celebrated. United States' involvement was instrumental in helping to guide Liberia through a period of turmoil and setting the nation on a freer, more prosperous course.

The results of last fall's election process affirmed the notion of inclusion as well as democracy. Regional stability is improving. Democracy is taking root, and economic renewal is underway. Liberia is an example of President Bush's foreign policy taking root and blossoming on African soil. Liberia is safer, better, and freer, and we certainly will continue to support the efforts of the Liberian people to see that as a sustainable future.

So I am very pleased, Mr. Chairman and Members, to take any questions that you might have.

[The prepared statement of Ms. Frazer follows:]

PREPARED STATEMENT OF JENDAYI E. FRAZER, PH.D., ASSISTANT SECRETARY,  
BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

#### INTRODUCTION

Good afternoon, and thank you, Mr. Chairman, for the opportunity to testify about the positive domestic and regional implications of Liberia's recent presidential election. President Bush and Secretary Rice have made Africa a policy priority, and I am proud to appear before you as a member of their team. It was my privilege to join the First Lady and Secretary Rice at the recent swearing in of President Ellen Johnson Sirleaf, and I believe the high level U.S. delegation conveyed our interest in renewing our close relationship with the people of Liberia.

We are living in a period of unique opportunity for Africa. Across the continent, civil conflicts are giving way to civil society and free elections. The election and inauguration of Liberia's new president, Ellen Johnson Sirleaf, is a prime example. This is a nation with whom the United States has historically shared a close relationship. This is also a nation whose development and productivity were hobbled for 14 years by civil war. But now, Liberia has given the African continent its first democratically elected woman president. Changes are underway, and there are many reasons to be hopeful for the Liberian people and their neighbors.

While working with our African partners, I am always cognizant of President Bush's directive to make the world "safer, better, and freer." This phrase encapsulates the President's foreign policy objectives. President Bush supports policies that involve making real changes in the lives of real people, and this Administration's policies on Liberia are one noteworthy piece of the larger picture being painted by Members of Congress and professional staff at various federal agencies.

This is a good news story about Americans supporting African efforts to better Africa. As Secretary Rice recently noted, "Transformational diplomacy is rooted in partnership, not paternalism; in doing things with other people, not for them. We seek to use America's diplomatic power to help foreign citizens to better their own lives and to build their own nations and to transform their own futures."

For a nation whose name literally means 'land of the free' and whose founders were freed American slaves, self-determination is strategically and symbolically important. The defense, diplomacy, and development efforts that the U.S. government has undertaken are helping Liberia move from a state of war toward being a state at peace. The American people deserve to feel proud of their government and its actions.

Today, my goal is to elaborate on the three key reasons why the 2005 Liberian presidential election is a win, not only for the 3 million people of Liberia, but also for the people of this country. The first is that regional stability is improved with a democratic and secure Liberia. The second is that the region's trend toward democratization is reinforced by Liberia's election. Lastly, an economically prosperous Liberia will have positive repercussions, enhancing trade and development throughout West Africa. Economic growth would reinforce the simultaneous political transformation, establishing a welcome cycle of progress toward hope, stable elected rule, and prosperity.

#### REGIONAL STABILITY

President Bush's strategy for national defense is one of global peace and security. In practice, this means working bilaterally or multilaterally to address given situations. It means working with regional and sub-regional organizations, such as the African Union and Mano River Union. Since 2001, one of the central elements of President Bush's Africa policy has been the emphasis on supporting the capacity of African countries and regional organizations to mediate conflicts and carry out peacekeeping operations, to reduce the amount of external help that is needed.

The President understands that regional conflicts have global repercussions. Consider the fact of civilian deaths, refugees and internally displaced persons, arable land that lies uncultivated, and stagnant economies that offer parents no way to support their children. Liberia's internal conflict produced untold death and destruction, shattered the nation's infrastructure, and exported trouble to nearby states, such as Sierra Leone and Guinea.

Liberia's former president Charles Taylor bears much of the responsibility for Liberia's suffering. The U.S. Government has consistently maintained that Taylor must be brought to justice before the Special Court. This will significantly help to bring closure to a tragic chapter in Liberia's history and help all of West Africa overcome patterns of impunity, illicit trade, and civil conflict.

Liberia's condition is clearly of concern beyond its own borders. If Liberia is internally secure, all of West Africa will benefit. It becomes easier for the region to address the ongoing unrest in Cote d'Ivoire, as well as fragile situations in Guinea and Sierra Leone. A stable Liberia is a force for regional stability.

With few interludes, Liberia's civil war raged for 14 years. In the spring and summer of 2003, President Bush supported the Economic Community of West African States (ECOWAS) in putting together a comprehensive agreement toward a lasting peace. When chaos broke out in the streets of the capital, President Bush sent U.S. Marines into Liberia to protect the innocent and create a sense of order amid the chaos. Only Nigerian soldiers arrived earlier than our Marines.

The American action was historic, and represented the first time American boots had touched African soil for stability operations in nearly a decade. Following that deployment, the United States stayed the course in Liberia with further logistical assistance to the ECOWAS Mission in Liberia (ECOMIL) and provided extensive humanitarian assistance. On September 19, 2003, the United Nations Security Council adopted Resolution 1509, which established a peacekeeping operation in Liberia, known as UNMIL. UNMIL consists of 15,000 troops plus a sizeable contingent of UN police officers and military observers. This force has helped maintain calm.

The Liberians agreed among themselves on a transitional government that paved the way for free and fair elections in October 2005. National reconstruction is underway, and the United States has taken the lead as the major contributor. The U.S. Congress generously appropriated over \$880 million in the last two fiscal years to help with reconstruction efforts. More than \$520 million of that money has supported UNMIL. For fiscal year 2006, we have allocated more than \$270 million for continued support of the nation's reconstruction and peacekeeping efforts.

Liberia continues to benefit from various U.S. Government funding, including: Economic Support Funds, Development Assistance, Migration and Refugee Assistance, P.L. 480 Title II food aid, and Child Survival Health Funds. The United States has the largest diplomatic mission in Liberia, and the United States is supporting security reforms, including the new Liberian National Police Academy. Between 2004 and 2005, the United States contributed \$60 million to support the training and equipping of a civilian-led Liberian military force. Recruiting for the new army began on January 18, and the goal is to have a new army of 2,000 soldiers ready by 2008.

Sending American Marines into Monrovia was a bold action with positive results. After years of turmoil, Liberians are beginning a long process of reconstruction and post-war recovery. Nearly two decades of conflict left the national infrastructure in shambles and left people without basic services, such as access to clean water and electricity. A generation of children has only known war and destruction. They are now looking to a peaceful and democratic nation to meet their hopes for a future of dignity and an opportunity to support themselves.

The tide has turned, and since 2003, Liberians have had the opportunity to restore order, create a responsive government, and welcome refugees home. Liberia's transition from war to peace is a crucial and historic development. As former General and President Dwight Eisenhower noted many years ago, "We seek peace, knowing that peace is the climate of freedom." That remains true. Today, we seek peace by sowing seeds of democracy.

#### DEMOCRATIZATION

The United States has had a close relationship with Liberia dating back to the 1820s. In fact, the United States and Liberia have been close allies, particularly throughout the Cold War and up until civil war broke out in 1989. As we look to the future, there is reason to believe we can renew that close friendship.

The Liberian people had an opportunity to elect new leadership last fall, and people voted for freedom; they voted to have a voice in their national government. The U.S. government policy is to support and encourage democratic rule abroad, and for that reason, the United States spent \$10 million in support of last October's election. We believe that freedom is the way forward. Every nation's government will reflect local cultures and values, but only a free government can hope to protect individuals' liberty and nurture its people's untapped potential.

In Liberia, our goal is to support local efforts to stand up a freely elected government, a dynamic economy, and the health, educational, and other services that are essential to the well-being of any nation. The peaceful and fair election of Ellen Johnson Sirleaf is encouraging. Her win symbolizes a victory for gender inclusiveness.



We have made great progress since 2003 due to the concerted effort of the many American public servants who were mobilized to engage on so many levels. Our Congress, the Department of Defense, the Department of Treasury, the Marines, USAID, and the State Department all helped to effect this transition. At the American Embassy in Monrovia, our diplomats have done an extraordinary service over the last two and a half years in helping Liberians move past the era of civil war and toward a better future. This is a Liberian solution to a Liberian challenge. Americans are participating, but only as partners.

The United States continues to support Liberian recovery efforts as an important element of our security, political, economic, and humanitarian strategy for West Africa. After all, nations with democratically elected governments can resolve internal disputes on Election Day, and they are unlikely to destabilize or terrorize their own people or adjacent nations.

Toward this end, we have and will continue to offer monetary and other assistance. The U.S. government has proactively engaged the international community and advocated on behalf of Liberia. In February 2004, this country co-hosted an international conference on Liberia's reconstruction. Donors pledged more than \$522 million in assistance. The United States contributed \$200 million toward the critical humanitarian needs of refugees and displaced persons, community revitalization, independent media, policing, social services, and other sectors.

In fiscal years 2004 and 2005, the United States contributed \$520 million to the UN Mission in Liberia and \$75 million for community reintegration, including work and education programs for youths and former combatants. Another \$23 million has supported the rule of law, including judicial structures and civilian police programs.

The United States continues to support these indispensable programs. After years of civil war, the physical infrastructure needs to be rebuilt from the ground up, but in many cases, so does the social network. Almost half of Liberia's 3.3 million people were uprooted during the civil war, and some 190,000 Liberians remain in other countries, including Cote d'Ivoire, Ghana, Guinea, and Sierra Leone. Interpersonal relationships and reconciliation, as well as coming to terms with the atrocities committed during the civil war, are part of the new government's agenda.

The U.S. government has funded a program in support of law and justice that will send a resident legal advisor and a five-person team of technical experts to Liberia. This team will help improve the Liberian criminal justice system. We will help launch a Truth and Reconciliation Commission, while also supporting an access to justice program to increase the confidence of Liberians to resolve disputes efficiently, fairly and effectively through the justice sector. Additionally, we will work to establish legal advice centers and a national referral network; integrate alternative dispute mechanisms; and provide incentives to attract public defenders.

President Bush intends to remain engaged with Liberia, while this restored democracy finds its footing. For that reason, the Administration plans to allocate nearly \$43 million in fiscal year 2006 Economic Support Funds (ESF) money, including some \$6 million to be made available immediately for quick-impact projects, including rebuilding schools, court houses, and hospitals. Roads that connect Liberia's major cities also need to be built. All in all, including planned allocations for the current fiscal year, the United States' contribution to Liberia's reconstruction for fiscal years 2004–2006 will exceed \$1 billion. Our financial contributions underscore the seriousness of our commitment to Liberia's future. President Bush, members of his Administration, and members of Congress agree—we are all dedicated to helping Liberia realize its tremendous promise.

#### ECONOMIC PROSPERITY

Direct aid is helpful, but it is by no means a panacea. As Secretary Rice recently remarked, "America's foreign assistance must promote responsible sovereignty, not permanent dependency." It is with those words in mind that we move to the third point—the importance of promoting economic prosperity and security.

Liberia has the potential to be a regional economic force. It has valuable natural resources, which could be exported abroad; this would create many local jobs and generate revenue to finance the nation's budget. Before its civil war, Liberia was a major exporter of iron ore and natural rubber. The country is rich in diamonds, gold and other minerals as well as natural resources such as timber and agriculture that are additional sources of potential economic activity. However, much investment will be required to restore these industries and Liberia's dilapidated infrastructure.

Spurring widespread economic growth poses both short-term and long-term challenges for the new Liberian government. Since Liberia's prolonged crisis was in large part financed by illegal sales of the nation's major natural commodities, the

UN passed Resolution 1343 in 2001 to forbid the import of Liberian diamonds by any member countries. Another resolution forbidding the import of Liberian timber followed in 2003. With timber products under UN sanction, the Liberian government's main source of income in recent years has been maritime revenue (approximately \$13.5 million in 2004) and import taxes (roughly \$23 million in 2004).

The new Liberian government is expected to encourage the UN to lift these sanctions and prod the growth of export-oriented jobs within Liberia. Toward this end, Liberia must move quickly and aggressively to address the concerns underlying those sanctions. The United States is working with the Liberian government through the Liberia Forest Initiative (LFI) to establish transparency and effective management in the forest sector and to fortify the government's oversight of this important sector. In a similar fashion, the United States is working with the international community to bring better governance and transparency to Liberia's diamond export industry.

In addition to sector-specific work, the U.S. government is involved with macro economic policy assistance to the country. The United States is a driving force behind the well regarded Governance and Economic Management Assistance Program (GEMAP). GEMAP is intended to reduce corruption, improve revenue collection and increase expenditure transparency, thereby channeling Liberia's revenue-generating resources into efficient and effective uses by the Liberian government. The international financial institutions (IFIs) will be tracking Liberia's progress for improved economic management and consistent implementation of the GEMAP program before considering normalizing relations, addressing IFI arrears of \$1.4 billion, providing new assistance, and eventual debt relief. Liberia carries a heavy bilateral debt burden, as well. Bilateral creditors, owed \$783 million year-end 2004, will also be looking to the new government's economic management performance before initiating debt relief. Liberia owes \$382 million to the U.S. Government alone.

This might seem an insurmountable obstacle, but there is good reason to believe that with a sufficient track record of performance Ellen Johnson Sirleaf and her government will be able reach agreement with the World Bank, the IMF, and others for alleviation of her nation's massive debt burden. The U.S. plans to work closely with Liberia and its creditors to help resolve the debt situation.

The U.S. Treasury Department's Office of Technical Assistance has been heavily engaged in Liberia, providing assistance on budget and debt management, banking supervision, and tax collection systems. There are currently two resident advisors, one in the Bureau of the Budget and one in the Central Bank. The budget engagement has focused on building capacity within the Bureau of Budget, so that the Ministry of Finance can better formulate and execute the budget. The banking supervision program has focused on building capacity within the banking supervision department to improve its ability to properly regulate and oversee the banking sector. The tax project is a comprehensive plan involving technical assistance, as well as hardware and software, in an effort to stem corruption and increase revenue flows to the newly elected government.

The Administration will also look into putting Liberia on the fast track to join the African Growth and Opportunity Act. We will encourage economic coordination and collaboration with the nations of ECOWAS, as well as with Liberia's Mano River Union partners. Liberia is ready to join the international community, and it is important to welcome them to the global marketplace as well. For the stability of the nation, as well as the region, economic development is a wise and necessary policy objective.

#### CONCLUSION

In closing, I would like to reiterate my appreciation for having the opportunity to testify and share my enthusiasm and optimism about the future of Liberia. This is a nation that is emerging from the shadows and greeting the hope of a promising tomorrow. Ellen Johnson Sirleaf has an enormous task ahead of her as her nation attempts to rebuild after 14 years of bloodshed, but I believe that President Sirleaf is undoubtedly equal to the task. She will have the cooperation of the Liberian people, as well as the support of President Bush and his Administration.

This nation's relationship with Liberia stretches back nearly two centuries, and we remain as committed to our Liberian friends as ever. There is great reason for the Liberian people to be hopeful that the years ahead will be more peaceful and more secure. They have elected a new leader in a free and fair election, and economic recovery is coming.

The African Union, the United Nations—international and regional organizations will do their part, and of course, so will the United States. We have been fully committed to helping Liberia make the transition from war to peace since 2003, and

we won't quit now. Liberia's situation and the U.S. response represent the perfect confluence of defense, diplomacy, and development. The three are inextricably linked and mutually reinforcing. Thank you, Mr. Chairman and members of the Committee for the work that you do. We are effecting transformational diplomacy. The work that we do in support of the Liberian people is likely to have lasting implications. Freedom is, indeed, the way forward.

Mr. SMITH OF NEW JERSEY. Dr. Frazer, thank you so much for your testimony.

Mr. Pierson.

Mr. PAYNE. Mr. Chairman, as I indicated to you earlier, I have been called to a very urgent 1 o'clock meeting, and I will have to leave for a few moments. I just wonder if I could ask the Assistant Secretary one question about GEMAP.

Dr. Frazer, I appreciate your remarks, and I was really unaware that you were at the inauguration also. I knew that the other two were there, and I am happy you were able to get back.

Just in general, how has the GEMAP been accepted by the government? I think that prior to the elections all candidates agreed that they would agree to—whoever won would agree to it. How do you see them accepting it? And how do you feel that this will work? And thirdly, is there any discontent, to your knowledge, about Liberians in Liberia feeling that this is overreaching?

Ms. FRAZER. Yes, thank you very much, Congressman Royce, and I would also ask if my colleague has information to add to that.

We feel that the Governance and Economic Management Assistance Program (GEMAP) has been widely accepted. As you said, it was accepted by Gyude Bryant's Government after some persuasion, and it certainly has been accepted wholeheartedly by President Sirleaf. She, in fact, mentioned GEMAP during her inaugural address, and went extensively into the importance of establishing systems of management to fight corruption. She also, in her inaugural address, stated that she would make her finances completely public and transparent, and challenged the Parliament to do the same.

I think that the sense is that clearly, in order to attract investment that is necessary to reconstruct, that society there needs to have much work done to have a management system in place that provides for transparency.

So we have not heard any sense to which there is elements in her government that are opposed to GEMAP at this point.

Very early on in the development of GEMAP there were concerns about whether it impinged on Liberia's sovereignty, but I think through consultation, through working together to develop the program, that we have allayed many of those concerns.

Mr. PAYNE. Okay. Thank you.

Mr. PIERSON. Thank you. Congressman, let me say also in the beginning what a honor it was to be with you. I know of your long-standing commitment to Liberia, and it was very interesting and fun to be with you at the election, a very important election.

The GEMAP is being received very well. As the Assistant Secretary said, the chairman of the transitional government endorsed it. President Johnson-Sirleaf has not only endorsed it, but she is the Chairman of the GEMAP Economic Steering Development Committee.

So while GEMAP, and in many respects is a U.S.-funded activity, and USAID specifically is funding financial controllers and concession experts in six different either ministries or authorities, it is a multinational body. But President Johnson-Sirleaf is the chairperson of the GEMAP Economic Development Steering Committee, so that is a very high-level, obviously, not only endorsement, but continuous monitoring of the GEMAP activities.

For USAID, by the end of this month, this is very important and you will hear it as we talk later, both some things that we think are working with the government are very important both on the short term and the long term is there is a sense of urgency in certain quick impact kind of activities, and a part of it is getting GEMAP up and running.

And by the end of this month we will have the personnel in place at six different either authorities or ministries within the Government of Liberia, and those are the National Port Authority, the Liberia Petroleum Refining Company, at Roberts International Airport, and the Forestry Development Authority, and with each of those we will have a financial controller with signature responsibility.

Also, by the end of the month a concessions expert at the Ministry of Lands, Mines and Energy, and then also a budget expert at the Bureau of the Budget.

So it is being very well received, but also it needs to get implemented and get implemented for a variety of reasons very quickly.

Mr. PAYNE. That is great, and I would hope that it does work well, and I think it is a model for other countries, you know, when the whole question of debt reduction, when Blair brought up with the G-8 that we increase contributions to Africa and also the whole question of increased support.

The question, of course, on the other side came up, well, there is corruption and how are we going to make sure that we eliminate corruption? And I think that an example of this working here could allay the fears of others that corruption is taking a disproportionate amount of funds. I question where that happened since we work through NGOs primarily anyway, and I think people have a misconception of where the dollars go. They very rarely go to the governments as we know.

But I think that this is something that is good, something that we might be able to push for other countries if it can work there. In that way some people use the corruption issue because they do not want to give in the first place, so that can sort of take away a false issue and perhaps have a more transparency.

But thank you very much. I will return, Mr. Chairman, shortly.

Mr. PIERSON. Congressman, I might say as a follow-up on that, a part of the personnel focus is to have Liberians from the diaspora go back and take these positions wherever we can, people who have the capability and, obviously, knowledge in Liberia.

Mr. PAYNE. That is what I was wondering about, what the local Liberians were saying, you know, whether they feel that, well, we have been here all through the tough times and now we have got these folks coming in taking the jobs?

I see Mr. Cole, one of my constituents, smiling. Are you going back to Liberia?

Okay, thank you.

Mr. SMITH OF NEW JERSEY. Mr. Pierson, please proceed.

**STATEMENT OF MR. LLOYD PIERSON, ASSISTANT ADMINISTRATOR FOR AFRICA, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT**

Mr. PIERSON. Mr. Chairman, Members of the Committee, thank you very much for holding this hearing today. I would like to make some brief opening remarks, but have a longer written statement that I request be included in the record.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

Mr. PIERSON. Recent events in Liberia have given great hope for peace, democracy, good governance, a good quality of life, and security. While we have a lot of optimism and promise for the future, we also know the situation has many challenges. USAID's work is focused on four strategic objectives organized around the goals of, first, averting and resolving conflict; and second, managing crisis and promoting stability, recovery, and democratic reform.

Our objectives in the strategy are: One, to promote local capacity to mitigate conflict; two, to increase access to social services provided by local and national institutions; three, to advance inclusive governance; and four, to restore livelihoods.

With the election and inauguration of President Johnson-Sirleaf, a new day is dawning. While we want sustained development and steady progress, we believe there is an urgency with which we need to approach our responsibilities. There needs to be immediate visible change and USAID is undertaking \$6 million in quick impact projects which will demonstrate peace dividends.

The USAID is implementing a range of projects in Monrovia and in the more remote southeast corner of the country, which borders Cote d'Ivoire, where security concerns persist and investment is urgently needed. These projects include renovation of high schools and a hospital, rebuilding roads that link remote areas to Monrovia and main towns, and completing the Barclayville Bridge which will open areas previously accessible only by helicopter.

We agree with President Johnson-Sirleaf about the importance of the first 150 days. Mr. Chairman, USAID had a development strategy that is being implemented and which is continuously updated with the new Liberian Government. The strategy involves activities on both the short and long term. The great bulk of USAID resources during the transition has gone to reintegration of ex-combatants and other war-affected health and other services for the internally-displaced individual, and preparations for the recent elections.

Ongoing programming also addresses community redevelopment, critical health needs, and education remediation. There are also regional challenges and USAID is very active in addressing them, and I will be very happy to answer questions, if you wish, concerning the regional aspects of what USAID is doing in different countries.

I would also like, Mr. Chairman, to just make a personal comment that I did have both the opportunity and honor, I think, to be on the United States delegation in October for the elections along with the Assistant Secretary, Congressman Payne, and Sen-

ator Chafee, and I also was in Liberia in 1997 for those elections. And a part of the real significant difference that I think occurred is that generally the election processes in Liberia, even in 1997, generally were good, but what was so different was that in 1997 there was intimidation and fear, and there was unhappiness.

I think all of us can attest that in October when we were there, and then for the subsequent elections, that there was a great feeling of freedom. I believe everybody, that every Liberian that we came in contact with, would tell us this is the happiest day of our life because they felt free and they felt free for the first time.

We have, as you do, a great commitment to freedom and peace and democracy and security and a good quality of life in Liberia. And Mr. Chairman, I would be very pleased to answer any questions that you might have. Thank you.

[The prepared statement of Mr. Pierson follows:]

PREPARED STATEMENT OF MR. LLOYD PIERSON, ASSISTANT ADMINISTRATOR FOR AFRICA, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

#### INTRODUCTION

Good afternoon, Mr. Chairman, and Members of the Committee. Thank you for the opportunity to be here today to testify on the impact of Liberia's historic election and the work that the United States Agency for International Development (USAID) is engaged in to ensure a continuing, successful transition to democracy.

Along with the Assistant Secretary of State for Africa, who headed the delegation, Congressman Donald Payne, Senator Lincoln Chafee, and others, I served as an international observer of Liberia's elections in October 2005. Voter turnout was approximately 75 percent, and citizens lined up for hours to cast their votes. There was great excitement over what for many was the first truly free election in their lifetime. I had been involved in the elections of 1997 and the hopeful, enthusiastic, and joyful spirit of this election was in marked contrast to that previous occasion.

The election in Liberia was a strong affirmation of the rebuilding process which began two years ago under the transition. Today, I want to address how USAID's work in Liberia serves our goals for the broader region. I want to elaborate on USAID's strategy to promote a democratic and prosperous Liberia, both in the next few months and over the longer term as the new government begins to tackle Liberia's many challenges.

It is particularly inspiring that Liberia—which has suffered for so many years from civil conflict and leadership that prioritized personal gain over the national interest—should be the first nation on the African continent to inaugurate a democratically elected female president.

USAID, along with other agencies of the United States Government, will do everything it can to help bring about peace, democracy, good governance and security in Liberia. While we believe in sustained development, we also know that there need to be immediate gains.

#### THE FIRST ONE-HUNDRED AND FIFTY DAYS

In her inaugural address, President Ellen Sirleaf shared her strategy toward securing and promoting the transition in the first hundred and fifty days of her term in office. I quote:

“Our strategy is to achieve quick and visible progress that reaches a significant number of our people, to gain momentum, consolidate support, and establish the foundation for sustained economic development. This will encompass five major pillars: Security, Economic Revitalization, Basic Services, Infrastructure, and Good Governance. In implementing the programs, consistent with this strategy, we will ensure broad geographic representation and participation, placing emphasis on those areas that have received less in the distribution of economic benefits.”

In support of this approach, in the immediate term, USAID will undertake nearly \$6 million in quick impact projects which will demonstrate tangible peace dividends to the Liberian people and help secure support for the democratic process. Through the Liberia Community Infrastructure Project, USAID will implement a range of

projects in Monrovia and in the more remote southeast region of the country, which borders Cote d'Ivoire, where security concerns persist and investment is urgently needed. These include renovation of high schools and a hospital; rebuilding of roads that link remote areas to Monrovia and main towns; and completion of the Barclayville Bridge, opening areas previously accessible only by helicopter.

Beyond the physical impact of rehabilitated infrastructure, this program will yield employment, support community development, and generate income. We estimate that these projects will total nearly 280,000 person days of employment, and engage more than 1,500 individuals in productive labor. Another result of the program will be heightened security—directly, through rehabilitated court buildings, but much more broadly by strengthening citizen confidence in the government's ability to deliver services and protect the rights of the individual. The establishment of stronger linkages across all regions of Liberia will also directly improve citizen confidence and security. The work will be labor-intensive and will involve on-the-job training where possible. By rebuilding key roads, the cash economy of the rural areas will be reactivated, expanding benefits to the farmers and artisans who will now have a viable market for their goods and produce.

#### USAID'S DEVELOPMENT STRATEGY

While such activities are needed to demonstrate visible immediate progress, much more will be required over the medium and longer term to advance economic development and build democratic institutions. The great bulk of USAID's resources during the transition has gone to support the reintegration of ex-combatants and other war-affected populations, health and other services for the internally displaced, as well as preparations for the recent elections. However, ongoing programming also addresses community redevelopment, critical health needs and education remediation. Recognizing how critical this juncture is, and in consultation with Congress, USAID plans to substantially increase the Development Assistance (DA) and Child Survival and Health (CSH) resources to be made available to Liberia in FY 2006. In this we are guided by a new strategy focused on addressing the critical challenges to stability in Liberia and ensuring the country is on a sustainable and democratic path to recovery. In its implementation, we will work closely with the government of Liberia as well as with key donors, in particular the World Bank and European Union.

Our strategy is driven by two root sources of conflict which have jeopardized progress in Liberia in the past. The first is the deliberate exclusion of the majority of Liberians from political life and economic opportunities. Successful development in Liberia will require a participatory democratic political system that represents the interests of all Liberians. If the pattern of exclusion is not overcome, the marginalized population is likely to continue to foment violence and engage in criminal activities.

The second potential source of conflict is competition for resources. Lacking mechanisms for oversight and enforcement, Liberia has been vulnerable to leaders seeking to exploit its substantial natural resources and potential revenue sources for personal gain. This diversion of resources, through a variety of mechanisms, has resulted in a severe lack of funding for essential public services. This has, in turn, fostered disaffection toward government among the public, and sown the seeds for growing instability.

USG assistance must address these core sources of conflict to be successful in stabilizing Liberia. Therefore, USAID's work is focused on four strategic objectives organized around the goals of first, averting and resolving conflict, and second, managing crises and promoting stability, recovery, and democratic reform. Our objectives are 1) to promote local capacity to mitigate conflict; 2) to increase access to social services provided by local and national institutions; 3) to advance inclusive governance; and 4) to restore livelihoods. I will briefly describe the activities that we expect to pursue under each of these objectives.

Our first objective is designed to build the capacity of the Liberian government and civil society to address sources of conflict. In addition to early warning mechanisms, activities under this objective will focus on restoring the social fabric of Liberian communities while promoting stability and access to services. While USAID's preliminary transition efforts focused on reintegrating displaced people and ex-combatants, programs will now be expanded to ensure benefits reach the broader community and support longer term rehabilitation efforts. Community Development Committees (CDCs), which consist of local officials and community members, as well as NGOs, churches and other private sector groups, will be engaged in prioritizing local delivery of essential services. These activities will be complemented by efforts to strengthen governance structures at the national level. In particular, efforts to

fight corruption in the national government through the Governance and Economic Management Assistance Program (GEMAP) will increase the revenue available for public services and help secure the national government against the corruption and competition over resources that have proven so destabilizing in the past.

