



Peacekeeping and post-conflict criminality

Challenges to the (re-) establishment of rule of law in Liberia

INTRODUCTION

A giant billboard a few metres away from the presidential mansion and the headquarters of the 15 000-strong United Nations Mission in Liberia (UNMIL) reads: 'Liberia Shall Rise Again'. This expression captures the hope and aspirations of the majority of ordinary Liberians who have been traumatised by 14 years of an internecine civil war that left over 250 000 people dead, displaced approximately 500 000 people internally, and caused about 70 000 to seek refuge in neighbouring countries.¹

The new administration of President Ellen Sirleaf Johnson and the Liberian people must, however, confront a number of issues if they are to minimise the risk of a relapse into armed conflict. Like many other post-conflict societies, Liberia has inherited internal and external predicaments. Internally, these predicaments include, but are not limited to, social, economic, political, and security problems that continue to afflict the country. Externally, the country faces the tenuous security dynamics of the Mano River Union region: the fragile peace in Sierra Leone, the lingering crisis in neighbouring Côte d'Ivoire, and the uncertain democratic future of Guinea Conakry and Guinea Bissau.² Post-conflict Liberia is also vulnerable to the activities of organised transnational criminals who are able to exploit weaknesses in the state's capacity to secure its territory and use Liberia as a transit hub for the illicit trade in arms, drugs, and diamonds, as well as human trafficking.³

While Liberia does not face a conventional military threat – that of invasion – from its neighbours, the fragile peace in the country is confronted with many serious internal security threats which are compounded by regional instability. In order to promote the development and establishment of democratic institutions, the country's security infrastructure needs to be re-engineered and improved.⁴

The violent conflict that engulfed Liberia in the 1990s had its origins in many years of arbitrary rule,

the absence of democratic culture and a dearth of good governance. A few years into Liberian independence, Americo-Liberian rulers had failed to fulfil and live up to the expectations of their people.⁵ A small minority, they developed systems of parallel and informal governance that marginalised certain elements of Liberian society.⁶ The security sector was politicised and the relationship between police, military and the political elite became an inappropriately intimate one, blurring the distinction between national security and regime security.⁷ In addition, the Americo-Liberians virtually sub-contracted the management of state security and revenue resources to an informal group of presidential associates, which led to the collapse of the state bureaucracy and security services.⁸ As argued by David Zounmenou, 'instead of promoting good governance, what was inaugurated under Americo-Liberian political elite domination was a system of oppression and abuse that simply transformed Liberia into another ineffective and corrupt system so widespread in postcolonial Africa'.⁹

Under the leadership of President William Tolbert (1971–1980), the new generation of Americo-Liberian elites did little, if anything, to change the status quo. The failure of Tolbert and his circle of sycophants to bring about meaningful change led to the 1980 military coup by Master Sergeant Samuel Doe. Although the coup marked an end to Americo-Liberian dominance, it didn't change the way in which power was dispersed to the extremities in the political system. Instead, it unleashed anarchy and acted as a catalyst for two ruinous civil wars (1989–1996 and 1999–2003). Feelings of marginalisation and deprivation led to violent armed resistance and the proliferation of rebel groups. In this anarchic climate, the Liberian political arena saw the emergence of ambitious, opportunistic military men who reduced Liberian politics to little more than an endless process of dissension.¹⁰ As a result, confrontation between government forces and fighters who claimed allegiance to different rebel groupings, namely NPFL

and ULIMO (1989–1996), and LURD and MODEL (1996–2003) was inevitable.

The fourteen years of civil war in Liberia from 1989 to 2003 included gross violations of human rights and the complete breakdown of law and order. The conflict also led to the increased fragility of the state, violation of the social contract and erosion of the trust people placed in the executive and legislative arms of the government. Above all, the civil war ‘launched the country’s descent into political violence and criminality, a descent which has continued unabated’.¹¹ Mismanagement of state security and revenue resources led to the collapse of state bureaucracy and security services.¹² By the late 1990s, the Liberian state had long lost the capacity to maintain a monopoly over the use of force, and lawlessness was widespread and intense. Rebels and criminals disregarded the rule of law until the deployment of the ECOWAS Mission in Liberia (ECOMIL) (August 2003–September 2003) and UNMIL (October 2003).

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The suffering that bedevilled Liberians was ended by the Accra Comprehensive Peace Agreement (CPA) which was signed on 18 August 2003. However, the new administration is still battling with mushrooming criminal activities due to the insecurities and constraints to good governance that it inherited from the previous regimes. Today, many Liberians are mistrustful of law enforcement agencies because they were, for many years, used to intimidate and extract resources and hence instilled fear amongst the citizenry. The security forces are therefore not seen as a source of protection, but rather as a threat to be feared, avoided and, if necessary, resisted.¹³ It is against this background that criminality and challenges to the re-establishment of the rule of law in post-conflict Liberia should be examined.

