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Institutional Arrangements in Post-Conflict Contexts: the Land Commission and the Governance Commission in Post-War Liberia

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INSTITUTIONAL ARRANGEMENTS IN POST-CONFLICT CONTEXTS: THE LAND COMMISSION AND THE GOVERNANCE COMMISSION IN POST-WAR LIBERIA

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Abstract: The paper analyzes the role of the Land Commission and the Governance Commision in the post-conflict institutional and political landscape in Liberia. Problems related to land still have a high conflict potential in the country, and are interconnected with different fields and aspects of peacebuilding and development. Bad governance is frequently mentioned as one of the causes of the civil war, and governance reform is a large-scale, ambitious project with a crucial impact on the way the country will be administered in the future. Both issues are highly sensitive and belong to the very core of state sovereignty. The paper focuses on the similarities and differences in the functioning of these two bodies in the context of power relations that shape the current political landscape in Liberia, especially with regard to the involvement of internal and external actors.

Key words: *Institutions, post-conflict, Liberia, land, governance reform*

Introduction

Post-conflict contexts represent an excellent setting to observe the creation and functioning of political institutions. Old institutions are being reformed, new ones being established. There are many different actors involved in the shaping of the institutional landscape – internal (national government, civil society) as well as external ones (UN, international community, foreign governments, donors, or INGOs). Institutions represent arenas, where these actors meet and interact, and the institutional environment is at the same time affected by their interests and the power relations between and among them.

This contribution analyzes the place of the Land Commission (LC) and the Governance Commision (GC) in the post-conflict institutional and

political landscape in Liberia. Land issues still have a high conflict potential in the country, and are closely interrelated with different aspects of peacebuilding and development. A crisis of governance is frequently mentioned as one of the causes of the Liberian civil war (Ellis 2007; Sawyer 2005) and governance reform is a large scale, ambitious project with a crucial impact on the way the country will be administered in the future. Both issues touch on the very core of state sovereignty, which makes them highly sensitive in the context of the peacebuilding exercise, a project to a large extent led by international agencies according to the premises of the ruling neo-liberal paradigm.

This paper focuses on the similarities and differences in the functioning of the Land Commission and the Governance Commission, especially with regard to the involvement of internal and external actors in the context of power relations that shape the current political landscape in Liberia.

After an overview of the theoretical debates about the post-conflict reconstruction and its institutional aspects, we will have a look at the past and present situation in Liberia. Then, we will discuss the place and the relevance of the governance and land issues in a Liberian context, describe and analyze the institutional arrangements around them, and see how different actors negotiate and assert their interests in these fields. Finally, we conclude by drawing some remarks on similarities and differences between the GC and the LC, and on how they negotiate their ways in the context of power relations among the actors on the Liberian political landscape.

The primary data for this paper was collected as a part of my PhD research on the actor-interaction and institution-building in post-war Liberia during five months of field work in 2012 in Monrovia, Liberia. They stem from 25 expert interviews with the representatives of the UN, Government of Liberia, local and international NGO staff and civil society representatives, as well as from numerous informal conversations and observation of the institutional environment of the Land Commission.[1]

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1   Thanks to the kind support of the staff of the LC, I was able to attend several meetings of the Policy Taskforce and Land Dispute Resolution Taskforce from April to June 2012. The GC holds no comparable meetings that one can attend, so the information about the GC come only from the interviews.

Post-conflict reconstruction: general debates

The concept of post-conflict reconstruction emerged in the early 1990s, referring to the processes of capacity-building, reconciliation and societal transformation after a violent conflict. In the Agenda for Peace, UN Secretary General Boutrus-Ghali defined the term as an "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict" (Agenda for Peace 1992). The concept of post-conflict reconstruction is usually employed interchangeably with the term peacebuilding, in both cases referring to "building confidence among previously warring parties, developing the social, political, and economic infrastructure to prevent future violence, and laying the foundation for a durable peace" (Doyle and Sambanis 2006: 11). As Jeong argues, the process of post-conflict reconstruction should "enhance public security, generate economic recovery, facilitate social healing, and promote democratic institutions" (Jeong 2005: 12-13).

The concept has been recently criticised for its indiscriminate promotion of the liberal-democratic perspective, market-based economy and good governance as panaceas in post-conflict societies (see e.g. Paris 2010, Mac Ginty and Richmond 2009), and even accused of neo-imperialism from the side of international agencies and rich countries of the global North (Newman, Paris and Richmond 2009). The critiques, however, have not provided any viable alternative to the current model.

