



# INNOVATIONS FOR SUCCESSFUL SOCIETIES

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Interviewee: Amos Sawyer

Interviewer: Graeme Blair

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BLAIR: I'm going to start the recording. Just to confirm for the tape that you've agreed to the interview.

SAWYER: *Sure, I'm all yours by my own free will and consent.*

BLAIR: I'm here with Dr. Amos Sawyer, the Chairman of the Governance Commission (GC) here in Monrovia. If we could start just by speaking a little bit about your role here and how you came to be the Chairman of the Governance Commission and sort of just the background to the work here, just briefly.

SAWYER: *As Chairman of the Governance Commission I coordinate the work of the reform agenda, and I'll explain the agenda in a minute. The Commission was set up as one of those entities established by the Comprehensive Peace Agreement in 2003. I think what we saw in 2003 with the establishment, with the Peace Agreement, was for the first time that we had been having several agreements. This is a conflict that had gone on for so long and we had many false starts. But the 2003 agreement was different because it was the first agreement in which all of the parties, all of the international actors came on board. For the first time the question of governance challenges and their role in conflict, in Liberia's ongoing conflict was highlighted. So the Comprehensive Peace Agreement looked beyond individual flaws. It went beyond the bad man theory of conflict, these were bad people doing bad things. I guess that was part of the problem, but another part of the problem was that institutional problems, institutional weaknesses, institutional flaws.*

*So the Governance Commission was supposed to identify those flaws and to recommend policies and processes to remedy them. So the Commission was established as one of, I think four commissions, by the Comprehensive Peace Plan, the others were the Human Rights Commission, the Electoral Commission and a Public Procurement Commission.*

*In 2007 after Mrs. (Ellen Johnson) Sirleaf's election in 2006, or inauguration in 2006, the Commission was now enacted into law. It was given statutory standing. So we now function under a statute passed by the Liberian legislature. Now what we do, as I said, the Commission was established to take a look at the institutional arrangements that constitute Liberia's governance arrangements and to see where some of the problems that might obtain in these arrangements contribute to conflict and how to therefore suggest reform measures.*

*We operate in a number of areas. One of the areas that has been very important has been the area of looking at the unitary state. Liberia's constitution is the unitary state and if you took a look at it, it amasses power, concentrates power in the hands of the President. Now this has been a source of problems. So how can we sort of disperse powers if you will to other centers within the system? How can we establish a viable system of local government vested with constitutional or statutory powers and that sort of thing? So we are working at that level of decentralization.*

*We are working also in the area of public sector reform with a view to streamlining and making more efficient the systems of, the institutions, the structures and institutions of government, the bureaucracy. How do we work on the bureaucracy, overlap in administration, public corporations and parastatals, that is the state-owned enterprises. Many of them were on the books, nonfunctional. People were available in them, getting salaries for doing no work. So some of them require streamlining, some require privatization. So we worked*

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*along with the civil service agency, the Institute of Public Administration on the set of issues having to do with public sector reform in the sense of working on the bureaucracy.*

*We also worked on public integrity issues. This specifically was an area of corruption. It is our work that led to the establishment of the Anti-Corruption Commission. We work in the area of land reform. In that area our work is to establish a land commission and ensure that its mandate is appropriate to meet the challenges and that it is sufficiently resourced. So we're just about finishing up on that set of challenges at this point.*

*We worked on security sector issues. In that area we worked on security sector policy as well as a strategy and along with the Ministry of Justice and a number of other agencies, civil society organizations, that part of our work is now at the implementation stage. So in all of these areas, right now we're working on some issues with civil society. I find these very interesting because we subscribe theoretically to governance as a kind of a partnership between government, civil society, private sector and all of this. Then we want to give meaning to this, to go beyond the words that sound so good.*

*What does partnership mean? What are our obligations? Is the government therefore obligated to consult with the private sector or with the civil society and if so what form does that consultation take? What kinds of responsibilities go along with consultations and therefore what kinds of capacities must exist for meaningful consultations to take place. So we're working on those issues now and I think they will be very important in strengthening participatory democracy in Liberia.*

*In all of these areas our methodology is simple. It involves engaging stakeholders, first in a process of understanding that we all sort of bring ourselves up to speed in understanding what the challenges are and through these processes of consultations we try to work out, to evolve areas of agreement and therefore areas where we can say we find common grounds as to what mechanisms or what kinds of measures should be put in place. So it can be long drawn out because the transaction cost is pretty high.*

*In this area of decentralization for example, we start off at the district level holding meetings. We send documents out, simple information about what decentralization is about. Then we follow it and have these discussions—have discussions with local people. Then move from the district level to the county level. Then we flesh out some issues and go back and have further discussions. Similarly these discussions take on, we move on parallel tracks, having a discussion with the Minister of Internal Affairs also with this, sometimes jointly. So it is a consultative, a constitutive and consultative process. So it takes some time.*

*So basically my work is to coordinate all of this as Chair. We have a commission with five members, the Chair and four members. Each member has oversight over one or two areas of work. Then we bring in experts or we have on staff senior program managers who themselves have some expertise in the area. They do a great deal of the technical work.*

BLAIR: Our primary interest is in how the political coalition is built around each of these reforms and then how the public support is built. So maybe we could—I don't know if you want to start going through some of these in particular, we could

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maybe start with land reform because I know that you are in the midst of that right now.

SAWYER: Yes.

BLAIR: What are the groups that are key to getting behind you and being able to do this work? I mean this is very contentious stuff.

