



INNOVATIONS FOR SUCCESSFUL SOCIETIES

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Interviewee: Alfred Brownell

Interviewer: Graeme Blair

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BLAIR: We are here with Alfred Brownell who is the President of Green Advocates here in Monrovia. Just to confirm for the tape that you have consented to the interview.

BROWNELL: *Yes, my name is Alfred Brownell and I am the Senior Campaigner for Green Advocates.*

BLAIR: Great. Maybe we can begin by speaking for the record here, explaining your background a little bit and how you began work on reform in the area of the environment and the forestry laws in the beginning of the transition here.

BROWNELL: *Well, to start with, I'm a lawyer, a graduate of the University of Liberia, Louis Arthur Grimes School of Law. But prior to going to law school, I was also a student of the College of Agriculture and Forestry of the University of Liberia. After my graduation from law school in Liberia, I went to the United States, specifically Louisiana, and I attended the University of Tulane where I graduated in Environmental Law and Energy, and then I came back to Liberia. So that is my educational background.*

My parents come from two sides of this country. My father is from the southeast, Maryland. My mother is from the northwest, Grand Cape Mount County. So normally, my friends jump down from Cape to Cape because Maryland is Cape Palmas and there is Grand Cape Mount County. So that's my background. In terms of—with specific reference to my work and your question about how the reform process started off, well, Green Advocates certainly was a dream that I had while I was in law school. That was back in 1997. And while going to law school and looking at the different curriculums in law school and while taking courses at law school, it dawned on me that we're going through a very difficult time.

This was under the regime of (Former President) Charles Taylor. The government had no respect for the rule of law. Resources were being exploited arbitrarily, where proceeds were only benefiting the President and his inner circle and the elite in our society. But what was more striking to me, and really gave the idea for Green Advocates, was that finally—in my whole life, I had been struggling for some sort of job security, and I had finally come to law school and they had told me that—. I thought that by the time I came out of law school, I might not have to worry about where I'd get bread and butter from.

So I'm at the end of my journey for job security, I'm going to become a lawyer, I'm going to make some money and I'm sure I can live well. Then I started thinking about where I have come from, remembering how as a child, it was very difficult for me to go to school in Cape Mount with my mom. I remembered that, early on in my education, there were many days when I had to go to school bare footed, with no food, starving, hungry. And just like a reflection, I remember. Then I thought, how much has that changed? I realized that not much has changed. That even as a kid—the same process I went through, suffering, going to school barefoot and being hungry—there were still kids in Liberia who were going through the same process. They were bare footed, they were hungry and nothing was happening.

Then, I felt how ironic it was that this is a country that is still endowed with resources. I realized that even with all my education, with all the years that—indeed, originally I was born in Grand Cape Mount county, the county was one of the most endowed with natural resources. In fact, during the years I was a kid and going through those struggles, going to school without shoes or slippers,

going to school hungry on many days, my country was exporting millions and millions of tons of iron ore from the very same county. So I thought, why should this happen? Why did I have to suffer? Why couldn't my government provide the means that would allow me to exercise my full potential? Why did I have to go through all this difficulty to come to the point where I am?

That's why I thought the way to try to reverse all that would be to use my legal education in the public interest, to make sure that the resources of this country would be used for the benefit of the people of Liberia. So I told my colleagues, a couple of my studies, mates that studied together who had a study group. I said, we've got to do something about this thing. Why don't we together and set up an organization that will fight for ensuring that the resources of this country will benefit its people. So the idea about green advocates came about, me with three of my colleagues.

We had a series of discussions from there and, because we were all part of the same study group, it was easier for us to relate. So we were all committed that, upon graduation, we would do something about it. But upon graduation, some of my colleagues, even though we had agreed, decided to look for jobs. I decided to focus more on trying to get Green Advocates organized. So we fought, we worked on adding government cooperation. Then we had the institution incorporated in 2000, by the time we graduated from law school. So the first focus of our work was to resume work in the forestry sector, basically involved in researching, in documenting the excesses occurring in our sector.

By that time, you can imagine, it was difficult to publish anything in Liberia with our name on it, which is basically what the deal was. To do the groundwork, gather information, and then share it with international partners. For example, information about what was happening was shared with Global Witness, with the Human Rights Watch, with Amnesty (International) and other organizations. Then the other side of the work we were involved in, at the level of Green Advocates, was to put into place the appropriate policies and the institutional arrangement that would find a way to preserve Liberian natural resources.

As a result, we embarked on the process of trying to put into place an environmental law. As such, the first task I ever had in my life outside of law school was drafting Liberia's environmental laws. So I was involved in that work.

BLAIR: That was in what year?

BROWNELL: *It started in 1999, 2000. I was still in law school and I was working with the environmental commission to try to get it set up. We campaigned later on to get the government to set up the commission. So while I was still a law student, I was a volunteer at the commission, trying to work on the policies, writing a draft. By then there was—we didn't have any environmental lawyers in Liberia. I was learning at the same time as I was working on the draft, with a couple of international lawyers who had come from Kenya. Of [indecipherable] and I in 2000—I was more involved—when I graduated—and I just focused more on working on the draft of the law and trying to get the agency established because then the environmental commission—so we focused on the draft. That was completed, but became very difficult for the government to accept.*

The President at that time, Taylor, was not interested in environmental studies. In fact, the law had given so much power and—it said that all projects proponents, before commencing any activities, must conduct an impact assessment. It provided a right to a clean and healthy environment. It mandated companies to

restore areas they had degraded. It provided for air pollutant principles. It provided for precautionary principles that issue intergenerational equity—all those basic principles surrounding sustainable development. They were all crushed into this law. It was very detailed, it provided for certain standards and criteria for certain number of pollutants. It gave wide-ranging power. For the first time in Liberia, a law provided for citizen suits, so that ordinary citizens could go to court and get agencies of government to enforce their own laws. So that was one of the earlier, progressive legislations that came into being. The government was not really prepared to accept that. But we did a draft.

Things were tough, and I thought I might as well get a scholarship to go to the US. I left in 2001 to go to the US, but I still maintained my contact with my colleagues, who were my partners in Green Advocate. But in a way, while in the US, I became more active. By that time, I could be more open about what was going on here, given my background, and how things were evolving in Liberia. So part of the effort was working with conservational organizations.

BLAIR: [Interrupted by noise] Maybe we'll stop for a moment. [end of file one]

This is part two with Mr. Brownell.

BROWNELL: *So like I said, while in the US—it provided a new opportunity for me because I could be more involved in trying to explain to policy makers and decision makers in the US what was happening in Liberia, and also to a number of international environmental organizations and human rights organization in terms of what was happening, specifically in the forestry sector. Prior to my departure, where I worked to clearly document the role that resources were playing in the conflict in Liberia along with other goals—so the US provided an opportunity where I could explain this much more to a lot of the other partners.*

For example, I worked with Conservation International (CI) because there were basic concerns about the rate at which the government had gotten rid of the forest to timber companies, that they were clear cutting everything and there had been no way to preserve part of the forests for future generation. With Conservation International, we put into place a system where we managed to convince the government to set aside 30% of the forest for protection. The whole idea of protected area system came about; I remember that I had to fly back to Liberia in 2002 to help to negotiate a Memorandum of Understanding for CI to ensure that that system was adhered to. But there were also a number of other international conventions that we wanted the government to have acceded to and the government had not done so.

So, for example, the Kyoto Protocol on climate change, those were conventions that were outstanding that the government did not take appropriate steps for. So they acceded to that. Biodiversity Convention, they signed on to that. But more importantly, since I had worked on the environmental laws and they were all on the shelves, when I came along, came from Conservation International, we managed to convince the government to be able to send that legislation to the legislature to have it enacted.

Now I will tell you a little bit of the story of how we managed to get that done in one week while in Liberia. It was a strategy of using the carrot and the stick on the government of Liberia. While in the US, as I told you, early on, we had documented the role resources played in the conflict and how the government was using timber and other resources to fuel conflict, not just in Liberia but in the sub region. We had communicated a lot of that information to some of our

international partners who then were publishing a series of reports on Liberia. Specifically, if you look at the report from Global Witness—they published a series of reports and then we worked along with them to carry on a series of lobbying at the level of the Security Council to try to get the Council to impose sanctions on Liberia.