Apart from the change at the macro-level (e.g. in economy or governance), the peacebuilding exercise also aims to achieve a transformation at the personal, individual level, to change people's behaviour in how they deal with conflict. As such, peacebuilding can be perceived as an ambitious social engineering exercise (Sharon Abramowitz, informal conversation September 2012). The literature on peacebuilding has so far focused on the single actors (UN and peace-keeping forces – Adebajo 2002; Richmond 2002, 2004; Chesterman 2004, role of NGOs – Neubert 2004; Gaer 2003), or particular aspects of the reconstruction process and regulatory institutions, such as elections (Belloni 2004; Call and Cook 2003), security governance, DDR[2] (Smith-Höhn 2011; Alden 2002; Knight and Ozerdem 2004; Bryden and Hanggi

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2   Demobilisation, disarmament and reintegration.

2005), transitional justice (Lambourne 2009; Campbell-Nelson 2008; Laplante 2008; Kerr and Mobekk 2007) etc. in general. There are also case studies, with the focus on suitability and compatibility of institutions with the local context (e.g. Sriram, Martin-Ortega and Herman 2011 for examples from Africa). However, despite the substantial role national institutions and the actor interaction within them play in the implementation of the peacebuilding reforms, there has been little attention to them. This paper aims to fill part of the gap, focusing on two fields of reform, land and governance, and the respective institutional arrangements around them in Liberia.

Liberia: background information

The civil war in Liberia started in 1989, when the forces led by Charles Taylor marched to Nimba county from neighbouring Côte d'Ivoire. The conflict lasted until 2003[3], when the Comprehensive Peace Agreement (CPA) was signed in Accra.[4] Since that time, the post-conflict reconstruction process under the guidance of the international community, most importantly the UN, has been in progress. After the common initial focus on the demobilisation, disarmament and reintegration of former combatants, the broad process of peace consolidation began, with a wide range of objectives in the fields of security, governance, the rule of law and general socio-economic development. A peace-keeping mission United Nations Mission in Liberia (UNMIL) has been deployed in the country since 2003, functioning as the main security provider. The mission is currently in the middle of a "reconfiguration", downsizing the military element and preparing for their future withdrawal.

Liberia faces similar challenges to any other post-conflict country. Most of the infrastructure was destroyed during the war, over 1.8 million of the Liberian population was displaced or fled to other coun-

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3   The conflict is usually divided into the first and the second Liberian civil war. The first one ended by a peace accord from Abuja in 1996 and was followed by an election won by Charles Taylor. In 1999, the fighting resumed and lasted till 2003.

4   For a classic work with an excellent analysis and detailed history of the conflict, see for example *The Mask of Anarchy* by Stephen Ellis (2007), or Morten Bøås (2005).

tries.[5] Health care and basic services are slowly recovering,[6] but the situation is impeded by overwhelming unemployment and widespread poverty.[7] The reconstruction process is further complicated by a limited national budget and an extreme scarcity of qualified professionals on the Liberian side. Although there are financial resources and foreign professional staff pouring from the international community, these resources are largely missing on the domestic scene.

Governance and peacebuilding

A lot has been written about the importance of good governance reform in the post-conflict situations, especially with reference to Africa (Sriram, Martin-Ortega and Herman 2011; Jeong 2005, Doyle and Sambanis 2006). Good governance, a concept increasingly popular since the 1990s, generally refers to "the manner in which power is exercised in the management of a country's economic and social resources for development" (World Bank 1992). The World Bank further defines the term as including elements of transparency, accountability, government effectiveness, the rule of law, and independence of the judiciary (Kaufman, Kraay and Zoido-Lobatón 1999).

Governance reform has become an inseparable part of post-conflict packages (Jeong 2005, Doyle and Sambanis 2006). However, Sawyer notes that especially in post-conflict countries with the social fabric torn by violence, the initiatives to build state capacities are inappropriate for the situations, where the state has often been a part of the problem (2005). Implemented in a hasty, un-coordinated manner, governance reforms can lead to the replication of old orders or "pursuing great ideals without framing them in appropriate institutional arrangements" (Sawyer 2005: 139). In addition, the concept is related to a specific notion of politics and state, derived from the Euro-American political tradition, promoted as a model suitable for other countries, regardless of their history, political culture of socio-economic context.

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5   The displacement reached its peak in 1994, where there were estimated 1.1 mil of IDPs and 780,000 refugees. World Refugee Survey, cited in Sawyer 2005.
6   The recent outbreak of Ebola in the region are difficult to estimate, but will certainly deal a heavy blow to the country's recovery.
7   According to the estimates of the European Commission, in 2012 76% Liberians lived under poverty line of 1$ per day, 52% in extreme poverty under 0,50$ per day (http://ec.europa.eu/europeaid/where/acp/country-cooperation/liberia/liberia_en.htm)

Bad governance is frequently mentioned as one of the causes of the Liberian civil war (Ellis 2007, Sawyer 2005, interviews Monrovia, April-June 2012). The concentration of power in the hands of a small Americo-Liberian elite[8] in the capital, the neopatrimonial practices of governance, the plundering of natural resources, financial mismanagement, marginalization and exclusion of large segments of the population – all this contributed to the growing frustration that eventually led to the violent conflict.