Observably, the United Nations Mission in Liberia (UNMIL) has played a vital role in the attempt to narrow the gap between goals and means in Liberia. UNMIL’s post-conflict reconstruction programmes have helped many Liberians to regain their livelihoods.¹⁴ Some Liberians are employed in UNMIL and in other UN agencies. As highlighted in the 2008 UN Secretary-General’s seventeenth progress report on UNMIL; ‘... a joint initiative of the Government, the World Bank, UNMIL, United Nations Development Programme (UNDP) and the World Food Programme, aimed at rehabilitating primary and secondary roads, has provided short-term employment opportunities for 60 000 Liberians during the past two years.’¹⁵ In addition, with funding from the United Nations Central Emergency Relief Fund (CERF), UN agencies and partners have provided assistance to more than one million vulnerable people across Liberia.¹⁶ It is ordinary Liberians and ex-combatants who are benefiting from these initiatives, which are helping to boost economic recovery and improve security and stability.

Despite these achievements, Liberian society remains one of the most traumatised and violent in West Africa. On the surface there seems to be some return to a semblance of law and order in Liberia, but the increase in the incidence of serious crime poses a serious threat to the re-establishment of the rule of law and the protection of human rights.¹⁷ The high levels of criminality in post-conflict Liberia could be considered to stem from the disconnection between societal expectations and legitimate means of achieving them.

Notwithstanding numerous attempts by the Liberian government and other actors (both local and international) to address criminality¹⁸ in its totality, the issue of rising crime has become a central concern to Liberians and it remains one of the most prevalent challenges to security in the country. Highlighted in the UN Secretary-General’s 2007 and 2008 Progress Reports on UNMIL, criminality is one of the key threats to sustained peace and stability.

Of particular concern are the burgeoning incidences of rape, murder, armed robbery, mob justice and ritual killings. These crimes have assumed such worrying proportions that the Liberian president recently described the situation as a ‘bad state of affairs’. There is concern that if the government does not act quickly to address this situation, Liberians may lose faith in the public security and judicial systems, resorting instead to popular forms of justice and other means of ensuring security. This could further undermine the fragile security situation in the country.

This paper interrogates the issue of crime in post-conflict Liberia. This is done by first drawing on key theoretical frameworks, such as William Zartman’s

state collapse theory, social criminological theories such as Robert K Merton's strain/anomie theory and Edwin Sutherland's differential association theory, to better explain the phenomenon. Furthermore, the paper reviews the relationship between peacekeeping and criminality by looking at UNMIL's post-conflict reconstruction programmes. Today it is widely recognised that peacekeeping brings with it certain unintended consequences.¹⁹ One such consequence is that, sometimes, peacekeepers are implicated in criminal activities.²⁰

The specific questions that it addresses are the following: How do we understand the links between criminality and peacekeeping? What is the nature of criminality in post-conflict Liberia and which crimes are most prevalent? What factors could explain the rising incidence of criminality in Liberia? In what ways has UNMIL contributed to combating criminality in post-conflict Liberia, within the context of the mission's mandate? What are the challenges to the re-establishment of the rule of law in post-conflict Liberia?

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Subsequent sections highlight the dynamics of conflict in the country, identifying and examining the major crimes prevalent in its post-conflict period, and focus particularly on the factors responsible for the rise in criminality. The paper then covers key challenges to the re-establishment of the rule of law in Liberia, concluding with final remarks and broad recommendations.

METHODOLOGY

This paper is the result of a field research trip to Liberia by a team of researchers drawn from various member institutions of the African Peace Support Trainers Association (APSTA).²¹ The research trip was not only aimed at exploring the scope and nature of criminality in Liberia, but also at gaining insight into UNMIL's operations in the country. The research was framed

around the theme of criminality and its relationship with the restoration of durable peace, as most writings on peacekeeping draw on perspectives from the discipline of international relations with little, if any, consideration for other fields such as criminology.

Most of the data for this paper was collected through semi-structured interviews with a wide range of relevant role-players, such as the staff of UNMIL, the Liberian National Police (LNP)²² and other government departments, and broader civil society organisations.²³ In total, 20 interviews were conducted during 4–12 August 2008. Secondary data was gathered through desktop research.

Despite our best efforts, we were not able to conclude interviews with the Ministry of Defence (MOD), the Bureau of Immigration and Naturalisation (BIN), the Drug Enforcement Agency (DEA) and the Customs Financial Security Monitoring Division (FSD). In addition, although we had a representative and reasonable number of interviews with different interest groups, we did not manage to conduct interviews with key civil society groupings such Liberia Action Network on Small Arms (LINSAs) and the Centre for Democratic Empowerment (CDE). Undoubtedly, interviews with these groups would have afforded us an opportunity to gain further insight into the dynamics of arms penetration into Liberia, as well as other salient challenges to the consolidation of democracy in the country. We have sought to compensate for these limitations by using secondary sources such as various UNSG reports.