The government was aware that a number of the national organizations were lobbying for sanctions and they knew that somehow it was inevitable that the sanctions would have been imposed. So we said that—since we knew that this was pressure, we believed that while we were lobbying for ensuring sanctions to come on those resources, it would be good to come through the other window and see where we could get the government to put into place a number of policies like the environmental law that was on the shelf or a number of the international environmental conventions like Kyoto Protocol and the convention about diversity and the Ramsar Convention on Wetlands. Those were conventions we wanted the government to pass as well.

But also we needed a commitment from the government that, for now, they would commit to set aside part of the forest for conservation. We thought that with the pressure on the government, if we came in, the government would agree to it because we used that for public relations venture—at least we have achieved our objectives by getting it to fully commit to that. So we came back in 2000 and that was why, for example, the government had to do that—after we had all of that, I went back. I still continued with the pressure in New York with the Security Council to try to get sanctions, a series of sanctions imposed. It was not just the sanctions on timber and diamonds but also on travel ban, on asset freeze, etc.

BLAIR: Right.

BROWNELL: *So I spent a lot of my time going back and forth trying to really get the UN (United Nations) to act. I remember a number of questions were brought up. For example, I talked to the Russians and they were saying that this is a sovereign issue; the idea of controlling resources is a matter of sovereignty. Every sovereign nation has a right over its natural resources. Who are we to dictate to Liberia how she should manage those resources? Even the issue brought in by the person at the Chinese Embassy that I met in New York—but our response was, if a country is using its resources to create instability not just for itself but for the region, the Security Council has a role under Article 70 to intervene and do something about it.*

In the case of Liberia, we could see exactly how this country used resources to create instability. It threatened the peace of the whole region and that required Article 70 intervention by the Security Council. So we argued that for a couple of years and then finally, the Council responded and imposed sanctions. That was unprecedented. The sanctions were imposed and at the same time, there was lobbying for trying to get indictment of the [indecipherable]. But the problem with sanctions being imposed based on the way we had done was—the Security Council was just back-tracking a little bit. Remember, now the Security Council also commissioned a series of panel reports, an expert panel on Liberia who were to come to try to find out what was going on in the country and try to verify some of the reports that we, at level of civil society and the international panel, were putting on. Basically, panels came to Liberia almost to confirm what was coming out of Liberia as had been input by the different civil society organizations. They confirmed it.

So with our report and the confirmation by the different UN panels of experts, it was easy for the Security Council to have imposed the sanctions. So, for example, if you look at some of the panel reports, I'm sure you have time to research that—.

BLAIR: Yes.

BROWNELL: There is a particular one, for example, where several Liberian social organizations, Green Advocates, SDI (Sustainable Development Institute), they even propose a moratorium and series of recommendations—and the panel took our report and even used it as an attachment to the Security Council. So you went back to this panel report and you saw what had happened for the sanctions and what steps needed to be taken. By the time the sanction on timber was imposed and the travel ban and the asset freeze—and then along with that came the indictment and then the peace process with Mr. Taylor. In 2004, I returned back, I basically came to see how—and tried to really resurrect Green Advocates because, in the Taylor years, some of my classmates worked together—all fled the country. Some have gone to the sub-region, some have fled to the United States and they have filed for asylum and they were afraid to come back home. I decided that I had work to do. So much had been done to this country, we needed to come back and provide some hope for our country and for our people and mobilize them in terms of how to reform this process.

So when I came back, we had Green Advocates set up. She (Ellen Johnson Sirleaf) obviously let us in and then we said well, this all started from the forestry sector, one of the bad—we need to focus on trying to clean up the forests. So we started pushing for a reform of the sector and an investigation of the companies that were involved and some of the human rights violations and all of the different transactions that took place while trying to defraud the country out of its revenue and its resources. The transitional government then, with our lobbying, caved in and allowed the investigation to happen. So they set up a review commission to look at the role of the timber companies.

BLAIR: A review commission?

BROWNELL: Yes, a Concession Review Commission to look at the role of timber companies. And we were appointed onto that commission to serve roles in civil society and then the Commission decided that the way to work would be to set up a small Secretariat, to make a Secretariat that would look at the day-to-day work of the Commission, such as looking at the different contracts from the different companies and then doing the actual on-the-ground investigation. Given my background as a lawyer, I became privileged to serve on that technical Secretariat as well, to do some of the investigation.

More than 70 companies were reviewed and analyzed, and we set up the criteria. We had interviews with the companies themselves, talked to the communities, we did background checks. We looked at the entire record of FDA (Forestry Development Authority) correspondence in terms of what particular company behavior was, we looked at tax payments that were made, revenue that was paid to the government—and I was really involved in the thick of that to the point where, in terms of the minimal criteria that was established, not a single company met that criteria.

Then we had to make some decisions in terms of what we needed to do, and it was clear that since those companies, almost all of them, did not meet the minimum legal requirement, it would only be fair for Liberia to start off from a

clean slate. So we recommended that the Commission should consider canceling all of the timber concessions.

BLAIR: Right.

BROWNELL: *That was a very difficult decision because part of it also required doing some forensic analysis. We had forensic accountants come into the country and they needed, for example, to have access to records and access to bank information. Of course you know that is proprietary information, confidential information. And they are protected by our constitution and it would have been difficult for anyone to just walk into the bank and ask for accounts of companies. I worked on that a lot. I was working with the technical Secretariat. We had to go file for subpoena, it was being resisted by the timber companies. I was determined to succeed in trying to get those records. I received threats to my life, to my family from timber companies, from individuals within timber companies, from law firms representing timber companies.*

If you look at the report of the Concession Review Commission, you see almost a whole section mentions the threats I received personally and the actions that were taken against them. But I knew we had to fight for this country, that Liberia didn't have a fighting chance and there was no time to play games. It was time to move this country forward. So I was resolute. It just came to a point where I was risk averse. I was just aware of whether or not somebody was going to put a bullet in my head. 300,000 Liberians died during this conflict and I just thought, there's no need for those people to have died for nothing, that if we could not put in place a process that would change this country around and set it on the proper footing—so I just told myself, every morning, I'd think, as long as I have life in me we will keep fighting to try to change the course of this country. We may not succeed 100% but at least we can change the direction. Think of a ship sailing on some night. There's not much you can do with the wind, but once the ship shifts, changes direction, it doesn't matter if the wind might not blow the proper way. So we tried to develop the forest sector and we succeeded.

So the report was completed. There was a big debate back and forth. We managed to convince other commissioners to sign onto that and then it was presented to the government and they didn't want to accept it. It was very difficult to implement and we had to fight to do so. The government then set up a committee, a reform committee, to implement the recommendations from the conciliatory process. Again, some of those who serve on the review commission were asked, including myself, to sit on the reform commission; I sat on the commission.

We started working on different stuff. Most of it was put in the place of popular legislation. I was working on the drafting of the new forestry law, the codes, the regulations, the procedures. I was involved in that. I spent some time trying to train the staff of the FDA to understand what the laws were all about, to build some capacity in the FDA again, some understanding of what the laws would be like. Most of the time services were provided pro-bono to the FDA people.

I also worked to see who was accountable—accessing the timber sector—to see who had been involved in serious rights violations in Liberia. Specifically, we were looking at us. They won at the trial level but at the level of the appellate court, the government lost. But I understand they're taking the appeal to the Supreme Court. We don't know how far this is going to go. So I worked at that level.

I have been involved in a lot of advocacy as well, making sure that reform was on course. We're part of a societal the worst of the company. I collaborated, extensively, with the Dutch government in trying to document the role that one of the heads of the company, Gus Kouwenhoven had played, to the extent that it allowed the Dutch government to bring charges of war crimes, violations and the smuggling of arms and violation of UNSC (United Nations Security Council) in Liberia. I had proof for the Dutch intelligence in the prosecutor's office that came to Liberia. I worked with trying to look for witnesses and helped to work with witnesses. For that case, I was actually taking out who were fighting against coalition looking at reform in the forestry sector, called the NGO (nongovernmental organization) coalition that I, along with my colleague from SDI, helped to put into place. It is very active now, is a very powerful voice. We still have kept up on what is going to the FDA. In the last two years we worked further upon development, making sure that the laws were put into place. Almost on a monthly basis, I'm writing letters and requesting information from the FDA in terms of how they are implementing the forestry law, and follow up that we have threatened to go to court if it is—we've threatened the mobilized communities if it will be—we are consulting the donor partners, development partners who have funded the FDA, to make sure that the policy put into place will be adhered to.