The history of 150 years of highly centralized and autocratic presidential rule has left Liberians with a monocentric mindset, with the state viewed as a provider and producer of development for its anonymous beneficiaries (Sawyer 2005). The beginning of the presidency as a personal cult can be traced back to President Tubman's time in office (1944-1971). Samuel Doe, who overthrew President Tolbert in a *coup d'état* in 1980, introduced the military as a political force in Liberia, and installed a rule of brutal dictatorship. His successor Charles Taylor continued in the same fashion. Compared to her predecessors, the current President, Ellen Johnson-Sirleaf, represents a return to democratic rule, although the regime is still far from being a showcase of liberal democracy. Endemic corruption, a lack of transparency in the management of public funds, and widespread nepotism are the most cited shortcomings of the current government (see e.g. Freedom House Report 2014 that rates the country as "partly free").

The Governance Commission

Governance reform was first proposed in the Comprehensive Peace Agreement (CPA) in 2003. Article XVI of the CPA established the Governance Reform Commission (GRC), a predecessor of today's Governance Commission. GRC's tasks were envisaged as the promotion of the principles of good governance, ensuring transparency and accountability, plans for the reform of public sector management and decentralization.

The general objectives in the field of governance and the rule of law were later listed in the Poverty Reduction Strategy (2008), a framework

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8   The Americo-Liberians are the offsprings of the freed slaves from the USA, who came to Liberia at the beginning of 19th century.

document setting the outline for the post-conflict reconstruction.[9] The goals in the governance sphere include enhancing participation, building effective and efficient institutions, and other goals more closely related to the rule of law (Poverty Reduction Strategy 2008).

The support of good governance is the focus of many programs and projects led by the international partners. However, the Liberian government, or, more specifically, the GC has the main word in the design of the whole reform and choice of priorities. The GC functions as a think tank for the executive, providing recommendations and suggestions for new policies. The enforcement of the changes, however, depends on the executive and legislative branch of the government.

In 2007, an Act of the Liberian National Legislature established the Governance Commission to continue the work of the Governance Reform Commission in maintaining "a holistic system of good governance that is inclusive, participatory and just, and which promotes national oneness, sound public sector management, efficient and fair allocation and use of resources, and a culture of honesty and integrity" (Governance Commission 2013).

There are 28 professionals working for the Commission, with five Commissioners,[10] working in their respective mandate areas: political and legal reform, national integrity, civic engagement, public sector reform, and monitoring, evaluation and research. Most of the agenda of the Commission requires a long-term engagement and is therefore at the beginning. The most advanced project of the Commission is currently decentralization[11]. The decentralization policy has been

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9 The Poverty Reduction Strategy (PRS) served as a roadmap for the development of the country. It was put together by the Government of Liberia in collaboration with international agencies and was subjected to a consultative process throughout the country before its final approval. In 2012, the "Vision 2030" succeeded and replaced the PRS as a long-term strategy with an objective to achieve a status of a middle-income country in 2030.

10 The Commissionners are appointed for four years by the President, with the advice and consent of the Senate, with a possibility of one reappointment. Moral integrity, professional competence of the candidates, geographical and gender representation should be taken into account in the nomination process (Republic of Liberia 2007).

11 Another initiative under the auspices of the Commission is the review of Liberian national symbols, launched in 2014. The project should foster reconciliation by discussing questions related to national identity. Although it has an undisputable symbolic value, it was also received with wide scepticism. Many citizens argue that

finished since 2010, waiting to be passed into law. However, the path from policy to law, and finally to its implementation is not always a short one – the "Local Government Bill" was passed to the President in August 2013 and is still waiting to be discussed in the Parliament (Zanker 2014).

The chairman of the Commission, Amos Sawyer, has been involved in the political and reform processes in Liberia since the 1970s and is also engaged in academic work. He represents a figure credible for the external actors, as well as for Liberians. Following a clear vision in the work of the Commission, he emphasizes the inclusiveness of the process and consultation of stakeholders. In his academic work, apart from tracing the evolution of the Liberian autocracy (1992), he presented the idea of a suitable political order for the country, based on the theory of shared sovereignty and polycentric governance (2005).

The main challenge the Commission encounters seems to be the scope of its project in combination with the lack of financial and human resources. The body also has very little political power and influence. Similar to the Land Commission, its task is to provide recommendations and policies, not to make decisions or to implement them.