Secondly, we will help expand access to health and education services, which are critical to restoring a degree of normalcy in society and improving citizens' quality of life. USAID will work to build the capacity of local and national government actors to provide these basic services, thereby enhancing their legitimacy in the eyes of the population.

Our third objective is focused on advancing inclusive governance. This is at the heart of our strategy, and seeks to address the great harm inflicted upon society by decades of poor and unaccountable governance. USAID will assist Liberia to meet this challenge by promoting increased participation in the political process, expanding access to the justice sector, and promoting corruption reforms, particularly through GEMAP. USAID will manage the USG's contribution to the GEMAP, which will include the provision of financial advisers in several government ministries and agencies, along with preparations for contracting out the management, or arranging for the privatization of a number of revenue-generating entities such as the port, airport, and forestry authority.

A special focus of USAID's work in governance is to help re-exert legitimate control over the management of natural resources, including timber, diamonds, iron ore and oil. This will help prevent further exploitation of these resources, cut off financing for potential conflict, and ensure that revenues benefit the majority of Liberians. Civil society and the media will be assisted to provide necessary oversight, transparency, and advocacy for reform. Legislative and electoral bodies may receive assistance to enhance their ability to conduct oversight and ensure accountability.

USAID's final objective is to restore basic economic activity and livelihoods in order to both raise standards of living and engage the population in productive and peaceful activities. Our programs will enhance agriculture, food security, and economic growth through increased production and improved access to markets, including financial and technical assistance. In particular, they seek to rehabilitate rubber and cocoa farms and to organize and support farmers' groups and community-based organizations to engage in micro-finance and micro-enterprise activities. We hope to create an economic environment that will also help attract resources—both financial and technical—of the Liberian Diaspora back to the country, for the benefit of its resident population.

Additionally, USAID's program in Liberia will address the multi-faceted issues of HIV/AIDS, urbanization, gender, capacity-building, and youth throughout the entire portfolio. Capacity-building of government agencies and the new legislature is necessary to ensure service delivery, budget oversight, and transparency and accountability. Local community and government organizations also require strengthening to help meet basic needs and to support peoples' participation in making decisions and holding the government accountable. Our attention to youth, a large segment of the population, is particularly important. Many youth took part in the armed conflict, and most missed out on any education or semblance of a normal childhood. Integrating them into the community, through accelerated learning programs, vocational training, and employment programs is critical to the progress of the country.

#### REGIONAL STABILITY

While substantial progress has been achieved, fragile conditions in neighboring countries continue to threaten progress toward peace and stability. Conflict in Sierra Leone, on Liberia's western flank, only recently subsided and requires continued vigilance. Cote d'Ivoire continues to simmer on Liberia's eastern border, and instability threatens to the north in Guinea. Continued instability fosters a number of related issues, including criminal activities, environmental degradation, the spread of disease, increased numbers of refugees and displaced persons, societal fragmentation, poverty and conflict over resources, and a general deterioration in living conditions for the region's inhabitants. To help respond to these challenges, USAID is focusing its programming in Liberia's immediate neighborhood on creating conditions that mitigate instability and conflict.

With a stable and democratic Liberia, our goals throughout the region become more attainable, whether consolidating Sierra Leone's peace, addressing civil unrest in Cote d'Ivoire, or stabilizing the fragile situation in Guinea. If its valuable natural resources are managed for the public good, Liberia also has the potential to be a substantial economic force in the region and to contribute to prosperity throughout the Economic Community of West African States (ECOWAS) countries.



Regional challenges require regional and international engagement for sustained progress. President Bush's policy toward Africa has emphasized supporting the capacity of African countries and regional organizations to mediate conflict and support peacekeeping operations in the region. ECOWAS' role in the negotiation of Liberia's peace agreement in 2003 and its deployment of a peacekeeping mission served as a dramatic testimony to this regional approach, and USAID is proud to have played a role in enhancing ECOWAS' internal capacity to address conflict, as well as to build regional cooperation in the economic and energy sectors. In Liberia, international donors, regional actors, Liberian government officials, and NGO representatives meet regularly in Monrovia and have made substantial contributions toward progress in the transition. These include the successful negotiations with the National Transitional Government of Liberia to establish GEMAP.

The election of President Sirleaf is a hopeful sign for West Africa. Liberia has emerged from brutal dictatorship and civil war and is now pointed toward a democratic and free future, with leadership responsive to the public's needs. The successful implementation of GEMAP, and adoption of the fundamental principles of good governance and responsible financial management by President Sirleaf's administration, will provide a new model of government for the Liberian people. With the commitment of the new Liberian government, and the ongoing support of the international community, a brighter future for the population of all West Africa is within our reach.

#### CONCLUSION

Liberia's recovery is fragile. The country faces enormous challenges: Unemployment remains over 70%; approximately 35% of the population is chronically malnourished, and only 20% are literate. In the great excitement which rightly surrounds the recent election, we must not forget the tremendously difficult job facing the newly elected government. President Sirleaf will need our support, and that of African regional organizations, the United Nations and international financial institutions, and other donors. For its part, the USG is committed to helping Liberia improve the lives of its people, and complete its transition from war to peace and democracy.

As you know, Liberia was founded by freed American slaves; the country has always held a strong cultural affinity with the United States. Unfortunately, the past fifteen years have been marred by civil war and predatory leadership, which made our relations, and an effective assistance program, difficult. We were able to make progress in restoring stability over the past two years, but now seek to help build a new future for Liberia. With the election of President Sirleaf, we believe our relationship with the new Liberian government will be close and productive.

We are committed to working in partnership with the new Liberian government to ensure that progress is maintained and the will of the people is carried out.

Our support, and that of the whole international community, has been critical to Liberia's peaceful development. I express my appreciation to the Congress for the \$200 million supplemental appropriated for critical humanitarian, security, and development needs in the early days of the transition. The USG's leadership in rebuilding Liberia has been important to ensure participation from other donors.

Liberia stands at a critical juncture. The election and peaceful inauguration of President Sirleaf are tremendous accomplishments. We and others in the international community are excited at the prospect of an eager and willing partner in the Liberian government, committed to pursuing security and stability goals, for the good of Liberia and the broader region.

In conclusion, I would like to thank you, Mr. Chairman, and members of the Committee for your continued interest, and for all the work and support that you have dedicated to Liberia and the region. Thank you, as well, for this opportunity to share USAID's planning for Liberia's future. Liberians have spoken and elected a President to lead them on the path of stability and progress. Together we can help Liberia move forward and promote progress throughout the region. We must also make this effort because it will help ensure the security of America, while promoting stability in a potentially resource-rich country and region.

I welcome your questions on my testimony or any others you might have for me at this time.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Pierson.

Let me just begin on the confidence building, quick impact efforts that you have initiated. If you could—you know, part of the concern that some of us have is that the Congress and the House in Liberia really are made of disparate parties, no single party has a control.

As a matter of fact, Mr. Weah, the CDC Party, has the largest contingent in the House, 16 of the 64 seats in the House.

And as you look at the list of Taylor associates, for example, or intimates, there are large numbers of people who remain in government, some of whom have very high positions: The Speaker of the House, Edwin Snowe, formerly Taylor's son-in-law. They are all in strategic positions which if they want to, whether they are still pro-Taylor or not, could very significantly inhibit the ability of President Johnson-Sirleaf's agenda.

We certainly all hope that the people have some patience given the agony and turmoil Liberia has been through, but we all know that electorates very often grow very impatient very quickly if they don't see tangible results.

You might want to just elaborate a little bit further on some of those quick impact efforts.

Let me also ask about the issue of child survival and health. You indicate that that is one of the areas where we want to significantly boost our efforts. I notice in the CRS report, which has just been given to us, their sense of what the numbers are is that in 2004, the actual amount spent on the CSH, child survival and health programs, was \$2.82 million, that jumped to \$4.47 million in 2005, that is an estimate, and that the request drops down to \$2.9 million.

I am wondering if something might be missed here in terms of this chart. Are we anticipating more? And how will that break out? Will child survival, the traditional efforts at immunization, rehydration, growth monitoring, breast feeding and other efforts, is that what we are talking about here in terms of child survival and health?

On the debt issue, if I could, my understanding is that as of 2003, Liberia had \$2.568 billion worth of debt, of which \$1.4 billion is owed to IFIs and \$383 million to the U.S. Government. Are we contemplating an effort to completely or hopefully largely, but hopefully completely wipe out that debt?

We all know that debt is thecrippler of developing nations, and what are the plans there?

Let me also ask on child soldiers. Yesterday I chaired a hearing on the Burma situation, and we had political prisoners who have suffered torture, and we also had a focus on child soldiers, 70,000 of whom are still in the Burmese military.

Greg Simpkins and I were just in Uganda, and obviously, you know, asked serious questions and large numbers of questions about what is being done to help those child soldiers, particularly those who are now free of the Lord's Resistance Army. And if you can elaborate on what the integration effort looks like to the Subcommittee, and what it will cost. Do we have enough money being focused on getting those young men out of that mindset that they lived in as child soldiers?

Then finally, I will have more, but finally, the role of the churches. Again, Greg and I were in Uganda, and on child survival, I remember my first trip to El Salvador in 1984, when there was a day of tranquility between the FLMA and the Duarte Government. It was the churches that made it possible for the immunizations to

take place. Without the churches, immunizations would have been a dismal failure in not only El Salvador but elsewhere.

How are the faith-based efforts going to be ginned up to ensure that we get a maximum leverage of our dollars?

When we were in Uganda, frankly, I do not see how we could possibly run an AIDS program, or HIV program without the use of the churches. They maximize. We visited one pastor, a priest, part of the reach-out program. Seventy percent of the people that are administering his program now as volunteers or paid staff are HIV positive themselves. They are getting the anti-retro vial so they are strong and vibrant, and they are also living proof to everybody that there is hope after you test positive. But I was touched by how they were able to just get so many, an army of volunteers that otherwise would not have been there if faith-base were not part of this effort to provide healthcare and other kinds of initiatives.

So on those opening questions, if you could.

Mr. PIERSON. First, Mr. Chairman, on the quick impact and some elaboration on that, and the democracy issues within Liberia. A major part of the strategy that we have—and when I say we, USAID, the United States Government, that is also in partnership and dialogue with the Liberian Government, it is not just us—that a major part of what we feel needs to occur on the short term are a variety of quick impact type of projects. We have committed \$6 million to that within the first 150 days, and that is to begin showing the peace dividend, some immediate impact in Liberia of this selection and this very significant change that has occurred there.

Some of the funding, as we will discuss in these different areas of questions that you have asked, are interrelated because they have an impact on each other. But of the \$6 million, for instance, that is committed within the first 150 days, the type of activities that will occur with that is some rehabilitation of the executive mansion for security purposes of the President; rehabilitation of the public works building. But we are also focusing not only in Monrovia where people can see these projects, but in rural areas.

This is where some of what is happening on this quick impact also relates to child survival and health and child soldiers because we are concentrating very heavily in the rural areas, and a part of where we are concentrating is in the southeastern corner of Liberia, and which have been a large number of child soldiers, large number of displaced, large number of refugees, and rehabilitation is occurring of the Swedru hospital, rehabilitation of the Swedru school. Completion should occur very soon of the Barclayville Bridge, which gives better access to some of the social services, also obviously helps on the commercial.

So there is a wide variety of projects and just this week in Monrovia there has been meeting with the government to try to make sure that we have identified the type of quick impact projects that President Johnson-Sirleaf and her government would feel are the most important and the most visible.

A part of that also, and this is another \$6 million that is committed within the first 150 days, relates to GEMAP and getting those kind of qualified technical advisors in place so that the very visible impact of how these ministries or these different authorities are being run.

So a wide variety of projects, but the overall idea is working with the Government of Liberia to identify what President Johnson-Sirleaf and her government feels would be the most important.

On child survival, it is a little bit more difficult on the funding streams because it divides up into several different operating units that we would have or different type of activities. For instance, the supplemental that was approved by Congress, the \$200 million that went for 2004–2005, \$25 million of that went for health, different types of health kind of needs.

So I know the numbers that you mentioned are accurate numbers, but that is not entirely the total picture because there is other type of funding, other type of activities that do—

Mr. SMITH OF NEW JERSEY. Could you provide that for the record?

Mr. PIERSON. Certainly.

Mr. SMITH OF NEW JERSEY. And exactly how it breaks down so we get a good read on it?

Mr. PIERSON. Certainly, and some, for instance, that I could give out of that, there were five clinics that were rebuilt out of that monies. It is not just the personnel. It is having the facilities there, 17 schools refurbished, and part of what is important on the schools, and there was also five administrative buildings.

Part of what is important and does relate to health needs, because you also, with the rebuilding of these, you have better water sanitation that is built within the system. So you have water sanitation in the schools where you might not have had before, you have got water sanitation in the clinic. But certainly we will be happy to provide that for the record.

The number that we have for child survival specifically in 2006, if you just look at that number, that is \$3.164 million, which does not address the entire picture, and that \$3.164 actually can—is even, if you break it down into the different type of activities that occur within that, some of that includes HIV/AIDS, other includes some of the malaria.

But on larger numbers where other kind of funding fits in, the humanitarian assistance in 2005, that was a level of \$37.5 million in humanitarian assistance, but 30 percent of that went to health and child survival type of needs.

So I mean, it is a part of our emphasis. The funding streams can be very—actually, I mean, I think they are quite—they are larger than what you might just see in one category.

Mr. SMITH OF NEW JERSEY. If you could, while you are still answering, is there an effort to engage the faith-based community?

Mr. PIERSON. Oh, absolutely. I talk to our mission directors a lot. I mean, this is a great question, sir. I talk to our mission directors a lot about what are the most effective things that we do, or that the United States does, and one of the activities they repeatedly say are that the faith-based organizations are at the grassroots level, they are rural areas, and they are very effective.

Their comments actually have spurred me, we have just committed right at a million dollars for a United States organization operating a food resources bank in concert with a number of African countries. We are going to try to do more. We are also putting together another conference worldwide on this, but we as an orga-

nization, as an Africa bureau, we are putting together a faith-based conference in September in which we want to explore specifically for Africa how we can partnership more.

It is time and again our mission directors and overseas staff say that the faith-based organizations are among the most effective in dealing with the issues in Africa.

Mr. SMITH OF NEW JERSEY. And you may have begun to answer, but on the debt issue, and also if I could, on child soldiers as part of your answer, is there any effort to bring the churches into that? Because obviously with post-traumatic stress disorder and other problems these young men almost invariably will experience—you know, they will wake up with nightmares just like torture victims as we have found to be the case—having committed such atrocities and there seems to be a real niche there for churches to help with spiritual counseling as well as part of the emotional counseling.

Mr. PIERSON. Certainly with the churches a lot of involvement, but if I can expand a little bit, not only Liberia but across Africa, because we are seeing some demographic changes in Africa that we have never seen before, and a lot of that deals with youth and child soldiers, but also the projections, you know, all across Africa.

When you look at a projection of 40 millions AIDs orphans. I mean, that is just a staggering number across the continent.

With child soldiers, what you have got in Liberia, with the HIV/AIDS problems with all of the orphans, you have got a large number of children who are growing up that have not grown up or are not growing up in a traditional type of Africa setting. They are not there with their mom and dad and grandparents in a village. They are orphans, and for many of them all they have ever known is carrying a weapon.

So across the continent this is a major part of what USAID is really focusing on, and so much of that deals also with rural versus urban issues, because many of these youth go to urban areas, so this is one of those areas that crosses over a number of different type of activities.

In Liberia, we have the Liberia Community Infrastructure Project, which essentially is jobs, jobs, jobs, and for these ex-combatants, for these child soldiers, it is vocational training. It is counseling. It is a different kind of reintegration counseling that they might need, but it is training in carpentry, electronics, and trying to make sure that these youth are not just wandering around, that there is a job for them to do, and they are part of the reintegration and reconstruction of Liberia.

So the child soldiers through all of these areas is very central not only in Liberia but is central all across Africa. It is a major priority of what we are doing.

Thank you.

Ms. FRAZER. Yes, just to pick up where Lloyd left on the demobilization and disarmament, that has been led by the UN, concluded in 2004. We had about 103,000 former combatants who had gone through the program, and now we are working with those youth, especially on infrastructure and development programs.

Within Liberia, we have a program called The Liberia Community Infrastructure Project in which we are training and providing job opportunities for many of these former child soldiers.

They were in fact the ones who cleaned up Monrovia, the capital, for the inauguration of the new President, and I can say that they actually did a fabulous job. For the first time the grass was cut around the executive mansion. The transformation from when I was there in October to going back in January was fabulous. So we are working with them.

We are going to spend about \$41–\$42 million dollars in Fiscal Year 2006 ESF and it will focus on this LCIP program on education, renovating schools, providing teacher training facilities so that you can integrate these child soldiers both in terms of jobs but also in terms of education and providing them health services, as Lloyd said.

On the question of the debt, I will go back and ask Treasury the specifics of what they are doing, but in general our approach toward Liberia and its economic reform is to fast-track. As I said, we are going to work toward getting them in GSP as well as moving them toward a goal.

We would have to deal with the debt in the context of the IMF and the World Bank because our debt relief program is with the heavily-indebted poor countries, so we need to get Liberia on that track of heavily-indebted poor countries to get them to a decision.

Mr. SMITH OF NEW JERSEY. Is that something you want to do?

Ms. FRAZER. Yes, definitely. Again, we are committed. Obviously, when we move them through the program very quickly, we will need OMB also to score their debt for its present value, and we would also need Congress to appropriate the money to offset from Treasury any cancellation that we would do on a bilateral or a unilateral basis. But most importantly for economic reform it is beneficial to put them in the multilateral context of the IMF.

We think they will do very well because, as was stated by Congressman Watson, the current President was a former finance minister, and by all accounts she is—one of her first appointments to her new ministry is a finance minister who has been at the IMF, who was—or the new finance minister has been at the World Bank, and has tremendous credibility within the international financial institutions, so we would expect to be able to deal with the debt issue rather quickly.

Mr. SMITH OF NEW JERSEY. Let me just ask three quick questions before I yield to my good friend, Ambassador Watson.

On the issue of extraditing Charles Taylor, what exact sequence of events are necessary to effectuate that, especially given the fact that some Taylor associates remain in the government? Does that pose problems?

Is it our view that he has violated his terms and conditions of exile in terms of fomenting problems in the region? Have we done a qualitative analysis on that and said, yes, he has made mistakes, he has violated those terms?

Do you look at Liberia as a potential candidate for PEPFAR? As you know, being in PEPFAR does not necessarily mean you have a high infection rate. Vietnam certainly is a classic case, and I was just in Vietnam for 5 days meeting with religious and political dissidents there. That was picked, and that country does not have a major incidence of HIV/AIDS, but it was done to try to prevent it.

Would not Liberia, especially as part of this package, lend itself to an effort to obviously mitigate the problem as it exists, but also put an effort into prevention and make it a PEPFAR country?

Then finally, when I met with President Johnson-Sirleaf, and I too was deeply impressed with her capabilities as was, I think, everybody who has met with her, and we want her to succeed in the greatest of ways, I talked to her about trafficking.

As you know, I wrote the Trafficking Victim Protection Act of 2000, 2003 and 2005, and the 2005 act, which was just signed by President Bush, there is language there dealing with UN peacekeeping.

Our Committee has had a few hearings already on the atrocities committed by UN peacekeepers, especially in the Congo, exchanging a loaf of bread for rape of a 13-year-old, and there are many instances of that, and we talked about that at great length.

I am wondering how we might be able to help with that large contingent obviously to ensure that these peacekeepers do not violate young girls and young women in Liberia. She was very concerned about that herself, so if you could maybe speak to that as well.

As you know, for any mission that is new or reauthorized there needs to be a reporting by Dr. Rice to the Congress as to what efforts are being made to ensure transparency, a vetting of those who might be deployed or are already deployed, and best practices to hold those account, especially, who might commit these crimes.

Ms. FRAZER. Okay. On the issue of Charles Taylor and the Special Court and whether there is any particular sequence for addressing him, really there is not except that we have a UN Security Council resolution that authorizes UNMIL to arrest him, to apprehend him and transfer him to the Sierra Leone Special Court should he go back to Liberia. That is the only thing that is an international obligation as such.

The rest of the sequence is really a matter of understanding. It is a matter of policy. It is a matter of—it is not—let me put it this way: President Obasanjo has said that he will turn him over to Liberia on the request of the new President of Liberia. That is a matter of Nigeria policy.

The only thing that is a matter of international obligation is the Security Council resolution, and so at any point through our dialogue, or diplomacy, we can change the sequencing of events, that is just a matter of policy.

We have said, and Secretary Rice has said, to President Obasanjo in her meetings with him as well as to President Johnson-Sirleaf, that we would want to make sure that Charles Taylor is turned over to the Sierra Leone court, the sooner the better, and that as a matter of policy that is where the United States has been. You know, the impunity cannot stand. He has to be held accountable. He must be tried before the Sierra Leone court where he has been indicted.

So the sequence of getting him there, if he tries on his own to go back to Liberia, we would expect UNMIL to arrest and apprehend him. Nigeria could transfer him to the Sierra Leone court directly if they should choose to do so as a matter of policy. They can transfer him to Liberia if they choose to do so, but I think it is a

mistake, this notion that somehow the new President of Liberia must make a request, and that is the order of sequencing. That is a matter of Nigerian policy and not as a matter of international obligation.

But we would expect for Charles Taylor to be turned over to the court, and we have always said as a matter of policy that he needs to be turned over at the right time and the right time for us was a newly-elected Government in Liberia. And so now is the right time.

Do Charles Taylor's supporters or former supporters represent problems for the new government or even for his being handed over to the Sierra Leone court?

To be quite frank, my own assessment is no, and I say that based on at every point of this transition, from the establishment of this government of former warlords, some of them, because it was a government established out of a peace agreement, so LURD, MODELL, the Government of Liberia were all there. At that point it was very delicate.

There was concern about Charles Taylor manipulating all the way up through both elections, the first round and the second round. There was concern that Charles Taylor was somehow going to destabilize the election.

My sense of the Liberian people is they have moved on. They were not talking about Charles Taylor. The media was talking about Charles Taylor. The Liberian people were talking about their freedom and choosing who their next elected President would be. There was some discussion about the quality of the candidates. There was not any discussion about—that I heard from the public—about what Charles Taylor might or might not do.

So at every point there has been concern of his ability to effect and influence Liberian society, and we have not seen any demonstration of that. I would expect that we can hand him over or have him handed over to the Sierra Leone court, especially early on when we are at full strength with UNMIL and other forces, to maintain the stability in Liberia and that we would see that he in fact has very little influence, but obviously we will have to test that. But at every point of a test before he has failed to demonstrate influence in Liberia.

As far as violating conditions of his exile, again as a matter of policy, I believe that there were—I do not know how many, but there was a list of conditions that President Obasanjo had established. And when we did the vetting, clearly he had violated some of those, for instance, trying to communicate with various former ministers. There was some transfer of funds, I think, that we had seen.

Now, when I say that we have seen it, this was back in 2004. I do not know if we have done a thorough assessment since I left. I am sure that there has been but I just have not been involved in it when I went off to be Ambassador to South Africa.

But the point being, whether he has violated conditions of exile or not, the Sierra Leone court has indicted him, and he has to be turned over. And as I said, it is a matter of Administration policy that the sooner the better.



Mr. SMITH OF NEW JERSEY. Did you want to speak to PEPFAR and to trafficking? Would that be Mr. Pierson?

Mr. PIERSON. First on the trafficking in persons, in conflict, in post-conflict situations we almost invariably see whether pervasive is the word or not, it comes very close of gender-based violence, trafficking in persons, and that is a part of the planning in Liberia. Much has already occurred, but it goes from the very local grassroot level in terms of planning and activities, on up to the national

For instance, part of the reconstruction, reintegration efforts are the development of community development committees at every level of local government, and a part of that is the creation in different area of women's group to address gender-based violence, to address issues such as trafficking in persons.

On up to the national level with the legislature, one of the very typical things that organizations such as IRI, NDI do when they work with the legislative body overseas and with the executive branch is to really try to strengthen the rule of law, and they look at a wide range of kind of human rights abuses that occur, and try to get into the law much, much stronger statutory language addressing these issues.

And then, of course, in Liberia is try to build up the court system, try to build up the police system. Then I think you have got somewhat of a comprehensive approach, but that is a part of the planning. Obviously not there now, but it is a part of the planning that is occurring.

The PEPFAR, venturing off just a little bit, but the new administrator to be nominated or announced of USAID is currently the PEPFAR head of that, and we are briefing him later this week, so that is something that I can bring up, Mr. Chairman, in terms of a formal designation of Liberia.

But certainly there is funding. There is a commitment for HIV/AIDS. The global fund at USAID has committed \$7.7 million over the next 2 years, and then out of the Africa Bureau funds we have got a little over a million dollars that is committed.

But the process to be a formal PEPFAR country is not one that I could decide or that our bureau could decide.

Mr. SMITH OF NEW JERSEY. It would seem to be prudent, I would think.

Mr. PIERSON. Yes.

Mr. SMITH OF NEW JERSEY. So let us stay in touch on that.

Ambassador Watson.

Ms. WATSON. I think, Mr. Chairman—thank you. I think you have just about raised all the questions I had in mind. I wanted to find out how soon Charles Taylor would be transferred, and I think your answer indicated it should be soon, and I am sure that the new President will keep that as a focal point.

The other thing too, and I think Mr. Pierson addressed that, I am very interested in the educational program because most of these children soldiers were never in school, and if they were, they dropped out of school. Very few of the children in Liberia had an opportunity for an education, so I would hope that we could assist in helping them design a program within the schools to make the transition from children who have never had structured training

but psychological counseling, because it is going to take awhile to free them up from the use of violence as a means to get over, and without attention they will revert back.

So I would hope that the new health programs within the country and the educational programs will take into account trying to rehabilitate, and public safety and justice becomes in focus as well, and there is a possibility that these children revert back to negative behavior and end up in their prisons and so on. So I would hope that there will be a new era of rehabilitation, and hope that we can assist through USAID and any of the other programs, just concentrating on the youth, those that were soldiers, those that were victims as well.

So I would appreciate whatever the State Department can do in helping the country as they rebuild their infrastructure, they rebuild their programmatic systems will take into account the rehabilitation process.

Mr. PIERSON. You are absolutely right. There is over an 80 percent illiteracy rate in Liberia and strictly in primary education we have committed \$18 million over the next 2-year period. That does also not address the monies that would come in terms of vocational training. The community infrastructure project dealing specifically with the youth is very heavily weighted toward vocational training so they can be a part of the reconstruction and get jobs, but the formal education is also very important, and we are looking into that.

Ms. WATSON. Let me just add this, that, yes, they need skills training, vocational, but they need training in how to re-address—build their social skills.

Mr. PIERSON. Right.

Ms. WATSON. And how to transition from the only life they knew to a new life of opportunity. So I am looking for whatever rehabilitation programs that can be started up through our USAID efforts. I think this is going to be a major part. Then education will supplement that, but we have got to bring these youngsters back in where they can live, not as sociopaths.

Mr. PIERSON. Right.

Ms. WATSON. But as members in a society and live well, and so I think that has to be a focus even beyond giving them skills training and learning and literacy. They must learn how to mesh in successfully with society. So I do hope that rehabilitation becomes a top priority under the education system.

Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you. Chairman Royce.

Mr. ROYCE. Thank you, Chairman Smith. I wanted just to, Dr. Frazer, bring up the one point, and it has to do with the Special Court. Congress expressed a very strong interest in Fiscal Year 2006 for an operations bill, including funding, and Senator Obama and I led a bipartisan effort which included Chairman Smith here, and Congresswoman Watson as well, to secure \$13 million for the court, and this funding them would see the court through the end of its mandate. And the funding along with other language in the bill also made Congress' position on Taylor and the court crystal clear.

We supported this effort because assistance establishing the rule of law is key if the continent is to advance from its conflicts and from poverty, and our colleagues on the Appropriations Committee, which we sat down and discussed this with, agreed with us.

However, it has come to my attention that the Administration has approached Congress in an attempt to reprogram significant amounts in the economic support fund account, and that would significantly alter this \$13 million. These discussions are ongoing, and I certainly realize that these discussions were probably made outside your area, and that more than the funds for the court are on the table for realignment. I know that.

But I wanted to make you aware of our concern, and again emphasize that Congress continues to have a strong interest in the fund for the Special Court, and we continue to watch this very closely, and I wondered if you had a response or an observation on this front.

Ms. FRAZER. Yes, thank you very much.

It is my understanding that Special Prosecutor DeSilva has estimated that he needs about \$25 million—

Mr. ROYCE. Right.

Ms. FRAZER [continuing]. For 2006, and I expect in the next coming week or 2 that we would provide about \$6 million. This combined with \$9 million and \$7 million that we have provided already would give us about \$22 million out of the \$25 million. So our sense is, you know, as you said, this will continue to go back and forth under discussion.

Mr. ROYCE. Right.

Ms. FRAZER. We need to narrow down what exactly is the amount required. But on the positive side we will be providing, I think it is about \$5.9 million or so in the coming weeks to the Sierra Leone court so it can continue.

Mr. ROYCE. Well, here would be my observation on that. The court operates purely on a voluntary basis. Other member states, 13 of them, have pledged \$8.8 million. So assuming the court were to receive the \$13 million that we originally programmed and that was signed into law, it would still have a budgetary shortfall of \$3.2 million based on that math.