Just talking a little bit more about those policies—for example, under the Forestry Law, we addressed a lot of the issues that one would never see in a forestry law in this continent—it showed beneficiary, in terms of now, for the first time allowing for communities to have direct benefit from the forestry sector. For instance, land rental is going to be divided 30% to the affected communities and 30% to the communities and the rest goes to the central government.

We're talking about having social agreements signed like that. They have broad disclosure requirements under the Forestry Law that companies must publish what they pay to the government and the government must publish what they receive from those companies. There is oversight, which is part of civil society—we certainly ensured that was in there. The citizen supervision, they allow for that. There is broad and very rigorous environmental planning and arrangements for environmental governance where they have to validate the concessions, they have to go back to the communities. There are provisions for providing for protected areas.

But as much as we have tried to do, one of the fundamental problems that we have confronted, while we were working on the draft of the law and trying to see how to ensure a much more participatory process by the communities, the issue of ownership of the sector came about. It was a big issue; there was a lot of debate amongst me and those of my colleagues who were assisting in the draft of the law and those who were also providing support in terms of the ownership issue. We were of the view that because we live in Liberia and we work with the people—I'm from the rural area—that certainly the forest is owned by the communities who live in those areas and not by the government. But we could not get our way through and so part of the compromise in the law was to allow for the process where, within one year, the forest agency needed to have gone back to the communities and consulted and then proposed a legislation to our parliament of addressing comprehensive community rights with respect to forest land.

Why I mention this is that after the laws were passed—and it was important to put into place training and capacity building at the FDA—the next activity that we to wanted to do at Green Advocates was to follow through on that mandate to ensure that the minute he managed to get a signature to the forest agency—

trying to put into place this comprehensive community rights law was adhered to because we really believe that in a country that is endowed with natural resources, in a country that is not industrialized, in a country that is not, does not have a service industry, and depends entirely on its natural resources, if you really want to build up democratic capital, it is around strengthening a participatory mechanism with the people who are involved around those issues. This is the issue that matters to them most. The issue of having a right to the resources, the issue of how they participate in those decisions, the issue of how the proceeds are shared in an equitable way, the issue of how they can see those resources improving their living condition, their standard of living, and their livelihood. This is what the communities are interested in.

So if you work to strengthen those pacts, then certainly, you are building democratic capital at that level. It was hoped that working through these policies to really strengthen this capital will give real voice and real power to the poor who actually own these resources. So I've got to fight for it to try and get it into place. Again, we went around the country consulting communities and the verdict was unanimous that, contrary to varying views held by the government on who actually owns the forest, it was clear from the people of this country that it was the communities who actually owned—it was unanimous; everywhere we went, it was clear.

BLAIR: This is Green Advocates going around?

BROWNELL: *Green Advocates along with the Forestry Agency along with other sorts of organizations who played a lead role, who were involved with the drafting. So we led the process. We were involved in a lead role in the drafting of the law but also in consulting the communities in holding these community consultations. So it was unanimous that the poor own the forest, and we came back and tried to make a draft that reflected that. We had some problems with that draft because—where I would work on that draft—we don't work alone as Green Advocates. We're always trying to work with other sorts of group, and mostly with the communities. That's our mission. Our mission is to amplify the process of those who don't have a voice, to provide the means, provide the support, to give them a place at the table, facilitate that process. It is not us who should be talking, it's them. We'll find a way to get them to do so.*

And we tried to do that through the law. We built a broad coalition of civil society groups. But we also reached out to members of the legislature to try to see how this was going and the extent—for example, we managed to get a draft off that was passed by both chambers and we have a pact relative to that in the US, in the Senate and the lower House. So that was passed. Of course, we now had a stalemate where, for example, the executive had yet to sign onto that. So part of the campaign for the governmental bill is to get that done.

So basically this is where we are. There are a couple of things for the future I'm sure we can talk about. One is—you know, we identified the problem in the sector, we investigated it, we documented it and reported it. We moved what had been a purely domestic issue up to the international level, so that the rest of the world began to know about that. Liberia became very famous for a lot of issues when it comes to dealing with the natural resources. You hear about conflict timber, that is because of the work we did in Liberia. You hear about blood diamonds, it is part of what we have done. So that has changed international policy and different forums have come about. You hear about the CAMEN [Conference of African Ministers of Energy] process now. It is because of the way we have done there in the diamond area. You hear about forest law of

enforcement and governing, FLEGT [Forest Law Enforcement, Governance, and Trade] process. That's because of the work we have done in the forestry sector. You understand? So all this initially came about because of some of the ills, some of the bad governance in managing natural resources in Liberia.

So the policies were put into place and we started fighting about implementation. But there have been a lot of problems with that sector as well. I'm still focusing only on the forestry sector. Part of the problem is with implementation. Part of it is also basically with capacity constraints. Part of it is with political will. At the level of the agency, there have been a lot of problems. Agencies have dragged their feet for implementation, and like I said, we've been monitoring this. So we do monthly follow ups in terms of where we are and ask questions. We are at the point where we are likely going to go and get a court enforcement because we feel we have exhausted a lot of the administrative procedures and processes and it is time for us to go and get the court to enforce this law because we really believe that a law only is good if it is implemented. We see losses here but we are just in the rear avenue.

Just last week, I met the President (Ellen Johnson-Sirleaf). I had the opportunity to meet the President to present to her what we, from society, have seen as problems in the forestry sector. Bad governance is recurring, not implementing the procedures, undermining the rule of law, these are all serious issues. So in the last three weeks, for example, we've been looking at data and we just found out that the agency had manipulated data and where they have allocated concessions to the private sector, most of this data is not reliable. And this has consequences for the sector and consequences for this country, because the country and the President are dependent upon this data to make the appropriate projections.

BLAIR: Right.

BROWNELL: *At the end, we'll come to build the infrastructures we need. If the agency is lying about the data, that is going to affect the economy of this country. So broader issues—I mean, I'm sure we're going to have a further half million—so we do have very good laws, very good regulations, but we lack the capacity to implement those laws. This is why we need to go and build up a formidable coalition, with civil society and with communities both on a horizontal and a vertical basis to follow up on promoting the forestry law. So we do have that sense that the people are ready to put pressure on the government and the private sector is fully aware of the capabilities that we have managed to build with the support of citizens. And what happens to the media? For example, if we follow the media normally, we will find the excesses in the sector. We think the media will have in the—we think the media are an independent way to verify what is happening and report upon that. So that also brings credibility to the process. We allow the communities themselves to explain what they see as violations occurring in the sector. That brings credibility to the process.*

It is not necessary that every time we find violations we rush to publish them. We use the information in different ways. Sometimes, for example, like I said at the meeting with the President, we observed that the data has been wrong. We have gone and published that to the media and created a lot of headlines. But we used that to show to the President that something was wrong and then called for a meeting on how we could resolve this and correct it and move forward. We believe in all that we do—if you want to succeed and really reform processes, it requires a high level of leadership. It means that you will have to be a leader that will go across the aisle. You have to move across the policy barriers, to go on the

other side and talk to people you normally would not agree with, who you don't even like, who you don't feel you can sit in the same room with. But you have to understand that you cannot have it all. You always have to find a middle road if you want to make progress because there are different interests. Even if you have the same interests, there are different avenues to solve your problems. You have to find a way to talk.

Over the years, in my practice as an activist, what I have seen more is that the more you talk to people, the more you get to see their perspectives. You get to see their ideals. You get to see their convictions and you get to see how you can accommodate those ideals and to what level you can accommodate those ideals without undermining your integrity. It is a delicate balance. And it will require real leadership. We will see that happen in the forestry sector.

I will tell you, for example—inasmuch as we are in the forefront, in the vanguard in campaigning for sanctions on the forestry sector and campaigning to maintain those sanctions during Taylor and the transitional era, we were still able to go to this agency and speak and commence dialogue with the management. It was very difficult. They didn't want to see us. It was like, you guys are saboteurs. We stayed to talk to the private sector even though they didn't want to see us and over the years, through those disagreements, we have begun to say, well, Green Advocates is here, the forestry agency is here, the President is here, we have to find a way to work together. Somehow, we can shake hands, we can talk, we can joke, even though the fundamental differences remain.

BLAIR: So how did those—thinking back to the beginning of this process when the commission began to begin looking at the concession agreements, how did that coalition begin to form?