Although the GC reports on its work directly to the President, the level of explicitly articulated political support is far lower than in the case of land issues. The position of the Commission is further complicated by its unpopularity with the legislature. The GC works on sensitive issues, in many cases touching and pointing to existing practices in politics, which sometimes means "stepping on people's toes" (Interview with a GC employee, Monrovia, November 2012). A typical example showing the position of the GC in the political system is the approval of the Code of Conduct – a document submitted to the legislation in 2007, that was passed into law only in May 2014.[12] There is also a sense of animosity from the side of the ministries, who feel threatened by the suggested reforms, since the reforms are often perceived as attempts to interfere in their exclusive sphere of influence (Sawyer 2009).

there are more pressing issues related to basic needs of the citizens to be resolved (e.g. employment, basic infrastructure etc.) and discussing national symbols is not the order of the day (Executive Mansion 2014, Chea-Annan 2014).

12 The Code of Conduct is a guide for public servants created in order to serve as an "integrity check" and to prevent unwarranted behaviour. Among other things, it prohibits appointed officials' engagement in political activities.

Civil society represents an important ally for the GC. The Commission is trying to establish a partnership with civil society organizations (CSOs), in order to become stronger in the dialogue with the Government. At the same time, the GC tries to strengthen the relationship between the Government and civil society, so that CSOs could be consulted when policies are developed and decisions made in their respective fields of expertise. However, civil society in Liberia is still weak, and due to the lack of resources, in many cases pursues a donor-driven agenda.

Concerning the role of external support in the field of governance, international partners sponsor specific projects, whereas the Government funds the basic infrastructure and functioning of the Commission. The foreign presence within the GC is marginal. There are international consultants occasionally sent by the World Bank or the UN, but apart from them, the institution is entirely in Liberian hands. As one of the Commissioners said: "It is a Liberian institution. A Liberian problem needs a Liberian solution" (Interview with Elizabeth Mulbah, Monrovia, November 2012). There are no international observers or representatives of development agencies, as is the case in the LC.

Land and peacebuilding

The complexity of land issues in Liberia stems not only from the aftermath of the civil war, it has its roots in the pre-war system of land governance as well. There are three types of land ownership in Liberia: private, public, and the customary one. However, there have been no clear definitions of these categories[13] until 2013, when the Land Policy filled this gap. Traditionally, the land belonged to the people who settled it, who "cleared the bush" (Corriveau-Bourque 2010). Members of the community could cultivate and use the land for farming or building, but the land would not become their private property in the "modern" sense, defined by the statutory system. It would still

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13 Private land is all deeded land. Public land should be all the rest, but this category is not legally defined anywhere. Customary land rights are a special arrangment from the era of two legal systems in the country, one for the "civilized" people and another one governing the "indigenous" in the Hinterland. At that time, the Government used the system of indirect rule, with the traditional (customary) authorities in the hinterland administering the land on behalf of the state. The customary land rights are mentioned in the Constitution, but there is no definition either.

belong to the community and, in the absence of the owner, it could be claimed by other members of the community. This principle has been problematic especially in the aftermath of the conflict, where it clashed with the policy of the "right to return" – an approach, asserted by humanitarian agencies, based on the assumption that displaced people or refugees were still entitled to the land they had left during the war (The Pinheiro Principles 2005)

Even today, eleven years after the war, land is still a sensitive issue with a high conflict potential in Liberia. As one of my informants put it: "If we are to go back to war, and I pray not to, it would be because of land. The conflict over land is huge and it can spark violence at any moment" (Interview with an NGO employee, Monrovia, June 2012, see also Unruh 2009, ICG 2009 etc.). The Poverty Reduction Stragety puts land among the six key areas that "require focused attention (...) to mitigate their potential to mobilize groups for violent action" (2008: 21). It states explicitly, that issues related to land and property ownership pose a security threat, and that the security of land tenure is one of the cornerstones of the economic revitalization of the country.

In Liberia, land disputes are primarily not related to the shortage of land. Many of the issues are consequences of mass displacement during the civil war. However, there are also other types of grievances, related to the boundaries between towns or communities, or between the communities and companies that were granted large segments of land through concessions.[14] Geographically, the regions most prone to land conflict are the hinterland counties – Lofa, Nimba and Grand Gedeh. Ethnicity, as another factor that often comes into play in situations of conflict, does not generally play a significant role in Liberia, with the exception of Lofa county and tensions between the Loma and Mandingo people (Corriveau-Bourque 2010).[15]

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14 Unruh and Williams offer useful categorizations of land conflicts according to different variables. The one particularly relevant and applicable to Liberia is based on the parties of the conflict: individuals (e.g. the returned IDPs and squatters), individuals and the state, and individuals versus companies (including the large-scale land acquisitions). For other possible categories, see Unruh and Williams (2013: 546).

15 The cleavage matches a difference between the full members of the community and "strangers", who cannot access land under the same conditions (Corriveau-Bourque 2010). Apart from the Mandingo people, seen as "strangers", another group excluded from access to land are the Lebanese, who cannot own land according to the Constitution.