Obviously a significant reduction in the United States appropriation would undermine the court's ability to complete the three trials in process, and in my view would weaken the rule of law in Africa. So that is why I bring up this point, that Congress, which controls the purse strings, passed a bill emphasizing a specific amount to go, in this case to the Special Court in Sierra Leone. The bill was signed into law, and so we expect that to happen, so hence my concern on that front.

Another question I was going to ask you about was a troubling report that we received about corruption in Liberia's transitional national Government, and I was going to ask you what Liberians are doing or what we are doing to hold those who stole funds accountable in this regard.

Ms. FRAZER. Thank you. I think that the person who is doing the most to try to hold them accountable is actually the new President who, as you know, fired the political appointees in her Ministry of Finance I think to make this point.

We obviously have a couple of instruments at hand that we can use on dealing with corruption of the previous—we have a lot of individuals who have travel bans right now, the visa ban.

Mr. ROYCE. Yes.

Ms. FRAZER. If we have the information on particular individuals in that transition government who have stolen, we can ban them from coming to the United States through the visa ban. That is one way in which we, the United States, can deal with them.

Obviously, as I said, we are trying to support and build the justice system in Liberia so if they have information they can actually try them within their national courts.

Mr. ROYCE. Yes, and I would think that would be very important because more than just firing, the follow-up action in terms of prosecution, that has a real deterrent effect—

Ms. FRAZER. Exactly.

Mr. ROYCE [continuing]. On the next guy.

Ms. FRAZER. Absolutely.

Mr. ROYCE. So my hope would be that we can work in concert with the Liberians in standing up those courts and moving forward with their prosecutor on those cases.

Thank you very much again, Dr. Frazer, for all you are doing.

Ms. FRAZER. Thank you.

Mr. SMITH OF NEW JERSEY. Let me just conclude with one final three set of questions.

In his testimony that he will give momentarily, David Crane, the former Chief Prosecutor for the Special Court for Sierra Leone, offers a roadmap for a successful beginning in Liberia, for Liberia. Obviously, the first one is handing over Charles Taylor for a fair trial for crimes committed. Second, he talks about tying any financial and political support to good governance in Liberia.

The third, and I wish you would speak to this especially, encourage the Administration to establish the Truth and Reconciliation Commission that was called for in the earlier peace accords in 2003. What is the status of that?

Fourth, he makes the point that within the next few years that there needs to be another hybrid war crimes tribunal for crimes committed by Charles Taylor and his henchmen from 1990 to 2003 in Liberia, and, as he points out so aptly, that Charles Taylor is responsible for destroying not one but two nations.

What is your sense of a new hybrid court to follow in the Special Court for Sierra Leone, and again, the Truth and Reconciliation Commission?

Ms. FRAZER. Yes, thank you very much, and I certainly agree as you said, that there has to be accountability. On the final point, we have not taken any policy decision about a hybrid court. But my own sense of it is if it is to try crimes committed in Liberia, again the Liberia national courts should be developed to be able to hold accountable any of its citizens. But we would have to look at the idea, study it carefully, and then come to some policy decision on whether a hybrid court would be necessary outside of the normal court system.

On the question of the Truth and Reconciliation Commission, we have been working with them. As I said, we are trying to establish these legal advice centers. I know that when I was in Liberia in

January I met with the leadership of the Truth and Reconciliation Commission. They asked specifically for new funding for that commission. They seem to have a national process up and going.

We certainly support reconciliation. We support accountability, and we would have to look at the funding that we could provide for the Truth and Reconciliation, and certainly if Congress has a specific interest in us providing significant resources, I would welcome that discussion. But in principle, we certainly do support it, and know our Ambassador, Ambassador Booth, is also working closely with the leadership.

Mr. SMITH OF NEW JERSEY. That is why I am raising it, because there is concern and interest here.

Ms. FRAZER. Yes.

Mr. SMITH OF NEW JERSEY. There is a footnote, and I think it is a very good one. I have not read the report but I will now, for Amnesty International, and former Chief Prosecutor Crane makes the point that the local courts are likely to be incapable of prosecuting those people, and I think there is a separation, frankly, that a hybrid court or a court that is under an international jurisdiction, and the imprimatur that gives that the whole world is watching rather than some local judge who could be intimidated, could be threatened with his or her life. It raises into a different standard and gives a certain protection, frankly, for the local courts who then can deal with other matters of criminality in Liberia.

So I think the point is very well taken in his testimony, and I certainly hope you will take it back.

Ms. FRAZER. Certainly, I will. We will, and we will consider it very seriously, but I just will say again though that what we are trying to do is restore Liberia, and eventually the national courts have to operate for sustainable accountability, sustainable peace and justice in that society, and obviously when we have constraints of resources we have to make careful judgments about where that investment will go, and I for one am looking to invest today for the long-term future.

Mr. SMITH OF NEW JERSEY. But if I could, if you do not mind me interrupting, one of the genius, I thought, of the Sierra Leone Special Court was that not only does it leave an infrastructure, a physical plant, but it also leaves behind people who now are better trained and much more adept at dealing with all the nuances of gathering evidence, presenting that evidence if they are prosecutors, and certainly adjudicating that evidence if they are on the other side of the table.

You know, it is almost like they are left now with a very good model as opposed to just shipping people off to The Hague, to the ICC where, you know, it is then—that consequence, that positive consequence is not left behind, so there could be a further enhancing, I think, of their capabilities in Liberia to adjudicate the rule of law and to administer the rule of law.

Ms. FRAZER. Absolutely, and one of the things that we might look at as well is to support the African Union in creating its own court of justice so that the continent as a whole has that infrastructure in place. So yes.

Mr. SMITH OF NEW JERSEY. Mr. Payne.

Mr. PAYNE. Thank you very much. Sorry that I missed your testimony, Mr. Pierson, but I too think it is important that there be a strengthening of the rule of law. I think that we have to send a message that dictators wherever they are will be held accountable, and that they cannot escape any longer. And so I am a strong supporter of Special Courts.

As a matter of fact, I support the International Criminal Court and the Rome Agreements, and I think that when leaders know that they are going to be held accountable, I think they may give second thoughts to their behavior, and so I do not want people to misconstrue my reluctance on making the first step going against Taylor. I think that we have to get Taylor. Taylor has to be brought before the court of justice.

I think that Special Prosecutor Crane has done an outstanding job. We have had opportunities to even meet at other meetings, and applaud what he has done, and it is courageous, it is right, it is the right thing to do, and so there is no softness on Taylor. I believe that he needs to come before a court.

My whole statement earlier was that I do not want to see a diversion where that is the thrust, and other things start crumbling around. We know where he is, and I am sure that we have got surveillance on him, where he is going, what he is doing, listening. If he is using a cell phone, believe me, you can listen to cell points. I am sure we will listen to any call he makes. We can just transfer some of our equipment over there. [Laughter.]

And so I am not that concerned about what he is saying. Let me just ask about the military. Could either one of you bring me up to date on just how the vetting is going?

Mr. ROYCE. Will the gentleman yield?

Mr. PAYNE. Yes.

Mr. ROYCE. If he would just stay away from those conversations with al-Quada, he would have been okay.

Mr. PAYNE. That is right.

Could you let me know how the force is coming? I know that I think it is a Jamaican officer in charge of the training. I think the police is separate from the armed forces. Could either one of you break that down and how it is going, and how much do we have to sustain the force?

Ms. FRAZER. I certainly will. We are spending \$60 million for security sector reform, and we have demobilized 14,000 members of the old armed forces of Liberia, including their band, and we started the recruitment on January 18. The expectation is we would be able to develop a new army of about 2,000 based on Liberia's own resources by 2008.

Mr. PAYNE. There was some work being done on facilities training.

Ms. FRAZER. Yes.

Mr. PAYNE. How is that moving along?

Ms. FRAZER. We have refurbished the Barclay Training Center so it is currently in use for recruiting for the new army, and we have secured the camp which I have trouble pronouncing, Schiefflin, I think, which will be the army training camp. We have secured that camp, and so we are fencing it in, erecting the perimeter, but it will be ready for use.

Mr. PAYNE. How is the opposition, you know, George Weah came out ahead in the first run and had a lot of young people engaged and so forth, how has the opposition, him in particular and other opposition parties been accepting the new mandate?

Ms. FRAZER. Well, one good thing is George Weah and other candidates were at the inauguration, which I think was an important symbol of reconciliation and acceptance of the results, and the vote of the Liberian people. So we are quite encouraged by that signal.

Clearly there needs to be quite a lot done to bring his constituents into the political and economic process, to work toward a reconciliation. The new President has reached out to the youth, to try to make sure that they feel a part, even if some did not work for her, that they feel a part of her new government, the new society that she is trying to create. So, so far so good.

The main candidate has said that he will stay outside of government. There was some discussion about whether he would take up a Cabinet position. He said he will stay outside of government and act as a loyal opposition. This is extremely important for a transition to competitive elections rather than the type of process of civil war winner take all that has been Liberia's past.

Mr. PIERSON. And I might mention, Congressman, one of the central themes of all of the activities that we have got is youth in Liberia, not just in Monrovia, but also a lot of concentration in some of the more difficult, the areas of unrest, and trying to make sure that those youth have education, that they have vocational training, part of the Liberia community infrastructure project where they have jobs, and they are just not idle and unemployed.

Mr. PAYNE. Just finally, almost final, the question of UN peacekeepers, as we know their time is coming to a—I do not know if anyone asked the question before. What is our position on that?

We know that it is costly and I am concerned that if we withdraw without having the 2,000 or the police standing, that we may have a gap. We do believe that there is still armed factions out in the rural areas. What is the position of the Administration on support of UNMIL, I guess it is?

Ms. FRAZER. Well, certainly we would continue to support them, and when their mandate would run out we would make an assessment of the security environment at that time. We did this with UNAMSIL in Sierra Leone. So obviously if we do not feel that the environment is secure in consultation with the UN, in consultation with the Government of Liberia, we would be prepared to extend that mandate as we have done in other peacekeeping missions around the world.

Hopefully though we would have a situation where Liberia is standing on its own two feet, but we have a huge investment there, and we are certainly not going to put it at risk by prematurely having UNMIL leave.

Mr. PAYNE. And finally with sanctions, you know, there was a concern about moving sanctions, taking sanctions off too quickly. What is the position on sanctions, and how much longer do you think that timber and diamonds and those kind of things should remain on the list?

Ms. FRAZER. Thank you. Well, certainly, again, we would want sanctions to be taken off the list quickly. At the end of December,

the UN Security Council renewed the sanctions on diamonds for another year, and on timber for 6 months.

What we are trying to do is work with Liberia to establish accounting mechanism for the revenue that is coming on from diamonds. We have an initiative, the Liberia Force Initiative, which will provide for transparency and effective management. Once we have that up and running, and I know this is a priority of President Sirleaf, we would then look at trying to remove those sanctions. But the problem is those resources and the revenue have been used to fuel war. They have been used for corruption, and so we think it is most important to get the management system in place.

Mr. PAYNE. Well, thank you, Mr. Chairman. Thank you very much.

Mr. SMITH OF NEW JERSEY. Mr. Royce, you had something for the record?

Mr. ROYCE. Oh, I would like to put into the record the letter to the Foreign Operations Appropriations Conferees that we sent requesting the \$13 million, and the report of the Appropriations Committee on the \$13 million dedicated to Sierra Leone Special Court for the record without objection.

And lastly, I just wanted to indicate too that I had the privilege of testifying at Mr. Lloyd Pierson's confirmation hearing, and working with him on the ground in West Africa on elections, and I wanted to acknowledge the good work he is doing as well as Assistant Secretary Frazer, so thank you very much for allowing me to do that.

Mr. SMITH OF NEW JERSEY. Without objection.

[The information referred to follows:]

*October 12, 2005*

Senator MITCH MCCONNELL, *Chairman,*  
*Subcommittee on State, Foreign Operations, and Related Programs*

Senator PATRICK J. LEAHY, *Ranking Member,*  
*Subcommittee on State, Foreign Operations, and Related Programs*

The Honorable JIM KOLBE, *Chairman,*  
*Subcommittee on Foreign Operations Export Financing, and Related Programs*

The Honorable NITA M. LOWEY, *Ranking Member,*  
*Subcommittee on Foreign Operations, Export Financing, and Related Programs*

Dear Chairmen McConnell and Kolbe, and Ranking Members Leahy and Lowey:  
As you work to reconcile the differences between the FY06 Foreign Operations Appropriations provisions, *we respectfully request that \$13 million be included in the conference report for the Special Court for Sierra Leone.* The Senate passed version of the State, Foreign Operations, and Related Programs includes this important, bipartisan amendment.

Through our respective roles in Congress, we have watched and supported the Special Court for Sierra Leone as it has worked to further the rule of law in Sierra Leone and West Africa. The mandate of the U.S.-backed Court is to prosecute those who bear the greatest responsibility for atrocities committed during Sierra Leone's brutal war years. Unlike the tribunals of Rwanda or Yugoslavia, the Special Court is located in the country where the war crimes were committed, utilizes both local and international judges and personnel in its operations, and has operated at a fraction of the cost of the aforementioned tribunals.

The Special Court has moved aggressively to issue indictments, detain suspects, and adjudicate cases. Of its original 13 indictments, 11 are currently active. Nine indictees are in the custody of the Court in Freetown. The Court is scheduled to wrap-up operations in 2006, just four years after it was established. However, for



a number of unforeseen reasons, the Court needs an additional year of funding and we believe this should be an important priority of U.S. foreign policy in West Africa.

As you are aware, the Court's top indictee, former Liberian President Charles Taylor, remains out of its reach, being harbored in Nigeria. The Court has indicted Taylor on 17 counts of war crimes and crimes against humanity for his role in destroying countless lives in Sierra Leone. His support for the Revolutionary United Front makes him directly responsible for terrorizing and subjecting civilians to mass murder, rape, severe mutilation, and massive forced conscription of children. Moreover, the job of promoting regional peace and security cannot be completed until Mr. Taylor appears before the Special Court to answer to the charges against him. Allowing Taylor to continue to interfere in Liberian affairs—with the possible outcome that those loyal to him win the upcoming elections—could undermine the entire international investment in Liberia's reconstruction.

Earlier this year, both houses of Congress passed H. Con. Res. 127, calling on Taylor to be transferred to the Special Court. By including these funds in the Foreign Operations Conference report, the Congress can send a powerful message that bringing Taylor to justice is a top U.S. priority. Doing so will help further U.S.-Nigeria relations, help bring peace to Liberia, and strengthen the rule of law on the continent. These resources will make it clear that Taylor cannot wait out the life of the Court.

We appreciate that you must evaluate many provisions to address African needs and advance U.S. interests in Africa. Assistance establishing the rule of law, we believe, is a key need if the continent is to escape from its conflicts and poverty. The Special Court for Sierra Leone has made an important contribution to the rule of law in West Africa in a short time. Its work though is not complete and we respectfully ask for these additional funds to be retained in conference.

We appreciate your considering our request that this innovative effort to hold accountable war criminals receives strong U.S. backing until the job is done.

Sincerely,

Senator Barack Obama  
 Representative Ed Royce  
 Senator Chuck Hagel  
 Representative Frank R. Wolf  
 Senator Jack Reed  
 Representative Diane Watson  
 Senator Mike DeWine  
 Representative Christopher H. Smith  
 Senator Russ Feingold  
 Representative Vic Snyder  
 Senator Lincoln D. Chafee  
 Representative Sue W. Kelly  
 Representative Betty McCollum

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109TH CONGRESS <i>1st Session</i>	HOUSE OF REPRESENTATIVES	REPORT 109-265
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MAKING APPROPRIATIONS FOR FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006, AND FOR OTHER PURPOSES

NOVEMBER 2, 2005.—Ordered to be printed

Mr. KOLBE, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 3057]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3057) “making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the text, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:*

**TITLE I—EXPORT AND INVESTMENT ASSISTANCE**

*EXPORT-IMPORT BANK OF THE UNITED STATES*

*INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK*

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$1,000,000, to remain available until September 30, 2007.*

*EXPORT-IMPORT BANK PROGRAM ACCOUNT*

*The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard*

## CAPITAL INVESTMENT FUND

*For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$70,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not to exceed \$48,100,000 may be made available for the purposes of implementing the Capital Security Cost Sharing Program.*

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

*For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$36,000,000, to remain available until September 30, 2007, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.*

## OTHER BILATERAL ECONOMIC ASSISTANCE

## ECONOMIC SUPPORT FUND

## (INCLUDING TRANSFER OF FUNDS)

*For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,634,000,000, to remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, not less than \$240,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than \$495,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and political reforms which are additional to those which were undertaken in previous fiscal years: Provided further, That with respect to the provision of assistance for Egypt for democracy and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: Provided further, That of the funds appropriated under this heading for assistance for Egypt, not less than \$135,000,000 shall be made available for project assistance, of which not less than \$50,000,000 shall be made available for democracy, human rights and governance programs and not less than \$50,000,000 shall be used for education programs, of which not less than \$5,000,000 shall be made available for scholarships for disadvantaged Egyptian students to attend American accredited institutions of higher education in Egypt: Provided further, That of the funds appropriated under this heading for assistance for Egypt for economic reform activities, \$227,600,000 shall be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that Egypt has met the calendar year*

2005 benchmarks accompanying the "Financial Sector Reform Memorandum of Understanding" dated March 20, 2005: Provided further, That \$20,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of non-military exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than \$250,000,000 should be made available only for assistance for Jordan: Provided further, That of the funds appropriated under this heading that are available for assistance for the West Bank and Gaza, not to exceed \$2,000,000 may be used for administrative expenses of the United States Agency for International Development, in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: Provided further, That not more than \$225,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance until the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan at both the national and local level is cooperating fully with United States funded poppy eradication and interdiction efforts in Afghanistan: Provided further, That the President may waive the previous proviso if he determines and reports to the Committees on Appropriations that to do so is vital to the national security interests of the United States: Provided further, That such report shall include an analysis of the steps being taken by the Government of Afghanistan, at the national and local level, to cooperate fully with United States funded poppy eradication and interdiction efforts in Afghanistan: Provided further, That \$40,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than \$6,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon: Provided further, That of the funds appropriated under this heading that are made available for assistance for Iraq, not less than \$5,000,000 shall be transferred to and merged with funds appropriated under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108-106 and shall be made available for the Marla Ruzicka Iraqi War Victims Fund: Provided further, That of the funds appropriated under this heading that are made available for assistance for Iraq, not less than \$56,000,000 shall be made available for democracy, governance and rule of law programs in Iraq: Provided further, That of the funds appropriated under this heading, not less than \$19,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste, of which up to \$1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading shall be made available for

*programs and activities for the Central Highlands of Vietnam: Provided further, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of funds appropriated under this heading, \$13,000,000 should be made available for a United States contribution to the Special Court for Sierra Leone: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.*

INTERNATIONAL FUND FOR IRELAND

*For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$13,500,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2007.*

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

*(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$361,000,000, to remain available until September 30, 2007, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading \$5,000,000 should be made available for rule of law programs for the training of judges and prosecutors.*

*(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.*

*(c) The provisions of section 529 of this Act shall apply to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.*

*(d) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization pro-*

(b) Funds appropriated under the heading "Operating Expenses of the United States Agency for International Development" shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the Administrator of USAID shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight and technical support.

(e) Not later than 180 days after the date of enactment of this Act, and 180 days thereafter, the Administrator of USAID shall submit a report describing the programs, activities, and organizations funded pursuant to this section.

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE  
RUSSIAN FEDERATION

SEC. 589. None of the funds appropriated for assistance under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

WAR CRIMES IN AFRICA

SEC. 590. (a) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(b) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance to the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title II of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(c) The prohibition in subsection (b) may be waived on a country by country basis if the President determines that doing so is in the national security interest of the United States: Provided, That

prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on: (1) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction; (2) a strategy, including a timeline, for bringing the indictee before such court; and (3) the justification for exercising the waiver authority.

(d) Notwithstanding subsections (b) and (c), assistance may be made available for the central Government of Nigeria after 120 days following enactment of this Act only if the President submits a report to the Committees on Appropriations, in classified form if necessary, on: (1) the steps taken in fiscal years 2003, 2004 and 2005 to obtain the cooperation of the Government of Nigeria in surrendering Charles Taylor to the SCSL; and (2) a strategy, including a timeline, for bringing Charles Taylor before the SCSL.

#### SECURITY IN ASIA

SEC. 591. (a) Of the funds appropriated under the heading "Foreign Military Financing Program", not less than the following amounts shall be made available to enhance security in Asia, consistent with democratic principles and the rule of law—

- (1) \$30,000,000 for assistance for the Philippines;
- (2) \$1,000,000 for assistance for Indonesia;
- (3) \$1,000,000 for assistance for Bangladesh;
- (4) \$3,000,000 for assistance for Mongolia;
- (5) \$1,500,000 for assistance for Thailand;
- (6) \$1,000,000 for assistance for Sri Lanka;
- (7) \$1,000,000 for assistance for Cambodia;
- (8) \$500,000 for assistance for Fiji; and
- (9) \$250,000 for assistance for Tonga.

(b) In addition to amounts appropriated elsewhere in this Act, \$10,000,000 is hereby appropriated for "Foreign Military Financing Program". Provided, That these funds shall be available only to assist the Philippines in addressing the critical deficiencies identified in the Joint Defense Assessment of 2003.

(c) Funds made available for assistance for Indonesia pursuant to subsection (a) may only be made available for the Indonesian Navy, notwithstanding section 599F of this Act: Provided, That such funds shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(d) Funds made available for assistance for Cambodia pursuant to subsection (a) shall be made available notwithstanding section 554 of this Act: Provided, That such funds shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

#### NEPAL

SEC. 592. (a) Funds appropriated under the heading "Foreign Military Financing Program" may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Government of Nepal, including its security forces, has restored civil liberties, is protecting human rights, and has demonstrated, through dialogue with Nepal's political parties, a commitment to a clear timetable to restore multi-party democratic government consistent with the 1990 Nepalese Constitution.

## Other Bilateral Economic Assistance

## ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$2,634,000,000 for the "Economic Support Fund" (ESF), instead of \$2,558,525,000 as proposed by the House and \$3,031,375,000 as proposed by the Senate.

Funds in this account are allocated in the following table and, as stipulated in section 596, any change to these allocations is subject to the regular reprogramming procedures of the Committees on Appropriations.

## ECONOMIC SUPPORT FUND

[Budget authority in thousands of dollars]

	<i>Conference agreement</i>
<b>Africa:</b>	
Ethiopia .....	10,000
Sierra Leone (Special Court) .....	13,000
Sudan .....	20,000
Zimbabwe .....	3,000
Kimberley Process .....	2,500
Other Africa .....	88,000
Subtotal—Africa .....	136,500
<b>East Asia and the Pacific:</b>	
Burma .....	11,000
Cambodia .....	15,000
East Timor .....	19,000
Indonesia .....	70,000
Mongolia .....	7,500
Philippines .....	25,000
Tibet .....	4,000
Thailand .....	1,000
Vietnam .....	2,000
Environmental programs .....	2,000
South Pacific Fisheries .....	18,000
Other Asia .....	9,000
Subtotal—East Asia and the Pacific .....	183,500
<b>Europe and Eurasia:</b>	
Cyprus .....	20,000
Irish Visa Program .....	3,500
Other Europe and Eurasia .....	2,000
Subtotal—Europe and Eurasia .....	25,500
<b>Near East:</b>	
Egypt .....	495,000
Iraq .....	61,000
(Marla Ruzicka Iraqi War Victims Fund) .....	[5,000]
(IRI) .....	[28,000]
(NDI) .....	[28,000]
Israel .....	240,000
Jordan .....	250,000
Lebanon .....	40,000
Middle East Partnership Initiative .....	110,000
Middle East Regional Cooperation .....	5,000
West Bank/Gaza .....	150,000
(USAID Administrative Expenses) .....	[2,000]



The conference agreement contains a subsection similar to current law and the Senate proposal regarding extractive industries and the international financial institutions. The House did not address this matter.

*Sec. 586. Uzbekistan*

The conference agreement includes a provision as proposed by the Senate (section 6075) and similar to current law.

*Sec. 587. Central Asia*

The conference agreement includes a provision similar to that proposed by the Senate (section 6076) regarding assistance to Central Asia.

*Sec. 588. Disability Programs*

The conference agreement includes a provision similar to that proposed by the Senate (section 6077) making available \$4,000,000 in ESF for programs and activities administered by USAID to address the needs and protect the rights of people with disabilities in developing countries. Of this amount, the conferees direct that \$1,500,000 be made available to organizations that specialize in advocacy for people with disabilities, to support training, technical, and related assistance for foreign NGOs that work primarily on behalf of people with disabilities in developing countries, and \$2,500,000 be made available for equipment and other assistance for such foreign NGOs.

*Sec. 589. Discrimination Against Minority Religious Faiths in the Russian Federation*

The conference agreement includes a provision proposed by the Senate (section 6080) regarding assistance for the Russian Federation. The House did not address this matter.

*Sec. 590. War Crimes in Africa*

The conference agreement includes a provision similar to that proposed by the Senate (section 6081), requiring a certification by the Secretary of State before any funding may be made available to the central government of any country in which a person indicted by the Special Court for Sierra Leone or International Criminal Tribunal for Rwanda is living.

The conferees believe that Charles Taylor should stand trial for the crimes for which he has been indicted. In subsection (d), the conferees require a report by the President outlining the Administration's strategy for working with the Government of Nigeria to turn over Charles Taylor to the Special Court for Sierra Leone. If that report has not been received by 120 days following enactment of this Act, no funding may be made available for the central Government of Nigeria. This restriction is not intended to include support provided for peacekeeping operations in other countries.

*Sec. 591. Security in Asia*

The conference agreement includes a provision similar to that proposed by the Senate (section 6084) which (1) specifies military assistance for a number of countries in Asia; (2) makes funds avail-

Mr. PIERSON. Thank you Congressmen, I do not think I would have been confirmed without your coming and testifying.

Mr. ROYCE. We do not have any votes over there, but you did not have any problem. With or without me, I do not think you had any problem, Lloyd, getting confirmed. Thank you.

Mr. SMITH OF NEW JERSEY. Mr. Tancredo?

Okay, thank you so much for your patience and for your excellent answers. We look forward to following up on several of those that you said you would get back and we will continue this dialogue and this partnership. Thank you so much.

Ms. FRAZER. Thank you.

Mr. SMITH OF NEW JERSEY. I would like to now invite to the witness table Dr. J. Peter Pham, who is Director of the William R. Nelson Institute for International and Public Affairs, and Assistant Professor of Justice Studies at James Madison University, which I will note parenthetically is where my daughter got her graduate degree in public administration, my oldest daughter. He is also an affiliate faculty member of the Department of Political Science and associate faculty member of the African Studies Program. During the current academic year, he is directing a pilot study in Africa's place in a strategic vision of America's future energy security.

Then we will hear from Vivian Lowery Derryck, who is the Senior Vice President and Director of Public-Private Partnerships at the Academy for Educational Development. Previously, Ms. Derryck served as the Assistant Administrator of Africa at USAID. Ms. Derryck has held numerous positions in both government and the private sector, including Deputy Assistant Secretary at the U.S. Department of State and Executive Vice President of the National Council of Negro Women.

Finally, we will hear from David Crane, who is the distinguished Visiting Professor of Law at Syracuse University College of Law in the summer of 2005. Prior to that time he served as the Chief Prosecutor of the Special Court for Sierra Leone. Professor Crane was the first American judge since Justice Robert Jackson and Telford Taylor at Nuremberg, in 1945, to be the Chief Prosecutor of an international war crimes tribunal. During his three decades of public service, he has served as Senior Inspector General for the Department of Defense and as the Assistant General Counsel for the Defense Intelligence Agency.

Thank you all for being here, and please, Dr. Pham, if you could begin.

**STATEMENT OF J. PETER PHAM, Ph.D., DIRECTOR, WILLIAM R. NELSON INSTITUTE FOR INTERNATIONAL AND PUBLIC AFFAIRS, JAMES MADISON UNIVERSITY**

Mr. PHAM. Mr. Chairman, Members of the Subcommittee, I am honored and pleased to be invited to speak before you today on Liberia, and I ask that with your permission my written testimony be entered into the record.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

Mr. PHAM. Ellen Johnson-Sirleaf's inauguration as the 24th President of Liberia is undoubtedly an historically significant event for a number of reasons, and the generally smooth transition back to constitutional government has fulfilled one of the key objectives

of the Comprehensive Peace Agreement, which ended the country's civil war.

However, in my opinion, it would be dangerous to overestimate the importance of this event in the context of violent conflicts that have racked Liberia for nearly three decades, and which have repeatedly ignited regional conflagrations that consumed—and, in some parts, continues to plague—its neighbors Sierra Leone, Guinea, and Cote d'Ivoire.

To paraphrase Robert Frost, there are still many promises to keep and miles to go. While the installation of the new government completes the electoral process, by my reckoning at least six major challenges must be addressed by the new government and the international community as part of a comprehensive national and regional peacebuilding process.

Mr. Chairman, with your permission, I will briefly simply list each of these challenges, and then proceed to addressing the regional context.