SAWYER: *It is. We have three constituencies that have to be noted. One is the local people. Each one of these we can break them down even further, but local communities, urban and rural communities. People who are in farming communities or who are in urban communities, but you know people who need land for their survival, for livelihood.*

*Then we have the government folks and they include local officials such as county superintendents, the local extensions of the Monrovia-based government, the county superintendent, the local land surveyor and land commissioner and those type of folks as well as their bosses and head offices in Monrovia, the Ministry of Lands, Mines and Energy, the Ministry of Agriculture, the Forestry Development Authority, all of these folks in the government including the Ministry of Internal Affairs that regulates some land issues too.*

*Then we have a set of international actors. These would include the international conservation folks. That would include FAO (Food and Agriculture Organization), the World Bank, and a number of others, some with bilateral interests in all this. So to put this land issue on the agenda, we started off by organizing a steering committee that brought all these people on board so that right from the start we began to think together as to what are the various challenges and what can we do about them.*

*Putting this steering committee together just in itself took us somewhere between three and six months, the various interests, the suspicions, who should take the lead and what directions it should take, why this person or this entity is on board and not this other one. All of that sort of thing. To give you some examples of that, getting local people involved was difficult because there's not a civil society land organization as such. So we had to work with local NGOs (nongovernment organizations) that were doing some things in land, Sustainable Development institute, Green Advocates. These are local NGOs. So we contacted them and brought them into the picture. We got the Ministry of Agriculture, Forest Development Authority and all of that.*

*So we went incrementally. First bringing the government folks together. Then bringing the NGOs into the picture. Then bringing the international community into the picture. This took us, as I say from three to six months. Very quickly we agreed that there should be some kind of a preliminary mapping of the challenges, so we organized committees and mapped out what people saw as the challenges and then moved to the next stage to go out and consult with local people on these challenges.*

*Just about that time the government was doing, the Ministry of Planning was doing the Poverty Reduction Strategy. So we piggybacked on those discussions to introduce the land issue. You know we're validating the work that we had done in-house on the challenges. Then we met in-house and when I say in-house I mean with the steering committee. The steering committee was about a total of some thirty groups so it was a fairly big group. What we did then was to go over what we learned from local communities and all that and validated what we had*

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*done. It became clear to us that this commission, the Governance Commission as it was organized could not be the entity to really address the land issues and we needed a land commission. So we decided then to organize a land commission and to get a little bit of expert help from people who had done this elsewhere. The World Bank helped us in this respect, sent us someone who had extremely, who was extremely capable, John Bruce. He has been all around the world in this capacity. So John came in and worked with us, brought experiences from elsewhere and all that.*

*As we moved to the stage of what the land commission should look like, we went back to regional consultations in the communities. At this time we were trying to refine the cluster of challenges that the commission is going to have to work with and get some idea of what kind of expertise the commission should have. This was really interesting because people were now talking about issues of access and tenure, gender issues with respect to land—very, very important—land records, administration, land management issues. They were talking about conflict resolution mechanisms on land issues and all of these.*

*We began to see where various interests sort of aligned or actually came into conflict. For example, those who were interested in the concession economy, the plantation-type economy, large concessions for rubber for example. How their interests were impinging on the interests of smallholder agriculture, people who were doing small plots. And how in some parts of this country we were really running out of land for agriculture, smallholder agriculture where the rubber culture was taking over in many places.*

*We were looking, we were running, beginning to see problems where in communal land holding systems the introduction of tree crop and tree crop bringing some long-term holdings to any individual, how that in fact played out with community ownership. That was quite a set of issues that was beginning to raise its head, especially where rubber now was expanding. You have a guy who is part of a local community and he may have gone abroad during the war and made some money and came back and went back to his community. Well, he doesn't want to do subsistence agriculture any more. He wants to plant coffee or cocoa and he wants to plant rubber. So he is taking some land away from the rest of the people for individual purposes for a long period of time. What did that mean for local communities? How did they handle those types of issues: the whole system of the duality of tenure regimes between the so-called statutory thing, where there is private individual ownership, and where there is this customary system with some kind of communal, community rights and all that?*

BLAIR: So what are some of the strategies that the governance commission or the land reform commission will do to sort of arbitrate this or institutional arrangements that will—?

SAWYER: *The first thing, the land commission is going to have to do is to gain a deeper understanding of this, We were just able to identify these problems and come up with some kind of a superficial categorization of them and a little bit of understanding. But the patterns around the country vary so much, exacerbated by war. These conflicts, some of the conflicts have taken different forms. Some of the tenure systems have changed. So understanding them from one section of the country to another, so that we move beyond a kind of impressionistic idea of what customary patterns are, idealized understanding to really what is happening on the ground. That is the first thing that the commission is going to have to do. Then they're going to have to figure a way with local people what kinds of ways to address these various conflicts. So they've got their work cut out for them.*



*Already, if you're in town here, land disputes are really serious problems. So the sooner we can get the Acts signed by the President and get this commission rolling the better it will be. Fortunately we've raised as much money as they will need to start off. The World Bank, the U.S. Millennium Challenge Account, the United Nations Peace Building Fund, the Norwegian government—all of these have contributed so that the commission can get off the ground and start doing its work. But it will, it stands in need of considerable research initially before it begins formulating policies or recommending policies, considerable research will have to be done, legal, sociological and anthropological, all kinds of work needs to be done.*

BLAIR: Can we pull it back a minute, back to the steering committee and the challenges to keeping the different government constituencies on board. What was done to arbitrate their interests and to keep them on board?