In the literature as well as among practitionners, there is a broad agreement that managing land issues fosters the creation of a durable peace. As such, it is widely recognized as a crucial element in the peacebuilding process (Unruh and Williams 2013). Land has been at the origins of many conflicts recently. Even in the countries where it is not the case, it is often an issue that becomes pressing when the conflict is over. Refugees and internally displaced persons (IDPs), who fled to avoid the violence are coming back, and often find their property occupied. Natural resources are being exploited to finance the war. The conflict transforms social relations, on which the system of land use and tenure has been based. In Liberia, all these aforementioned issues are relevant. About half of the population was displaced or fled to other countries. Conflict over diamonds fuelled the fighting in neighbouring Sierra Leone. The war undermined the authority of the traditional leaders (chiefs and elders), a major force in land management before the conflict. The situation was further complicated by perceived injustices in land administration and distribution from the time before the conflict, discriminating certain social and ethnic groups, which led to a deep distrust from citizens, leaving the state with little legitimacy in the post-war era (Corriveau-Bourque 2010).

There are four broad categories of problems that commonly arise in post-conflict situations with regard to land: legal ambiguity (unclarity about who governs the land, disputes about access, ownership), legal pluralism (different types of law that can be applied – e.g. customary and statutory), land disputes and land recovery.[16]

In order to make the right institutional choices in the peacebuilding phase, it is crucial to understand the political dimension of land issues and disputes. It is argued that the international community should take into consideration the local political landscape and contextualize the arrangements in it, especially to assure their acceptance. The actors involved in reforms of the land sector should understand the situation in order to see if the problems are related only to land itself or are

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16 Post-conflict restitutions of rights to housing, land and property has become a common part of the peace agreements already. A concrete manifestation of these rights are the UN Pinheiro Principles – United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons. Available on-line at: http://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf (accessed 15th July 2014).

expressions of broader issues, such as land scarcity or an inadequate land management system (Van der Auweraert 2013).

The Land Commission

In the case of Liberia, the Land Commission is the body at the center of the institutional arrangement. Its origins can be traced back to 2006, when the need to create an institution dealing with all sorts of land issues became clear during the discussions over the National Forestry Reform Law (Interview with an LC employee, Monrovia, June 2012). Shortly after that, the Governance Commission gave birth to the Land Commission, established in 2009[17] as a free-standing autonomous body with a mandate of five years.[18]

The Commission consists of seven Commissioners appointed by the President with the consent of the Senate. There are about 30 people working for the LC, Liberian nationals, as well as short- and long-term international consultants (Interview with a GC employee, Monrovia, June 2012).

There are several projects going on in different program areas – policy and law reform, conflict resolution, outreach, land use management and administration, etc. Apart from the policy reform, the biggest ongoing projects are the establishment of the Land Coordination Centers (LCC) and collection of Tribal Certificates[19] throughout the country (Land Commission 2012).

From the perspective of the post-conflict peacebuilding, there are two main lines of relevant activities in the work of the Commission: the conflict-related one, and the policy one. Concerning the latter, the

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17 It was launched in the spring of 2010 (Land Commission 2011).

18 This particular institutional form was recommended by an international consultant, based on experience with existing models in other countries (Interview with an expert on land issues, Monrovia, June 2012).

19 Tribal certificates are an expression of economic interest, a kind of permission from the authorities for a stranger to use a piece of land. They represent the first step in acquiring an officially registered piece of land, however, they do not have any legal bearing (Corriveau-Bourque 2010). Their collection should be the first step in the process of establishing the national cadastre. The system of land registration and most of the records were destroyed during the war.

land policy was finished in 2013[20]. Apart from providing definitions of the categories of land and land rights, it represents a major step in recognizing and lifting up the customary ownership of land to the same level as the private one (Land Commission 2012). At the time of my fieldwork, the Policy Taskforce was still operational, working mainly on the definitions of the three types of ownership.

The conflict-related line of activities of the LC revolves around the Land Dispute Resolution Taskforce – a more general forum, a place of coordination and information-sharing about the projects and activities of the Commission in the field of dispute resolution. The Taskforce meets regularly and brings together different governmental, civil society, and international actors. It consists of around 20 members, including representatives from UN-HABITAT, Ministry of Lands, Mines and Energy, the Center for National Records and Deeds Agency (CNDRA), the Carter Center, the Norwegian Refugee Council and civil society organizations, such as Slum Dwellers Association (Land Commission 2012). The Taskforces, as fora that bring together actors from the Government, civil society, and international agencies, are a particular arrangement, not commonly seen in other fields of peacebuilding in the country.[21]

The Land Commission is unique among the other governmental agencies in Liberia also in other respects. The first difference is in the level of financial support. With the budget that amounts to one and a half million US dollars,[22] the LC is comparatively well equipped and financed.