BROWNELL: *Basically, what we did was that first, when we—after we campaigned for sanctions and Mr. Taylor left through the peace agreement, the government then began to try to lobby for a lifting of sanctions. I would say why not—this is not just imposing or lifting. What caused the sanctions? There were gross violations. There was an absence of the rule of law. We've got to figure that out. So we campaigned for the government to set up the reform process. But why we did that was—before we did it, we knew that we had to organize ourselves. So along with our colleagues, we organized the NGO coalition for Liberia, to provide follow up on what was going on. It was that coalition, along with those of us in leadership, which led the campaign for reforming the forestry sector.*

We regularly met, we shared information, we designed strategy, and we followed through, but we also linked that report to the communities. So that's how we managed to build our coalition.

BLAIR: What was the strategy for—tell me more about the strategy for getting the public on board and getting people to understand what the issues were?

BROWNELL: *It was a very dedicated—if you talk about sanctions, and they need talking about—and this is how the private sector and the government used that against us, it was like, these are people who are against creating jobs, who are not true Liberians, who are against the country. But our strategy was simple; it was to tell the truth. To showcase exactly what this sector was in the past and what it was doing now. For example, for everyone who lived in the rural area and knew how terrible the timber companies were, we had documented all that so the role they played was clear to everyone. They were destroying crops from communities, they were desecrating sacred shrines. Some of them were involved in the forcible*

recruitment of child soldiers and thereby fueling the conflict. They were not paying their taxes, they were destroying the forest. They were not adequately compensating their workers and they were not providing facilities and amenities for their workers. They were paying very low wages. So it was very clear.

And so when somebody said, well, you know, they provide jobs, I said, what job are you talking about? Jobs with low wages, low quality, human rights abuses, all that? Then, secondly, there was the argument that they bring in benefit. When companies have worked in those areas for more than five, or ten years, they build new infrastructure. They build new roads. But the roads are built only to facilitate taking the logs out, they are not sustainable. In order to showcase that, documenting it and showing the evidence, we're in a position to counter because we have done our research and we have the information. So whenever they came back at us, this is what it was.

But at the same time, we were also reaching out to bring in the communities and saying look, this is what is happening. So it is not just that we're against jobs, but we care about the quality of the jobs. What benefit do we get—so you need to find a way to guarantee that even if you're going to open this ticket and lift the sanctions, it is guaranteed that benefits will flow directly to the communities. In the present we've had, there's none.

So we took the Forestry Law 2000 that was in place before the sanction. We said, this law gave you no rights. Why do you want this law that gives all of the rights to the government? According to it, the government was the supreme owner of all of the resources and citizens have no rights. In fact, we had gone to the citizens and, using a participatory process, we had listened to them where they had told us for example that even if they made requests to the companies, companies would say, "I'm not talking to you, I was sent here by the President, go talk to the President."

And so because these communities were terrible and were not good, we were able to document that and showcase that. As such, it was difficult for them to make an argument. And in that way, we were able to mobilize a constituency around that. They kept coming back and saying oh, you know, we are good, we create jobs. We were like, "What jobs are you going to create? What jobs did you create in the past?" We took the air from all of them. And so we were very organized; we took the campaign early on.

As I said earlier, we were the ones who documented excesses in the sector. So we knew what was going on. We had gone in, we had done the investigation, and there was a clear link between exploiting the timber and human rights violations.

BLAIR: Can you remember some of the particular messages you used or campaigns used to bring this information to the community?

BROWNELL: *There are many messages. Such as, 'the riches don't benefit the poor of Liberia'. Let me think about other campaigns. 'The riches belong to all Liberians, not for an elite few'. We talked about something like that. Communities must benefit from those resources directly because they own those resources—so those are the sort of things we used. Communities are custodians of the forest and so they must be consulted and give their consent. We used this stuff a lot. I can't remember others, but those are things we were bringing up in those days. I can't remember more offhand, but those were catch phrases we were using.*

BLAIR: What do you see as the challenges to maintaining that support, keeping people interested and onboard?

BROWNELL: *There are huge challenges. The first is that we need to address the huge illiteracy gap in this country. That is a huge challenge; illiteracy is widespread. There is certainly need to address that by providing education. I don't think it is going to be a very expensive process, if a commitment is made in the political will that those who are educated, like us, we can give back to our community.*

Imagine, for example, if we decided that for a month or two months, those who were enlightened and educated would go back to rural areas and volunteer in adult education programs. We could dramatically change this country around. If we don't go back to those communities, then in our own communities where we live, even in the urban area, we can provide adult education services. That would change this country around. We could have volunteers for adult education. That would address the educational gap, and train the population to read and write. And we do have that potential. There are a sufficient number of educated Liberians who could provide those services if they wanted to do so. We will have to learn to give back to our community. We are far away from there yet.

You don't find many Liberians who are public spirited and who have this spark in them, who are passionate about where they want to take this country. I don't know why, I'm still wondering why. But we need to have that. We all believe that we should be selfless and Liberia should mean more. We are here to develop that level of nationalism and patriotism for this country. So that's one of the challenges.

The other challenge is that we have a decadent culture. In Liberia, I'll tell you this, and everyone you probably talk to will tell you this. We're very undisciplined. We are not—we have not grown up to follow simple rules or a system. It is very difficult to put up a system; we are not used to that. There is more of an individualist approach. We don't have a system in place, and that's a huge challenge. So the educational gap, the gap of trying to address the decadent nature of our culture—we're providing discipline, but they don't want to follow rules. It's serious.

The other challenge I see, even for us among civil society, and which is a problem for the entire society is that we tend to promote the individual more and not the institution. Take, for example, my Green Advocates. If I drop dead today, what is going to happen to Green Advocates? You have to build an institution. It must not be Alfred Brownell, it must be Green Advocates. For example, when I talk to partners I say, you've invited me, you've given me support. But are you prepared to register and work with me and build a sustainable institution? Are you prepared to work with us to build Green Advocates into a credible and sustainable institution that will serve this country beyond Alfred Brownell? Not many partners, international partners, have registered and put a lot of heart in their investment.

All that I've acquired over the years in trying to build an institution, in trying to push all those reforms in this country that everyone talks about, we need to deepen that in my own institution. I see that as a problem and I worry about that every day. I discuss that with my staff. We need to develop the quality of staff so that you don't need to talk to everybody when you come to Liberia; you can talk to any of us and have a similar quality experience. This applies to the country, and you see that needed in all of our institutions.

You have political parties, and the political parties are tied to an individual. You see the government today; everybody is captivated by Ellen Johnson-Sirleaf. I talk to the US and everyone says, oh, you have a good President. Everyone talks about it. Most of them are Liberians and I remind them that Ellen Johnson-Sirleaf is the President of Liberia. She is not Liberia. You need to have Liberia, you have to build institutions. It is the institutions that we build and we strengthen that will foster and strengthen and guarantee and ensure the sustainability of our democracy. We are very, very far away from that. So these are the challenges we see.

That comes, for example, in our effort to build community institutions. With the communities, we're trying to work with them. Yes, we're caring about their [indecipherable] the institution in terms of whether they can stand on their own and proceed. No, we're trying to build them over the years. Let us emerge. But there are individuals scattered all over. We need to work to strengthen them. We work with several coalitions in Liberia. In the forest sector the NGO coalition—I know, I'm not talking about my work, we'll talk about it later, in the budget level coalition. In the extractive industry, we have a coalition. These are areas that Green Advocates is focused on. Forestry is one big part that we have just talked about, but I also work on economic justice, which is in the extractive industry; I work on corporate governance issues, looking at the role of communes in Liberia. We document that. We also work in extractive industry, where I look at the whole idea of revenue transparency and how directing those resources is integrated into the budgetary process, we're doing that as well.

In those coalitions, this is a part of leadership: how do we build a viable institution? This is a formidable challenge for this country. We have to go beyond that. I will say we have yet to cross that threshold. In this way, we think we need a lot more support—helping us to build it. They are going to be the character of the future of this country. It is not going to be Alfred Brownell, I cannot guarantee the future. It is not going to be Ellen Johnson-Sirleaf, she cannot—it is going to be having very strong, governance institutions that are accountable, that have checks and balances, that the citizens can relate to and that can provide a sense.

BLAIR: Can we back up a little bit to talk more about forestry and then move perhaps to extractive industries, the work there after that. I had a couple of follow up questions of on the beginning of the concession review commission. Tell me a little bit more about the steps that you took and that Green Advocates took and that the other coalition partners took to get that commission started, to convince people that it was going to be possible to take on the formidable interests of the forestry industry.