SAWYER: *OK, let me give you some specifics and practical examples. When we think about land and land challenges, we think about the Ministry of Lands and Mines and Energy, if for no other reason than it has in its name "land" and they believe they have proprietary right over land issues. So they come into the room and you can virtually hear the guy or feel the guy, see his body language saying "How dare you? Who are you to muscle in on my territory, this is my turf." So you're going to have to find a way to deal with that. So the way for inclusion is of course to put some of this, some of these challenges on his lap and say, "Look, this is what we need to do and on this subcommittee you're going to have to take the lead on this." So it is sharing responsibilities really and that's what we try to do. Far from hoarding the responsibilities, we wanted to have an agenda listed. Then say, "OK, this is the agenda and we agree Lands, Mines, you're going to chair this subcommittee to do such and such a thing."*

*The Forestry Development Authority were very enthusiastic because they had some burning problems almost right away from the start. They had started off with trying to get the logging business going again. You know there was all this problem about timber exploitation in the war. There were blood diamonds and some people were even talking about blood timber. So you needed United Nations sanctions. So right as soon as the government was, just after the government was installed, the people in the Forestry Development Authority began to put in place a new regime, a new forest law.*

*Well, sooner or later they ran into problems because the forest is on the land so there had to be some concerns about land. Part of what they were doing also involved community rights. So community land rights brings you into communal holdings and all of this. So actually they came to us and said, "Look, we've got all these problems you know. You're the guys dealing with land, what can you do to help?" So they were a willing customer, if you will. So it was easy to get the Forestry Development Authority on board as a result of their urgent needs.*

*Agriculture, we were talking to Agriculture about land issues and they had two conflicting pressures on them. One of the pressures was that they were reviewing the concession agreements for rubber, the oil palm, these plantation-style economic entities. Also in the poverty reduction strategy they had to do something about food security. So that was linked to smallholder agriculture and all that. So their own sort of cluster of problems made them also a willing customer to come on board. So having the big three, those were the really big three there, forestry folks, lands and mines and energy, and agriculture. Once we got them on board we now went into those who do land record management and*

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*land administration. So this was the Ministry of Internal Affairs and the people in Archives.*

*Then in the Archives we found that the archives were in several places. Some of this was under the Ministry of Foreign Affairs and others were at the National Documentation and Archives. So instead of reaching some decision as to which one to bring on board we brought them both on board. So at the end of the day we end up with I think 30, 40 plus groups. In the international community similarly. There was a great push from the USAID (United States Agency for International Development) to start up a titling program that they had been doing before, some place in the late '80s, or something like that. So I remember the first meeting we held, not the first meeting, but one of the first meetings. The woman from USAID said, "When are we going to start the titling project?" We said, "Yes, we're going to start the titling project but within some framework that we're going to have to agree." At the time, when we—I mean the sequencing must be important too. So we were able to keep USAID on board, especially after they brought in the AIRD (Association for Integrated Rural Development) people, as a consulting group to forestry.*

*Part of our problem here with the international community, OK, with the local folks, the problem we had was to ensure that everybody felt sufficiently an important player in this committee. For the international community the problem here was how you manage the various emphases of groups and the various approaches, which were diverse. For example, the U.S. Forest Service, working through USAID, had established a relationship already with the Forest Development Authority and they had certain things in the pipeline. At one point we received a letter that the work that they were doing had gone to the stage where they're going to be dealing with land issues and can we come to a seminar where some people were going to be here to unfold the Ugandan model of how these problems are solved.*

*Then you had a World Bank group that was coming in to do an assessment and design a land program for Liberia. So you have all these various things going on. In a way I should tell you that this kind of segmented approach still haunts the development agenda today. So we had to rein all of this in and say all right, this is what you want to do but do it within a framework. To insist that everybody who sat around that table brings his institution's program to the table. It wasn't easy getting this understanding. In some cases we had to say look, we're going to go to the President here and ask for her intervention, but ultimately we sort of got everybody on board sufficiently so that the World Bank is bringing its resources into the basket, that the U.N. is putting some resource into the basket. The U.S. resources will not be put into the basket, but will be coordinated with the basket. So we are now at the stage where we're looking at the general lay of the land, if you will, and to see whose money is going to do what on this program.*

*We were able to get them all to agree that nobody is going to run ahead with any aspect of this until the Land Commission is organized. So it has been one of our most successful coordinations where the international component, the national component, and the local component all have come together and we're reading from the same music sheet. But, we can only do so as long as there is some movement in organizing this Land Commission. If we don't get the Land Commission soon, or if we got the Land Commission and don't get the right people on it, that's another big challenge.*

*Across the country people are cynical about government officials. When we talk about land issues they say yes, we need some people to look at this, but there*

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*must be people we can trust. If you ask them, can you find people who you can trust they say one, one, one, one, one, every now and then you can find one. So there is a huge problem here of credibility and of legitimacy. So that's a challenge that is now on the President's plate because she has to appoint these people. If she doesn't do it right local people are going to have a problem in that they will not see the Commission as being credible and I think the international community will respond, they will not put the resources forward for a Commission that does not seem to be credible. So this is where we are.*

BLAIR: So what is the way to make it credible? What is the right way to find the right people?