Another peculiarity, tangible for a researcher, is the access to the staff and information about the Commission's work, which is rather

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20 On the basis of the Land Policy, the LC has prepared the "Land Rights Bill", that has been submitted to the legislature and is waiting to be passed into law (LC: 2015).
21 There is a similar arrangement at the Ministry of Gender and Development.
22 The Government of Liberia is the main contributor with circa 1 mil USD. Other partners, such as the World Bank, UN Peacebuilding Fund, Swedish Development Agency, or Norwegian Refugee Council, add about 300-500 000 USD to the Commission's budget (Informal conversation with a GC employee, November 2014). The Government supports the core staff and operations, other partners particular projects. The website of the GC has been suspended since summer 2014, therefore it was not possible to obtain more accurate figures.

official and regulated, only illustrating the delicacy of the issue they are dealing with.[23]

Similar to the Governance Commission, the LC also demonstrates the importance of strong leadership for the work of an institution in Liberia. The Chairman, Dr. Cecil Brandy, is an astute politician, who, apart from the good relations with the President,[24] is also said to have the right personal and professional qualities for leading the Commission and a clear vision about what it should accomplish. His position is facilitated, but also complicated by the level of donor interest in land issues. Such interest brings the necessary resources that are the *sine qua non* of the proper functioning of the Commission. However, it is sometimes hard to limit the donors' influence in situations, where they tend to drive the process according to their expectations, or when it comes to a conflict between them. On the other hand, the high level of donor interest also gives the luxury of keeping the line and purpose of the Commission close to the Chairman's vision, as he can afford to say no to the projects or approaches that contradict it.

There is an unsurprising, strong and explicitly articulated interest to have the decision-making firmly in Liberian hands. Land policy, as the PRS states, is "one of the most sensitive and important policies" for economic growth but also for security consolidation (2008: 67). Although land is such a sensitive issue and there is an extreme emphasis on national ownership of the process, there is also an unprecedented level of foreign presence in the LC. Apart from the national staff, there are short- and long-term international consultants coming for specific projects. The UN-HABITAT is very much involved, participating in the majority of the meetings and taskforces. They also have their seat located directly in the same compound as the Commission, unlike all the other civilian UN agencies, residing in Mamba Point area in the town.

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23 My first informal contact was to an international consultant, who insisted on the confidentiality of our meeting, assessing the situation where "two expats discuss purely Liberian issues" as potentially problematic (Interview Monrovia, May 2012). When I approached the Liberian Program Officer, I was asked to present my letter of reference and give detailed information about my project. After the documents were examined and the Officer got the consent of her senior executive, I was asked to send my questions via email and finally granted an appointment for an interview. Other ministries are quite informal and in order to get an interview, it is often enough to come and ask for an appointment.

24 The political system in Liberia is based on the US presidential model. The President appoints and recalls all the ministers and important functionnaries.

Apart from the international institutions, there is one bilateral country partner with a strong engagement – the US. They have established their presence in the Commission through the USAID Institutional Policy Support Program, mirroring the structure of the Commission, and providing basic support in the functioning of the body. Such a level of foreign presence is not to be seen in any other ministry or governmental agency. One of my informants compared it to a "shadow Land Commission" (Interview with an expert in land issues, Monrovia, April 2012). This arrangement certainly gives a lot of space for potential influence over the work of the Commission.

Other actors involved in the work of the Commission by attending meetings of the Taskforces are the representatives of line ministries, governmental agencies and civil society organizations. Although the Government is the main contributor to the budget of the LC and publicly acknowledges the importance of its work, representatives of the line ministries and agencies rarely appear at coordination meetings. This might be caused not only by lack of interest, but also by lack of time combined with the workload, or even by a general fatigue of never-ending meetings without clear conclusions. A related problem lies in the capacities of the personnel, concerning especially middle-level bureaucrats, who are largely missing. There are qualified, competent people at the top level, but "the layer is as thin as a paper, you pierce it and there is nothing underneath" (Interview with an international consultant, Monrovia, November 2012).

Liberian civil society organizations and NGOs are often referred to as "implementing partners", which is an apt description of their role. Their knowledge of local realities and grassroots presence is used and appreciated by the agencies and organizations based in Monrovia, having little outreach beyond the capital. The usual advocacy role of civil society, as an actor standing between the state and private sphere (Cohen and Arato 1992, Habermas 1998), is not the case in Liberia. In the Land Commission, as well as in other fora, their level of participation is high, they attend meetings regularly and participate actively. The meetings are not only a means of staying informed about what is going on, but also an opportunity to network and a chance to be included in the projects of "bigger players".

Two international actors, the Carter Center and the Norwegian Refugee Council, have observer status in the taskforces of the Commission. Although non-Liberian, they are included because of the well-appreciated work they do in the field of dispute resolution.[25] They are invited to the meetings and consulted, they give advice on request, but do not lead the process.