BROWNELL: *Like I said, it required a lot of leadership. The first thing was that we had a lot of information about what was happening in the sector but we had yet to document that empirically to have an evidence-based process. Then, to reform, you also needed to get the government to take the appropriate action—it had to be a government process. Civil society would publish a report, others would do that but we needed to get the commission to say, okay, let's confirm this.*

What we did was that we organized campaigns to tackle people in the government and say, look, you have to do this. So we started having discussions with people in the government because we knew that they were trying to lift the sanctions, and we needed to put conditions in place. We knew that they were also talking to development partners.

So we targeted the government itself directly.

BLAIR: In the government you're—

BROWNELL: *So we talked to people in the government, talked to the head of the forestry agency, talked to other ministers—whenever we could—we talked to people advising the then head of the transitional government. We also talked to development partners who were in Liberia: the US embassy, the European Union. We went there. We visited the European Union, we talked to them. We had our proposals of what our reforms would be like. We put all this on the table.*

There were also development institutions at the time that were coming to Liberia to follow up because of the war that was happening in the country, trying to get a sense of how things were. We made sure to see them and talk to them, and let them know what we were thinking about. I think all of those efforts led to the formation of the Liberian Forestry Initiative that the development partners decided to organize. They decided to provide support to this process.

So with our work, you had the development partners organizing themselves into a consortium to provide support for reforming the forestry sector. So we just did not sit there. I will track back a little bit—when we proposed for reform in this sector, it did not happen overnight. I'm just trying to give the bigger part of the picture.

The government said, oh yes, we're going to reform it; we'll set up a commission to do so. And the Forestry Agency itself appointed some of its own managers. They said they invested in these companies—even though they were part of the problem. They sat down and set up—designated one of the deputy managers to review the concessions and then came up with a report. And we protested. We said no, this is unacceptable. We're not going to accept this. This is not the way to do this. You are an equally bad actor in this thing as an agency. With the role you play, you cannot be the one to sit down and review yourself. You can't be a player and a reviewer at the same time. So we challenged that, and we put pressure on the agency.

We also put pressure on the development partners to ensure that the agency itself would not review itself. They said, okay, no problem. Since you are complaining, we're going to open up. Then they invited us in. I remember, I wrote a letter. I said, look, this is unacceptable. I'm not sure whether I can still find that letter somewhere. Maybe I'll find it after. If I do find it I can probably send it to you. That was what we wrote, and said look, we want to be a part of this process. And they said, okay, come on board, you're welcome.

So we came on board. They were like, well, let's start the investigation. We said no, you need to put in place a process in terms of how you're going to do the review. You need to set up criteria, you need to put together a methodology and you need to set up ground rules on how to do this. Besides that, yes, we have a civil society, but we need to also broaden this to include other stakeholders, not just us. It's not that when you bring us on board then you satisfy the requirement—this is not about Green Advocates. It is more than Green Advocates. You have to bring in other people who are concerned. They said, don't worry, we're going to do this. But we said no. So we disagreed and instead the state proceeded with doing the review.

Normally in civil society, you want to stay on board and get as much information as you can, so we were not going to walk away from an opportunity to know what

was inside. We sat through the process and at least, where it was permissible, we had access to some information in this sector. When they completed the report they said, well, we completed the report, you guys need to sign it. I said no, I'm sorry, I'm not going to sign onto this. Why? Because there were no criteria, no methodology, and you did not widen the group; it was not deepened, you didn't bring onboard the relevant stakeholders. And secondly, you limited access. We can't sign onto this; I'm not going to sign on to this. We need a proper review.

So with what we already had in the system that was there—we took it up and we decided to publicize it. It was then that the development partners said well, you know, this thing has to open up. And then we had to renegotiate. It went from Phase One to Phase Two to Phase Three of the review process. With Phase Three, we all agreed to where we had—the criteria, the methodology, what role who would play, the whole commission setup that was brought in to make it a more sustainable process. They wouldn't participate. But like I said, it was not easy. We started out from just a relationship with the internal review agency to a positive review, with a couple of society members on board, but no access, limited access, no criteria, no methodology—there was not any proper structure to where we came—when I agreed to all of this—so it took different parts, different levels—every time it was like a big fight to get them to move forward.

Part of what also happened was that while we were going on with this process, the government was lobbying hard to keep the sanctions on board, we were also lobbying hard to keep the sanctions on because the government knew that it was only the sanction that would provide the incentive for them to come to the table.

BLAIR: Right.

BROWNELL: *So it was a delicate balance. They knew we would campaign. So every time the UN panel came to Liberia we had new evidence to show how bad things were going, that even though we were not shipping logs, there was massive corruption going on, there was a massive amount of incompetence in the forestry agency. So we needed to get a reform process underway. And the panel on the UN Security (Council) knew that if they hadn't put this into place we would not have progress. And that worked in our favor a lot. So we insisted on the process. They knew we had leverage with the UN panel and so they had to go to the reviews. Even work on the laws, the same thin—.*

We kept insisting on the sanctions. In fact, I will tell you a fun fact. When the (President Ellen Johnson) Sirleaf took over, when she got elected, the first things—there was a flight to the United States to try to see how she would lift sanctions. By then she had not even been inaugurated. We also managed to campaign and said no. Not because she's elected in a free and fair election. The appropriate policies are not yet into place so we shouldn't allow this. And to communicate that directly to the UN panel and to the Security Council—so it took almost a year and a half before the sanctions were even lifted, the conditions were set.

BLAIR: You went to the US.

BROWNELL: *Went to the US and went to the Security Council. It took a year and a half before the sanctions were even lifted and it was clear that they needed to put into place the laws and everything.*

BLAIR: So tell me about what happened after the President was inaugurated—after she was elected, what steps did you take to begin to convince the new government about the policies that needed to be implemented? This was a whole new group of people that had to be—

BROWNELL: *With reference to the forestry sector, right?*

BLAIR: Yes.

BROWNELL: *We'd already done this body of work, which was well documented, and then we laid out the whole pathway along with the others—it was not just civil society, we had corroborated with development partners, with people in the government, and we had agreed on the next step for reform, which included these laws and all of this stuff. When the President took over, I was part of an arrangement that, for example, was involved in drafting the first executive order to be ever seen, it is called executive order number one. I am the co-author of that executive order. So we worked with the US government, the European Union to identify—we said look, here is what has come out of the concession review. We need to take the appropriate action. And we drafted an executive order clearly laying out the roadmap for how we should lift sanctions and how we should reform the forestry sector and what needs to happen.*

So the first thing was to provide a clean slate. All these companies that have performed terribly, undermining the rule of law and been involved in human rights violations, you need to get rid of them.

BLAIR: Was that a hard sell?

BROWNELL: *It was a hard sell; I will tell you it was a hard sell. There were different debates. I remember, the then Minister of Justice who now is an Associate Justice of the Supreme Court, had a heated argument. The governor was of the view, the Attorney General of Liberia—is that what you have in the US, an Attorney General?*

BLAIR: Yes.

BROWNELL: *He and I had a heated argument. He was of the view—that how could we terminate a contract by an executive order? He said this is a constitutional right; the contract is currently under protection. And that is true. Contracts are currently under protection. His argument was that this cannot be done by the President. If we need to do these things we must go to the court and the court will make a decision on this issue.*

And my argument to him was, look, I think you are right, that certainly, it is only the court that can determine the nature of the contractual arrangement in terms of looking at what all the parties have agreed to, but this is a different scenario we're talking about. Remember that the reform we were talking about was a reform that was mandated by the Security Council. Now, we in civil society had done this cleverly. Whenever we talked to the panel—and we knew the issues that needed to happen in Liberia, we made recommendations to the UN panel of experts. The panel made recommendations to the Security Council. This was in the form of Security Council resolutions that became the mandate of the government of Liberia. You follow the path I'm talking about?

BLAIR: Yes, yes.

BROWNELL: So we knew that they were based on Council recommendations about what the government could do. When we had some things we knew would be critical, we discussed those with the UN panel. We convinced them and that then got integrated into the panel report and recommendations and then subsequently integrated into the Security Council resolution, which then became a mandate of the government of Liberia.

So when he asked the question about the cancellation, I said the President is only responding to the Security Council mandate. I said, our court has no jurisdiction over the Security Council resolution. If the Council is mandating the resolution, the government will have to take appropriate action. How many countries have we seen around the world who challenge the Security Council resolution?