SAWYER: *The way to move forward, I think there are two ways. One is for a vetting process so that if there are seven people, we'll find some way to go back to the local communities around this country and ask them such that we come up with a short list or so. Maybe a short list of 28 people recommended across the country and sort of go through some vetting and then go back with fourteen names, that sort of thing. It should take some time but I think if it is some through some process, some bottom-up process it would work. Or if the President feels that this would take too much time, she then can float say twenty names or so and let people respond to the names and do some selection. But it would be difficult for people to work with a Commission that it didn't think was credible.*

BLAIR: It sounds like building the sort of public constituency for the reform is very important.

SAWYER: Yes.

BLAIR: What has been the—you talked a little bit about the workshop in the counties would you talk a little bit more about the strategy for getting people on board as part of this?

SAWYER: *Let me just first say that there is always here a kind of a tension, a tension between the time it takes and the transaction cost of building these constituencies and deepening the legitimacy of these processes among the people on the one hand and the benchmarks and deadlines of both the government and the international actors, particularly the international actors. So we will have a guy come from IMF (International Monetary Fund) and says so where is your Anti-Corruption Commission? And we say, well, we're working on it, we're holding this consultative meeting in Voinjama next week. And they say that's good, but when are you going to have your Anti-Corruption Commission? Well, look, we have all these other things going on. Yeah, it sounds good but what day are you going—you know, he wants, he has a clipboard of things and he wants to check something off there to say this is where people are.*

*Now I can understand that there are some pressures they have themselves, but the tension between coming up with some kind of a mechanism, or some kind of a decision on the one hand, and the process that this required, if it is going to be legitimate and supported by the people, I think is something that has to be noted every time we do this kind of business. But the question you raised about on the ground, how we proceed; there is no one strategy. I wish we had in this country the kind of opinion sampling, the scientific opinion sampling capabilities so it would be possible say to go in an area, a region of the country and maybe interview or meet with—I don't know, 115 people—and you get a sense of what the people of that region are thinking. We don't have that yet.*



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*I'm always troubled because who are the people we are talking with? How much do they represent the local people? And even if they do, how much of what we're talking about local people understand such that they are giving us back their genuine views? How much of what we're doing is local people responding strategically or opportunistically to what they think is being offered. These questions trouble me quite often, especially so when the consultations that we hold are sometimes organized by either local representatives of line ministries here in Monrovia, or by local country officials or chiefs and elders. With all due respect to chiefs and elders, they too are local bosses and may or may not have their fingers on the pulse, on the local pulse.*

*So we try to do a mixture. We will go in and discuss with chiefs and elders and those sort of people, but we will ask about self-organized groups. Across this country I see many places where government has remained in the capital city and tried to have its extensions down in the villages, people are self-organized. So we will ask about those types of groups. There's always a community-development association or something. And we will try to tap into those to gain representatives from those groups to come into the consultative process.*

*Sometimes it works and you sometimes get the feel that people know what they're talking about when you get down to that level. You feel it, you feel it, these people are really talking. We went to the southeastern part of this country, way out in the boondocks, even as backward as Liberia is, or Monrovia is, there are places out there. There was a woman who, we were talking about land issues and land conflict resolution, how you resolve land conflicts. We talked about bringing in a mechanism that will sort of restore the magistrates, the judges, the Monrovia-based court system. She said no, we don't want those people, they were here before. That is before the war. Boy are they corrupt. You take your case and before you know it they turn against you because they've taken money from some big shots. You bring the police and before you know it the police are arresting you, you who have the problem. They've taken money from some people.*

*So we asked, well, then do you want the chiefs? No, no, no, we don't want the chiefs. The chiefs, they represent the government. So what do you want? What kind of mechanism are we looking at. They said look, we have our own way of resolving conflict here. We have a committee. It involves representatives of the elders, this, that and the other, all the groups. So that's what we want, but we want that group to have more women.*

*So it was interesting. People were looking at institutional arrangements on the ground, organized by themselves. If you will the so-called indigenous institutions, but modernized such that there is greater female participation, greater women participation in these. I found this very, very interesting because we sometimes think about the indigenous institutions, or so-called traditional institutions, in static terms—that they're there, this is the way the culture is and all that. These people are saying, well you know we like this, we like these things because these are the people we know, we trust and all that but we want more of this group. We want some youth on it, we want some women there. Then don't let the men dominate it.*

*Now, can we take something from this and begin to build from the bottom up? Because this kind of local institution of land conflict resolution, resolving land conflict is going to have more trust in it than a magistrate who is in a country center. He might be trained in handling land issues, or she might be trained in*

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*handling land issues, but that's not where the people are looking for the resolution of these conflicts.*

*So can the voices of the people from these consultations, are they powerful enough for us who are decision makers in Monrovia that we take them seriously and fashion institutions with those voices in mind, responding to those voices? I think that's the challenge that our government has you know at this point.*

BLAIR: We've spoken a bunch about land reform, maybe we could move to your work on the Anti-Corruption Commission.

SAWYER: OK.

BLAIR: Maybe start with, you spoke a little bit about the goals for it, about, can you talk about the process that we got to the Anti-Corruption strategy and to the commission.