Despite political support for the land reform, adequate financial resources and the availability of qualified personnel, the LC still has little political power. Similar to the GC, it is a body designed to give policy recommendations that has to rely on other branches of power to enforce the results of its work. It is also unlikely that its tasks will be accomplished within its mandate time of five years.[26]

Roles, interests and perspectives: diverse and complementary

Representatives of all the three groups in focus of our analysis stated unanimously that the principal role of the Government of Liberia in peacebuilding is to set priorities and to lead the process (Interviews and informal conversations, Monrovia 2012). According to the opinion of external actors, the Government is very clear and assertive in this regard. Concerning its relations with the institutions in our focus, we have already mentioned the explicit support of the LC, that signals the Government's strong commitment also to international partners, heavily involved and interested in the work of the Commission. The GC, on the other hand, as a body that might act against the interests of the Government (e.g. to limit its powers as a part of the envisaged reforms), and is not in the spotlights of international agencies, receives a far lower level of support. Although the lesser engagement could be interpreted as a strategy to weaken the institution, this is rather the case with other bodies (e.g. the Anti-Corruption Commission), not with the GC. The relation to the Governance Commission only illustrates the situation, where the Government decides of a

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25 The Carter Center, in cooperation with the American Bar Association, leads alternative dispute resolutions projects, the NRC is active at the grassroots level in the mediation of land disputes.

26 For the time after the expiration of its mandate, there are plans to transform the LC into the Land Administration Authority (Informal conversation with a GC employee, September 2014).

plethora of issues that are much more pressing and higher on the list of priorities than the GC's agenda.

Civil society in Liberia is far from being an opponent of the Government, engaged in advocacy work.[27] It often implements programs and policies of the Government, which means a complete twist of its function. CSOs try to establish more presence and connection to the decision-making level and both Commissions support them in this regard, mainly by coordinating and sharing information, but also by including CSOs as an important stakeholder in their own agenda. Civil society is also engaged in outreach activities and sensitisation on government policies, often funded by international donors.

The principal role of international partners is to bring expertise, financial and human resources to the country. These commodities are often perceived as inducements for the Liberian political representatives to accept the neo-liberal agenda, that comes with them (Informal conversation with a GC employee, September 2014). International actors work mainly on the middle level, translating the general goals set by the Government into smaller tasks and projects, ready for implementation. They insist that their task is limited to a mere support and that they respect national ownership of the peacebuilding process. On the other hand, they acknowledge that the capacities on Liberian side are often completely missing, which offers a large space for taking a lead of the process at the level of everyday functioning of the respective institutions[28].

The UN agencies, as the most visible representatives of this group with a country-wide presence, strive to maintain impartiality and the ethos of serving solely for the purpose of reconstruction of the country. However, there is a certain rivalry among them in the background, often described as an aspiration to "put up a flag" (Interview with a UN employee, Monrovia, June 2012), where each agency seeks recognition for the work it has done. Rather than to the other actors

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27 One of the reasons for not opposing the policies is that they are often engaged in the drafting of the policies and advocating for their enactment (Informal conversation with a GC employee, September 2014).

28 To assess and evaluate the extent of external actors' influence and interference properly, a more detailed, long-term ethnographic research in respective institutions would be needed. Such a study would present a very relevant contribution to the current research on peacebuilding.

engaged in the peacebuilding process, the potential competition is therefore directed inwards, to the other members of the UN family. These relations, touching upon competition at different levels and the theory of multi-level governance, reach far beyond the scope of this paper, but represent a highly interesting field for further reserach.

As mentioned above, there is just a minor international presence in the GC, that might be explained by the nature of the Commission's agenda: a complex, long-term endeavour, unlikely to yield measurable results in a near future. The Land Commission, on the contrary, represents an attractive field of involvement, dealing with issues with a high conflict potential, that can be mitigated by accomplishing the technical task of creating a legal framework and a system of land registration and management.

The direct, strong involvement of the US, the most important bilateral partner in land issues, through the Institutional Policy Support Program hints at the potential vested interests in this field. The well-known interconnectedness of land with business and investment through agricultural, logging and mining concessions in Liberia only amplifies this aspect.[29]

There are no apparent signs of competition or conflict among the actors in our focus. The division of their roles seems to be accepted by all parties, their interests do not intersect, there are no places of serious friction. The community of people involved in the reconstruction process, or, more generally in development business in Liberia, is quite small, which contributes to a better coordination and reduction of overlaps in the implementation of the projects.

A competition among the institutions on the domestic level is also insignificant. There are some feelings of resistance or objections from the executive, Ministries and governmental agencies towards the Governance Commission, as a reaction to Commission's efforts to change some of the established patterns and practices in politics.[30] However,

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29 The involvement of the private sector in fragile states has been often perceived negatively, with infamous examples of trade in conflict diamonds, illicit logging, or large scale land acquisitions. The situation starts to change slowly, as private companies also begin to see themselves as possible agents of change in the field of peacebuilding. For more details on the topic see e.g. Sandole and Staroste (2014).