I said—and one reason why we had to abide by the Security Council resolution was because this was an attempt by the international community to help to move Liberia toward full sovereignty. Don't forget that since the Council had imposed sanctions on the right of the country to manage its natural resources, it meant that that country's sovereignty was in check. That the country was not, as I said, with full sovereignty. To move towards full sovereignty meant that you had to adhere to the Security Council's resolutions and implement them. That then would restore you to the community of nations.

So you cannot come and say, "Well, that's a complicated decision". If you took this to the court and the court said well, we're going to amend it, then the court is posing a challenge to the Security Council. And then the Council will not lift the sanctions, which would mean that this country's sovereignty would be undermined. So the best way to act would be for the President to exercise her authority over foreign affairs to link with the Security Council and issue the appropriate executive order to cancel economic sanctions. So that was the sell.

He had got everyone convinced, the President and so on. We met, we talked about that and we managed to get that to the President. I think in the next two weeks, the President issued the executive order. It brought ripples through this country. People were angry and today, some people are still fuming about that executive order and what it would do. Some are even saying that they will go and challenge it because those who had contracts to forest concession, they have lost that by the stroke of a pen through the executive order. That is unprecedented in legal theories and international law.

Sometimes, I travel around—and when people ask me about that and I'm trying to prepare an answer I say to myself, oh my God, how could you have thought about this. But believe me, I looked at this for a long time and before even coming to Liberia—I remember in 2003, I was invited to the University of Oregon. I was to do a presentation on forest governance and I was talking about how we used the Security Council to promote good governance in the forestry sector. My colleagues who were at that meeting were like, this is never going to happen. Where have you ever seen the Security Council intervention bring any good? But I knew that if you had a system in place and you followed that through, you would end up with something like this.

In the case of Liberia—and this is the first time that the Security Council had ever intervened—I would say using the upper-most limit of the Security Council Article 70 powers. Because it was not just that they recommended sanctions, they followed up on their recommendation to reform, their recommendations to cancel those concessions. What the council did is unprecedented anywhere around the

world. But I remember thinking about that—because, you know, physically we're small, as is the level of growth in Liberia—but I had the privilege of having a US education and I used to use my background in environmental resources law and energy, so we knew what we were trying to put into place.

That's one of the good things about forming a viable coalition; you've got to have the expertise. In a lot of countries, and in Liberia, a number of social actors are people who drop out of high school and out of college, who are trying to find a job and so they say oh, I'll have this organization. This is not a job. This is a calling, this is a passion. If you believe that you're going to get a job as an activist, you're never going to make it because it's got to be a passion.

It means that you can take an education such as mine, what I have done at this level. In this country that is highly illiterate, at my level, for you to be able to ignore all of the benefits of working for a company and making a lot of money, of being a minister in the government, to say I'm going to be a social activist and put all my education into this—it takes a lot of guts to do so.

BLAIR: Yes.

BROWNELL: *But that pays off in terms of how you shift policies, it is gratifying because I sit down and I laugh to say, I didn't have to be the minister or the President to bring about these changes. Look how much impact we have had. Not many people are thinking about that. But it is a huge impact. Just the fact that I wiped 70 companies off the map, it's huge. We put into place a rigorous and robust legislation, which is huge. We empowered communities to benefit, that is huge. We compelled the government to go against the consensus of communities, that's huge. It is deepening this and strengthening this in a way that they have never thought of. If you went to the forest agencies, they are now grumbling, they are angry. They now have to go and talk to these people in the communities who used to think they were nothing. Who would have thought we're people who just live off charities. Now the forest agencies have to get up and go to towns and sit down with the chiefs and the elders and the youth and say, we're here, is it possible to bring a company to come and extract your timber? They never knew this day would ever come. Our intervention has made this possible.*

So of course people were unhappy about that. And we have to keep considering that this is the beginning, and the task, like I said early on, is now building the institution that allowed for that to happen. It's a spark.

BLAIR: So after the Executive Order and the beginning of that process, how did you begin to build the momentum in the government to pass the appropriate laws that all this work was leading up to? How did you continue to maintain their support after that period?

BROWNELL: *What we did was—like I said, they treated the executive order as well. We put into place a system for setting up what we call a Forestry Reform Monitoring Committee. It was already mandated by the President; you needed to set up this committee. So then the appropriate institutions were identified, the committee was set up, then we began the implementation. So we were part of that. Basically we provided more ideas. There were regular meetings. We went to those meetings. They were outreach—so people were being informed about what was happening with the laws, trusting the laws, but also getting input from outside feeding that into place.*

We were playing a dual role of being inside and insisting on the highest standard of what the law will deliver upon, but we were also reaching out in the communities and letting them know exactly what the issues were, back and forth. So that allowed for a momentum. But also, it was mandated within the government that they had to follow that because the President had given her instructions. So the relevant agencies of the government had to follow that through. But there was also an incentive for allowing negotiations.

Remember, sanctions would stay imposed. We kept on insisting that sanctions be kept and the government was not happy. So we kept campaigning for sanctions until the laws were put into place and we started getting happy when the Security Council said they would lift the sanctions only after the government had passed the law.

BLAIR: How did you convince them to do that? There must have been intense lobbying from the—?

BROWNELL: *There was intense lobbying in terms of what I would have to do—but like I said, I served on the drafting team. We had to negotiate a lot of the issues back and forth, but the real opposition did not really come from within the executive, it came from the legislature and it came from the private sector. They were not happy about a couple of the provisions in the law. For example, the law excluded all lawmakers; they could not own a concession. The President, she couldn't own a concession, cabinet ministers could not own a concession. So they were not very happy about that. But they wanted to also move towards the point where the country was out of sanctions. And they're moving forward.*

So we were organized as a coalition, also putting pressure from beneath. We went to them and we said, look, this sector is rotting in bylaws and we, as lawyers, will address this, this law needs to come. And part of it was also—because you had everyone sitting at the table. You had the government at the table, you had the press at the table, and we said, why don't you just do the resolution paragraph by paragraph, section by section and disclose it— and they agreed and had compromises. Not everything in the law was accepted by us, was agreeable to us, but we had to make compromises along the way. There was intense negotiation between us and the government negotiators who were at the table to get this going.

I was involved in drafting—most of the time, I was involved in the real nitty-gritty of negotiations on contentious issues. For example, as I talked earlier about ownership issues, there was a big contention on how to address those. The government said, look, we are sovereign. All around the world, the government owns those resources. In fact, it is constitutional. The constitution of Liberia says the resources below and above—but you know, I'll tell you what happened. I took the constitution and I read it. It actually didn't talk about resources, it said mineral resources. So I said, it says minerals below and above. These forests are different from the minerals.

BLAIR: Right.

BROWNELL: *The drafters who were doing the constitution did not really think about forests at the time, and that was a big help. That put the forest on a different level. So the government could not argue that we were barred by the constitution, although they had said that. It was one of the government's big arguments: "No, you can't do this because of the constitution". I said, no, I'm not barred. This is what it says*

about this. We had to point this out. So part of it was doing all the research, keeping on top of the game, knowing what was going on.

BLAIR: What were some of the other bargains that you had to make, concessions given to the government in those negotiations?

BROWNELL: *For example, we had actually opted for a 60/40 benefit share directly for the communities. But the government, they didn't want that, so we had to settle for land rental on that law and an agreement to do the comprehensive rights law that would work on that. That was a major bargain. We wanted communities to manage protected areas, but the government didn't want that. That was also resisted by some of the coalition organizations. So we didn't get that through. What else, I'm thinking—so far, those are the two I can remember now, it has been a while. I can't remember all of the different things that came up, but those were areas where we disagreed.*

BLAIR: In this process from very early on, '99 and 2000 through now, what were some of the unforeseen obstacles to getting this through?

BROWNELL: *Unforeseen obstacles?*

BLAIR: The big obstacles to getting this done.

BROWNELL: *The biggest obstacle was that those who were providing support to this process really believed that the way forward was to build the capacity of the government agencies. Many of the development partners were not thinking of building capacity of civil society, even though we had taken the vanguard and led the campaign with just a few individuals. Even now, it is the same mentality. So we hope that since we are taking this campaign early on, we are donating documentation, we hope that there will be more focus on trying to build real capacity. But that did not happen. So we had to struggle along, to keep going on, whether or not we got that sort of attention that we deserved. It did not happen.*

The other unforeseen obstacle, the obstacle that I was talking about, right—

BLAIR: Yes.