The six challenges are: One, building a national government. It should be noted that the orderly, well-administered, and free and fair nature of the Liberian poll is remarkable in the region. However, the electorate, as we have noted earlier, has complicated President Johnson-Sirleaf's task in a number of ways. First, it gave no single party a governing mandate; and second, the electoral results also show a worrying but not surprising persistence of regional patterns of voting that need to be closely watched.

Secondly, constitutional reform. Ironically, Liberia's democratically-elected President has assumed power under a 1984 Constitution, a ramshackle adaption of the country's seriously flawed 19th-century Constitution. Under this charter the President is elected for a renewable 6-year term. Now, Johnson-Sirleaf has pledged not to seek a second term, but it is still a very centralized regime that institutionalizes the winner-take-all system that has been the bane of many post-Colonial African states. So the government needs to be strongly encouraged to begin a process of constitutional dialogue.

Thirdly, while I will defer to the esteemed former Prosecutor of the Special Court in the matter of Charles Taylor, I would add that very little attention has been paid to the need for accountability by individuals aside from the former Liberian President.

As you yourself, Mr. Chairman, noted earlier, several freshly elected members of the new government, including some who still fall under the UN's travel ban, have much to answer for.

Fourthly, legal and judicial reform. It is well and fine to talk about the rule of law in the abstract, but Liberia faces a tremendous challenge with law in the concrete. Aside from the constitutional question, there is the very real but unnoticed problem of what the law is.

Liberia's code of laws was essentially cobbled together in the 1950s by a group of American academics lead by a Cornell University professor, Milton Konvitz, working on a summer grant from the U.S. Government. It was even published in Ithaca. Since then it has not been systematically updated.

The court system is in total disarray. During 2005, only 13 of the 22 circuit judges were in office, and of that number four were on

sick leave, while another four were nearing retirement. In other words, there are only five judges to run the entire formal court system.

Fifthly, since Mr. Pierson has already addressed GEMAP, I will limit myself to the observation that only economic growth will sustain the socio-economic recovery that Liberia desperately needs.

Sixth, security sector reform. Officially, 103,018 combatants, 11 percent of them children, participated in disarmament, demobilization, and reintegration during the 2-year transition. Although the process was declared concluded in November 2004, the reality is far from comprehensive.

First, there are serious numerical inconsistencies. For example, while over 100,000 combatants were disarmed, only 27,000 weapons were actually collected. For another, while 103,000 combatants participated in the program, only 13,000 were actually reintegrated.

Secondly, in my considered opinion, that even the number 100,000 does not encompass all the combatants in Liberia's civil wars as some people did not report for DDR while others had fallen out from their combatant units before the 2003 fighting.

As Assistant Secretary Frazer noted, the United States has undertaken the burden of training a new 2,000-strong national Liberian army. The question, however, remains whether the resources being dedicated to the effort are adequate to the task, especially when one considers the regional situation, and the timeline of 2008.

Mr. Chairman, it is impossible to treat the question of Liberia's prospects in isolation from those of its subregional neighbors. Not only have the histories of the peoples of these countries been intertwined for centuries, they remain very much so today.

The first Liberian civil war made the outbreak of conflict in the neighboring states inevitable. Today, the situation of those countries could well undo all the progress in Liberia unless they are contained, or the capacity is built up within Liberia to ride out what I anticipate will be the next wave of violent upheaval in the region.

On paper, Sierra Leone, where the UN mission wrapped up its work on the last day of 2005, is well on the road to recovery. However, many problems that facilitated the spread of violence during that country's civil war persists, including lack of economic opportunities and the monopolization of power and wealth by a ruling elite. A closer look below the surface, in fact, reveals that the only thing lacking to re-create the conditions of 1991 is a spark from the outside.

To Liberia's east, for over 3 years now, Cote d'Ivoire has been caught up in a seemingly intractable civil conflict between the Government in Abidjan and the rebels who effectively control the north of the country. The situation is particularly heated in the country's west along the Liberian border, an ironic reversal from the Liberian civil wars of the 1990s, when there were large movements of combatants, civilians exploited natural resources and other economic goods along that same border.

Adding to the potential combustibility of this area are the geographical, political and ethnic reality. Recall that it was this area

that Charles Taylor supplied his rebels during the first Liberia civil war, and that the anti-Taylor MODEL did likewise during the second civil war. In recent elections, Grand Giedeh County, which borders on Cote d'Ivoire, voted almost exclusively for George Weah.

However, Mr. Chairman, Guinea is, in my judgment, both the most ignored country and potentially the most critical one in the subregion as it faces the end of the long tenure of President Lansana Conté. Despite having the largest standing military in the three Mano River countries, Guinea is a prime target for one or another insurgency group, both because of simmering ethnic tensions between the ruling Sousou, and the Malinke of its eastern forest region, and the Peul of its northwestern Fouta Djallon highlands.

While the democratic renaissance in Liberia might serve as an inspiration for long-dormant civil society in Guinea, it is equally possible that mayhem that would ensue should General Conté die without a better constitutional foundation than he has laid in the last two decades could result in a "blowback" that sweeps up the nascent Government in Monrovia.

Regrettably, Guinea's head of state's political strategy has been precisely the opposite, consisting mainly of a Machiavellian balance between ethnic favoritism and cynical manipulation of competing forces. In all likelihood, this delicate balance will come undone when President Conté dies or becomes incapacitated, and the country will face first personal competition for power among the members of the military oligarchy and then ethnic tensions.

The first will involve a contest between the 400-strong Presidential guard, the Berets Rouges, based in Conakry, and two, 800-strong, Ranger battalions, one trained by United States special forces between 2000 and 2003 and based in N'Zérékoré, and one trained by the People's Republic of China in 2003 and based in Kankan. The second will pit the Berets Rouges and the Rangers, as well as the military high command—almost all of whom are ethnically Sousou and, indeed, from the President's extended family and village—against others who have seen their economic, political, and military advancement blocked because of the lack of those ties.

While broadening the scope of engagement to encompass a sub-regional approach will necessarily be more expensive than a single-country approach, the U.S. and other international actors will find the costs of having to return to the subregion to deal with another transnational humanitarian crisis will require far greater resources than preventive engagement today.

Mr. Chairman, aside from the longstanding historical, political, cultural, and affective ties that bind American and Liberia together, as you noted earlier, the pivotal geopolitical role that the West African country currently plays in the region, a region whose strategic importance to the United States is rapidly increasing, demands strategic engagement.

Liberia is in many ways the key to the entire subregion. If Liberia remains stable, the fragile peace in Sierra Leone will be reinforced. The conflict in Cote d'Ivoire will be contained, and the collapse of Guinea will be mitigated. A democratic Liberia, and the Liberian people want it to be such, will be a beacon for the entire subregion. A growing Liberian economy will beckon home Liberian refugees, some of them fighters in the battles of others, moving

from conflict to conflict, and absorb resources that otherwise would collect in a transnational war economy.

If, on the other hand, Liberia stagnates or, worse, slides back into chaos, it will once again serve both as a catalyst and fuel in a regional conflagration that will undo a decade's worth of patient efforts by the United States, our British and French allies in Sierra Leone and Cote d'Ivoire, respectively, and the international community in general.

Mr. Chairman, I hope I have been able to sketch out some of the challenges and prospects affecting Liberia and the West African subregion and the United States in the wake of the recent Liberian elections. I look forward to your questions and those of the Committee, and I thank you and Members of the Committee for the opportunity to appear here today.

[The prepared statement of Mr. Pham follows:]

PREPARED STATEMENT OF J. PETER PHAM, PH.D., DIRECTOR, WILLIAM R. NELSON INSTITUTE FOR INTERNATIONAL AND PUBLIC AFFAIRS, JAMES MADISON UNIVERSITY

Mr. Chairman and Distinguished Members of the Subcommittee:

I am honored and pleased to be invited to testify before today on the impact of Liberia's recent election on the West African subregion. My testimony is based not only on firsthand observations made as an election observer during the first round of voting last October, but also on reports from well-placed contacts in Liberia and throughout the subregion as well as my own experience, dating back to the 1990s, of the subregion and my ongoing academic research. I have written extensively about politics in Sub-Saharan Africa, especially in the countries of the Mano River Union (Liberia, Sierra Leone, and Guinea), including two books entitled *Liberia: Portrait of a Failed State* and *Child Soldiers, Adult Interests: The Global Dimensions of the Sierra Leonean Tragedy*.

Ellen Johnson-Sirleaf's January 16, 2006, inauguration as the 24th president of Liberia, the West African country originally established as a homeland for freed slaves and other African-Americans "repatriated" from the United States, coming after national elections in October 2005 and a presidential run-off in November in which she won 59.4 percent of the vote against soccer superstar George Manneh "Oppong" Weah, is historically significant for a number of reasons. The election was arguably the freest, fairest, and most democratic poll since the nation's independence in 1847. As the first woman elected head of state in Africa, Johnson-Sirleaf represents a remarkable breakthrough in what historically has been a predominantly patriarchal society where women have largely been relegated to the periphery of political life (the new president campaigned explicitly on her gender, and many of her supporters sported T-shirts that proclaimed "All the men have failed Liberia; let's try a woman this time"). The generally smooth transition back to constitutional government also fulfilled one of the key objectives of the August 2003 Comprehensive Peace Agreement (CPA), which ended the country's second civil war in a decade and began post-war transition and peace-building processes in which both the United Nations and the United States government were heavily invested.

While these are by no means insignificant achievements, it would be dangerous to overestimate their importance in the context of the violent conflicts which have wracked Liberia for nearly three decades and which have repeatedly ignited regional conflagrations that consumed—and, in some parts, continues to plague—its neighbors Sierra Leone, Guinea, and Côte d'Ivoire. To paraphrase Robert Frost, there are many promises to keep and miles to go before we can sleep. While the installation of the new government completes the electoral process, by my reckoning at least *six key challenges* must be addressed by the Liberian government and the international community as part of a comprehensive national and regional peacebuilding process.

Mr. Chairman, with your permission I will briefly outline each of these challenges in turn before proceeding to address the *regional context* and why I believe it is in the broader interests of the United States to commit ourselves, in cooperation with our international partners, to a *sustained engagement to assure the success of the reconstruction and peacebuilding process* in Liberia.

## BUILDING A NATIONAL GOVERNMENT

With some more-or-less minor exceptions—none of which were of the magnitude that would have altered the final results—the election process was well-run, especially when one considers the rather daunting infrastructure challenges to the poll. The U.S. alone contributed over \$10 million to the effort, most of it dispersed through civil society organizations involved in democratization efforts, including IFES (technical assistance for polling), the International Republican Institute (training for political parties), and the National Democratic Institute for International Affairs (civic education). More than 6,000 Liberians, including some 3,500 from local civil society organizations, were accredited to monitor the voting.

About 1.35 million people registered to vote in April and May 2005. Of these, approximately 1.012 million (74.9 percent) voted in the October elections, and over 825,716 (61.2 percent) participated in the November run-off. It should be noted that while Ms. Johnson-Sirleaf's win has been termed "decisive," the final tally actually represented an effective endorsement by only 35.4 percent of the registered electorate. While this does not detract from her legitimacy, one should be cautious in overstating levels of support.

On the other hand, it should be noted that the orderly, well-administered, and free and fair nature of the poll is truly remarkable when one considers the sub-regional context: a civil war has delayed polls in Côte d'Ivoire; Sierra Leone's elections are marred by both the corruption of the ruling elites and onerous legal conditions that make it difficult for reformers to dislodge the political class; and Guinea's president, who is not up for reelection until 2010, consistently "wins" over 90 percent of the vote.

In any event, the electorate has complicated Ms. Johnson-Sirleaf's task by giving no single party a governing mandate. In fact, several parties that lost the presidential race scored well enough in legislative races to be in good positions to wield significant influence. Mr. Weah's Congress for Democratic Change (CDC), for example, won more seats than any other party in the House of Representatives. The fractionalized composition of the legislature, however, can be both positive and negative. Decision-making will have to require coalition-building and consensus, which would be a welcome departure from Liberia's tradition of winner-take-all politics. On the other hand, there is also the risk of political gridlock and/or lack of clear policy direction as alliances form and shift on an *ad hoc* basis.

The election results also show the worrying, but not surprising, persistence of regional patterns of voting that need to be closely watched. For example, the CDC took ten of fourteen House seats and both Senate seats in Montserrado Country (around the capital), while Grand Gedeh Country gave George Weah 96 percent of its vote; similarly, ALCOF, the party of former warlord Alhaji Kromah took two of the four House seats and one of the Senate seats in Lofa Country (on the Guinean and Sierra Leonean border), while Bong and Grand Cape Mount Counties went heavily for the erstwhile party of former Liberian president Charles Taylor, the National Patriotic Party (NPP), which won both Senate seats in Grand Cape Mount (next to Sierra Leone).

President Johnson-Sirleaf will need to rapidly undertake concrete efforts to build a "national unity coalition" out of this less-than-optimal political situation if she hopes to promote national reconciliation and advance her agenda.

## CONSTITUTIONAL REFORM

Ironically, Liberia's democratically-elected president, Ellen Johnson-Sirleaf, assumed power under Liberia's 1984 constitution, a ramshackle adaptation of the country's seriously flawed 19th-century constitution with adjustments to suit the exigencies of then-ruling dictator, Samuel Doe. Under this charter, the president, elected for a renewable six-year-term—Ms. Johnson-Sirleaf has pledged not to seek a second term—holds broad powers that ensure a very centralized regime. The unreformed Liberian constitution provides for precisely the "winner-take-all" system that has been the bane of many post-colonial African polities, with competing factions given little incentive to accept anything short of "total victory"—and with a history of breaking down, with tragic consequences. In this respect, the Liberian election, should a dialogue on constitutional reform not ensue, perversely sends the wrong signal to the region that "it's back to business as usual."

Given the multitude of challenges facing post-war Liberia, it would have perhaps been preferable for the Comprehensive Peace Agreement to have postponed elections while including within the brief of the transitional government and the United Nations Mission in Liberia (UNMIL) the mandate to help Liberians undertake a process of constitutional choice regarding governmental institutions and other structures—to say nothing of the other conditions that a democratic polity presupposes.

But, given that the international community had committed itself to staging a vote last year and that Liberia's politicians and people had come to expect it, the electoral process had to go forward. Now, however, the freshly inaugurated administration should be strongly encouraged to begin that process of constitutional dialogue. Carried out successfully, it would be a powerful precedent in the region.

#### POST-CONFLICT ACCOUNTABILITY

The July 28, 2005, communiqué of the heads of state of the Mano River Union recommended deferring any decision on the Taylor dossier until after a new Liberian president was in office. President Johnson-Sirleaf's pronouncements to date show that she is clearly sensitive to the potentially destabilizing effects extraditing the former Liberian leader for trial, whether it be before the Special Court for Sierra Leone, which has indicted him on no less than seventeen counts of war crimes and other serious violations of international humanitarian law stemming from the brutal Sierra Leonean conflict that he had precipitated as a sideshow to his own fight for power in Liberia, or before some other tribunal for offenses committed in Liberia.

However, while I defer to the esteemed former Prosecutor of the Special Court in the matter of Mr. Taylor, I would add that very little attention has been paid to the need for accountability by individuals aside from the former Liberian president. By making Charles Taylor the almost exclusive object of attention under the heading of "post-conflict accountability," the international community risks giving the impression that he was the *only* actor in the nightmare that played out across the region. While Charles Taylor was—and is—in my judgment one of the principal criminals who took advantage of conditions of anarchy and should be brought to justice, he neither caused the "coming of the anarchy" in the first place nor was he the only one who arbitrated those conditions to personal profit.

Several freshly elected members of new government, including some who still fall on the United Nation's travel ban, also have much to answer for, including Senator Jewel Howard-Taylor, just-divorced wife of Charles Taylor; Senator Prince Johnson, the former warlord who personally tortured President Samuel Doe to death—on candid camera, no less—at the start of the first Liberian civil war; Senator Adolphus Dolo, formerly known as "General Peanut Butter"; Speaker of the House Edwin Snowe, formerly Charles Taylor's son-in-law, who is suspected of still funneling money to deposed leader; and Representative Saah Richard Gbollie, a former police chief in the Taylor regime who is accused of overseeing the torture of civil society leaders.

The international community should both insist that the Liberian government develop the mechanisms of accountability and be prepared to assist in that process.

#### LEGAL AND JUDICIAL REFORM

It is well and fine to talk about restoring the "rule of law" in the abstract, but Liberia faces a tremendous challenge with law in the concrete. Aside from the constitutional question of the executive branch's historical domination over a weak judiciary, there is the very real—but generally unnoticed—problem of what the law is. The Liberian Code of Laws was essentially cobbled together in the 1950s by a group of American academics, led by Cornell University professor Joseph Konvitz, working on a summer grant—it was even published in Ithaca. Since then it has not been systematically updated.

The court system is in total disarray. According to *The Analyst* newspaper, during 2005, only thirteen of twenty-two circuit judges were in office and, of this number, four were on sick leave while another four are nearing retirement. In other words, there were only five qualified judges to run the entire formal court system of Liberia. In rural areas, the problem is even worse. Justice is supposed to be meted out by customary courts composed of chiefs and elders. However, a survey by UNMIL found more than half of these magistrates were illiterate, leaving themselves, even in the best of circumstances, open to arbitrariness.

While an unreformed legal sector has the potential of undermining any progress, legal and judicial reform have barely been acknowledged in reform measures such as the Governance and Economic Management Assistance Plan (GEMAP).

#### ECONOMIC GOVERNANCE REFORM

Since other witnesses will address the GEMAP program at length, I will limit myself to the observation that Liberia faces two closely-related challenges in the economic sector. The first is an urgent need to repair the country's utterly devastated infrastructure. It is futile to even talk of an economy when, outside of enclaves occupied by international personnel, there is no electricity, no piped water, no telephone lines, no sewage systems, and almost no roads. The second is that economic growth



is the only way to sustain socio-economic recovery in a country where, out of a population of three million, over 700,000—more than half of whom are classified as internally displaced persons (IDPs)—persons depend on food assistance each month. This is also key to the security challenge lest disgruntled demobilized combatants drift back into violence for want of more pacific occupations. Given Liberia's demographic profile, with over half of the population being under 30 years of age, and the context of lack of economic opportunities, the reality is that unemployed youth represent a potentially deadly threat to the viability of any security sector undertakings not only in Liberia, but across the West African subregion.

#### SECURITY SECTOR REFORM

Officially, some 103,018 combatants, 11 percent of them children, participated in the disarmament, demobilization, and reintegration (DDR) process during the two-year transition. Although the process was declared to have been concluded in November 2004, the reality is that it has been far from comprehensive. First, there are serious numerical inconsistencies: for example, while over 100,000 combatants were "disarmed," only about 27,000 weapons were actually collected; for another, while 103,018 combatants were "disarmed" and demobilized, only 13,872 were actually engaged in the reintegration program. Second, it is my considered opinion that even the number 100,000 does not encompass all combatants during Liberia's civil wars as some young fighters did not report for DDR while others had fallen out with their combat units before the 2003 fighting, but nonetheless remain marked by their earlier conflict experience.

The United States has undertaken the burden of training a new 2,000-strong national Liberian army, the responsibility being subcontracted to DynCorp and Pacific Architects and Engineers, two private firms that will work in coordination with U.S. military personnel. According to the State Department, the training package is estimated to cost around \$95 million, which will most likely be drawn from a combination of International Disaster and Famine Assistance, Regional Peacekeeping, and Foreign Military Assistance funds.

Aside from the very legitimate political questions regarding the democratic governance of the reformed security services, the question remains whether the resources being dedicated to the effort are adequate for the task, especially when one considers the regional situation.

#### THE REGIONAL CONTEXT

It is impossible to treat the question of Liberia's prospects in isolation with those of its subregional neighbors. Not only have the histories of the peoples of these countries been intertwined since before the colonial era, but they remain very much so today. As I alluded at the beginning of my remarks, the first Liberian civil war made the outbreak of conflict in the neighboring states well-nigh inevitable. Today, the situation in those countries could well undo all the progress in Liberia unless they are either contained or the capacity is built up in Liberia to ride out what I anticipate will be the next wave of violent upheaval in the region.

On paper, Sierra Leone, where the U.N. mission wrapped up on the last day of 2005, is well on the road to recovery. And while last year the country finally ceded its decades-long occupancy of the last place on the U.N. Development Programme's Human Development Index (HDI), many of the problems that facilitated the spread of violence during its civil war persist, including lack of economic opportunities for a burgeoning youth population and the monopolization of power and wealth by a corrupt ruling elite which is, in turn, divided among itself over the distribution of spoils. A closer look below the surface reveals that the only thing lacking to recreate the conditions of 1991 (the year of the outbreak of civil war in Sierra Leone) is a spark from the outside—as Charles Taylor was when he sent Foday Sankoh into Sierra Leone at the head of the Revolutionary United Front (RUF).

For over three years now, Côte d'Ivoire has been caught up in a seemingly intractable civil conflict between the government in Abidjan and rebels who effectively control the north of the country. The situation is perhaps most heated in the country's west, along the Liberian border—an ironic reversal from the Liberian civil wars of the 1990s and early years of the current decade—where there are large movements of combatants, civilians, exploited natural resources, and other economic goods. Adding to the potential combustibility of this area are the geographical, political, and ethnic realities. Recall that it was along this area that Charles Taylor supplied his rebels during the first Liberian civil war; the anti-Taylor Movement for Democracy in Liberia (MODEL) did likewise during the second civil war. In the recent elections, Grand Gedeh Country, which borders on Côte d'Ivoire voted almost exclu-

sively for the defeated George Weah. Ethnically, there are close ties between the peoples on both sides of the international boundary.

Guinea is, in my judgment, both the most ignored country and, potentially, the most critical one in the subregion as it faces the end of the long tenure at the helm of President Lansana Conté. Despite having the largest standing military among the three Mano River countries, Guinea is a prime target for one or another insurgency group, both because of simmering ethnic tensions between the ruling Sousou and the Malinké of its eastern forest region and the Peul of its northwestern Fouta Djallon highlands and because of its own involvement in the Liberian, Sierra Leonean, and Ivorian civil wars. The latter *imbroglio* was in some cases due to ethnic solidarity, for example, the interrelations of the Guinean Malinké with the Liberian Mandingo and Ivorian Dyula leading to support for twin United Liberian Movements for Democracy (ULIMO) during the first Liberian civil war; in other cases, it involved direct government sponsorship, as in the backing that General Conté's regime gave to the anti-Taylor Liberians United for Reconciliation and Democracy (LURD) forces in the second Liberian civil war.

While the democratic renaissance in Liberia might serve as an inspiration for long dormant civil society in Guinea, it is also equally possible that the mayhem that would ensue should General Conté die without laying a better foundation than he has done in the last two decades would result in a "blowback" that sweeps up the nascent government in Monrovia. Regrettably, the Guinean head of state's political strategy has been precisely the opposite, consisting primarily of a Machiavellian balance between ethnic favoritism and cynical manipulation of competing forces. In all likelihood, this delicate balance will come undone when President Conté dies or becomes incapacitated and the country will face first personal competition for power among members of the military oligarchy and then ethnic tensions. The first will involve a contest between 400-strong Presidential Guard ("Beret Rouges"), based in the capital of Conakry, and two 800-strong Ranger battalions, one trained by U.S. Special Forces between 2000 and 2002 and based in N'Zérékoré and one trained by China in 2003 and based in Kankan. The second will pit the Beret Rouges and Rangers as well as the military high command, almost all of whom are ethnic Sousou and indeed from the president's extended family and village, against others who have seen their economic, political, and military advancement blocked because they are not Sousou.

Because of the potential for instability originating in Conakry and reverberating throughout the subregion after the eventual demise of General Conté, there are many, both in the subregion and outside of it, who discerned the hand of Charles Taylor in the shots fired at President Conté's motorcade in January 2005. (One might add that on the question of Charles Taylor, it would suffice to recall that, notwithstanding the efforts of Nigerian President Olusegun Obasanjo to frame the question of his extradition as a purely Liberian matter, the former Liberian warlord and president's career since he launched the first Liberian civil war on Christmas Eve 1989 has consistently involved the entire subregion, with some states supporting him, while others opposed him, and conflicts ignited in every country bordering Liberia. Consequently, even the question of Mr. Taylor's fate demands a regional approach.)

While broadening the scope of engagement to encompass a subregional approach will necessarily be more expensive than a single-country approach, the U.S. and other international actors will find that the costs of having to return to the region to deal with another transnational humanitarian crisis will require far greater resources than preventive engagement today.

#### ADVANCING BROADER U.S. INTERESTS

Aside from the longstanding historical, political, cultural, and affective ties that bind the America and Liberia together, the pivotal geopolitical role that the West African country currently plays in a region whose strategic importance to the United States is rapidly increasing demands strategic engagement. To cite but one datum, according to the National Intelligence Council, within the decade the subregion, which currently accounts for about one-sixth, will be providing more than one-quarter of North America's hydrocarbon energy needs, thus surpassing the total volume of oil imports from the Middle East. Is it merely altruism or coincidence that the People's Republic of China chose Liberia as the theater for its first-ever foray into international peacekeeping?

Liberia, while small in population and without any hydrocarbon reserves discovered to date, is in many ways the key to the entire subregion. If Liberia remains stable, the fragile peace in Sierra Leone will be reinforced, the conflict in Côte d'Ivoire will be contained, and collapse of Guinea mitigated. A democratic Liberia—

and the Liberian people want it to be such—will be a beacon for the entire sub-region. A growing Liberian economy will beckon Liberian refugees—some of them fighters in the battles of others, moving from conflict to conflict—home and absorb resources that would otherwise collect in a transnational war economy. If, on the other hand, Liberia stagnates or, worse, slides back into chaos, it will once again serve as both catalyst and fuel in a regional conflagration that will undo a decade's worth of patient efforts by the United States, our British and French allies (in Sierra Leone and Côte d'Ivoire respectively), and the international community in general.

Mr. Chairman, permit me to conclude with three modest, but important recommendations. First, the Assistant Secretary and her team should be encouraged to continue closely monitoring progress in Liberia, making it the priority that Secretary of State Condoleezza Rice has assured us that it will be. We cannot afford to let potential for success dissipate for want of attention. Second, the Liberian government should be encouraged by the Congress to build on the momentum of the election and President Johnson-Sirleaf's inauguration to tackle the challenges of building a national government, engaging in constitutional, legal, economic, and security sector reforms, and demanding accountability from Charles Taylor and other responsible for the crimes committed during the long conflicts. While some of these undertakings are not particularly glamorous, they are critical. Monrovia needs to be convinced both that Washington takes their implementation seriously and will hold its partners accountable for their performance (or lack thereof) and that we will sustain our commitment. This Congress has provided substantial support for reconstruction and peacebuilding in Liberia. Perhaps what is needed is a clear signal of its expectations. Thirdly, and perhaps most important, the situation in the West African sub-region is constantly evolving. However, the one factor that remains constant is that the underlying dynamics are *regional* and require as such more than a pastiche of *ad hoc* approaches. I applaud the Subcommittee for the more inclusive theme of this oversight hearing. May I be so bold as to suggest that periodical review might help focus the attention needed on this increasingly significant geopolitical space?

Mr. Chairman, I hope that I have been able to sketch out some of the challenges and prospects affecting Liberia, the West African subregion, and the United States, in the wake of the recent Liberian elections. I look forward to your questions and observations. And I renew my thanks to you and the Members of the Subcommittee for the opportunity to appear before you today.

Mr. SMITH OF NEW JERSEY. Thank you so very, very much.  
Ms. Derryck?

**STATEMENT OF MS. VIVIAN LOWERY DERRYCK, SENIOR VICE PRESIDENT, ACADEMY FOR EDUCATIONAL DEVELOPMENT**

Ms. DERRYCK. Thank you, Mr. Chairman. Mr. Chairman and Members of the Subcommittee, I thank you for holding this hearing and for highlighting Liberia's remarkable achievement. It really is an affirmation of the potential of democracy in West Africa.

With your permission, I have submitted written testimony and a PowerPoint on the elections for the record.

Mr. SMITH OF NEW JERSEY. Without objection, they will be made part of the record.

Ms. DERRYCK. In this oral summary, I will focus on four points, first, that the elections were really textbook perfect and a model for future African elections; second, that the elections were significant for West Africa, the continent, and globally; third, that the United States needs to support the new President; and, fourth, there are specific areas in which we should target our support.

First, the elections. They were technically flawless, with tamper-proof registration, polling officers, indelible ink, transparent ballot boxes, a complaint process that was fair and open to everyone, and a National Election Commission that was responsive to party complaints. There is inevitably an opportunity for retail voter mischief, but I think, in the case of Liberia, the process made it very difficult to engage in wholesale cheating.

Liberia, with sufficient financial inputs and human technical expertise, tells us that a war-torn country can have a free, fair, transparent, and peaceful election. We just look at the pictures of Haiti in the paper today and realize the importance of the peaceful aspect of the Liberian election.

Preparing Liberia for elections was really a Herculean feat, with the large IDP population, the few passable roads, the 118,000 disgruntled ex-combatants, no electricity, no potable water, and no recent experience with free and fair elections. But Liberians went to the polls and, in an orderly fashion, elected a President, a Senate, and a House of Representatives.