SAWYER: *With the Anti-Corruption Commission, we did a similar type of exercise. We held sessions, consultative sessions in various parts of the country. We opened up the phone lines and appeared on radio talk shows and we got a sense of the various areas where people have the greatest concerns about corruption: corruption in the judiciary and the justice system, corruption in the bureaucracy with commerce and licenses—getting licenses and all that sort of thing. The police and the women who are selling produce, their vegetables and all that and how they sometimes are harassed and have to pay up to the police.*

*Then what we found out was that people thought that not only corruption was endemic, but not very much was being done about it, and that they didn't have much hope that anything would be done about it. So it is a huge challenge about how one goes about doing something about this. I'm not quite sure whether there has been great success because the mechanism that we put together for coming up with the Anti-Corruption Commission. There are a number of problems.*

*One is that there is an inherent conflict sometimes between anti-corruption commissions and administration of justice and people who prosecute and all that. We tried to overcome that problem by fully involving the Ministry of Justice in the dialog, in the debate about establishing the Anti-Corruption Commission. Again this has been, at least my strategy here, bring these people in right from the start. Let them be a part of the debate. Let them do their briefs and bring them to the table. So both the Minister of Justice and the Solicitor General were an integral part of that core group that was working on the anti-corruption mechanism, putting this mechanism together.*

*On the question of how then do you get this mechanism to work with the Ministry of Justice over time and to have the support of the people. Well, those were two significant challenges. With respect to the Ministry of Justice we learned that there were places elsewhere where there was always competition rather than cooperation. Donors will fund the Anti-Corruption Commission very well and the Ministry of Justice will not be funded very well. So you have this type of problem. So we talked about how the collaboration of both, sometimes even sharing common facilities like crime labs and the expertise—forensic expertise and that sort of stuff—working together, one doing certain things and the other doing other things and all that. All that was worked out in the Act.*

*Then the second set of problems was how you get people to believe that this is a credible group. We worked out an arrangement that required again public vetting*

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*of members of the commission. This was written in the Act. Somehow there was an oversight and this was not really done. There was no consultation with the various entities that established—that worked along with us in establishing this. There is a local group, the local group associated with Transparency International. So when the President announced the appointment of a commission these people went up in arms. They said nobody consulted us. I should tell you that the Anti-Corruption Commission has not recovered from that initial blow. So you have the commission settled and the donors have not responded. So it is a big problem here.*

*Now, not only is it not doing very much, but there is a potential of a bigger problem, not a bigger problem but a problem, an inter-governmental problem down the road. If, for example, some donor decides to come and assess this commission, that it gets fully equipped and it starts doing some things and it began to do those things in isolation from what the Ministry of Justice is doing because the Ministry of Justice may not be properly resourced you can have some difficulties there. Or do things with—and may not do those things in league with the Transparency International people and all these local groups. So there is a lot to be done to get the anti-corruption mechanism up and running again.*

*My sense is that we are feeling the impact of a lack of an effective Anti-Corruption Commission. You can see on the desk these are all reports from the Auditor General's office and we're going through these reports because from time to time there are issues that require some kind of institutional change, either reporting process or the need for some greater oversight authority and that sort of thing. Then we'll work with the Auditor General's office and whatever that agency is in sort of shaping whatever that could be. Now that's some of the things that the Anti-Corruption Commission should be doing if it were up and running, so we do have to find a way to get it activated.*

BLAIR: So this has been a difficulty in lots of places. I met Nuhu Ribadu who is the head of the Financial Crimes Commission in Nigeria. What was, what do you think was the factor in the failure of the highest parts of government not to choose the right people. Was it the Ministry of Justice was in the room but it wasn't buying into it or—?

SAWYER: *I think there were considerations, there were a number of considerations perhaps that went into the appointments and the consultation, the consultative process broke down. I think it had more to do with the fact that the President seemed convinced that the person she was appointing Chair was someone who had been a Minister of Justice, in fact a Chief Justice in a former regime, a Minister of Justice in her government and then a Minister of Commerce.*

BLAIR: This is Philip Banks?

SAWYER: *No, this is Judge Frances Morris, Frances Johnson Morris. So when you have someone with this background you say, well, why should anybody have a problem with this? One or two of the other people were people who had done longstanding, well one is a longstanding banker of good repute, the other had been a senior economist, a public servant, really conscientious man, for a long time in the Ministry of Planning. The fourth had been one of our own people, in fact the woman who worked was my colleague here. She was handling the anti-corruption issues. In fact going through the process, given oversight to the process of establishing the commission. So the President appointed her so there would be some institutional memory transferred in all of this. But the President*

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*didn't talk to the people in civil society organizations about all of this and there was a hue and cry.*

*Now, one can say this was all Monrovia-based. But until you have strong-civil society institutions elsewhere, these Monrovia-based institutions carry considerable weight. When disputes about such state decisions go on the radio, people across the country say "Aha, this is what the government is doing."*

*So Frances Johnson Morris and her colleagues never had a fighting chance. Then DFID (Department for International Development), the British development agency that worked with us and had really promised to help fund some of the activities, they virtually withdrew in this firestorm of protest. So the Commission hasn't had substantial resource on this.*

BLAIR: So it wasn't the choice of the people was necessarily bad, it was that the civil society groups and the public campaign—

SAWYER: *I think so. Yes, there was some noise about oh, this woman she did this and did that, but I think it is much more about the process than the individuals, the fact that there was an effort. We mustn't forget that we come out of war, there is, if you will, a resolve on the part of the people. You just have to listen to the radio in the morning. People are animated. They have a say, they have a view, and boy, if they feel that somebody does not want to listen to what they say, they'll let you know it. Even many of these organizations, as much as these civil-society organizations, some of them are still as we call it "handbag" organizations; they have access to the media and you want to call them in and have a discussion with them.*

*This is where, coming back to the current work we're doing on civil society empowerment, this is where we really want to see some movement leading to some kind of a social compact, some kind of a compact between the government and civil society about consultations, so that we can come up with some kind of a protocol. I've been pushing it that far. On these issues, before a decision is made there should be some consultations and the consultation shall take this form or that form and that sort of thing. It should be on a piece of paper. Nothing that you can go to court and sue about, but a government is going to look bad if it didn't follow this and civil society's voice can be raised and say no, the agreement was broken, the understanding. So I don't know, they don't call them gentlemen's agreements any more but you know what I mean.*

BLAIR: You need a gender-neutral term for that.