BROWNELL: *Was that, let me think. The private sector—again, what had happened in the past, in terms of the role they had played in industry—you would think that they would have been more willing to sort of—things went wrong and we are prepared now to reform and move forward. Attitudes have changed. We have not seen that. They have thought to use that the other way around. They have no—you go through a process and you know that you were not right. You were wrong in certain things, you agree, we went wrong, but we need to move forward and do it right. They are yet to consent to that. In fact, many of them still challenge and dispute the results of the review process.*

What we also see as an obstacle is that we did not envision, given the progressive nature of the policies we put into place, the scale of the investment needed to build and strengthen capacity—we didn't really see that and now it is a huge obstacle. We have a law and a serious lack of capacity within that law. We didn't see that as a serious obstacle, didn't see that the law would have been in a way that would require a lot more investment to build capacity [end of file two]

BLAIR: This is part three with Mr. Brownell.

BROWNELL: *The other obstacle we see—given that the law is finalized from the position of the agency, we were hoping they would bring some official—everyone talks about a three “C” approach—this is the foundation of the forestry sector, it is based on the three “C” approach, conservation, commercial and community. There needs to be a balance between the conservation use, commercial use and community use. So we were hoping that all of these would emerge as the priorities. But then the agency was focused more on commercial forestry.*

The other obstacle that we didn’t anticipate was that—we put into place a forestry law, but the mindset of the people at the agency is more towards the extraction of timber. And we hope that we have really thought about this in the way that we structured the law, that we have removed the incentive for being so addicted to timber extraction and export.

If you went to the agency now, everyone is complaining that the sector doesn’t matter because everyone is focusing on timber rather than forestry. But it is the Forestry Development Authority, and timber alone is not forestry. So it is a huge obstacle.

BLAIR: Right.

BROWNELL: *It is a disincentive for promoting good governance because everyone wants to work in the commodity department, they want to be involved in timber extraction and timber export, and they’re not thinking of trying to develop a forestry program for Liberia. That is an obstacle that we did not anticipate at all and now it is coming back to hit us.*

BLAIR: Maybe we could move now to talking about extractive industry reform and how—maybe you can start by telling me how that was tied in with the work in forestry and how that got started.

BROWNELL: *Yes, that’s good. So we begin as young kids on the block. We have reformed the forestry sector. We had in place new laws, new procedures. Then we’re happy, we think, oh wow, we have achieved this. And we think this could be applied to other resource areas so we think, let’s focus on the mining area and the extraction industry and let’s do something about that. So then we’re part of a campaign. We say well, since this was done through a coalition, let’s organize a coalition around the extractive industry.*

I’m sure you have heard about Publish What You Pay International. We linked up with them to organize a campaign. I was invited to a meeting in Cameroon and I came back in 2005, came back and I called a number of my colleagues. First, I talked to them, visited offices, and said look, we have this idea about trying to build up a campaign around the extractive industry. This is huge, this is where the profits come from. We’ve had some successes in the forest sector, so there are lessons learned that can be applied if we can organize ourselves.

They said, what are you talking about? There was a campaign. There was a campaign around the EITI (Extractive Industries Transparency Initiative)—it goes around the world, a couple of other people are doing it. Most of us—well, we didn’t know what it was all about. They said if you can put it together, then we’ll support it. And so we talked to the seven different actors.

We came back to Green Advocates, I got my staff, and said, you guys ever heard of EITI? That was the first time I polled my office about EITI and we laughed about that. I said well, from this day now you guys are focused on nothing but

EITI. Go on the internet, read what you can read, learn what you can learn, then develop the tools and organize a training program. In three weeks, two of my staff (plus myself) did nothing but go online, read about EITI, look at the Publish What You Pay website, look at the EITI website, look at the website from DFID (Department for International Development) and developed the tools.

Then after we had the information, we went out to talk to other groups and said, we want to have this training program. Groups came to our offices. We had our first in-house program. We went around to different organizations, organized training programs just to first create awareness about EITI and Publish What You Pay. Then the group came up with the idea to decide to organize the network and everyone agreed and it was organized, it was launched with terms of reference. Then we went on to structure. We agreed among ourselves as civil society that this was good.

Then we decided to reach out to the government, to the different rural communities and the private sector. We raised a series of consultations going to different agencies of the government and talking about EITI: the Minister of Finance, the Minister of Mines, the investment commission, public procurement, talking to the poor, USAID (United States Agency for International Development), the GEMAP (Governance Economic Management Action Program) arrangement. It was through letters, it was through visits—and that led to a campaign where we called on the government of Liberia to sign onto the EITI.

We intensified the campaign and at the same time, because we worked through the GEMAP arrangement and through the different development partners, there was pressure. So then the government agreed to sign onto that. They made the statement to follow that through; they signed on. Then we lobbied to try to get the invitation going. I was involved in the first initial meetings, reviewing the policy notes, making comments on the notes, identifying the way forward. There is a whole document called EITI Next Step for Liberia that was specifically developed by us and Green Advocates on the Publish What You Pay website.

Then, volunteering again, with the concern of who to serve on a subcommittee to put into place all the different frameworks for the Secretariat and the steering committee EITI and Ministry of Finance—and that got up, the Secretariat was set up. We got nominated to the steering committee through a coalition. I was not serving on it. The coalition chair was a member of the steering committee but we went there as an observer from Green Advocates, which followed the process. It involved the different stages of the EITI.

First it was working on an MOU (Memorandum of Understanding), which was part of the drafting process. We filled it out, in sufficient detail, a much stronger mandate that would require communities to publish payments and governments to publish receipts. The EITI is based upon just that, publication of payments and receipts. So the President managed to issue an Executive Order again that mandated that all communities must pay and agencies must adhere to that. Then we said that we needed to sustain this beyond just the military Executive Order requirement.

So we started working on legislation, with the idea that just in a couple of weeks—I'm sure if you've been in town for the last two weeks, you heard the news that the President signed the EITI bill (Liberian Extractive Industry Transparency Initiative Act, 2009). I'll just try to make it very short but it has been an intense process. Sitting on the steering committee, making decisions about hiring a consultant to come and look at the audit, reviewing the audit report,

developing the work plan, negotiating with different stakeholders and agreeing, disagreeing—we were able to be there to see how all of it evolved.

So 2005, late 2005, we campaigned to get the government to sign on. Now, they have signed on. We have implemented. Our first report is out. We are going on to validation—we are almost on our way to what would be a compliant country, we now have a law in place—of course, I became a beneficiary of that this year in February in Doha. I got elected on the international board based on my work in Liberia. So how we have bettered this campaign has also done well for us. It is only now that we talk about EITI. EITI is an integral part of the policies because we now have laws that mandate that.

Now, how is that different from the law of EITI? Well, there are only two countries that have legislation, Liberia and Nigeria. If you look at our EITI law, it goes beyond the minimum EITI requirement. That was only possible because again, as in the forestry case, you had socialist actors who were actively involved in the drafting of the legislation. I took the lead on the draft. And a lot of the issues that we're promoting in government, transparency etc., they're in there. The rest of that—it is integrated into that. I was also able to use that draft to get comments from our colleagues in the wider network.

I shared my information with them; I asked them for comments and they provided suggestions. So now, for example, we mandated disaggregated reporting, this means we treat companies company by company, payment by payments—forestry is integrated. No country is doing forestry. Agriculture is there, no country is doing agriculture. But much more than that, we are doing post contract award audits. No one is doing that. So after you award the contracts, the EITI—and the companies find out whether in fact you followed the procedure.

BLAIR: Who is doing the audits?

BROWNELL: *EITI is mandated as part of the new law. We have not done that yet, but the law mandates that. So that's very progressive.*

BLAIR: What was the—when you went to the legislature for this, how difficult was it to convince the Senate and the House to—

BROWNELL: *We learned our lesson from the forestry sector. When we were doing the forestry stuff, we made an error in abandoning forestry legislature early on and so it took a while, a lot of debate, a lot of explanation. I had to—in fact, I will tell you, when we did the forestry law, no one from the government knew what to say about the forestry law. I had to go to defend the forestry law before the Senate representative. The Forestry Agency director asked me to personally accompany him. When we were asking him questions, I became the principal advisor for explaining the law and defending it. So the law was defended by civil society because everyone was saying it was our society. It was good.*

BLAIR: This was in a plenary session?

BROWNELL: *Yes, a plenary session. We sent it out. There were several sections to explain, and I was in the newspapers, I was quoted and all the questions, of course, were posed to me. The agency guy himself he could not—most of the time, he had to refer to me.*

BLAIR: And he was in favor of it?