Secondly, Liberia demonstrated that a largely illiterate population can make informed voting decisions. The Liberian voters split their tickets, electing candidates for the Senate and the House from multiple parties. It may have been regionally focused, but it still indicates that people are looking at their own self-interest and are capable of making these kinds of sophisticated decisions.

A third lesson learned is that women have achieved a level of organizational skills, technical competencies, and political prowess that allows them to compete equally with men. We also see that with a new female President there is new attention to issues that disproportionately impact women, such as gender-based violence.

The second point that I would like is the significance of these elections for West Africa and beyond. In terms of West Africa, the election and the inauguration reinforced the rule of law in an area that is sometimes lawless, and Liberians saw the orderly transfer of power. These two events, the elections and the inauguration, rekindled Liberians' belief in the institutions of government and began the process of reconciliation.

Also, Liberia is no longer viewed as a source of regional instability. The country can now become an anchor for stability in the three Mano River Union countries and contribute to subregional economic growth.

In terms of the continent, Liberia's election has begun to change the image of Africa. Congressman Payne noted that earlier. The image of Africa that flashed around the world of President Sirleaf wearing the sash of office and walking home after the inauguration went a long way to counter the image of Africa as chaotic and hopeless. The key donor presence reinforced their support of orderly change on the continent, and that support was highlighted certainly by First Lady Laura Bush and Secretary of State Rice's presence.

The elections also strengthened regional institutions, particularly the African Union and the Economic Commission of West African States. From the regional and subregional bodies' management of the departure of Charles Taylor to the AU election observation team to the post-election challenge of George Weah to the inauguration, AU and ECOWAS supported the rule of law and reinforced the significance of elections as the established method of choosing leaders.

The strength of the Liberian process provides a model for upcoming elections on the continent. It would be useful to have Liberians offer technical assistance to DRC for the mid-May elections.

There is also significance for this election globally because in a global context the Liberian case contributes to the growing body of election experience in post-conflict countries, such as Iraq and Afghanistan, and the significance for women of the first female President really cannot be overstated. Not only did Liberia elect a woman, but women held leadership positions in all aspects of the process.

Women feel empowered. The number of female candidates for elected office is increasing, and their candidacies are gaining more attention, both from other candidates and from the media.

The third point is that the United States needs to support the new President. Liberia lacks infrastructure, and we have heard of the problems and the six challenges that Dr. Pham noted. But we also know that the new President must show results and soon. She sets the benchmark at 150 days, but she cannot succeed without robust resources from the international community. The United States should take the lead.

Liberia's stability is important to our national security. Instability would encourage al-Qaeda and open the subregion as a breeding ground for terrorists. Moreover, the United States imports about 20 percent of its oil from West Africa, a flow that could be potentially disrupted if the region were compromised.

Also, we should aid Liberia because it is an opportunity for an easy success for us. Americans are welcome in Liberia. There is no insurgency there. Development assistance to Liberia is a moral and humanitarian concern as well. No African nation has closer ties to the United States, with our almost two centuries of shared history. There is a major constituency for Liberia across the country.

Indeed, in 2003, during the last phase of the civil war, a bipartisan, multiracial group of former U.S. Government senior officials, civil society, NGOs, and the private sector formed Liberia Watch, a coalition that was dedicated to the resolution of the crisis and to significant United States involvement. That coalition demonstrated that a broad constituency for Africa exists across this country.

In addition, more than 10 percent of Americans have ethnic ties to Africa, as Congressman Payne and Congresswoman Watson indicated, and many gauge their support of United States foreign policy on the treatment that Africa receives. They expect us to support Liberia, and, importantly, if we do not step up to the plate, other donors' contributions will fall.

There are specific areas in which we should target our support. President Sirleaf has set forth a four-part reconstruction and recovery plan. It focuses on security, governance, the provision of basic services, and economic stabilization.

In terms of security, the United States-based Dyncorps is training the new 2,000-person Liberian Army, and our support for that task needs to continue. UNMIL should be reauthorized also to remain at current strength for at least the next 12 months.

In terms of governance and rule of law, the President has mounted a major anticorruption campaign, again, referenced earlier. She has also stated that civil service reform and a reduction in the size of government will be priorities. The United States can help by topping off civil service salaries and thereby reducing the incentive for

corruption. We have some experience of salary support from donors in Afghanistan which might serve as a model.

In terms of basic services and infrastructure, community development programs are mobilizing communities to develop their own priorities and engage in the rebuilding process, a program that the organization for which I work, the Academy for Educational Development, and Mercy Corps are involved in. Communities are building schools and clinics, and they are working on infrastructure. This program could really be mobilized to restore electricity to Monrovia. It is a top priority for President Sirleaf. The United States has experience in restoring electricity, certainly in Iraq, and Liberia could benefit from the lessons learned in that country.

Liberia must make a major investment in primary education. The government needs to address unemployed and undereducated youth literally immediately.

One intriguing idea is training in the maritime trades. Liberia has a maritime training school that could be restarted, it could offer valuable skills and get young people off the streets. It is interesting that Liberia is the flag of convenience for 4,600 vessels, and not one of those vessels has a Liberian working on it.

Liberia also badly needs a national strategy for HIV/AIDS. We have talked about that, but the prevalency rate has skyrocketed from 5.9 percent in 2003 to 12 percent today. So I would certainly also agree that Liberia should be added to PEPFAR and be given help in preparing for its application to the Global Fund because the human resources in Liberia are limited, and the application to the Global Fund is complicated.

In terms of economic revitalization, GEMAP is a start, but beyond GEMAP the new team needs to have a multipronged approach. Liberia needs serious debt relief. Liberia has about \$4 billion in total debt, with IMF arrears of \$800 million. The debt-to-GDP ratio is 900 percent. Ambassador Frazer talked about the fast track, but current efforts will take about 3 years to get Liberia to the HIPC completion point, and that is if everything goes perfectly, and we may not have that long. The country needs debt relief that is similar to the relief that was granted to Poland and to Iraq.

Finally, in terms of assistance priorities, I have six recommendations for U.S. support. First, \$200 million for development assistance to rebuild Liberia. Liberia can absorb \$200 million in United States assistance for community development, strengthening democratic institutions, economic reform, and support of GEMAP and, of course, education, HIV/AIDS, infrastructure development, employment generation, civil service reform, agricultural and revitalization.

The country urgently needs the funds this year, and as I understand our budgetary system, supplementals are for emergency funding. This is an emergency. Fiscal Year 2007 online budgetary funding is really too late for a country that has only an \$80 million annual budget, some of which has been stolen.

Secondly, we should continue support for GEMAP, as has been stated earlier.

Third, continued support of funding for Dyncomps for reestablishing the military.

Fourth, continued support for UNMIL, and to make sure that no battalions are diverted to deal with the conflict in Cote d'Ivoire.

Fifth, provide debt relief.

Sixth, lift restrictions of the Brooke Amendment. Liberia does not have access to some possible United States funding because of arrears on debt payments. The United States should lift these sanctions from Liberia as soon as possible, as we have done for Pakistan and for other countries with extenuating circumstances or who are strong allies in the war on terror. Liberia meets both of those criteria.

In conclusion, Mr. Chairman, the issues in West Africa are really bigger than Liberia or any one country, but Liberia, aching for recovery, can be in the vanguard. With 3 million persons, abundant natural resources, a new President with economic expertise and political competence, Liberia can be a model of a failed state transformed into a thriving democracy. It will take human and financial resources, but I cannot think of a better long-term investment with a guaranteed ROI. Thank you, Mr. Chairman.

[The prepared statement of Ms. Derryck follows:]

PREPARED STATEMENT OF MS. VIVIAN LOWERY DERRYCK, SENIOR VICE PRESIDENT,  
ACADEMY FOR EDUCATIONAL DEVELOPMENT

Mr. Chairman and ranking Minority Member, thank you for holding this hearing and highlighting Liberia's remarkable achievement, an affirmation of democracy in West Africa. Liberia's technically flawless elections teach several lessons and have major ramifications for the sub-region and globally. In this testimony, I will elaborate on the lessons learned, describe the process, discuss the regional, continental and global significance, outline challenges facing the new president and suggest ways in which the US can aid her.

LESSONS LEARNED

First, Liberia teaches us that with sufficient financial inputs and human technical expertise, a war-torn country can have free, fair and transparent elections. Preparing Liberia for elections was a Herculean feat. With a large IDP population, few passable roads, 100,000 disgruntled excombatants, no electricity or potable water, and no recent experience with free and fair elections, Liberians went to the polls, and in orderly fashion elected a president, Senate and House of Representatives. This extraordinary achievement was possible largely due to the United Nations Mission in Liberia (UNMIL), donor support and the determination of the Liberian people. The US contributed \$10 million to support the elections, assistance dollars well spent.

Second, Liberia demonstrated that a largely illiterate population can make informed voting decisions. Liberian voters split their tickets, electing candidates for the Senate and the House of Representatives from eight different parties. Listening to voters as they spoke of their reasons for supporting certain candidates, it was clear that they calculated their individual self-interest and the probability of peace in making their choices. This was possible because of the robust civic education campaign organized by UNMIL and the donors, involving a broad swath of Liberian civil society and implemented by US democracy—strengthening NGOs who, in turn, involved international observers and domestic election monitors.

A third lesson learned is that women have achieved a level of organizational skills and technical competencies that allow them to compete equally with men. There is universal acknowledgement that women are an underutilized resource in sustainable development efforts, and that African sustainable development is advanced by integrating women into the political and economic mainstream. President Ellen Johnson Sirleaf's election in part is testament to the organizational skills and political prowess of women. Unity Party (UP) women traveled throughout the country, urging women to support their candidate. Market women organized for her. Women's organizations organized rallies and support for her. Continental women's organizations urged their members in Liberia to vote for her. In all cases, President Sirleaf was supported not because she was a woman, but because she was a *qualified* woman with a comprehensive, plausible plan to move the country forward.

## THE ELECTORAL PROCESS

Liberians participated in a textbook electoral process that re-established electoral democracy in their country. Donors and Liberians collaborated to establish electoral institutions, develop a process and educate voters. Guided by the Comprehensive Peace Agreement, Liberians, with the support of UNMIL, developed an electoral process that made wholesale fraud virtually impossible.

Key actors in the process included the National Election Commission (NEC), the Supreme Court, UNMIL, the donors, political parties and Liberian civil society, including strong women's groups and anti-corruption NGOs who assumed a watchdog function. Over 8,000 domestic observers, extensively trained by working with international NGOs such as the International Foundation for Election Systems (IFES), the National Democratic Institute (NDI) and the International Republican Institute (IRI), competently and diligently watched the polls.

The 15,000 troops of UNMIL not only formed a dense security network, but also helped shape the electoral process, ensured that ballots were delivered to rural areas and transported completed ballots to state-of-the-art tabulation centers for the count.

Key Liberian institutions also were essential to the electoral success. The National Electoral Commission, ably chaired by Frances Morris-Johnson, assumed overall responsibility for organizing the elections, ensured civic education for voters and training for poll watchers, and oversaw the complaint process. Although the Supreme Court was the ultimate arbiter of legal challenges, citizens' faith in the competence and impartiality of the NEC was critical in keeping the process on track.

The NEC oversaw an electoral process that was textbook perfect, totally transparent with no hint of intimidation. Checks and balances abounded. Each polling station had five officers: voter registration officers searched through registration lists for ID numbers and pictures to find individual registrations as party officials hovered behind them; ballot issuers stamped each numbered ballot; voters placed their ballots in transparent ballot boxes with double seals whose numbers were read out to all assembled at the opening and closing of the polls by the presiding officer. A ballot box officer ensured that ballots were placed in the right boxes. As each voter exited, his or her index finger was dabbed with indelible ink to ensure that he or she couldn't vote again.

The whole process was open to domestic and international observers as well as party representatives. As added insurance, transparent ballot boxes guaranteed that the ballot boxes were visible to all throughout the entire process. While there is inevitably the possibility of retail voter mischief, the carefully crafted process made wholesale fraud virtually impossible.

Not only did the NEC organize textbook elections, it also managed to develop a system that was voter friendly and solicitous of the parties' interests. For instance, when the Congress for Democratic Change (CDC) complained that unsavory characters might have bought or tampered with voter registration cards, for the runoff the NEC allowed party observers from the CDC and the Unity Party to stand behind the voter registration officer to ensure that the face and number on the card matched the designation on the registration roll.

Kudos to the voters in both sets of elections. On October 11, voters began to line up as early as 3:00 am in some areas. At Paynesville Community Academy in the volatile Red Light section of Monrovia, uncertainty about polling sites and registration glitches resulted in voters standing for hours in the wrong line, but voters were largely patient, appreciating the historical significance of a free, fair, transparent multi-party election—the first in Liberia's 159 year history.

The elections underscored the vulnerability of illiterate voters. In the October 11 election, if a voter was illiterate, the presiding officer read aloud the candidates' names and the voter stopped him or her when the officer got to the voter's preference. Illiterate voters are vulnerable in that there is no way of verifying that the presiding officer was casting the vote as the illiterate voter had directed. Nevertheless, an 80 percent illiterate population split their votes largely among six presidential candidates in the first round.

The voters made informed choices, splitting their tickets and electing representatives of eight parties to the Senate and to the House of Representatives. Voters made similarly informed choices in the run-off. Supporters of both candidates had rational reasons for supporting their candidates. Twenty-year-old Alex, a Weah partisan, explained his support through a CDC chant, "He know book, he no know book, I vote for him," by noting that the educated ("know book") officials who had governed the country in years past had not helped poor people. He felt that Weah, with no political baggage, could do a better job of governing the country.



On the other side, a market woman in New Krutown, a Weah stronghold, volunteered that she had voted for Ellen Johnson Sirleaf. She noted that Weah had promised football schools for the young men. "But what about my daughter?" the woman asked. "Who will educate her? Who will take care of me when I'm old?" She knew that Ellen Johnson Sirleaf had presented a plan for investing in education, re-building infrastructure, and seeking support from the international community. Other Sirleaf supporters argued that men had brought the country to its present devastation, so why not give a qualified woman the opportunity to govern the country. One elderly man opined, "It's time to 'give chance' to the Old Ma."

#### REGIONAL, CONTINENTAL AND GLOBAL SIGNIFICANCE

Mr. Chairman, the hearing title notes the significance of the elections in West Africa. With due respect, I would suggest that the elections have significance not only for the sub-region, but for the African continent and globally for women.

*Significance for West Africa:* The election and the inauguration reinforced the rule of law and Liberians saw the orderly transfer of power. The two events rekindled Liberians' belief in the institutions of government and began the process of reconciliation.

In terms of regional security, Liberia is no longer a source of regional instability, providing child soldiers for Cote d'Ivoire, serving as a drug haven and offering a breeding ground for Al Qaeda. The country can now become an anchor for stability in the three Mano River Union countries. With rich resources—timber, diamonds, rubber, iron ore—Liberia also can contribute to sub-regional economic growth.

*Significance for the Continent:* Liberia's successful elections have begun to change the image of Africa. The image flashed around the world of President Sirleaf, wearing the sash of office, walking home after the inauguration went a long way to counter the image of Africa as chaotic and hopeless.

Key donors reinforced their support of orderly change on the continent with their presence, highlighted by First Lady Laura Bush and Secretary of State Rice. The attendance of the First Lady and Secretary Rice was interpreted as a strong signal that US is going to support the rebuilding of Liberia.

The Liberian elections also strengthened regional institutions, particularly the African Union (AU) and the Economic Community of West African States (ECOWAS). From the regional and sub-regional bodies' management of the departure of Charles Taylor to the AU election observation team to the post-election challenge of George Weah to the inauguration, AU and ECOWAS supported the rule of law and re-enforced the significance of elections as the established method of choosing leaders. Again, the graphic is the inauguration, as key leaders of the AU and NEPAD such as Thabo Mbeki, Olusegun Obasanjo and Abdoulaye Wade, joined by eight other African heads of state, signaled their support of a female president, duly elected. By their very presence, they conferred additional legitimacy on the Liberian election as the eleven men welcomed the first female into their ranks of 53 African heads-of-state.

Liberian success is an antidote to less successful elections such as the most recent Ethiopian election. The strength of the Liberian process provides a model for upcoming elections on the continent. It would be useful to have Liberians offer technical assistance to DRC as it plans for its landmark election in mid-May.

*Significance Globally:* In a global context, the Liberian election demonstrated that with adequate financial inputs and human expertise, a war-ravaged country can have a free, fair and transparent election and that civic education is hugely important in citizens' understanding of both the import and the process. The Liberian case contributes to the growing body of election experience in post-conflict countries, e.g. Iraq and Afghanistan.

The significance for women of the first female president cannot be overestimated. Not only did Liberia elect a woman, but women competently held leadership positions in all aspects of the process. Women held leadership positions in the NEC as Chairperson Frances Johnson-Morris's strong leadership readily demonstrates. Women sit as Supreme Court justices and a good percentage of women were election officials, sometimes serving as the presiding officer at a polling station.

By electing a woman, Liberia, the first independent republic in Africa, again made history. Women in elected positions, multilateral institutions, the UN system, political aspirants and civil society from across the continent came to the inauguration to support the new president and to offer concrete program suggestions for Liberia's reconstruction. Women feel empowered by this successful role model. The number of female candidates for elected office is increasing and their candidacies are gaining more attention, both from other candidates and the media. The coincidence of Angela Merkel's assumption of the German chancellorship, Ellen Johnson Sirleaf's vic-

tory and the victory of Chilean President-Elect Michelle Bachelet may usher in a new era of electoral politics. The elections of the three women increase the number of female heads of state and heads of government from nine to twelve, a stunning 25 percent increase within a two month period, so it is appropriate for the world to take notice.

#### THE WAY FORWARD

Now the task is to stay the course and help Liberia to rebuild. After generous help to Liberia during the transition, the international community must continue and increase its assistance, supporting this new Liberian president of integrity and competence.

President Sirleaf needs all the help she can get. Devastated Liberia lacks infrastructure, electricity and potable water. The country has an 85 percent unemployment rate, 100,000 former combatants without jobs and without skills, an 80 percent illiteracy rate, major security deficits, Charles Taylor monitoring events in Nigeria and an expectant population that wants to see the democracy dividend now. To be credible, the new president must demonstrate some tangible progress fairly soon; she has given herself a 150 day benchmark. She cannot succeed without robust resources from the international community. There are several reasons why the US should take the lead.

It is in the national interest of the US to provide re-building assistance. Liberia's stability is important to our national security. Liberia lives in a rough neighborhood, with fragility in Sierra Leone and Guinea and ongoing civil war in Cote d'Ivoire. As stated earlier, instability in Liberia would encourage Al Qaeda and open the sub-region as a breeding ground for terrorists. Moreover, the US imports about twenty percent of its oil from West Africa, a flow that could be potentially disrupted if the region were compromised.

Liberia also offers an opportunity to demonstrate a successful transition from a failed state to a post-conflict success. Liberia has ricocheted from full-fledged civil war, to peace-making, peace-keeping and peace-building. As the country moves to post-conflict reconstruction, the international community has the opportunity to support a transition that could become a post-conflict model. Most of the ingredients are present-free and fair election, a motivated population, new leadership with integrity and the confidence of donors. The missing ingredient is major resources.

With the attention of many US policy makers drawn to Iraq, Iran, Afghanistan and the war on terror, significant aid to Liberia would also demonstrate that the continent matters, that the Administration views security and sustainable development in West Africa as an integral component of a comprehensive US-Africa foreign policy template. Alternatively, in the case of Liberia, the donor community takes its lead from the US, and if our assistance is meager, the community will respond by reducing overall commitments. The 2004 donors conference success was fueled by the \$200 million US contribution.

Development assistance to Liberia is not only a strategic investment, but a moral and humanitarian one as well. No African nation has closer ties to the US, as we jointly hold almost two centuries of shared history. Liberia was founded by former US slaves, its constitution and basic forms of governance are modeled after our institutions. The special relationship continues today. Americans are warmly welcomed in Liberia and, given our historic ties, Liberia's story resonates with the American people. For many Americans, Liberia represents the African continent. More than ten percent of Americans have ethnic ties to Africa and many gauge their support of US foreign policy on the treatment that Africa receives.

Aid to Liberia is highly likely to yield success. We can concretely justify our support to a technically competent leadership with a history of fighting corruption and advocating for good government. Importantly, unlike some other countries, our involvement is welcomed. Our support will enable the new government's success and result in a win-win-win for Liberia, the continent and U.S. Africa policy.

The new president faces daunting challenges. In addition to the catalogue of problems stated above, Liberia has no banking system, no international credit, a devastated education system and a culture of corruption so deeply embedded that the transitional government was facing impeachment for corruption.

To tackle these challenges, President Sirleaf has set forth a four-part reconstruction and recovery plan to be overseen by the Liberian Reconstruction and Development Committee (LDRC). The plan focuses on security, governance, the provision of basic services and economic stabilization. Each component is discussed below.

*Security:* Security is an urgent concern with 100,000 ex-combatants, imperfect demobilization, instability in Cote d'Ivoire, uncertainty in Guinea, and Charles Taylor lurking in Nigeria. The US-based Dyncorps is training the new 2,000 person Libe-

rian army. Our support for that task must continue. UNMIL currently provides the bulk of security and should be re-authorized to remain at current strength for at least the next twelve months.

*Governance and Rule of Law:* Good governance and rule of law have long been priorities of the new president. Indeed, President Sirleaf was the chair of the Governance Committee of the National Transitional Government of Liberia (NTGL), though she was constantly frustrated and under-funded in the position. Her governance priorities are fighting corruption, reducing the size of government by consolidating ministries and reducing the size of the civil service, civil service reform, and rewriting the constitution.

President Sirleaf began the anti-corruption crusade in her inaugural address when she said that she was disclosing her assets and asked the Speaker of the House and other legislators to do likewise. She is requiring that all of her appointees also disclose their assets. Unfortunately, she has no authority to require legislators to do so. Although she is just beginning her third week in office, she has already drafted and signed a code of conduct and she is establishing an anti-corruption commission.

Tackling civil service reform will be a major undertaking. The civil service is bloated and a seedbed of corruption. In some ways corruption within the civil service is understandable because anyone who has not been paid in 18 months might be tempted to request "special consideration." The US should consider topping off civil service salaries to reduce the incentive for corruption. Donor action in Afghanistan might be a model for responding to the Liberian situation.

*Basic Services and Infrastructure Committee:* Basic services in Liberia are essentially non-existent. Several community development programs aim to mobilize communities to develop their own priorities, make decisions and begin to re-build their communities with schools, health clinics and agricultural inputs. The Academy for Educational Development (AED), the NGO for which I work, is involved in a Community Peace-Building and Development Program, Diompilor, which means "unity" in Vai. Funded by USAID, the program empowers communities to establish and act upon their own priorities. Often their priorities involve building schools and clinics, as well as tackling infrastructure needs, including digging wells and re-grading roads.

These community-based programs could be mobilized in the effort to restore electricity to Monrovia and in road-building projects. President Sirleaf has designated restoration of electricity to Monrovia as a top priority. Monrovia's electrification could offer an excellent opportunity for a public-private partnership (PPP) since a re-electrification plan has already been developed and there are US companies that can provide poles and wire. The US has experience in restoring electricity in Iraq, so Liberia could benefit from lessons learned in that experience.

Similarly, road building lends itself to public-private partnerships. Roads are important for agriculture (farm-to-market roads), employment, security and returning/resettling people in their homes. UNMIL has four brigades and heavy equipment to contribute to the road effort, but no supplies. The new government could initiate public works projects with young people, teaching them road-building skills and offering them employment for a year or 18 months in a program akin to the US Civilian Conservation Corps of the Great Depression. Road-building, too, is a good vehicle for developing public-private partnerships. The PPPs could involve citizens, especially young people, private sector construction firms, UNMIL and the GOL. Apparently, no donor is supporting road-building, but the Chinese are exploring the possibility.

In addition to community mobilization, Liberia must make a major investment in primary and secondary education. A country cannot develop with an 80 percent illiteracy rate. Education is one of President Sirleaf's three priorities of schools, wells and youth development. The education system has not functioned since 1990, so the government must invest in building schools, teacher training, curriculum development and textbooks. AED was involved in such a program until 1990. We are currently trying to locate materials and teachers who were involved in the program to explore the possibility of re-starting the program, building upon tested, Liberia-relevant materials.

In addition to traditional education, the new government must address the needs of unemployed, undereducated youth fairly immediately. Responding to the need for rapid start-up, AED has developed a four-part program, Emergency Response to Liberian Youth, that involves community mapping; youth empowerment through literacy, numeracy, conflict resolution, business development skills and micro-enterprise; distance education through radio; and community-building and conflict resolution through photography.

Special programs are needed for ex-combatants to teach them trade skills and the soft skills of conflict resolution and civic participation. Vocational training is needed for at least half a million young men and women who have had no opportunity to learn employable skills. One possibility comes from Liberia's maritime business, the country's greatest source of revenues at present. Liberia is the flag of convenience for more than 4,600 ships, but there are no Liberian sailors, deck hands, engineers, etc. aboard any of these ships. The maritime training school could be restarted, offering valuable skills and getting young people off the streets. (In another example of rampant corruption, annually a percentage of maritime revenues are allocated for maritime training; virtually all of those funds have gone missing.)

The University of Liberia was also devastated by the war. The new president, Al Hassan Konteh, has targeted the law school, teachers college and environmental stewardship as priorities. Dr. Konteh is eager to expand relationships with US institutions, thereby not only gaining needed expertise, but also further strengthening the long-term American constituency for Liberia.

When we think of US support for education, we should consider a request to the schools and hospitals unit of the Defense Department to rebuild the American School. Historically, the American School was intellectually rigorous, and an international meeting place. The existence of such a school would be a big incentive to bring back Liberians and encourage American expatriates as well as Liberians to apply for some of the key advisor jobs. The presence of such a school would also encourage foreign investment—both Liberians and foreigners worry about schools for their children.

In terms of health, Liberia badly needs a national strategy for HIV/AIDS. The prevalence rate has skyrocketed from 5.9 percent in 2003 to twelve percent today by UNDP estimates. The rate may be as high as 18 percent, the figure quoted by former Special Representative of the Secretary-General, Jacques Klein, in late January, 2006. Liberia should be added to PEPFAR and given help in preparing its application to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

*Economic Revitalization:* Economic revitalization involves managing the Governance and Economic Management Assistance Plan (GEMAP), reducing debt, increasing revenue generation and generating employment.

The Liberian economy has been devastated by 15 years of civil war and at least 25 years of official pillage of the national treasury. The Liberian annual budget is \$80 million. In addition to civil servants, various other government workers have not been paid in several months, including teachers, police and security guards in the Executive Mansion. A senior official in the new government told me that more than 25 percent of the Liberian Petroleum Refinery Corporation's revenues were missing. Corruption was so rampant under the NTGL that donors developed the Governance and Economic Management Assistance Plan (GEMAP) to safeguard donor assistance and improve economic governance.

After major resistance, the transitional government signed off on GEMAP in September, 2005. GEMAP aims to improve financial management and accountability, improve procurement practices, develop a process to control corruption and build Liberian capacity. A major feature is co-signing authority with external advisors for eight key finance and budget positions, and management contracts for five state-owned enterprises.

GEMAP is a start, but to really begin economic revitalization, the new team must have a multi-pronged approach. Liberia needs serious debt relief. Liberia has about \$4 billion in total debt, with IMF arrears of \$800 million. The debt-to-GDP ratio is 900 percent. A six-month staff monitoring program with the IMF to establish credibility starts in April, but assuming no hiccups, reaching the HIPC completion point will take about three years. In the meantime, Liberia must keep borrowing to repay accumulated interest, currently \$30,000 a month. The country needs debt relief, similar to the relief granted Poland and Iraq.

The new government must also increase revenue generation and create jobs. One way to boost national revenues is to increase revenue from ports and petroleum imports. To stop thefts, the government is initiating pre-shipment inspections at the point of departure. One employment strategy under consideration is the launch of a major public works program tied to road-building which is described above. Also discussed above, public-private partnerships are a useful vehicle in revenue generation and new employment programs, but it is important that all such private sector initiatives have a social investment component.

## ASSISTANCE PRIORITIES

President Sirleaf's economic recovery and stabilization plan is rational, comprehensive and long-term. It can be realized with judicious and generous outside support. Below are six recommendations for US support to the new government.

1. \$200 million for development assistance to rebuild Liberia. It is obvious that Liberia teeters on the brink of reconstruction or destabilization. On the one hand, this war-ravaged post-conflict country must try to function with an \$80 million national budget, huge debt burden, unpaid civil servants, and no infrastructure. On the other hand it has new, competent leadership and a well thought-out plan for moving forward. Resources will make the difference. Liberia can absorb \$200 million in US assistance for community development, strengthening democratic institutions, economic reform, education, HIV/AIDS prevention and treatment, infrastructure development, employment generation, civil service reform and agricultural revitalization. The country urgently needs the funds this year. As I understand our budgetary system, supplementals are for emergency funding and this is an emergency. FY 07 on line budgetary funding is too late for a country with an \$80 million annual budget, some of which has been stolen.
2. Increased support for GEMAP. In terms of the economy, donor support of GEMAP through continued funding of the technical assistance and external advisors will demonstrate donor commitment and confidence in the president's courageous effort to revamp the financial architecture of her country.
3. Continued support for re-establishing a national military. On the security front, we applaud US funding for training a new army and urge continued funding to complete the job.
4. Continued support for UNMIL. The US should also ensure that UNMIL is retained at its present strength and that no battalions are diverted to deal with the conflict in neighboring Cote d'Ivoire.
5. Provide debt relief. US support for debt relief, similar to our efforts in Poland and Iraq, would weigh mightily in the effort to ease the reconstruction burden.
6. Lift restrictions of the Brooke Amendment. Liberia does not have access to some possible US funding because of arrears on debt payment. The US should lift these sanctions from Liberia as soon as possible, as we have done for Pakistan and other countries with extenuating circumstances or who are strong allies in the war on terrorism. Liberia meets both criteria.