SAWYER: *Yes, something about an agreement amongst civil society and government agencies. We're thinking about here at the Governance Commission we will take the lead in signing the first one with civil society. So in the formulation of our policy recommendations, we pledged to consult with the appropriate civil society organizations. Because we started talking about this, civil society itself is now thinking about strengthening its own umbrella organization and how therefore they can built stronger capacity for these consultations. Here is an example of how one or two civil society organizations raised their voices and we're not getting the kind of support and the kind of output from the Anti-Corruption Commission one year after it has been set up. They have been able to do some small things.*

BLAIR: Which were the organizations that were involved in the outcry?

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- SAWYER: *The one called Center for Transparency and Accountability in Liberia.*
- BLAIR: The local Transparency International chapter?.
- SAWYER: *Yes, the local group. There is another one called Agenda (Actions for Genuine Democratic Alternatives). Then there are some of the pro-democracy groups. But particularly those two because they carry the ball on transparency issues and that sort of thing. So in their consortium when people obviously listen to what they have to say.*
- BLAIR: Were these various organizations involved in the earlier discussions about the formation?
- SAWYER: *Yes. This is where, you know we all find ourselves in a bind because we worked with these people in taking this through the vetting process and the local communities, the radio talk-in shows, even to the extent where the anti-corruption, the code of conduct which remains stuck in the legislature. We were working with them in trying to get that code of conduct passed by the legislature. So they've been very unhappy, unhappy about this.*
- BLAIR: I think that we can move to, one of our interests is public sector reform.
- SAWYER: OK.
- BLAIR: I want to speak a little bit about your work there maybe starting with the coalition of people in government, that you've had to get behind. Basically there are a lot of vested interests in rightsizing and getting rid of ghost workers and all these things. The line ministries have all sorts of different interests. How did you start to get them—?
- SAWYER: *Well, we've had—.*
- BLAIR: —in the process?
- SAWYER: *We're not there yet. This has been our most difficult area because, just like you say, every ministry has turf to be protected. Every minister feels to make a name for himself or herself by undertaking internal reforms. And who are these people in the Governance Commission to come and tell me how to reform my ministry. Every one of them has the opportunity to seek some international support for their own initiative. So when I got on board this was the program that was already underway.*
- I should say the President now was the Chair, was the first Chair of the Governance Commission, it was the Governance Reform Commission. She started it off in late '04 and through '05. She resigned only to run for the presidency. So when I got on board they had already begun the public sector reform exercise. They brought in some experts with some money from UNDP (United Nations Development Program) and I think the European Union. They'd done a number of preliminary studies and all of that.*
- I think they were making good progress. But, with the elections and the appointment of a fresh group of ministers, it was as if we were starting off again. So we started off again. A number of problems developed.*
- As I said one is that each ministry wanted to do its own reform. Each minister sought international support to do their reform. The Civil Service Agency was in*



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*the reform business, reforming the civil service. The Institute of Public Administration claimed that civil service reform was also in its mandate and they're going to do the reform and do the training. So here we were, everybody in the turf struggle. Added to that was that DFID came on board, the British folks, with a plan of action for civil service reform. We had some disagreements with DFID on the nature of their proposal. Some of the things, I think they were underestimating the need for buy-in by the legislature and other constituencies. They had all this thing that all you needed was a document that the President would approve and then everybody would follow. I said, not in this country, it doesn't work that way.*

*But our disagreements deepened as we, as they said we were wasting time and that sort of stuff. So the other civil service and IPA, the Institute of Public Administration bought into the DFID plan, got funded really well and a team, a British consultancy team, Adam Smith Incorporated or something like that, was sent out here to work with them. For us, we were only able to get some logistical support, fuel for the generator, things like that, a few desks and chairs because we felt very strongly that their approach was flawed.*

*We had a second reservation and that had to do with the fact that they were sending a team that didn't know the ground and they didn't want to share with us the CVs (Curriculum Vitae) of the people. We'd like to see the curriculum vitae of these people who were coming in. I remember having a discussion with this fellow who was their person here and he looked at me as if to say how dare you. You want—I want to see the CVs of this team. Well, we didn't. So they went on with civil service and all that. We kept warning, sounding the alarm: Look, civil service, IPA and ourselves, we need to work together on this. They came up with a strategy, a glossy document, a civil service reform strategy.*

*We tottered along with a little bit of resource here and there, going back and forth to UNDP and contacting the ministries and all that. Some ministries would cooperate, others won't cooperate. So it was all in various fragmented forms. To make a long story short, after two years and the last assessment done of DFID of what they'd been doing with civil service and IPA, they finally reached the understanding, the conclusion that there is need for collaboration and there is only so far they could go without getting others involved.*