30 The implementation of the governance reforms depends to a large extent on the cooperation and support of the affected line ministries and agencies. This is often

it is not grave enough to be called a conflict. As regards the Land Commission, there are no hints of competition or conflicting relations to other institutions either. The Ministries tend to take a reserved stance, with sporadic participation at meetings of the taskforces, but this can be explained by other factors, such as a heavy workload or meeting fatigue, rather than by competition.

Generally, conflicts often occur in settings, where financial resources are limited and perceived as a zero-sum game. Although this is the case in Liberia, the nature of the agenda of both Commissions and its scope, are far beyond the capacities of any other institution, renders potential feelings of rivalry or "stepping on people's toes" largely irrelevant.

Although the absence of open conflict definitely contributes to a smooth course of the reconstruction process, it cannot be overestimated and seen as the principal determinant of a successful peacebuilding exercise. There are other factors with much more significance, such as domestic, regional or international security situation, political stability, availability of financial resources, or external factors completely beyond human control, e.g. the recent outbreak of Ebola in Liberia and its close proximity.

Conclusion

The aftermath of a conflict, as a period of profound changes in all spheres of politics and society, represents an opportunity to implement a wide range of reforms that would otherwise be unimaginable. The political and institutional landscape is being reshaped and the institutions represent arenas, where various domestic and international actors pursue their interests and interact with each other.

This space for change, in the case of our analysis, for a reform of the system of governance and land tenure, however involves latent dangers as well. One of them is the potential replication of patterns or orders at the origins of the conflict. Another one can be particular interests of certain actors, shaping the reform process according to their objectives and needs.

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missing and therefore makes the implementation of the reforms problematic.

The analysis of the background and functioning of the Land and Governance Commissions has shown some features typical of the current practice of peacebuilding and its institutional aspects. The strong emphasis on the national ownership of the process clashes with the lack of human and financial resources. The need for financial support opens the door for donors' to influence the reform agenda. Similarly, international or foreign personnel that fill the capacity gap can significantly determine the everyday work of institutions and the policy-making process.

In the absence of stable institutional and bureaucratic structures, the importance of personalities and leadership increases. Both Commissions have strong leaders with a clear vision and sufficient personal and political influence for its implementation. However, both the LC and the GC are bodies without executive power, so the final outcomes of their work depends entirely on the decisions of the legislative and executive branches. In this respect, the GC has a more complicated position, due to the nature of its task, inherently raising concerns and even animosity from other players on the domestic political scene.

Governance reform is proclaimed a necessary part of post-conflict peacebuilding and is one of the prerequisites for the financial support from international institutions. The latter tend to present governance reform as a purely technical task, although its nature is, with out doubt, inherently political. Despite the fact that governance reform tries to address the issues that led to the war in Liberia, the GC does not receive adequate financial resources and political support, neither from the national, nor the international level. This lack of interest in the work of the Commission indicates that governance reform is in fact not in the primary sphere of interest of the international agencies, nor the government. This can be explained by the scope and complexity of the envisaged reform that is of a long-term character, unlikely to yield fast, measurable results. The reform goes beyond a technical task, such as the creation of a policy or a cadastre, for it includes a transformation of a mindset as a prerequisite for a profound change in the political system.

Land issues, on the contrary, are an attractive, clearly defined field, that generates a lot of donor interest and explicit political support from the executive and the international level. This can be linked to

the fact that, unlike governance reform, arrangements concerning land have direct consequences for business, such as logging, mining, or agricultural concessions. Land also has a more obvious and imminent conflict potential that is easier to mitigate, and reforms can bring results in a comparably shorter time than in the case of governance.

The findings imply that external actors can play a much more significant role than the one visible at first sight. Although respecting the opinion of the domestic political elites, they still set the general framework, which determines the process of post-conflict reconstruction significantly. Secondly, their engagement is often driven by factors other than addressing the "root causes of conflict", as the peacebuilding doctrine proclaims.

Concerning the involvement of the other actors in focus, the Government is in both cases rather reserved, unlike civil society, that uses participation in different fora as an opportunity to establish its presence and connection to the policy-making level. The US, as the most significant bilateral partner with a special relationship with Liberia, is prominently engaged in the everyday functioning of the Land Commission. In the field of governance, it is directly involved in particular ministries assisting with the management and capacity building, however not in the GC.

The Liberian case shows quite clearly, that the significance of a particular sector for the building of a stable peace in the country does not coincide with the level of political involvement. The nature of the peacebuilding exercise and, more generally, of international as well as domestic politics, determines the engagement in such a way that aspects such as imminent conflict potential, business interests, or the possibility of yielding tangible results in a relatively short time, prevail over pursuing long-term changes and the fundamental transformation in an abstract field of governance. A potential clash with the interests of the domestic ruling elite only adds to the other factors named above.

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