In conclusion, Mr. Chairman, the issues in West Africa are bigger than Liberia or any one country, but Liberia, aching for recovery, can be the vanguard. With three million people, abundant natural resources, a new president with economic expertise and political competence, Liberia can be a model of a failed state transformed into a thriving democracy. It will take human and financial resources, but I cannot think of a better long-term investment with a guaranteed ROI (return on investment).

Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you so much, Ms. Derryck. Professor Crane.

**STATEMENT OF MR. DAVID M. CRANE, FORMER CHIEF  
PROSECUTOR, SPECIAL COURT FOR SIERRA LEONE**

Mr. CRANE. Thank you, Mr. Chairman. I have prepared a written statement, and I ask that my written testimony be entered into the record to include the appendix, which is the indictment of Charles Taylor, if I might.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

Mr. CRANE. Thank you, sir. Mr. Chairman and other Distinguished Members of the Subcommittee, good afternoon. I appreciate the opportunity to come before you and to talk about the tenuous future of a struggling democracy, the Republic of Liberia.

Before I do that, though, I think it is very important, however, for the record to recognize the tremendous steadfast and bipartisan

support this Committee has given me personally, professionally, and politically during my tenure as the chief prosecutor of the world's first hybrid international war crimes tribunal in West Africa, the Special Court for Sierra Leone. For 3 years, we all worked together to face down impunity in West Africa and to seek justice for the murder, rape, maiming, and mutilation of approximately 500,000 Sierra Leoneans ruined in a civil war over a period of 10 years of brutal and sadistic fighting on all sides.

I am here to tell you, Mr. Chairman, that you and your esteemed colleagues, who include Chairman Hyde and the Ranking Democratic Member, Mr. Lantos, as well as the bipartisan Human Rights Caucus of the House of Representatives, have made a difference in West Africa. From my heart, thank you.

If I may, Mr. Chairman, I would also like to recognize the incredibly important role nongovernmental organizations played and continue to play in supporting the work of the Special Court. We could not have accomplished what we have done thus far without their counsel, perspectives, advice, and political support.

Additionally, the group of interested states who have provided the much-needed financial support necessary to run a modern-day, international war crimes tribunal is very much appreciated as well. Of those states, the United States, under the leadership of a bipartisan Congress, has been our biggest supporter, and I might digress here, if I might, Mr. Chairman, and underscore my personal concern about what Mr. Royce discussed earlier, and that was \$13 million for the court.

It is simple math. They need \$13 million to meet their \$25 million goal, or they will not be able to continue to finish the work that we have all done together there.

I also want to recognize for the record, if I might, the quiet and steady support of my wife, Judith Ponder Crane, who is here today, a public servant in her own right, who represents the wonderful families who allowed us to do our important work in West Africa. As you know, an assignment to the Special Court is an unaccompanied host. Without her and the other families, the Special Court would not be the success it is today.

I also want to recognize here today Dr. Alan White, my chief of investigations, who literally put his life on the line to represent the people of Sierra Leone. So for the record, Dr. Alan White clearly is my personal hero in the work that we did together for 3 years there.

We can change the course of history, Mr. Chairman. We have a chance to do this in West Africa. I believe the Special Court for Sierra Leone placed the international community on the correct path, a path of truth and justice. The opportunity presented to us today is to show the people of West Africa, all of Africa, in large measure, that they matter, that we care, and that they are not alone.

During my many town hall meetings throughout Sierra Leone where I stood before my clients and listened to them tell me about the horrors that took place in their town, village, district or province, I told them three things: That the law is fair; no one is above the law; and that the rule of law is more powerful than the rule of the gun.

I am going to move through my testimony, though I do want to highlight that Charles Taylor has been a catalyst of most of the human tragedy and political instability in the region, backed by his compatriots, Colonel Muammar Qaddafi of Libya and President Blasé Comporie of Burkina Faso, among other criminal elements. That relationship with these two heads of state and the resultant political instability still remains.

Overlay Taylor's continued meddling in the affairs of the region, to include the attempted assassination of President Conté of Guinea in 2005, attest to his determination to do what he promised as he was escorted up the steps of that Nigerian airliner in August 2003, with various Presidents of several African countries, that he would be back. He meant it then, and he means it to this day: He will be back.

Charles Taylor knows the Western world, to include the United States, better than we do ourselves. He is relatively young, wealthy, influential, and has a supportive base, military and politically, within Liberia and the Mano River region. Taylor knows that the West, particularly this country, will never send its sons and daughters to West Africa to stabilize a faltering Liberia. Currently, the United Nations has a large peacekeeping force there under the able leadership of Alan Doss, one of the United Nation's best career diplomats, yet they are not going to be there forever, as we all know.

I posit that 5 years from now when the international community is challenged by other crises, Taylor, in Calabar, under the protection of Nigeria, will make his move. We will wake up one morning and watch on CNN as Taylor rides triumphantly down the main street in Monrovia to the executive mansion, daring all of us to come and get him. Unless he is handed over to the Special Court for Sierra Leone, this scenario is not out of the realm of possibility. More importantly, and I underscore more importantly, the people of West Africa know it all too well, that Taylor is a street fighter, a thug, and a survivor.

How do we assure Liberia's future? Ultimately, what we do about Taylor in the next several weeks will determine the fate of Liberia and the new administration of its President, Ellen Johnson-Sirleaf. Charles Taylor hangs like a dark and ominous cloud over this ravaged country where he personally, for his own criminal gain, destroyed, as he did in Sierra Leone.

There will be no prospect for peace in Liberia or the Mano River region as long as he remains outside the custody of the international tribunal in Freetown. In my opinion, nothing constructive can be developed in the long term in Liberia unless Charles Taylor is accounted for and turned over to the Special Court. It is that simple. Again, he will be back.

Here is my suggested roadmap for a successful beginning for Liberia.

First, hand Charles Taylor over to the Special Court for Sierra Leone for a fair trial. This takes him out of the local and regional dynamic that is West Africa. The new President can move forward, confident that Charles Taylor is not lurking in the shadows undermining her initial efforts to develop a legitimate and accountable Government in Monrovia. This has to happen first and now, or the

rest of my suggestions and recommendations and the one you are considering for Liberia's future will be a waste of time, money, and effort.

Second, tie any financial and political support to good governance in Liberia. I appreciate, Mr. Chairman, your summing up of my recommendations earlier, so I will not repeat what you said. Thank you. I am impressed with early attempts to restore respect for the government by the new President. This has to be continued, and earmarking any aid to specific programs that enhance good governance is a must.

Third, encourage the new administration in Liberia to establish the Truth and Reconciliation Commission called for in the earlier peace accords of 2003. The victims of any atrocity need to be able to tell their story officially. It is an important part of reconciliation for a country in transition from war to peace. It worked in Sierra Leone, and it can in Liberia. Recall that what took place in Liberia over a period of 10 years under the iron fist of Charles Taylor caused the murder, rape, maiming, and mutilation of around 600,000 Liberians. The victims, their families, and towns need to tell the world what happened there. A truth commission can assist in this and to allow them to begin to put the horror behind them.

Fourth, within the next few years or so, another hybrid war crimes tribunal needs to be established to account for the war crimes and crimes against humanity committed by Charles Taylor and his henchmen from 1990 to 2003 in Liberia. As most of these atrocities took place outside the jurisdiction of the International Criminal Court, an alternative model must be used. That model is the hybrid concept that proved to be so successful next door in Sierra Leone.

The domestic court system in Liberia is incapable of accomplishing this task, try as they might. Liberia, working together with the international community and under the auspices of the United Nations, can account for what Charles did to his own countrymen. Note that these are separate conflicts with consequent war crimes and crimes against humanity. Charles Taylor has destroyed two nations, not just one. He must be prosecuted for any crimes he is alleged to have committed in Liberia after he is tried for what he did in Sierra Leone. Couple both of these conflicts together, and Charles Taylor, sitting as a free man in Nigeria, is individually criminally responsible for the destruction of 1.2 million human beings.

If one takes these four recommendations—justice, truth, good governance, and the rule of law—the future of Liberia as a new democracy may be less cloudy and tenuous. To have a sustainable peace in Liberia, you must have truth and justice under the mantle of the rule of law and good governance. It is a simple  $A + B = C$  proposition. Truth plus justice equals a sustainable peace. Certainly, with this equation, Congress could be more assured that any funding and political capital expended would not be flushed down the drain.

There are many other challenges ahead for Liberia, some of which were highlighted by my esteemed colleagues at this table: Corruption, so endemic in all of West Africa; the abuse of natural resources; a whole generation lost of children to war as child sol-



diers; and international terrorist moving about the entire region, among many, many other concerns. These are very real challenges which require the United States to monitor for years to come how the Liberian Government manages its legal, political, and financial assets.

Accountability is the key. Make that government accountable to its people and its international backers. I respectfully ask this Committee to tie any future monetary aid to accountability and good governance. This approach will allow proper expenditure of U.S. taxpayers' hard-earned money.

In conclusion, I would ask this Committee to continue to forcefully urge the Bush Administration and the new President in Liberia to demand that Nigeria hand over war crimes indictee Charles Taylor to the Special Court to answer for his crimes. Nothing else that follows can happen with any assurance of success without it. In this period of time when we celebrate and recognize the principles laid down at Nuremberg 60 years ago, we must resolve, as human beings who care about humanity and the rule of law, that there cannot be an African exception to those principles.

I was going to read a portion of my opening statement against the Revolutionary United Front in July 2004. It is a matter of record, and, frankly, I do not think I would be able to get through it.

So thank you, Mr. Chairman, for this opportunity to address you and your esteemed colleagues today.

[The prepared statement of Mr. Crane follows:]

PREPARED STATEMENT OF MR. DAVID M. CRANE,<sup>1</sup> FORMER CHIEF PROSECUTOR,  
SPECIAL COURT FOR SIERRA LEONE

“I’LL BE BACK”—CHARLES TAYLOR AND THE FUTURE OF LIBERIA

#### INTRODUCTION

Mr. Chairman and other distinguished members of this sub-committee, good afternoon. I appreciate the opportunity to come before you and talk about the tenuous future of a struggling democracy, the Republic of Liberia.

Before I do that, however, I want to recognize the tremendous, steadfast, and bipartisan support this committee has given me professionally, politically, and personally during my tenure as the founding Chief Prosecutor of the world's first hybrid international war crimes tribunal in West Africa, the Special Court for Sierra Leone. For three years we *all* worked together to face down impunity in West Africa and to seek justice for the murder, rape, maiming, and mutilation of approximately 500,000 Sierra Leoneans ruined in a type of civil war over a period of ten years of brutal and sadistic fighting on all sides.<sup>2</sup> I am here to tell you, Mr. Chairman, that you and your esteemed colleagues, to include Chairman Hyde and the ranking democratic member, Mr. Lantos, as well as the bi-partisan Human Rights Caucus of the House of Representatives, have made a difference in West Africa.<sup>3</sup> From my heart, thank you all.

<sup>1</sup>Former founding Chief Prosecutor, Special Court for Sierra Leone 2002–2005. Professor Crane indicted then sitting President Charles Taylor for 17 Counts of War Crimes and Crimes against Humanity.

<sup>2</sup>This was most evident in the tremendous bi-partisan effort embodied in House Resolution 127, May 2005 where the House of Representatives called for Charles Taylor to be handed over to the Special Court for Sierra Leone by a vote of 420–1. All the people of West Africa were heartened by this call for action. HR 127 followed a similar call for the hand over of Charles Taylor by the European Parliament in February of 2005. That resolution passed that body 95–0.

<sup>3</sup>Additionally, the dedicated and professional staff of the House International Relations Committee was very effective in sustaining political and financial backing for the Office of the Prosecutor throughout my tenure in Freetown. Each of them was magnificent.

If I may, Mr. Chairman, I would also like to recognize the incredibly important role non-governmental organizations played and continue to play in supporting the work of the Special Court. We could not have accomplished what we have thus far without their counsel, perspectives, advice, and political support. Additionally, the group of interested states who have provided the much needed financial support necessary to run a modern day international war crimes tribunal is very much appreciated as well.<sup>4</sup> Of those states, the United States, under the leadership of a bipartisan Congress, has been our biggest supporter.<sup>5</sup>

I also want to recognize, for the record, if I might, the quiet and steady support of my wife, Judith Ponder Crane, a public servant, who represents the wonderful families who allowed us to do our important work in West Africa. As you know an assignment to the Special Court is an unaccompanied post. Without her, and the other families, the Special Court would not be the success it is today.<sup>6</sup>

#### WE CAN CHANGE THE COURSE OF HISTORY!

We have a chance to change the course of history for the better in West Africa. I believe the Special Court for Sierra Leone placed the international community on the correct path, a path of truth and justice. The opportunity presented to us today is to show the people of West Africa, all of Africa in large measure, that they matter, that we care, and that they are not alone. During my many town hall meetings throughout Sierra Leone, where I stood before my client and listened to them tell me about the horrors that took place in their town, village, district or province; I told them three things: that the law is fair, no one is above the law, and that the rule of law is more powerful than the rule of the gun.<sup>7</sup>

When I arrested 6 of the 13 individuals I indicted, in a textbook 55 minute arrest operation throughout Sierra Leone in Operation Justice, March 2003, to include the Minister of Interior at his desk, there was dancing in the streets.<sup>8</sup> The people of Sierra Leone began to believe that no one was above the law.

When we opened the three joint criminal trials against the leadership of the Civil Defense Force, the Revolutionary United Front, and the Armed Forces Revolutionary Council, over a period of time, the people of West Africa saw that the law was fair.<sup>9</sup> And when I unsealed that 17 count indictment against President Charles Taylor for the atrocities he committed on the people of West Africa; stripping the most powerful warlord in Africa of that power with the simple stroke of a pen; the people of this embattled region of the world realized that the rule of law was more

<sup>4</sup>Under the guidance of the UN sponsored Management Committee (consisting of the UN secretariat, the United States, Canada, Great Britain, Sierra Leone, Nigeria, and the Netherlands) there are around 31 nations who contribute money, goods, and services to the Special Court for Sierra Leone.

<sup>5</sup>The United States Congress needs to ensure that the Special Court for Sierra Leone remains properly funded throughout its remaining months. This tribunal is a model for efficiency and effectiveness, costing the international community only an average of \$25 million per year, compared to the \$125-130 million each of the current ad hoc tribunals cost per year. It is contemplated that the Special Court will be done with its work in West Africa in 2007, just 5 years from its beginning.

<sup>6</sup>Of the 70 persons in the Office of the Prosecutor who worked there in Freetown, a vast majority stayed with me for over three years, all having left their families behind. Their dedication to the rule of law was a daily inspiration for me.

<sup>7</sup>The Office of the Prosecutor Town Hall Program became the cornerstone of the now world famous Special Court Outreach Program, led by a Sierra Leonean, Binta Manserey and a team of outreach officers in each district of Sierra Leone. In the first 4 months of my tenure in Sierra Leone, I literally walked the entire countryside listening to the people of Sierra Leone by the tens of thousands. In the remaining years, I traveled frequently up-country to report back to them the progress of their tribunal and to listen to their concerns, questions, and issues. After all this was their tribunal and they were going to have to live with the result.

<sup>8</sup>Part of our overall strategic plan, preparation for Operation Justice began in October of 2002, just three months after our arrival. The plan was executed on 10 March 2003 with the tremendous support of the Sierra Leonean Police, the UN Peacekeeping force in Sierra Leone, the United Kingdom, as well as the United States. The Sierra Leonean Police made all of the arrests, assisted by investigators from the Office of the Prosecutor of the Special Court. After the arrests, the 6 inditees were whisked away to a temporary detention facility on Bonthe Island, put together by the Office of the Registrar in UN and US provided MI-8 helicopters. The HMS Iron Duke, from the British Navy, arrived to provide stability should additional forces prove to be needed. They were not. The tactical surprise was absolute and no one was killed or injured. As I told the press and the people of West Africa that afternoon at a press conference, on 10 March, the people of Sierra Leone will wake up tomorrow to a new Sierra Leone. It was a special moment for them.

<sup>9</sup>According to my prosecutorial strategy, all of the leadership, those who bore the greatest responsibility for what took place in Sierra Leone, were grouped into two, and then three joint trials representing all of the major fighting factions in the civil war.

powerful than the rule of the gun.<sup>10</sup> For the first time in his life, Charles Taylor ran into an immovable object—the victims of this tragedy, who shouted never again and no more. Humbled and beaten, he fled to a type of political limbo in Calabar, Nigeria.

Charles Taylor has been the catalyst of most of the human tragedy and political instability of the region, backed by his compatriots, Col. Muammar Abu Minyar al-QADHAFI of Libya and President Blasé Campore of Burkina Faso, among other criminal elements.<sup>11</sup> That relationship with these two heads of state and the resultant political instability still remains. Overlay Taylor's continued meddling in the affairs of the region, to include the attempted assassination of President Conte of Guinea in 2005, attest to his determination to do what he promised as he was escorted up the steps of that Nigerian airliner, in August of 2003, with various presidents of several African countries, that *he would be back*. He meant it then and he means it to this day. He will be back.

Charles Taylor knows the western world, to include the United States, better than we do ourselves. He is relatively young, wealthy, influential, and has a supportive base militarily and politically within Liberia and the Mano River Region.<sup>12</sup> Taylor knows that the west, particularly this country, will never send its sons and daughters to West Africa to stabilize a faltering Liberia. Currently, the United Nations has a large peacekeeping force there, under the able leadership of Alan Doss, one of the United Nation's best career diplomats; yet they are not going to be there forever.<sup>13</sup> I posit that five years from now, when the international community is challenged by other crises, Taylor, in Calabar, under the protection of Nigeria, will make his move.<sup>14</sup> We will wake up one morning and watch on CNN as Taylor rides trium-

<sup>10</sup>The indictment signed in a moving ceremony on 3 March 2003, in my office in Freetown, Sierra Leone, is attached as an appendix. I told the assembled trial counsel and investigators that "the ghosts of a hundred thousand Sierra Leoneans are in this room right now." The unsealing of the indictment against Charles Taylor on the day he arrived in Accra, Ghana for the peace talks in June of 2003 was a calculated move on my part to publicly strip, in front of the world, this warlord of his power by my signature on the indictment. It was never intended to force his transfer that day to the tribunal, though we would have accepted him and were ready to arraign him on the charges within the indictment immediately. My intent was to humble and humiliate him before his peers, the leaders of Africa and to serve notice to Taylor and others that the days of impunity in Africa were over. Taylor is the first African head of state ever to be indicted for war crimes and crimes against humanity and only the second in history. His indictment paved the way for the eventual election of Ellen Johnson Sirleaf as the first fairly elected President of Liberia, and also the first African woman ever to be elected a head of state. It must be noted that the United States was given a copy of the Taylor indictment two months before I unsealed it in June of 2003. It was personally given to Walter Kansteiner, then the Assistant Secretary of State for Africa at a breakfast meeting in April of 2003 with the US Ambassador, Peter Chavez at his home in Freetown. Another copy was given to Pierre Prosper, the Ambassador at Large for War Crimes Issues as well. All parties were warned 24 hours in advance of the unsealing while Taylor was in Accra. The government of Ghana was served with the indictment and the warrant of arrest the morning of the unsealing of Taylor's indictment.

<sup>11</sup>According to close sources who acted as lead witnesses during our investigation of Taylor and those involved in the joint criminal enterprise that destroyed two countries and threatened a third, the Ivory Coast; Taylor, Foday Sankoh, Campore, and Qadhafi, apparently sat down and developed a secret plan to undermine the current governments within West Africa and then replace them with surrogates, such as Taylor, who were beholden to Qadhafi. This plan remains in place to this day. I chose not to indict Qadhafi and Campore only because of evidentiary issues and the practical reality of indicting two more heads of state within West Africa which would have politically undermined the work of the tribunal. However, I did choose to name Qadhafi within the Taylor indictment as a key member of the joint criminal enterprise. Within the American criminal system Qadhafi would have been what we call an un-indicted co-conspirator. He remains a threat to West Africa.

<sup>12</sup>This support is found mainly in Lofa County, Taylor's home county and where he started his reign of terror back in 1989–90. As of the summer of 2005, our sources reported that there was a battalion size element standing by to do his bidding.

<sup>13</sup>Alan Doss was the Deputy Special Representative of the Secretary General (DSRSG) in Sierra Leone through most of my tenure as Chief Prosecutor, 2002–2005. His quiet support was instrumental in the success of Operation Justice. I never briefed his boss, the SRSG, Oluyemi Adeniji (currently the Foreign Minister of Nigeria) on any of my operations related to the investigations as I did not trust him. He did not like the presence of the Special Court in Sierra Leone. Just a month before Operation Justice, Adeniji tried to quietly sneak two of the targeted inditees out of Sierra Leone. I sent a message through Alan Doss to Adeniji that I would prosecute him for obstruction of justice if he did so. It did not happen. Adeniji was never told about Operation Justice until it was over. As Foreign Minister, Adeniji remains a serious stumbling block in the handover of Taylor to the tribunal.

<sup>14</sup>President Olusegun Obasanjo of Nigeria was induced by the United States, the United Kingdom, with the concurrence of the United Nations Secretary General, Kofi Annan, to take Taylor out of Liberia and place him in Calabar. Initially, I supported this, even calling for his

Continued

phantly down the main street in Monrovia to the executive mansion, daring all of us to come get him. Unless he is handed over to the Special Court for Sierra Leone, this scenario is not out of the realm of possibility. More importantly, the people of West Africa know it all too well, that Taylor is a street fighter, a thug, and a survivor.

The fact is, as we consider changing history, together, we can stop this from happening today, right now. We've got Taylor; it is just a matter of turning him over to the Special Court for Sierra Leone for a fair trial.

#### HOW DO WE DO ASSURE LIBERIA'S FUTURE?

Ultimately, what we do about Charles Taylor in the next several weeks will determine the fate of Liberia and the new administration of its President Ellen Johnson Sirleaf. Charles Taylor hangs like a dark and ominous cloud over this ravaged country which he personally, for his own criminal gain, destroyed, as he did Sierra Leone. There will be no prospect for peace in Liberia or the Mano River region<sup>15</sup>, as long as he remains outside the custody of the international tribunal in Freetown. In my opinion, nothing constructive can be developed in the long term in Liberia, unless Charles Taylor is accounted for and turned over to the Special Court. It is that simple. Again, he will be back.

*Here is my suggested roadmap for a successful beginning for Liberia:*

*First:* Hand Charles Taylor over the Special Court for Sierra Leone for a fair trial.<sup>16</sup> This takes him out of the local and regional dynamic that is West Africa.<sup>17</sup> The new president can move forward confident that Charles Taylor is not lurking in the shadows undermining her initial efforts to develop a legitimate and accountable government in Monrovia. This has to happen first, *and now*, or the rest of my suggestions and recommendations, and the ones you are considering for Liberia's future, will be a waste of time, money, and effort.<sup>18</sup>

*Second:* Tie any financial and political support to good governance in Liberia.<sup>19</sup> I am impressed with early attempts to restore respect for the government by the new president. This has to be continued and earmarking any aid to specific programs that enhance good governance is a must.<sup>20</sup>

*Third:* Encourage the new administration in Liberia to establish the Truth and Reconciliation Commission called for in the earlier peace accords of 2003.<sup>21</sup> The victims of any atrocity need to be able to tell their story, officially. It is an important part of reconciliation for a country in transition from war to peace. It worked in Sierra Leone and it can in Liberia.<sup>22</sup> Recall, that what took place in Liberia over a

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removal from Liberia, now that he was indicted. It was important that the peace process move forward and Liberia stabilize. But it has now been over two years, peace is at hand with a new government (contemplated by the Accra Peace Accord), and it is now time for this handover by the Nigerian government. I only hope the President of Nigeria has the moral courage to do so, something lacking in many African leaders today.

<sup>15</sup>The Mano River region consists of Guinea, Liberia, and Sierra Leone. The Mano River Union was formed initially in 1973. Due to conflict and internal strife it was largely defunct until being reactivated at a summit May of 2004. Each of these countries is so tied together culturally, politically, and economically, where one falters or fails, the others do as well. In all of West Africa, this grouping of three nations is the Achilles heel of West Africa. The supposed goal is to foster economic opportunity.

<sup>16</sup>Legally there is no impediment for the handover. The Appellate Chamber of the Special Court for Sierra Leone, in a landmark ruling of *Prosecutor v. Taylor*, May 2004, ruled that Charles Taylor has no head of state immunity that absolves him of his war crimes and crimes against humanity thus paving the way for his handover. The next legal step is his handover and arraignment on the charges, followed by pretrial motions and then trial.

<sup>17</sup>There are two aspects to West Africa, the West Africa we see and the West Africa that is. We must deal with the West Africa that is in order to ensure a better future for Liberia.

<sup>18</sup>The hundreds of millions of dollars the international community, to include the United States, has invested in Liberia's future could be siphoned off to line the pockets of greedy Liberian politicians. This apparently was the case in the transitional government led by Gyude Bryant.

<sup>19</sup>This Congress has already sent letters to the Bush administration essentially stating that any future aid to Liberia should be tied to a hand over of Charles Taylor to the Special Court for Sierra Leone. This Committee has been instrumental in this effort.

<sup>20</sup>President Sirleaf just this past week (2 February 2006) sent a strong signal that she will not stand for corruption by firing numerous individuals within the Finance Ministry. However, she will have a huge challenge in the guise of the Liberian legislature as there are numerous Taylor supporters within that body.

<sup>21</sup>Article XIII, Comprehensive Peace Agreement in Accra, Ghana 18 August 2003.

<sup>22</sup>During my sit downs with the people of Sierra Leone they stood up and described crimes that are beyond description in any language. They knew that the very persons that actually committed the atrocities would not be prosecuted before the tribunal as those who bore the greatest responsibility, yet they wanted some type of official record of what happened to their

period of ten years under the iron fist of Charles Taylor caused the murder, rape, maiming, and mutilation of around 600,000 Liberians.<sup>23</sup> The victims, their families, and towns need to tell the world what happened there. A truth commission can assist in this and to allow them to begin to put the horror behind them.

*Fourth:* Within the next few years or so, another hybrid war crimes tribunal needs to be established to account for the war crimes and crimes against humanity committed by Charles Taylor and his henchmen from 1990–2003 in Liberia. As most of these atrocities took place outside the jurisdiction of the International Criminal Court, an alternate model must be used. That model is the hybrid concept that proved to be so successful next door in Sierra Leone. The domestic court system in Liberia is incapable of accomplishing this task.<sup>24</sup> Liberia, working together with the international community and under the auspices of the United Nations, can account for what Charles Taylor did to his own countryman. *Note that these are separate conflicts with consequent war crimes and crimes against humanity.* Charles Taylor has destroyed two nations, not just one! He must be prosecuted for any crimes he is alleged to have committed in Liberia, after he is tried for what he did in Sierra Leone. Couple both of these conflicts together and Charles Taylor, sitting as a free man in Nigeria, is individually criminally responsible for the destruction of 1.2 million human beings.

If one then takes these four recommendations, justice, truth, good governance, and the rule of law, the future of Liberia as a new democracy may be less cloudy and tenuous. To have a sustainable peace in Liberia you must have truth and justice, under the mantle of the rule of law and good governance. It is a simple A plus B equals C proposition—truth plus justice equals a sustainable peace. Certainly with this equation, Congress could be more assured that any funding and political capital expended would not be flushed down the drain.

There are many other challenges ahead for Liberia: Corruption, so endemic in all of West Africa; the abuse of natural resources; a whole lost generation of children to war as child soldiers; and international terrorists moving about the entire region, among many other concerns.<sup>25</sup> These very real challenges will require the United States to monitor, for years to come, how the Liberian government manages its legal, political, and financial assets.

**Accountability is the key.** Make that government accountable to its people and its international backers.<sup>26</sup> I respectfully ask this Committee to tie any future monetary aid to accountability and good governance. This approach will allow proper expenditures of US taxpayer's hard earned money.

CONCLUSION—TURN CHARLES TAYLOR OVER TO THE SPECIAL COURT OR THERE WILL BE NO REAL FUTURE FOR LIBERIA

In conclusion, I would ask this committee to continue to forcefully urge the Bush administration, and the new president in Liberia, to demand that Nigeria hand over war crimes indictee Charles Taylor to the Special Court to answer for his crimes. Nothing else that follows can happen with any assurance of success without it. In this period of time when we celebrate and recognize the principles laid down at Nur-

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family member(s). A truth commission can do that. I encouraged them to go before the truth and reconciliation commission to tell their story. They did by the thousands.

<sup>23</sup>This number is approximate as the true number can never be known due to lack of accounting or a proper census. This figure could be off as much as 25% either way, yet the numbers are still massive and tragic.