*We ourselves in our approach, one ministry to another, realized that we were not getting very far because it was too segmented and we were not really getting the support of many of the ministries, so ultimately about three months back now, we got together and said all right, let's all agree on a common approach. Let's work out together some kind of a common methodology and let's pool our resources, a common technical pool. We're going to put this to the ministries. We want to go to the cabinet and let the cabinet adopt this framework, and then each ministry go ahead and do its own reform following this framework, using its own expertise but using also the expertise from this pool so that we reach common ground. I think we're now about to make some really important progress on this where the Governance Commission, the Civil Service Agency, and IPA, the training group sort of formed a core for ensuring that the framework that we would have agreed and the framework that would have been adopted by the cabinet would, in fact, be used and that each minister will be faithful to it in doing his own reform. So we're just midway in this process now.*

*We've finished up the framework, we've presented it to the cabinet. The cabinet has had one session with it. We expect that in another couple of weeks or so they will endorse it and then each ministry—some ministries are far ahead.*

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*Those that are far ahead are going to see how, what kind of adjustments are necessary. Those which are just starting will in fact then follow that framework in completing it. But it has taken us three years to get on the same page. So you see how these things can be very, very difficult.*

BLAIR: So the idea with bringing it to cabinet and having ministries do the reforms themselves is that they then buy in and get the credit for it.

SAWYER: *Exactly. It wouldn't work otherwise. The ministry of, say, Finance, the Ministry of Commerce, they're not going to let the Governance Reform Commission reform them. But they'll follow an agreed framework, especially one that has been adopted by the cabinet. So that is how we thought we'd better play that one out and let it work.*

BLAIR: You mentioned a couple of minutes ago getting the support of legislators, getting the legislature behind it. Can you speak a little about that maybe in the context of this?

SAWYER: *Well, here is the point. Many of the reforms, at the end of the day, to become law, require legislation. For example, if we're going to merge ministries or scrap some ministries or create new ministries, this cannot be done by presidential decree. An executive order cannot get it going. You're going to have to write legislation and deal with the people in the legislature. So our own style has been to rope in the committee. Bring the committee, the Chair of the committee or some important members of the committee, into the discussion right from the start or to take time off and keep them informed, go up there quite frequently and talk with them, and brief them on what you're doing.*

*We like ultimately—and this hasn't gone too well because the executive hasn't been equipped for it—but we'd like ultimately to them come up with whatever the legislation is and put it into the lap of one or two of the legislators. This is your baby, you take it through. So they get some credit. They feel they're part of a process and something they can claim some bragging rights about. The trouble is we've been having difficulties in getting appreciation of the need for this from the executive branch of government.*

*The President is short-handed. There is kind of a staffing problem there in the executive, so we still do not have a senior-level legislative affairs adviser to the President. So out of the office of some functionary, I think it is a Deputy Minister legislation sent from, or drafts are sent from the President to the legislature and nobody is constantly working the corridors of the legislature on these issues. So we have to go after these ourselves from here. So there is a vacuum there. There is a major institutional vacuum that has to be worked and it can be worked out because we do the groundwork. We invite them, just last Friday we were up in Harbel to a seminar, actually a workshop, with senators and representatives. We were discussing the decentralization policy, the draft policy. We'd been working with some of them, but we thought to bring the entire committee, both of the House and of the Senate to this retreat. So for a full day we went through the draft, point by point by point. Some of them raised some objections. Some thought the whole thing was nonsense. Some thought they never saw anything better. But we know where they stand, where each individual stands and what kind of work needs to be done to move forward. We can better advise the President, here are some of the legislative concerns. So that's what governance is now, it's all about this interaction and the interaction was being formed so people don't spring things on them. You go in and you give them a head start on*

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*certain things, give them documents they can read to bring themselves up to speed and you engage them.*

BLAIR: Were legislators involved in the workshops for the land reform work for instance?

SAWYER: *Oh yes, in fact, several of the sessions. We had a special session for—several sessions for them, just bringing them up to speed, invite them for a day's workshop. So they were fully involved.*

BLAIR: And those were people on a lands committee or the leadership?

SAWYER: *There were several committees. There is a committee, you know it cuts across, the Committee on Natural Resource Management or something, the Committee on Agriculture, The Committee on Local Government. I think those must have been the three committees that we worked with.*

BLAIR: Are there interactions that you have in any of these processes we've talked about with party leadership or is it all through the committees?

SAWYER: *It is interesting you mentioned this because in our own in-house meetings here, we've often come back to it and said look, we're not getting these political parties involved sufficiently. That's one of our weaknesses, we have not fully involved political parties. But I think it speaks of something here that in the power calculus on the ground, political parties don't figure until it's election time. So it is partly a reflection of the reality on the ground.*

*Now, when we were talking about constitutional reform with respect to term limits and that sort of thing, we consulted with political parties. The political parties, the Election Commission and all these people who have to do with electoral matters, they were brought in on those. In fact they played a major role in the bill that is before the legislature on term limits and on elections of chiefs and the mode of elections, what should constitute a majority and all that type of issues.*

BLAIR: I'm sure you're not the only one who is not talking to the political parties. When these things get sent up to the cabinet or the President, are they interacting with the political party on these reforms?

SAWYER: *I don't think so. Yes, if there is interaction it is through the legislators in the legislature that come from various political parties. But I don't think there is much discussion directly with the leadership of political parties or any such groups.*

BLAIR: Going back to a particular issue on civil service reform, an issue obviously in many countries is patronage and how you deal with the potential negative influence of hiring your family members or faction members.