BROWNELL: *The head of the agency, yes. He had no choice but to do it. He was in favor. The agency, the director—so we started early—at EITI, we had indicated and recommended to the government that we include the legislature—so we had one senator and one representative who were members of the LEITI (Liberia Extractive Industries Transparency Initiative) steering committee. So instead of doing the draft—this draft was widely discussed within the steering committee process. So lots of those who were there asked questions and they knew what went on and they were satisfied.*

We took our time to explain to them what the law was all about and what it intended to accomplish. They agreed. In fact, the two lawmakers actually then realized how useful this law would be for a citizen to provide oversight on government authorities; they were very happy. And so we worked with them. We took a long time explaining the details. They learned that. It was also important because, at the level of the steering committee of the LEITI, you also have high-level government officials; the Minister of Finance is on that committee, he chairs the LEITI steering committee. The Minister of Mines is on the committee, he co-chairs that. The CEO from the oil company is there. So you had all these people in the government who were high-level people who were sitting on that committee, and they had ample opportunity to ask all their hard questions.

And when we convinced them about why this was good and an important idea, they then became the champions of it. So the Minister of Finance, the Minister of Lands and Mines took the draft to the cabinet, to the President and convinced the President this was good. They did not see the law as a law that was drafted by civil society or Green Advocates. It was a law from the LEITI because the Minister of Finance and the Minister of Lands and Mines told them it was good.

It went to the legislature. The senator who was working for us was also able to tell the group it was good. He convinced his colleagues it was good and lined them up upon that. We weren't there to lobby and talk. I went to the Senate to talk but it was not like what I did with the forestry law. It was not an intense lobbying with intense scrutiny, because we had already sat down and done a lot of the discussion at the level of the steering committee of the LEITI process. So that worked well.

BLAIR: So when you said a minute ago that the government wasn't on board initially, you were referring to the executive mention?

BROWNELL: *Referring to the LEITI?*

BLAIR: Yes.

BROWNELL: *Initially there was a lot of misunderstanding of what LEITI was meant to do. There was a feeling that we were just trying to introduce an additional conditionality for the government. So people were not fully trying to embrace this, and we had to take the time to explain it—it was often one-on-one. So, for example, I went to the Minister of Land and Mines and we talked about it. We went to his office. We sat down, we explained it, and he understood, he agreed. The Minister of Finance was a champion, we explained that to her. She sat by that. She issues the way forward.*

BLAIR: Minister (Dr. Antoinette) Sayeh?

BROWNELL: *Sayeh. Now they have seen the full benefit of this. Even if it didn't go far, all of them knew how beneficial EITI would be. I explained to the government what the*

actual fees combination we ought to pay were—take, for example, the last audit report that was done. Communities who, over the years, we thought that they had made payments, we finally found out that the payments were not made. The government found out that the poor were being involved in fraud. Even though they were obtaining receipt from the government, they had actually not been making any payments to the government. The EITI was able to showcase that.

So now, I think people in the government are much happier that EITI is here because now they can know, for example, what payments the government can be making because they will come and do an independent audit of the redistribution process. So they have seen that. That would not have been possible before, but they see that now and they're happy.

BLAIR: What was the most challenging part of the EITI process as opposed to the forestry process?

BROWNELL: *Getting the communities on board, getting them to commit to the EITI. They assumed somebody had already come to a meeting. Also, some of the companies were trying to find a way to opt out. Initially, for example, we had a campaign to include agriculture, principally rubber. Firestone was the largest company and they fought that and they got out. So that was a huge challenge; it was a log. But now we have the law, because the legislation now has mandated that—it is mandatory now that you report. Even though we lost them early on, through the legislation now, they must report as they do for forestry.*

The other challenge—and it is still a real challenge as I said early on, is really making an investment into building the capacity of the different stakeholders.

BLAIR: Right.

BROWNELL: *In terms of the reporting process, if you look at the report, there is the issue of misclassification, the issue of not reporting properly, the issue of having the accounts audited to international standards; these issues have come about because of the lack of capacity. There is a need to really make more investment towards credit billing—and participation in that, that hasn't happened. That is a huge challenge here as compared to the forestry sector.*

BLAIR: We haven't talked a lot about the public campaign with EITI. Tell me more about the work there.

BROWNELL: *Well, there's a lot of public campaigning. We did a lot of media stuff—we were on talk shows throughout the country, we explained the EITI. I took off time myself going through this: going on the radios, interviews in the newspapers—we called the editors of several of the top newspapers in the country and held sessions, successful sessions and the coalition just explained this to them. In the coalition itself, we managed to get the press union—for a long time serving as the chair of the coalition, so we then used that to get a lot of information out to the public.*

We were involved in the printing of stickers all around. Finding people using stickers—do you know what that is? We organized training programs for different civil society groups, and pulled in the development partners. Early on in the process, we realized all this—therefore all the awareness of EITI, even among development partners in the private sector—we started organizing awareness and outreach programs. So we would bring people to our offices and do a presentation on EITI and explain it to them and encourage dialogue about the process. So gradually people held on to that, and that helped a lot.

Now the EITI is set up with its own secretarial set up and they have resources. It itself started to follow up with more outreach programs. There were road shows organized throughout the country by the EITI Secretariat and other civil society groups. They put up billboards around—you can see those billboards all over, they're very imposing in the country. There are jingles on the radio stations and local vernaculars—.

BLAIR: What are some of the slogans?

BROWNELL: *The resources—blessed united Christ—most of them were taken away from stickers we did early on for which the public has already paid—they just took a lot of that. We would contribute towards that as well.*

BLAIR: Moving the timeline backwards a little bit, what was the relationship between the diamond sanctions and the other sanctions on mineral resources and the sanctions work that you did on forestry? Was there a relationship there?

BROWNELL: *Yes there is basically, if you look at that, it was not just the timber, it was also the diamonds that would be used like this. So the idea was, when we lobbied for sanctions, we didn't distinguish the two. When they put into place the appropriate processes—now forestry was a little bit fast-tracked to the point where it was the first thing which had the sanction lifted. That was around a year (plus) ago. They just lifted the diamond sanction a year ago and we started legally shipping diamonds. I think it was at the end of 2007 that they lifted the diamond sanctions.*

We were much more involved in that as well—I worked with the Kimberley process. In fact, I just came from the intercession meeting in Windhoek. But yes, we organized—within the public funded paid coalition, we have what we call the Kimberley Process Platform that is led by Green Advocates and we've done a lot of awareness around Kimberley process compliance issues here in Liberia, monitoring how the government is complying with the process, but also following up on how the government is addressing the recommendations being made by the review visits to Liberia.

So we are involved with that. When they had not put into place the appropriate procedures, we had actually campaigned for not allowing the sanctions to be lifted. Because the Security Council resolution was very specific to diamonds. To the point—that until the government exercised control and authority over the mining areas—that is a huge part of it even now. This is where I talk about leadership. If we are insistent, for example, that the government exercise full control and authority over the mining areas, sanctions will stay and still be imposed because as I speak, there is no control and authority over those mining areas. There are a lot of illegal activities going on.

But there is a substantial amount of political will and good will towards trying to ensure that the diamonds are part of the Kimberley process. Even so, as it is, diamonds are such a difficult commodity to really manage and control because of their nature. If someone here puts a piece of that in his pocket and goes across the border, how do you track it? So you have to be flexible. That's what I talked about earlier on when I talked about leadership.

So I said no, the criterion is there. There's local joint authority here, so no sanctions—we allowed them to be lifted because we believed that we would then work with the government to improve that. For example, take a look at what is happening in Liberia now. Liberia is the only country that now has a national level

Kimberley process. The Kimberley process is a tripartite arrangement involving civil society, the industry and the government.

Civil society and industry are basically observers in the Kimberley process. At the international level, it is a whole tripartite arrangement and they all sit and make a decision together. At the national level and domestic level, you don't see that happening. So what we did was we said look, you've got to let this happen. And we're part of the campaign. And at the end, I asked the Minister of Mines and the governor to broaden it. And this year, for the first time, we got invited to serve on the Diamond Taskforce. That's actually Liberia's own version of the national Kimberley Process. They just started doing that, but that has never happened before. It is happening in Liberia. Other countries now are looking at an example of how this should be done.

BLAIR: Well, I'm conscious of the hour, perhaps we should call it there.

BROWNELL: Yes, that's ok. If you're ok and satisfied, that's fine.

BLAIR: This has been a great conversation, I really appreciate your time. Thank you very much.

BROWNELL: You're most welcome.