<sup>24</sup>As stated in a report on Liberia in 2005 by Amnesty International at page 10, : *May 2005, local observers were concerned at the slow progress in addressing the lack of qualified personnel and that recruitment, vetting and training of judicial personnel was not taking place. On the 28 June the transitional government commissioned eleven circuit court judges and six specialized court judges. The judges will serve in criminal and specialized courts in Montserrado County and in circuit and specialized courts in eight other counties. Prior to the commissioning of these judges there had only been 11 circuit court judges in the country yet there had been 21 posts to fill. At least 7 of them had been of retirement age or in poor health. Funding has been promised by the US Department of State, although it is unclear when it will be available.*

<sup>25</sup>For three years the Office of the Prosecutor carefully developed an information asset system throughout the region providing essential evidence, criminal information, and intelligence. Several of these assets are placed very close to the various actors in the joint criminal enterprise. Over time they have proven to be 75–80% accurate, and in some cases completely so. These sources helped us uncover evidence that Charles Taylor harbored Al Qaeda terrorists, and Hamas, in Monrovia for years, to include, we allege, several of the terrorists who brought down the US embassies in Tanzania and Kenya to include, apparently, *Abdullah Ahmed Abdullah* and *Sheikh Ahmed Salim Swedan*. One well placed source has Charles Taylor dealing with an operative in Burkina Faso as late as 6 April of 2005 named *Fazul Abdullah Mohammed*. All of this information has been passed to appropriate governments and law enforcement agencies.

<sup>26</sup>Believe me, the trick to getting a West African leader's attention is cash, plain and simple.

emberg 60 years ago, we must resolve as human beings who care about humanity and the rule of law, that there cannot be an African exception to those principles.

If I may, Mr. Chairman, I would like to close my remarks with an excerpt from my opening statement in the joint criminal trial against the leadership of the Revolutionary United Front in July of 2004. As I read this to the Committee, **Charles Taylor, we allege, is individually criminally responsible for what took place, as described below, at Penduma . . .**

*In 1999, another witness in Koidu will testify that when RUF and AFRC rebels drove the Kamajors from the town they began to burn the houses of Koidu. The witness and his family fled to a nearby village. The RUF rebels followed them in a number of trucks filled with young women. The rebel commander took the 16 year old sister of the witness. He declared loudly that he was going to take her as his wife. The witness tried to protect his younger sister, but was told he would be killed. The rebels left with around ten girls from the town, the youngest being 12. His younger sister was kept by the rebels for four long years.*

*The witness will further testify that upon hearing that ECOMOG troops had taken Koidu town the family decided to return, walking for four days. When they reached Penduma village it was overrun with armed RUF rebels. Twenty civilians who attempted to flee were shot dead. The rest of the survivors were grouped together and told to wait for the commander. Upon arrival the commander addressed the frightened civilians saying to them, "so you are the supporters of Tejan Kabbah." They were separated into three groups the witness will declare: first, pregnant women, suckling mothers and children; second, men and boys; and third females—teenagers to grandmothers. Twenty-five men and women were picked out at random from the last two groups. The commander gave the order, "Una take them. Make una burn dem." These civilians were placed in a house which was set on fire by the rebels. All of them were burned alive while the others were forced to listen to their agonized screams.*

*The commander then pointed at the group of females. There were around twenty. The wife of the witness was one of them. The women were raped in front of everyone. The witness will testify that he and his children were forced to watch while his wife and their mother was raped by eight different RUF rebels before she was stabbed to death with a bayonet by the last RUF rapist. Why does he recall there being eight rapists, he will be asked, because the witness had to count out loud the number as they tore into his wife. Two other women were likewise gang raped and then murdered. Note, while this is taking place, twenty-five human beings are roasting to death in a burning house, their cries adding to this true living hell on earth.*

*Fifteen of the men were marched away by rebels armed with knives. Two who attempted to run were shot. The remaining had their throats cut.*

*Incredibly, the witness and eight others remained. Each of them was called forward and had a hand cut off. When the witness attempted to retrieve his severed hand he was struck in the back with a bayonet. The commander of the rebels told the witness to go to Tejan Kabbah.<sup>27</sup>*

Thank you for this chance to provide my humble perspectives and I look forward to your questions and continued efforts in bringing Charles Taylor to justice, accounting for the destruction of over a million West Africans, and building a new democracy in that part of the world.

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<sup>27</sup>The Opening Statement of David M. Crane, Chief Prosecutor against Issa Hassan Sesay, Morris Kallon, Augustine Gbao, in an Amended Consolidated Indictment, Case no. SCSL-2004-15-PT, 5 July 2004; Freetown, Sierra Leone.

Appendix

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL – 03 – 1

THE PROSECUTOR

Against

CHARLES GHANKAY TAYLOR also known as

CHARLES GHANKAY MACARTHUR DAPKPANA TAYLOR

INDICTMENT

The Prosecutor, Special Court for Sierra Leone, under Article 15 of the Statute of the Special Court for Sierra Leone (the Statute) charges:

**CHARLES GHANKAY TAYLOR also known as  
(aka) CHARLES GHANKAY MACARTHUR DAPKPANA TAYLOR**

with **CRIMES AGAINST HUMANITY, VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II and OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, in violation of Articles 2, 3 and 4 of the Statute** as set forth below:

**THE ACCUSED**

1. **CHARLES GHANKAY TAYLOR** aka **CHARLES GHANKAY MACARTHUR DAPKPANA TAYLOR** (the **ACCUSED**) was born on or about 28 January 1948 at Arthington in the Republic of Liberia.

**GENERAL ALLEGATIONS**

2. At all times relevant to this Indictment, a state of armed conflict existed within Sierra Leone. For the purposes of this Indictment, organized armed factions involved in this conflict included the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC).

3. A nexus existed between the armed conflict and all acts or omissions charged herein as Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II and as Other Serious Violations of International Humanitarian Law.

4. The organized armed group that became known as the RUF, led by FODAY SAYBANA SANKOH aka POPAY aka PAPA aka PA, was founded about 1988 or 1989 in Libya. The RUF, under the leadership of FODAY SAYBANA SANKOH, began organized armed operations in Sierra Leone in March 1991. During the ensuing armed conflict, the RUF forces were also referred to as "RUF", "rebels" and "People's Army".

5. The CDF was comprised of Sierra Leonean traditional hunters, including the Kamajors, Gbethis, Kapras, Tamaboros and Donsos. The CDF fought against the RUF and AFRC.

6. On 30 November 1996, in Abidjan, Ivory Coast, FODAY SAYBANA SANKOH and Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a peace agreement which brought a temporary cessation to active hostilities. Thereafter, the active hostilities recommenced.

7. The AFRC was founded by members of the Armed Forces of Sierra Leone who seized power from the elected government of the Republic of Sierra Leone via a coup d'état on 25 May 1997. Soldiers of the Sierra Leone Army (SLA) comprised the majority of the AFRC membership. On that date JOHNNY PAUL KOROMA aka JPK became the leader and Chairman of the AFRC. The AFRC forces were also referred to as "Junta", "soldiers", "SLA", and "ex-SLA".

8. Shortly after the AFRC seized power, at the invitation of JOHNNY PAUL KOROMA, and upon the order of FODAY SAYBANA SANKOH, leader of the RUF, the RUF joined with the AFRC. The AFRC and RUF acted jointly thereafter. The AFRC/RUF Junta forces (Junta) were also referred to as "Junta", "rebels", "soldiers", "SLA", "ex-SLA" and "People's Army".



9. After the 25 May 1997 coup d'état, a governing body, the Supreme Council, was created within the Junta. The governing body included leaders of both the AFRC and RUF.

10. The Junta was forced from power by forces acting on behalf of the ousted government of President Kabbah about 14 February 1998. President Kabbah's government returned in March 1998. After the Junta was removed from power the AFRC/RUF alliance continued.

11. On 7 July 1999, in Lomé, Togo, FODAY SAYBANA SANKOH and Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a peace agreement. However, active hostilities continued.

12. The **ACCUSED** and all members of the organized armed factions engaged in fighting within Sierra Leone were required to abide by International Humanitarian Law and the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 12 August 1949, and Additional Protocol II to the Geneva Conventions, to which the Republic of Sierra Leone acceded on 21 October 1986.

13. All offences alleged herein were committed within the territory of Sierra Leone after 30 November 1996.

14. All acts and omissions charged herein as Crimes Against Humanity were committed as part of a widespread or systematic attack directed against the civilian population of Sierra Leone.

15. The words civilian or civilian population used in this Indictment refer to persons who took no active part in the hostilities, or who were no longer taking an active part in the hostilities.

#### **INDIVIDUAL CRIMINAL RESPONSIBILITY**

16. Paragraphs 1 through 15 are incorporated by reference.

17. In the late 1980's **CHARLES GHANKAY TAYLOR** received military training in Libya from representatives of the Government of MU'AMMAR AL-QADHAFI. While in Libya the **ACCUSED** met and made common cause with FODAY SAYBANA SANKOH.

18. While in Libya, the **ACCUSED** formed or joined the National Patriotic Front of Liberia (NPFL). At all times relevant to this Indictment the **ACCUSED** was the leader of the NPFL and/or the President of the Republic of Liberia.

19. In December 1989 the NPFL, led by the **ACCUSED**, began conducting organized armed attacks in Liberia. The **ACCUSED** and the NPFL were assisted in these attacks by FODAY SAYBANA SANKOH and his followers.

20. To obtain access to the mineral wealth of the Republic of Sierra Leone, in particular the diamond wealth of Sierra Leone, and to destabilize the State, the **ACCUSED** provided financial support, military training, personnel, arms, ammunition and other support and encouragement to the RUF, led by FODAY SAYBANA SANKOH, in preparation for RUF armed action in the Republic of Sierra Leone, and during the subsequent armed conflict in Sierra Leone.

21. Throughout the course of the armed conflict in Sierra Leone, the RUF and the AFRC/RUF alliance, under the authority, command and control of FODAY SAYBANA SANKOH, JOHNNY PAUL KOROMA and other leaders of the RUF, AFRC and AFRC/RUF alliance, engaged in notorious, widespread or systematic attacks against the civilian population of Sierra Leone.

22. At all times relevant to this Indictment, **CHARLES GHANKAY TAYLOR** supported and encouraged all actions of the RUF and AFRC/RUF alliance, and acted in concert with FODAY SAYBANA SANKOH and other leaders of the RUF and AFRC/RUF alliance. FODAY SAYBANA SANKOH was incarcerated in Nigeria and Sierra Leone and subjected to restricted movement in Sierra Leone from about March 1997 until about April 1999. During this time the **ACCUSED**, in concert with FODAY SAYBANA SANKOH, provided guidance and direction to the RUF, including SAM BOCKARIE aka MOSQUITO aka MASKITA.

23. The RUF and the AFRC shared a common plan, purpose or design (joint criminal enterprise) which was to take any actions necessary to gain and exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas. The natural resources of Sierra Leone, in particular the diamonds, were to be provided to persons outside Sierra Leone in return for assistance in carrying out the joint criminal enterprise.

24. The joint criminal enterprise included gaining and exercising control over the population of Sierra Leone in order to prevent or minimize resistance to their geographic control, and to use members of the population to provide support to the members of the joint criminal enterprise. The crimes alleged in this Indictment, including unlawful killings, abductions, forced labour, physical and sexual violence, use of child soldiers, looting and burning of civilian structures, were either actions within the joint criminal enterprise or were a reasonably foreseeable consequence of the joint criminal enterprise.

25. The **ACCUSED** participated in this joint criminal enterprise as part of his continuing efforts to gain access to the mineral wealth of Sierra Leone and to destabilize the Government of Sierra Leone.

26. **CHARLES GHANKAY TAYLOR**, by his acts or omissions, is individually criminally responsible pursuant to Article 6.1. of the Statute for the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in this Indictment, which crimes the **ACCUSED** planned, instigated, ordered, committed or in whose planning, preparation or execution the **ACCUSED** otherwise aided and abetted, or which crimes were within a

joint criminal enterprise in which the **ACCUSED** participated or were a reasonably foreseeable consequence of the joint criminal enterprise in which the **ACCUSED** participated.

27. In addition, or alternatively, pursuant to Article 6.3. of the Statute, **CHARLES GHANKAY TAYLOR**, while holding positions of superior responsibility and exercising command and control over his subordinates, is individually criminally responsible for the crimes referred to in Articles 2, 3 and 4 of the Statute. The **ACCUSED** is responsible for the criminal acts of his subordinates in that he knew or had reason to know that the subordinate was about to commit such acts or had done so and the **ACCUSED** failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

### **CHARGES**

28. Paragraphs 16 through 27 are incorporated by reference.

29. At all times relevant to this Indictment, members of the RUF, AFRC, Junta and/or AFRC/RUF forces (AFRC/RUF), supported and encouraged by, acting in concert with and/or subordinate to **CHARLES GHANKAY TAYLOR**, conducted armed attacks throughout the territory of the Republic of Sierra Leone, including, but not limited to, Bo, Kono, Kenema, Bombali and Kailahun Districts and Freetown. Targets of the armed attacks included civilians and humanitarian assistance personnel and peacekeepers assigned to the United Nations Mission in Sierra Leone (UNAMSIL), which had been created by United Nations Security Council Resolution 1270 (1999).

30. These attacks were carried out primarily to terrorize the civilian population, but also were used to punish the population for failing to provide sufficient support to the AFRC/RUF, or for allegedly providing support to the Kabbah government or to pro-government forces. The attacks included unlawful killings, physical and sexual violence against civilian men, women and children, abductions and looting and destruction of civilian property. Many civilians saw these crimes committed; others returned to their homes or places of refuge to find the results of these crimes - dead bodies, mutilated victims and looted and burnt property.

31. As part of the campaign of terror and punishment the AFRC/RUF routinely captured and abducted members of the civilian population. Captured women and girls were raped; many of them were abducted and used as sex slaves and as forced labour. Some of these women and girls were held captive for years. Men and boys who were abducted were also used as forced labour; some of them were also held captive for years. Many abducted boys and girls were given combat training and used in active fighting. AFRC/RUF also physically mutilated men, women and children, including amputating their hands or feet and carving "AFRC" and "RUF" on their bodies.

**COUNTS 1 - 2: TERRORIZING THE CIVILIAN POPULATION AND  
COLLECTIVE PUNISHMENTS**

32. Members of the AFRC/RUF supported and encouraged by, acting in concert with and/or subordinate to CHARLES GHANKAY TAYLOR committed the crimes set forth below in paragraphs 33 through 58 and charged in Counts 3 through 13, as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone, and did terrorize that population. The AFRC/RUF also committed the crimes to punish the civilian population for allegedly supporting the elected government of President Ahmed Tejan Kabbah and factions aligned with that government, or for failing to provide sufficient support to the AFRC/RUF.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 1:** Acts of Terrorism, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.d. of the Statute;

And:

**Count 2:** Collective Punishments, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.b. of the Statute.

**COUNTS 3 - 5: UNLAWFUL KILLINGS**

33. Victims were routinely shot, hacked to death and burned to death. Unlawful killings included, but were not limited to, the following:

**Bo District**

34. Between 1 June 1997 and 30 June 1997, AFRC/RUF attacked Tikonko, Telu, Sembehun, Gerihun and Mamboma, unlawfully killing an unknown number of civilians;

**Kenema District**

35. Between about 25 May 1997 and about 19 February 1998, in locations including Kenema town, members of AFRC/RUF unlawfully killed an unknown number of civilians;

**Kono District**

36. About mid February 1998, AFRC/RUF fleeing from Freetown arrived in Kono District. Between about 14 February 1998 and 30 June 1998, members of AFRC/RUF

unlawfully killed several hundred civilians in various locations in Kono District, including Koidu, Tombodu, Foindu, Willifeh, Mortema and Biaya;

**Bombali District**

37. Between about 1 May 1998 and 31 July 1998, in locations including Karina, members of AFRC/RUF unlawfully killed an unknown number of civilians;

**Freetown**

38. Between 6 January 1999 and 31 January 1999, AFRC/RUF conducted armed attacks throughout the city of Freetown. These attacks included large scale unlawful killings of civilian men, women and children at locations throughout the city, including the State House, Parliament building, Connaught Hospital, and the Kissy, Fourah Bay, Uppun, Calaba Town and Tower Hill areas of the city.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 3:** Extermination, a **CRIME AGAINST HUMANITY**, punishable under Article 2.b. of the Statute;

In addition, or in the alternative:

**Count 4:** Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

**Count 5:** Violence to life, health and physical or mental well-being of persons, in particular murder, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute.

**COUNTS 6 - 8: SEXUAL VIOLENCE**

39. Widespread sexual violence committed against civilian women and girls included brutal rapes, often by multiple rapists. Acts of sexual violence included, but were not limited to, the following:

**Kono District**

40. Between about 14 February 1998 and 30 June 1998, members of AFRC/RUF raped hundreds of women and girls at various locations throughout the District, including Koidu, Tombodu, Kissi-town (or Kissi Town), Foendor (or Foendu), Tomendeh,

Fokoiya, Wonedu and AFRC/RUF camps such as "Superman camp" and Kissi-town (or Kissi Town) camp. An unknown number of women and girls were abducted from various locations within the District and used as sex slaves;

**Bombali District**

41. Between about 1 May 1998 and 31 July 1998, members of AFRC/RUF raped an unknown number of women and girls in locations such as Mandaha. In addition, an unknown number of abducted women and girls were used as sex slaves;

**Kailahun District**

42. At all times relevant to this Indictment, an unknown number of women and girls in various locations in the District were subjected to sexual violence. Many of these victims were captured in other areas of the Republic of Sierra Leone, brought to AFRC/RUF camps in the District, and used as sex slaves;

**Freetown**

43. Between 6 January 1999 and 31 January 1999, members of AFRC/RUF raped hundreds of women and girls throughout the Freetown area, and abducted hundreds of women and girls and used them as sex slaves.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 6:** Rape, a **CRIME AGAINST HUMANITY**, punishable under Article 2.g. of the Statute;

And:

**Count 7:** Sexual slavery and any other form of sexual violence, a **CRIME AGAINST HUMANITY**, punishable under Article 2.g. of the Statute;

In addition, or in the alternative:

**Count 8:** Outrages upon personal dignity, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.c. of the Statute.

**COUNTS 9 - 10: PHYSICAL VIOLENCE**

44. Widespread physical violence, including mutilations, was committed against civilians. Victims were often brought to a central location where mutilations were carried out. These acts of physical violence included, but were not limited to, the following:

**Kono District**

45. Between about 14 February 1998 and 30 June 1998, AFRC/RUF mutilated an unknown number of civilians in various locations in the District, including Tombodu, Kaima (or Kayima) and Wonedu. The mutilations included cutting off limbs and carving "AFRC" and "RUF" on the bodies of the civilians;

**Freetown**

46. Between 6 January 1999 and 31 January 1999, AFRC/RUF mutilated an unknown number of civilian men, women and children in various areas of Freetown, including the northern and eastern areas of the city, and the Kissy area, including the Kissy mental hospital. The mutilations included cutting off limbs.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 9:** Violence to life, health and physical or mental well-being of persons, in particular cruel treatment, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute;

In addition, or in the alternative:

**Count 10:** Other inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 2.i. of the Statute.

**COUNT 11: USE OF CHILD SOLDIERS**

47. At all times relevant to this Indictment, throughout the Republic of Sierra Leone, AFRC/RUF routinely conscripted, enlisted and/or used boys and girls under the age of 15 to participate in active hostilities. Many of these children were first abducted, then trained in AFRC/RUF camps in various locations throughout the country, and thereafter used as fighters.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 11:** Conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, an **OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW**, punishable under Article 4.c. of the Statute.

**COUNT 12: ABDUCTIONS AND FORCED LABOUR**

48. At all times relevant to this Indictment, AFRC/RUF engaged in widespread and large scale abductions of civilians and use of civilians as forced labour. Forced labour included domestic labour and use as diamond miners. The abductions and forced labour included, but were not limited to, the following:

**Kenema District**

49. Between about 1 August 1997 and about 31 January 1998, AFRC/RUF forced an unknown number of civilians living in the District to mine for diamonds at Cyborg Pit in Tongo Field;

**Kono District**

50. Between about 14 February 1998 and 30 June 1998, AFRC/RUF forces abducted hundreds of civilian men, women and children, and took them to various locations outside the District, or to locations within the District such as AFRC/RUF camps, Tombodu, Koidu, Wonedu, Tomendeh. At these locations the civilians were used as forced labour, including domestic labour and as diamond miners in the Tombodu area;

**Bombali District**

51. Between about 1 May 1998 and 31 July 1998, in Bombali District, AFRC/RUF abducted an unknown number of civilians and used them as forced labour;

**Kailahun District**

52. At all times relevant to this Indictment, captured civilian men, women and children were brought to various locations within the District and used as forced labour;

**Freetown**

53. Between 6 January 1999 and 31 January 1999, in particular as the AFRC/RUF were being driven out of Freetown, the AFRC/RUF abducted hundreds of civilians, including a large number of children, from various areas within Freetown, including Peacock Farm and Calaba Town. These abducted civilians were used as forced labour.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 12:** Enslavement, a **CRIME AGAINST HUMANITY**, punishable under Article 2.c. of the Statute.



**COUNT 13: LOOTING AND BURNING**

54. At all times relevant to this Indictment, AFRC/RUF engaged in widespread unlawful taking and destruction by burning of civilian property. This looting and burning included, but was not limited to, the following:

**Bo District**

55. Between 1 June 1997 and 30 June 1997, AFRC/RUF forces looted and burned an unknown number of civilian houses in Telu, Sembahun, Mamboma and Tikonko;

**Kono District**

56. Between about 14 February 1998 and 30 June 1998, AFRC/RUF engaged in widespread looting and burning in various locations in the District, including Tombodu, Foindu and Yardu Sando, where virtually every home in the village was looted and burned;

**Bombali District**

57. Between 1 March 1998 and 30 June 1998, AFRC/RUF forces burned an unknown number of civilian buildings in locations such as Karina;

**Freetown**

58. Between 6 January 1999 and 31 January 1999, AFRC/RUF forces engaged in widespread looting and burning throughout Freetown. The majority of houses that were destroyed were in the areas of Kissy and eastern Freetown; other locations included the Fourah Bay, Upgun, State House and Pademba Road areas of the city.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 13: Pillage, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.f. of the Statute.

**COUNTS 14 - 17: ATTACKS ON UNAMSIL PERSONNEL**

59. Between about 15 April 2000 and about 15 September 2000, AFRC/RUF engaged in widespread attacks against UNAMSIL peacekeepers and humanitarian assistance workers within the Republic of Sierra Leone, including, but not limited to locations within Bombali, Kailahun, Kambia, Port Loko, and Kono Districts. These attacks included unlawful killing of UNAMSIL peacekeepers, and abducting hundreds of peacekeepers and humanitarian assistance workers who were then held hostage.

By his acts or omissions in relation, but not limited to these events, **CHARLES GHANKAY TAYLOR**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 14: Intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission, an **OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW**, punishable under Article 4.b. of the Statute;

In addition, or in the alternative:

**Count 15:** For the unlawful killings, Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

**Count 16:** Violence to life, health and physical or mental well-being of persons, in particular murder, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute;

In addition, or in the alternative:

**Count 17:** For the abductions and holding as hostage, Taking of hostages, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.c. of the Statute.

Dated this 3rd day of March 2003  
Freetown, Sierra Leone

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David M. Crane  
The Prosecutor

Mr. SMITH OF NEW JERSEY. Mr. Crane, thank you for your extraordinary work as Chief Prosecutor, and as my good friend and colleague, Mr. Payne, pointed out, the feeling for you and the admiration for the job you did and the risks you took are greatly appreciated by Members on both sides of the aisle.

The people of Sierra Leone and Liberia, I think, are that much better protected, and accountability is that much further moved forward, particularly in a legal sense, because of what you have done, and hopefully that does help some people, providing the second and third and fourth steps are taken, to provide for an atmosphere within which peace and reconciliation can go forward.

I would note for the record as well that on several occasions you did keep this Subcommittee, the Congress, and the ROI Committee, in a larger sense, apprised, and you answered questions about what was going on there, how U.S. taxpayer money was being spent, and I think it was spent very prudently.

So I want to again thank you from all of us for the extraordinary job you did, and I want to thank all of our witnesses. You really do give us additional insights as to how we should proceed from here. That is why we are having this hearing.

Dr. Pham, you mentioned about the weapons, and I would hope that maybe you could elaborate on that. We know from places like Northern Ireland and really every place where there has been a destabilized situation that unless weapons are put out of use and, as they call it there, decommissioned, but obviously it has got different terms in other places.

Maybe if you could give us a sense of how many weapons you think still are at large. Your point that only lacking a spark from the outside, I think, was a very ominous statement, not unlike the one when you repeated Charles Taylor's statement, "I will be back." The situation, while it has drastically improved, there is certainly not an area that is safe and secure.

You also mentioned, and perhaps all of you might want to speak to this, in the back and forth with Secretary Frazer earlier, I got a sense, in asking her about Mr. Crane's roadmap, particularly the point about a new, hybrid, war crimes tribunal that would be Liberia-specific and would cover crimes committed by Taylor and his henchmen from 1990 to 2003, and I would point out that, Dr. Pham, I think you made a very good point about how, in addition to the Liberian President, Charles Taylor, we need to be looking at—you went through a whole long list of people who are now serving in the Parliament or the Congress, I should say, that have checkered pasts at best. We do not want to lose that focus, I do not think, and certainly a new, hybrid court would be tasked with looking at that.

But I got the sense from Dr. Frazer that the court system in Liberia could handle this. I know that is a burden that could very quickly become, you know, a burden that is just far too much for them to handle. You mentioned that the court system is in total disarray. Five judges, I think, was the number you gave. So it seems to me that that makes the imperative for a hybrid court that much more pressing, and you might want to speak to that as well, and then all of you, of course.

Mr. PHAM. Thank you. On the question of the weapons, we do not know the exact number. We can, at best, estimate. The problem is weapons and people in this subregion are very fluid. We know, for example, that Charles Taylor, in the second Liberian civil war, took into his service people who were combatants moving out of the Sierra Leonean theater, and we now have evidence that some of these same people who were combatants in the Liberian theater have now moved on to Cote D'Ivoire. So it is constant back and forth with fighters and their weapons.

For example, just to cite one datum, in a flight from the former Yugoslavia in 2002 we know that delivered to Charles Taylor were about 800 RPGs. We have recovered approximately 400 of them, so there are 400 RPGs out there somewhere. The United Nations has done a decent job gathering some of this data. A lot more could be devoted just to collecting data. We just know that we have more combatants turning themselves in than weapons, and that is obviously not—

Mr. SMITH OF NEW JERSEY. For the record, by “former Yugoslavia,” do you mean Serbia?

Mr. PHAM. Yes.

Mr. SMITH OF NEW JERSEY. Okay.

Mr. PHAM. Yes. So there is definitely a problem.

I would also suggest that besides the question of counting the number of weapons, we really need to get a good index on the number of combatants. The number that is used generally is this 118,000. The UN—specifically UNMIL—had planned for 38,000; 118,000 showed up, which was a good thing. My research and my own field work suggest that the number is far greater.

There are simply people who did not show up or simply deserted their units before the conclusion of hostilities, some of whom were children and equally traumatized, but they are not included in this census. My educated guess would be probably a number closer to a quarter of a million would be a more realistic number to plan around.

With respect to the hybrid court, I think Professor Crane's comments are quite appropriate. Liberia does not have this capacity, and what the Special Court of Sierra Leone has done has been a tremendous gift to the Sierra Leonean people in leaving a capacity behind, and I think something similar needs to take place, both for juridical reasons and jurisdiction, for the war crimes committed in Liberia, as well as part of a capacity-building process. There needs to be that accountability within Liberia, and I think a hybrid court would be an excellent idea and certainly one that the United States, for a number of reasons, should take the leadership role in.

Mr. SMITH OF NEW JERSEY. Finally, do you have a sense of when this should be initiated? Right now?

Mr. PHAM. I think that a process needs to be begun now; otherwise, these political figures who I list in my written testimony will slowly create legitimacies for themselves by their role in government. They need to be put on notice that what they did just a year or 2 ago has not been forgotten, that we will not accept them as legitimate interlocutors in a process, and that needs to be done because especially, as I mentioned the subregion, the subregion is right now waiting for the spark, and not just Taylor, but anything

else could happen. Lansana Conté in Guinea could go tomorrow. With all due respect to our intelligence services, they have been predicting his departure from this vale of tears for several years. He has not graced us with that yet, but that could happen at any time, so the rule of law needs to be established, the sooner, the better.

Ms. DERRYCK. In terms of the hybrid court, I agree that, at this point, all of the institutions in Liberia are fragile, and the court really does not have the capacity to adequately deal with this.

Mr. CRANE. I would just simply underscore, Mr. Chairman—obviously, I have made the point in my paper—it is very similar to what took place in Sierra Leone. There is a willingness, but just practical, legal, political, and security reasons why they cannot do it, and so that is why President Kabbah wrote that extraordinary letter back in 2000 asking Secretary-General Kofi Anan for help because he said, we just cannot do it, and, hence, the beginning of the world's first hybrid war crimes tribunal.