SAWYER: Yes.

BLAIR: What kinds of things have been discussed and are being implemented in this framework to deal with patronage issues?

SAWYER: *The first thing that the civil service—they've done a good job on a number of things. First just combing the payroll and taking out the ghosts. They've been able to do that successfully. The second is to go into some kind of a biometric system where they will have people fingerprinted, pictures and all that such that they are able through electronic means—because there were some people holding two jobs, two government positions. Sometimes the names were*

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*reversed, John Brown or Brown John or something like this, and they're picking up two government paychecks. I mean, nobody knew; the system just provided room for that sort of stuff. So the internal efficiency within the bureaucracy with respect to identifying civil servants, I think they're making good progress on that.*

*Another area in which there is need for some progress and we are proposing this, is how you draw a distinction between the political appointees and the civil servants—at what level of government. As it is now, political people are appointed all the way down to Assistant Ministers and Directors. Now, we're arguing that we have to go to a system in which there should be the Minister and perhaps a Principal Deputy who might be the political appointees, the other people should be civil servants. There should be a Deputy Minister who runs the civil service, the bureaucracy and he should be a civil servant or she should be a civil servant. This is not the first time this question has come up. We haven't done well in addressing it in the past so we have a real challenge here because the executive has always given lip service to this but as soon as the reform has been formulated, they ignore it and go ahead with all the list of appointments.*

*So we've asked the question, why have civil service reforms in the past, why have they failed, and there have been quite a few, at least four that I know of. There hasn't been the political will to enforce them. The President has always been seeing the bureaucracy as a sort of patronage machinery, so there has to be political will to do so. We have to involve the legislature because the laws have to be passed by the legislature. We have to get a code of conduct passed so as to police the process and we have to get strong civil society support and civil society oversight because, you know, this kind of a challenge cannot be left entirely to the government alone.*

*So right now we're grappling with the problem of getting the recommendations approved so that there is a restructuring of the ministries, taking out or limiting the political appointments and sort of strengthening and professionalizing the civil service and the technical positions. That requires the President's full support. That requires the legislators support, the support of the legislature. That requires strong civil society involvement.*

BLAIR: None of which is there right now.

SAWYER: *None of that is visible right now. Civil society yes, they want to, but civil society is much too weak to be an effective partner now in pressing this type of issue. The President says yes, this is where she wants to go, but we're not there yet.*

BLAIR: Cognizant of your time, we just have a couple of more minutes. Maybe as a last question: There are, one challenge in countries like Liberia is that there are sort of potential spoilers in the political system, factional leaders or things like that. Is there any effort to include them in the reform process, or what is done about?

SAWYER: *How long have you been here?*

BLAIR: A week.

SAWYER: *A week. So you came perhaps just when the firestorm of the report, the TRC (Truth and Reconciliation Commission) report was coming out.*

BLAIR: Right.

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SAWYER: *I think it exposed our weaknesses. It was a very good time to be here because the one thing it pointed out to all of us was how fragile the peace is, how much work we have to do on reconciliation and national cohesion. I think we have neglected this area.*

*When I first took over this assignment, I came from Indiana, made the rounds, went as I needed to do, talked to all the people in government, went to the international community, ambassador X, ambassador Y and all of this and raised the need for some kind of a dialog about reconciliation. They said, oh we have a Truth and Reconciliation Commission. Then we went into discussions as to how can we develop some kind of a national vision, a vision of Liberians being Liberians, all Liberians being Liberians. Where should this take us? To tell you the truth there wasn't much interest because now we're all on the poverty reduction strategy and all of this sort of thing.*

*The implicit assumption underlying all of this is that if we have effective government, if we build a capable state, it can administer to the people sufficiently that they will be happy and the divisions will be minimized once the state is delivering. Well, that might well be true; that's an empirical issue that one can talk about. The fact is, getting a capable state, getting to develop a capable state takes time and the wounds are there. The suspicions, the bitterness, they're all there. They don't go away with elections. They don't go away because we're coming up with a poverty reduction strategy. We have to address them, and we didn't. So that's one of our flaws.*

*Another flaw is that as we attempted to address these, the Truth and Reconciliation Commission came out of the Comprehensive Peace Agreement and we didn't, after elections, try to adapt it into this new governance arrangement. It operated out there. It was linked to no other institution, not even to those that are supposed to be the users of its product, because where is the Human Rights Commission, it's not there. The institutional reforms that might flow from its recommendations, the GC here is supposed to be working on those along with others. We didn't even have a liaison relationship with them.*

*As far as the technical expertise is concerned, well, they brought in technical expertise from the U.S., and they were not paired up with any local folks. So the point I'm making is that the TRC operated in an institutional vacuum. The society clearly was not prepared for its findings. Because we have not interwoven peace building into the processes of policy formulation thus far we were caught with our pants down. I can tell you that if UNMIL (United Nations Mission in Liberia) was not on the ground when that report came up, the fear and the panic that it sort of ignited in these ex-warlords, anything could have happened. These people were fearful, very, very, they were frightened.*

*So we now have an opportunity, though difficult as it is to now regroup and say OK, now we have this report so what do we do with it? How do we regroup and how do we move forward? That is the major challenge that is going to face this country for the next three months. I don't know how we're going to grapple with it, but we had better start talking about it in an open and honest way.*

BLAIR: Right. I think we're out of time here. Thank you very much for speaking with us.

SAWYER: *My pleasure.*