The Sierra Leonean court system still struggles today, even after almost 3½ years of some type of stability and peace. It is going to take 10, 15, 20 years, in my opinion, just for the Sierra Leonean court system to be able to have the capacity to deal with the normal domestic civil law situation.

But I do want to underscore to this Committee, respect for the law is paramount in West Africa. There just is not any at this point. We are starting it in our small efforts in Sierra Leone, but it has to catch fire across the entire region, or, again, democracy is just going to be an idea, and we would like to see it more structurally put in place with the rule of law as the cornerstone.

Mr. SMITH OF NEW JERSEY. Let me just ask one final question. Is it your sense that the regional African leaders are supportive of Charles Taylor being held to account and being brought to justice? And, secondly, President Johnson-Sirleaf, how at risk is she as she is starting out on economic recovery, rebuilding a country that has been absolutely torn asunder? How at risk is she if Taylor is returned to the court, and she is obviously the one who has made the strong request that that happen?

Mr. CRANE. I have personally sat down with approximately 70 percent of the regional leaders in West Africa. Privately, they will look you right in the eye, and they will tell me, and they did tell me, that Charles Taylor needs to be handed over to the Special Court. He is an embarrassment to them. He is a sea anchor to economic development and legitimacy. I think there is a real recognition that democracy is the way ahead. However, with Charles Taylor out there, it is a problem for them. However, they are not willing to embarrass the President of Nigeria, who is the regional leader, and so they have chosen other than three of them to publicly not state that.

I do want to note for the record that the Presidents of Cote d'Ivoire, Guinea, and I believe it was Gambia that have said that Charles Taylor needs to be handed over. Strike that. It was the President of Sierra Leone that finally came forward and stated that. It was not the President of Gambia.

Is President Johnson-Sirleaf at risk? She is at risk now politically. It is a dangerous region personally, but she is at risk politically right now. If Charles Taylor is handed over and placed in an

appropriate international detention facility, whatever support Charles Taylor has will eventually dry up because there is no more Charles Taylor.

Charles Taylor will receive his fair trial, but I do want to tell you that we have a very strong case against him, and before I signed that indictment, I insisted that the charges be beyond a reasonable doubt because we could not make the mistake with any of these individuals to include Charles Taylor. He will get his fair trial, but the point is that his supporters will suddenly realize that he is not coming back, and they will look to other ways to ensure their own future.

So I think it will be more secure for this new, innovative President that he is being fairly tried before a court of law than sitting in some type of political arrangement in Calabar, sir.

Ms. DERRYCK. Let me just address the second part of your question, Mr. Chairman: Is President Johnson-Sirleaf at risk? I think that she is, for a lot of reasons. One, she does not have an army that is established yet. She certainly does not have security, even at the mansion. The security forces have not been paid. She is at risk because she has decided to tackle corruption and poverty.

Corruption, of course, is going right into the legislature and to former senior officials and to the transitional government. Some of those persons are still walking around. Remember, there was almost an indictment of the national transitional Government of Liberia. So she is definitely at risk.

I think she has to deal with these other priorities of corruption and stabilizing the government and finding the resources. I mean, you can't run a country on \$80 million a year. And so I don't think that the institutions are strong enough for her to take at this particular moment what is a huge risk. And it might be destabilizing because the institutions are not strong enough and she doesn't have the security forces necessarily to back her up.

Mr. PHAM. If I may begin with the second point, Mr. Chairman, I think I agree that President Johnson-Sirleaf is at risk. Part of the risk is the security risk. We need to assess the reasons why the number 2,000, for example, was arrived at as the future military of Liberia. From what I understand, part of it was budgetary considerations. That is well and fine, but we also have to look at the security situation of the subregion, and so there is the security question for her.

But in many respects, she holds the key to her own security. Charles Taylor is the biggest security risk. Once he is secured, many of the risks go away or are greatly diminished, not only for Liberia, but for the subregion. And many of the leaders in the subregion, as Mr. Crane assured us, while they will not come out publicly, they will endorse it and they place a great premium on the principle of national sovereignty. They prefer that the decision be made by the elected Liberian head of state. In fact, the communique of the Mano River Presidents last July says the decision should rest with and be revisited by the newly-elected Liberian President.

So she is at risk because of Taylor, but she holds the key to her own deliverance because they will respect that decision as the sovereign decision of a sovereign state.

Mr. SMITH OF NEW JERSEY. Thank you, Dr. Pham. Mr. Payne?

Mr. PAYNE. Thank you very much. We talked about the need for a stronger court system, and you talked about the higher court, but what is your opinion about just basically starting with a local municipal court-type system?

I mean, I think it is very important to have sort of a Supreme Court and a Federal court system, but I think the whole lack of a basic legal court system is certainly an impediment for people maybe investing if they feel that there is no way to protect their investment through the court system.

Do you feel it is something that is a big weakness and that we as a country do not involve ourselves very much in trying to strengthen—I mean, I guess we can't do everything. We have got to feed people, we have got to try to create jobs, we have got to fix roads, we have got to get energy up. But we have a weakness in creating a judicial system, and do you have any suggestions on that? And perhaps the prosecutor or Ms. Derryck, too.

I mean, on the basic, do you feel it would be better to try to come up with some barristers to see what the qualifications are and what the minimum amount of qualifications and attempt to put in a local system and then try to build up? Or I hear you mention these 35 judges, which about five are working. How do you, with limited funds—

Mr. PHAM. Congressman, I think you raise a very good point. In many respects, we have to work it from both ends. Traditionally Liberia has also relied for dispute resolution mechanisms at a very local level, traditional leaders who are appointed.

One of the unfortunate aspects of the Liberian Constitution is everyone down to the last minor subofficial of a village is a Presidential appointee who serves at the pleasure of the President, so it is a very centralized system.

President Johnson-Sirleaf needs—granted, it is lower on the list of priorities—but she needs nonetheless to begin a constitutional dialogue to devolve power to the local areas where people can take control of their own affairs. That is part of it.

I am a big advocate in my academic writings on supporting traditional African customary laws and practices insofar as they conform to universally accepted norms. The problem in Liberia is that after more than a generation of conflict, there has been a separation, a rupture in that continuum so that many of the young people today, unfortunately, have lost contact with their rich heritage, and so customary law now doesn't carry the weight it did a generation or two ago. That is very unfortunate, but what can one do?

But we do need some efforts to reinvigorate those very basic dispute resolution mechanisms, the civil law structures. Today, if you go to Liberia and attempt to get justice on a contract dispute, you and your lawyers will run around with photocopies, mimeographs.

The last edition of the Liberian civil code is a 1950s printing at Cornell University Press. I think it would be a great contribution if someone simply helped Liberia just bring it up to date so someone could go and actually look at Liberian law instead of owning, like I do, binders of mimeographs. That is not a very efficient way to conduct a legal system.

Even the nuts and the bolts of the process are going to require a number of years, which is why the hybrid court is a good idea to at least help with the process of the rule of law at the highest levels. But the whole structure needs great assistance and attention from the U.S., from the international community, and from NGOs.

Ms. DERRYCK. Thank you for the question, Congressman Payne. When you think about reestablishing a judicial system, you have to think about the support of civil society. We are talking about a country that has an 80 percent illiteracy rate with no recent history of dealing with institutions of democratic governance and judicial decisionmaking.

The law school in Liberia is not functioning, although someone is going on a Fulbright, I think, in a couple of months. There are very few qualified lawyers, so I am wondering who will be the persons that are going to really man or person this system.

And so if we go back to the time that this is going to take, I think that judicial reform is certainly one of President Johnson-Sirleaf's priorities, but it is going to take an enormous amount of outside assistance, both technical assistance in terms of professionals, and a good deal of financial resources as well.

Mr. CRANE. Thank you, Mr. Payne. I do want to score for the record also that your personal and professional support to my office throughout the 3½ years was significant and deeply appreciated by both myself and 70 brave individuals who are and still remain there, and again, thank you very much.

You bring up a very important point. I certainly agree with my colleagues that building a domestic and a municipal court system is imperative, but maybe a little bit farther down the list of a list that is so important for getting Liberia moving toward democracy.

I do want to highlight, though, that we need to take the international crimes out of the Liberian court system so that they can build their own domestic court system. It is far too much for them and is far too much of a burden to take on Charles Taylor, his henchmen, for what they did for 13 years in Liberia. So again, we have the model. We can use that.

I would like to underscore the cultural aspect of this. One of the things that we did in our strategic plan is to build cultural solutions to some of our prosecutorial strategy to ensure that we respected thousands of years of culture in that part of the world.

And I think it is very, very important as an international community that we ask ourselves, and I am going to be doing some writing on this now that I am somewhat of an academic, and that is, is the justice we seek the justice they want? And so when we are beginning to develop hybrid systems in the future, we have to ask ourselves that question to ensure that we inject that type of approach to that.

The Chairman himself has also alluded to legacy programs which we started in Sierra Leone. I think it is very, very important. Ultimate question, who is going to train this nascent group of dedicated lawyers? We do need to have a capability of training, at the fundamental level, African lawyers, many of which who worked with me in west Africa, from all over west Africa.



I was very, very impressed with their capability. They just don't have the books. They don't have the structure by which to learn their craft or to hone their craft, so we need something like a global justice institute, something that we are going to be putting together under the auspices of a couple of universities, to include Syracuse University, where we are going to look at these type of issues and build a plan for consideration by this Committee and others to efficiently and effectively build from the bottom up a structure by which Liberia can move forward and a way that doesn't draw down from their own tenuous economic situation, but use it as a facilitator for international aid that can be used in a way that is consistent.

Mr. PAYNE. Thank you very much. Yes, I am well aware that the system in Liberia cannot handle an indictment of Taylor. I hope no one thought I was alluding to the fact if you don't have a local municipal court, you know, there is no way in the world you are going to deal with an international war criminal.

I think that you bring up a good point, Dr. Pham, about the local indigenous courts. I know in Rwanda, with the 120,000 people that were imprisoned, finally it was decided that they would attempt to do the kechacha law where it, I mean, involves a lot of 15, 20 people that become the judge and the jury, but they have been able, you know, to really reduce the number by maybe 20 percent anyway.

I mean, there are still many, many there clogged up in the prison system, but bringing in that local, traditional system where someone has to actually point to the fact that I actually did see you do that. Unless this group can do that, then that person is put into another category and then finally released. So that may be the way to go, but there has to be some semblance of a system of justice, as you have indicated.

I think the many mistakes that we have made in the past could have prevented Taylor's and other problems. You know, during 1981 after Doe and his murderous killing of the first family and the Cabinet, the United States Government gave Liberia more in foreign assistance in 10 years after Doe murdered the President—and you should indict him, too—we gave them more money than they have gotten in the whole history of Liberia.

You know, I think it is great that we have become just all of a sudden, but, you know, we get just all of a sudden and we gave a guy 10 years' more money to reward him for killing the President and the Vice President. Mind-boggling.

And in 1985 when they had an election that was totally illegal, Chester Crocker certified it was fair and free, and everyone knew that Doe and them stole the total election. So we get a point in time, we get a time freeze on the past and wonder why did things get so bad when all we have to do is review the U.S. policy to these countries and we can find out how they have gotten to be so out of line. It is absolutely unconscionable that that was our policy at that time.

Well, you know, the big issue was the Cold War and therefore they got the money because they were against the Russians or Soviet Union or the U.S.S.R. You know, I hope we don't get that way now with the War on Terror where you take a government, it

doesn't matter what they do, but as long as they are on our side, we are going to say it is all right and look the other way, and that is a slippery slope that I already see starting to develop with the dismantling of USAID.

It is all going under State Department. State Department has priorities on the War on Terror; therefore, you get the money according to where you stand, whether it is on AIDS, whether it is on the Millenium Challenge, whether it is on the rest. There will be no more USAID. It is just dismantled. It is in the State Department somewhere, just the same way the U.S. Information Service years ago was an agency and all the rest, but anyway.

You mentioned Guinea and President Conté. What would you suggest we do, any of you, since the Mano region is so important? There hasn't been a real meeting of them; just one meeting when the Reverend Jesse Jackson made them all come together about 4, 5, or 6 years ago and they had a meeting.

What do you suggest we start to do in Guinea since, you know, we can see the potential? And Conté's been on life support it seems like for the last 4 or 5 years. I mean, I don't even know if he is alive, but we know something is going to happen, and do you think that our policy ought to become a little more engaging or try to see what we can do or get the UN or get someone in the regional area, ECOWAS or something, to start intervening?

Mr. PHAM. Thank you, Mr. Payne. One of the privileges of being an academic is I get to be very frank, and I agree with you. Unfortunately, in Guinea, one of the things we do is repeat many of our mistakes.

Our strategy was for a number of years, well, he is our SOB, so we will plan for his demise by arming a Special Forces ranger battalion that will seize control. The problem was then we got diverted into another conflict, and so he wanted another battalion, so he hired the Chinese to give him one, so now there are two battalions that will fight it out. So the strategy didn't quite pan out.

But the problem is we don't have a strategy for Guinea. Civil society is essentially dormant in Guinea, and with some little bit of assistance, we need to start helping them grow themselves. We don't have that strategy right now. It is sort of forgotten. That needs to be pushed. The solution ultimately has to come from within Guinea, but some resources would go a long way toward that.

We also need to take a look at the balance of forces in the area. You know, we have transferred arms to Guinea in the past. Some of those arms then replaced arms which went into the Liberian conflict. We need to reassess that.

We had relationships, fortunately, because of that training period. Now I think the Department of Defense should be encouraged to use the relationships they do have to emphasize the United States will not look very favorably upon any of these gentlemen engaging in a power grab in a few years. And so we have to start building a strategy and a dialogue on that. We haven't done so.

Fortunately or unfortunately, General Conté is still with us, so we do have a little bit of time, but the window is very narrow, and we need to move in that direction.

Ms. DERRYCK. The Mano River Union figured fairly prominently in the election and the inauguration. The Mano River Union has

a women's component. They sent observers to both rounds, to both the first election and the run-off. And about 200 Guinean women drove to Liberia for the inauguration.

And in one meeting—the Mano River Women's Union meets two times a year—it was suggested and President Sirleaf agreed to boost the number of meetings. So I think that her presence with the other two heads of state is going to change the equation and she is going to put some attention to that.

Mr. PAYNE. Let me ask, and I was getting ready to ask you a question about women, and you kind of threw that in, which is fine, kind of leading to the question. Do you feel that in Liberia, there is an opportunity to use women? I know in other countries, women, you know, have been the engine of small business, micro-economies. Do you think that there might be a special move to organize women? Or will women, in your opinion, just be motivated to become more of a significant factor in Liberia?

Ms. DERRYCK. I think that women definitely will continue to be a significant factor in Liberia. Women were very active even in the 1997 election. They organized. They made sure that at least the Unity Party had a platform, a solid platform.

And in the, what, 8 years that have passed, they have just become better organized and so you see there is an association of women lawyers, there are civil society groups, there are associations of women businesspersons.

All of them I think understand very, very well the importance of participating in the rehabilitation of the country. In terms of politics and the political process, women are essential to some of the key institutions: The National Election Commission, there are Supreme Court Justices that are women, the new minister of finance is a woman. All of these women are qualified.

And it doesn't have anything to do with, you know, gender preference, but by the fact that they are qualified, it has a multiplier effect. And you hear now young women, particularly expatriate Liberian women in the United States, young women here in the United States talking about the fact that they want to go back and participate in the economic and political revival of the country.

Mr. PAYNE. Let me just ask you, Mr. Crane, is there still funding for your Special Court, for it to remain active, or is it dormant, or how does that work?

Mr. CRANE. As you well know, we have gotten tremendous contributions, both fiscally as far as goods and services as well from all over the world, 31 countries, United States clearly one of the leaders in providing funding.

As I stated, the Special Court really can account for all of its money, to include U.S. taxpayers' money. We have come in at largely around \$25 million a year versus \$125–\$130 million a year for our sister tribunals in Rwanda and Yugoslavia doing the very same type of mission. Now we are not trying to criticize, it is just a fact.

We had a plan, we had a budget, we worked the budget, and at any one given time, as we did over the past 3½ years, we showed this Committee where we were at any one time.

Bottom line is simple math. We need about another \$26 million to finish the work, and there is a shortfall of certain monies. And

if the U.S. gives that \$13 million versus what I heard mentioned today, clearly outside of the intent of the Congress, it would not be able to complete its work.

So again, it has been coming in on the average of about \$25 million. It needs \$26 million to finish its work in 2006. And we have had various pledges. This Congress clearly stated \$13 million. I remember meeting with several of you on both sides of the building talking about that this past summer, one of the last official acts that I did before I left my office, that the bottom line is we needed \$13 million.

And I would strongly urge that, you know, we are at 25 miles in a 26-mile race and we have worked all of this together. We do have this small shining light in west Africa that is just about done. We can't all of a sudden decide to pull back the important funding before we let it just do its work, not only just the current trials, but then also Charles Taylor.

I do want to underscore that that \$26 million factors in a prosecution of Charles Taylor this year, so it is not all of a sudden we are going to be coming back to you saying, "Oh, by the way, we actually in our plans stated that this is what we would need." So you are not going to see a massive amount of money needed for this particular fiscal year, but we do honestly say that the \$13 million will get us pretty much across the finish line.

Mr. PAYNE. Well, I certainly support the trying to find the funds to do that, and I think it is very essential and important, and even not only for a year but as long as it takes.

You know, I often mention that, you know, they just deported someone last year to go back to Germany to stand trial for atrocities in the 1930s and the 1940s, and so my feeling is that you know where Taylor is and we know where he can't go. We know that villa and that house that he is in and that cell phone he is on, and we need to keep him in focus.

However, as I indicated before, and I will conclude, when you mentioned, Dr. Pham, why the number of troops and police is simply they took the amount of money that we were willing to put up and they divided that in and that came up with the number. It had nothing to do with the real threat assessment. It is just what we are willing to spend. And 2,000 troops and 3- or 4,000 police, whatever the number is, is not adequate. It is really a formula to fail.

But the reason it is the number is because that is all we are willing to put up and that is that. And I think that Ellen's life is definitely in danger just because it is a pretty tough—you know, they call her the Iron Lady, but she is in a pretty tough neighborhood.

And no one could be more courageous than Dr. John Garang, and we tried to talk to him about having better security, having his own plane traveling. We tried to get our Government to train some people to protect him, and, you know, I went to his funeral 3 or 4 months ago.

And so I have this position that we have to get Taylor, but we also have to let the President evaluate these, as Ms. Derryck said, these fragile institutions, almost nonexistent, and I think it is noble that we take a person who has wreaked so much havoc on the section of a continent. Certainly needs to be prosecuted, convicted, and whatever the penalty, let that be the penalty, because

I hate to prejudge, but it is clear that he is guilty, and so he should get his just due.

However, I would hate to see the several 3 or 4 million people of Liberia once again, that we have won over a major goal and that we are unable to do all of these other things that have to be done in order for that country to survive, and I hope that President Sirleaf-Johnson is having some palace guard, so to speak, that can be loyal for her own protection, I mean, period.

It is vehicles that they have to travel in, planes that they have to take, these are all very, very serious considerations. We told Dr. Garang, get your own plane that you keep protected. The plane was the plane from another country that he was on. And so, like I said, this is a very, very serious thing.

And I think we have to at least put a floor and some stability in that country to get a traffic light working or maybe just a street light. Forget the traffic light. You can't drive fast anyway because the streets are all messed up, so you don't have to worry about speed.

But if we could do first things first, keep Charles under surveillance, and then perhaps a year or so from now or whatever, whenever the government can at least get a Cabinet, at least get some firmness, then I think that—and I don't even know the process, whether she will have to present it to the legislature and they will have to vote, whether she has the executive authority to say turn him over, there is a lot—and once that debate begins, too, that is where my reluctance is to have her firmed up at least for 6 months, a year or something, to get something straight, because once the debate goes, it is going to be the overriding debate.

Now I agree that the quicker you get rid of Taylor the better. However, I also believe that you are going to have to be able to have some kind of government to function so that you just don't get totally, you know, totally derailed, and I don't think anyone here feels any more strongly about Taylor. I know Ms. Derryck was deposed even before he got to Liberia. However, I do think that we have to really consider all things and we also have responsibility to the President, who is sitting out there almost alone.

Ms. DERRYCK. May I just add one final thought about Charles Taylor and Liberia? As I said, I was there for both the first election and the run-off and the inauguration, and met with lots and lots of people, and no one seemed to take Charles Taylor as a priority, even other candidates when we would ask about him. He wasn't the priority.

The priority was first winning the election, but secondly then reconciling and moving the country forward. The concern was about, what are we going to do about the financial straits in which we find ourselves? And I think particularly for women, who are thinking more about the future and about economic development and about schools for their children, the resolution of Taylor was something that would be in the distant future.

Mr. CRANE. If I could just make a real quick comment here, that although I don't disagree with the new President, who I am very encouraged about her attitude and her perspectives, the removal, immediate removal of Charles Taylor will take that entire thought process out.

This is an international situation, not a domestic situation. It has gotten balled up in the Liberian domestic situation because, as a matter of policy, President Obasanjo of Nigeria made it that. But these are international obligations under an international arrest warrant and an international indictment.

The fact that she simply agrees with the fact that the international community stated under international law that he has to be turned over is not going to have an impact on Liberia as far as its ability to move forward as a new democracy.

I am very, very concerned that this individual who we know for a fact has meddled, continues to meddle, and will want to continue to meddle, he is a streetfighter, sir, and he will survive until he is finally put into some type of appropriate detention.

So the future of Liberia is Charles Taylor, and if we do not in fact do something about him by just handing him over under an international arrest warrant, then I am very, very concerned personally for what I see as the potential for success in that part of the world.

Mr. PAYNE. You know, if I thought that it was that simple, I would, too, say let us do it tomorrow. There is no way in the world you can divorce Charles Taylor, who is the former President of Liberia. I mean, it is not like he was president of the OAU or something, I mean, and his crimes went outside of the country of Liberia. As you know, it was in with RUF and Sierra Leone and dabbled around in Guinea, et cetera.

But he is the former President of Liberia, and there is no way you can divorce the fact that that is going to have a direct impact on that President, that country, the discussion.

And the reason that I have taken the position—and it is certainly contrary to practically everyone. You get everyone saying, “Get Taylor now, that is the number one thing, and Payne, what is wrong with you? We thought you were a good Africanist, you know. What is this soft-on-Taylor thing?”

It is just that I have talked to Liberian-Americans, and as Ms. Derryck said, we have had meetings of hundreds of them, leaders from all over the East, and their whole reluctance is, let us get a little footing going, and they all hate Taylor because they are out of the country because of Taylor, many of them.

You know, they are refugees. They are still trying to get status changes, trying to prevent from being deported back, you know, change the protected status, and my offices, they line up outside, inside to try to get that, so I honestly, I know how traumatic it is for Liberian-Americans or people who have come here out of political refuge.

But almost to the person, they are saying we have got to get Taylor. However, can we get our country’s water running, can we get the lights on, can we get a policeman downtown? And not only outside the country, but even in Liberia, when I have asked these questions about that, it is, it is something we have got to deal with maybe next year, you know.

And it is a natural thing to try to put off something that is very difficult, you know. Women go to the doctor when they don’t feel well, but men stay away. You know, they don’t want to hear the bad news, so they just die in their sleep, you know. But, you know,

it is something that we have got to come to grips with. There is no question about it. But it is going to be more than just, he is some international criminal, and even though he is going to this other country, it has got to start in Liberia.

Mr. SMITH OF NEW JERSEY. May my friend yield?

Mr. PAYNE. Go ahead. Yes, sir.

Mr. SMITH OF NEW JERSEY. Just one of the concerns I have and perhaps you might want to comment on it, is that he may be planning his next move as he sits in Nigeria. And that is why I asked Secretary Frazer, you know, what do we have in terms of whether or not he has violated the terms and conditions of his ouster and his asylum in Nigeria? And as you and a lot of us have said, you know, what do we know that he is conveying by cell phone or any other means of communication?

And as you said, Mr. Crane, you know, if he seeks to make a re-appearance, will that be a spark that leads to—I mean, my sense is that we had the same kind of problem with Milosevic. So long as Milosevic sat in Serbia and not in The Hague in the dock, the ability to reignite the agony of the former Yugoslavia remained. And in terms of order of magnitude, Charles Taylor has committed even more gross atrocities than Slobodan Milosevic committed, and he committed horrific crimes against humanity.

And I think part of what we should seek to do is find some way that, you know, the conveyance, the extraditing of this alleged war criminal or crimes against humanity, Charles Taylor, can be effectuated with the least amount of visibility on the part of the newly-elected President, Johnson-Sirleaf, because even though we are providing as a government some protection for her, it is still not enough. But I think there needs to be this cry, and this is where the other African leaders can be so helpful, by being more visible rather than less, because they weren't just elected with an absolutely divided Congress, Senate, and House, as you pointed out so well, Dr. Pham. So, you know, that is what I think ought to be our goal.

But the longer he is allowed to remain in exile, I think the more he is able to mount a comeback, because, you know, these maniacal individuals don't lose their illusions of grandeur and of regaining power and then reimposing all of the hate and the cruelty that they did formerly.

Mr. CRANE. If I may make just a very small point, Mr. Chairman. The Special Court for Sierra Leone can finish its work in less than 5 years. It is important that we do that because the Presidential elections in Sierra Leone are going to be taking place in 2007, and we would like to be done with our work or pretty much done with our work so that the court and international justice does not become a campaign issue in Sierra Leone, so that I take Mr. Payne's points well.

I don't disagree with many of the points that he said. However, the Special Court needs to finish its work and get out of Sierra Leone so that the democratic process in Sierra Leone can move forward.

So if we wait a year, respectfully, we will run smack dab into it, and then we will start politically unraveling and we will have a situation like we had in Rwanda where we had a nonsupported sit-

ting government toward the international tribunal and we all saw what kind of challenges that began to develop.

What we really don't want to see is what we believe to be a fairly successful model being thrown out of Sierra Leone because of a new President or it becomes a campaign liability for the sitting President. So again, as you well say, it is not black and white, particularly in the Mano River Region, and so these things have ripple effects. So I would just point that out respectfully.

Mr. PAYNE. Yes. Just the final part is that, you know, the whole Liberian situation is so different than all the rest because the United States, you know, was directly involved in the agreement, so to speak. In other words, President Bush said we will not send any U.S. soldiers in until Taylor leaves.

No one was saying send thee here, so to speak, so the question was well, who can you get to take him? And no one wanted him and it had to go and really pressure a country to take him, and so another debate that comes up is, well, what did they say and when did they say it?

I mean, I had, you know, Ambassador Gita up there even though we had an Ambassador, but he was doing the negotiations. It is really unclear. I have asked several times, well, what was the agreement? Well, the agreement seems to change. Well, Obasanjo thought that the agreement was this. I didn't want to take him, but I will take him, but then a legitimate government has got to ask for him.

What is the legitimate government? Is that the President just saying he should be sent to Sierra Leone? Do you have to go through a democratic process and then you get into a debate about, you know?

So see, the unfortunate part is these secret—you know, and then they went and scooped him and threw him in a plane, which I agreed to get him out of the country, because I thought that if it was a shootout, as we had the discussion when you sent the indictment to him over there in the middle of Ena Noor, I said what in the world is this guy Crane doing? My God, you should have heard me.

I said whoa, I mean, it is great to indict a guy, but we don't want him to go back and get in a corner of Liberia and say well, they are going to get me and I am going to just fight to the death, to the end, and have, you know, a whole bunch of people, as you know is possible, to end up fighting to the death of these groups, the lured and the rest, that were going at each other. So I thought well, it is great to get him out.

That is what I suggested we do with Doe back in 1991, take him out somewhere, and that would have ended the conflict, and so I didn't disagree with him getting out. I mean, they didn't ask me anyway, but, you know, that was a Presidential negotiation from the State Department.

So the thing is very complicated. It is he said, she said, what is the agreement, how do we get out of it, who calls the shots? And it is certainly something that I do believe that it is going to come to a positive resolution, just don't know how. I think it is going to be sooner than later. I just think that we have got to at least let her get her foot on the ground, so to speak.



Yes?

Ms. DERRYCK. Mr. Chairman, Mr. Payne, it seems to me that we all have the same goal here, that everybody agrees that we want to get Charles Taylor brought to justice in Sierra Leone. Maybe it is a question of sequencing, but from the perspective of a sustainable development professional, we need to give this new government robust resources and let them have a success.

The President has talked about 150 days. Give her that and give her enough resources so that she can go to her constituency, to the population, and demonstrate something tangible. Then, with that under her belt, then she is in a much stronger position to begin the dialogue that will lead ultimately to Taylor's removal to Sierra Leone.

Mr. PAYNE. I couldn't agree with you more. Give her some successes. Have her win the confidence of the people even if it is short-term, 3 months, 6 months, and then she could have the authority to then be able to make a bold step. I think that that would be something that could work.

Mr. SMITH OF NEW JERSEY. Assuming the honeymoon lasts.

Mr. PAYNE. Yes. Right.

Mr. SMITH OF NEW JERSEY. I mean, that is what we all hope.

Thank you so much for your extraordinary work and giving us the benefit of your expert insights, which we will now take and use in terms of our business of the Subcommittee, so thank you so very much. The hearing is adjourned.

[Whereupon, at 3:45 p.m., the Subcommittee was adjourned.]