CRIMINALITY, POST-CONFLICT RECONSTRUCTION AND PEACEKEEPING

The link between criminality and peacekeeping in post-conflict societies has recently become an area of concern among diplomats, policymakers and scholars. Presumably because concern over the relationship between criminality and post-conflict dynamics and peacekeeping are inchoate within the scholarly community, little effort has been made to develop a framework of analysis that could aid understanding of the links between the two subject areas. This paper, however, adapts the theory of state collapse and others to elucidate the links between criminality and post-conflict social dynamics, as well as peacekeeping, in Liberia.

By way of definition, the state is the authoritative political institution that is imbued with the power to make binding decisions over a particular group of people who occupy a defined geographical territory. Looking at the state through Westphalian thinking, its *raison d'être* is to serve as the supreme guarantor of security for a populated territory. In Max Weber's terms, the state is 'that organisation that, supposedly, claims a monopoly on the legitimate use of physical force within a given territory'

which may include the armed forces, civil service or state bureaucracy, courts, and police.²⁴

As an objective force that holds society together, the roles of the state are many and varied, but can be narrowed to three broad functions: rule making, rule interpretation and rule adjudication. The extent to which order, stability and security is prevalent in a society is a result of the capacity of state institutions and structures to discharge these responsibilities in an efficient, effective, sustainable, and accountable manner. When the state is unable to perform these, it means that the state does not exist, or has collapsed.²⁵

According to Zartman, 'state collapse is a deeper phenomenon than mere rebellion, coup, or riot. It refers to a situation where the structure, authority, law and political order have fallen apart and must be reconstituted in some form, old or new.' We can thus talk of state collapse when:

As the decision-making center of government, the state is paralyzed and inoperative: laws are not made, order is not preserved, and societal cohesion is not enhanced ... As a symbol of identity, it has lost its power of conferring a name on its people and a meaning to their social action ... As a territory, it is no longer assured security and provisionment by a central sovereign organisation ... As the authoritative political institution, it has lost its legitimacy, which is therefore up for grabs, and so has lost its right to command and conduct public affairs ... As a system of socioeconomic organization, its functional balance of inputs and outputs is destroyed; it no longer receives supports from nor exercises controls over its people, and it is no longer even the target of demands, because its people know that it is incapable of providing supplies. No longer functioning, with neither traditional nor charismatic nor institutional sources of legitimacy, it has lost the right to rule.²⁶

In both stable and unstable societies, factors such as corruption, ethnicity, lack of resources and external manipulations vitiate the capacity of state institutions to undertake those functions that define the essence of a state. However, it is conflict, especially protracted war, which has the most destructive impact on state structures and institutions. By destroying the economic, political, social, and security structures of the state, conflicts create serious capacity gaps.²⁷ Here, 'capacity gap' refers to the extent in which institutions of the state are capable of effectively utilising public resources to provide the essential conditions and services that citizens require to realise their full potential in a society.

Robert K Merton's strain/anomie theory views criminality through the lens of structural dynamics within society. Merton discusses deviance in terms of

goals and means. When Durkheim states that anomie is the confounding of social norms, Merton goes further and argues that anomie is a situation in which social goals and the legitimate means of achieving them do not correspond.²⁸ In Durkheim's terms, anomie is 'the lack of moral standards in a person or social groups, it is a state of uncertainty or confusion where law and order are not clearly perceived by the population and thus propitious to an upsurge in criminality or lawless behaviour'.²⁹ These uncertainties and frustration, it is argued here, are caused by a general perception of the state's inability to manage social expectations. It is worth noting that the failure to provide the populace with legitimate means³⁰ of attaining socially created goals³¹ also generates anomie.³² Therefore, individuals' responses to socially created goals and the means by which they pursue those goals are useful in understanding criminality.

In post-conflict societies, collective action such as vigilantism and armed robbery can be motivated by changing societal norms, strain or frustration in a body of individuals, arising from a disconnection between the society's goals and the popular means of achieving those goals.³³ People use extra or alternative means to gain access to public goods that they are unable to access through socially accepted behaviour.³⁴ In relatively stable societies, social norms and effective social sanction restrict the ways in which individuals pursue material wealth. In conflict-ridden or post-conflict societies, traditional or pre-existing social norms that may have served to mediate social action previously have been disrupted, while the competition for scarce resources is often violent, fuelled by the availability of arms, a general culture of lawlessness/lack of enforcement, the social disruption that has accompanied the preceding conflict, and so on. Not only is the competition for scarce resources intense and often violent, but there are no socially approved means of gaining access to the most basic of human necessities, such as clean drinking water, food, shelter, energy and sanitation.

In Liberia, for instance, only one in 25 Liberians has access to a toilet, most use the nearest bush or beach, unwittingly committing what the UN Children's Fund (UNICEF) calls 'the riskiest sanitation practice'.³⁵ According to the head of Liberia's Water and Sewer Corporation, Hun-Bu Tulay, 'Liberia's 3.5 million people share just 19 690 toilets'.³⁶ The government water and sanitation sector assessment from October 2008 revealed that fewer than one in three Liberians have access to safe drinking water. At US 25 cents per gallon, many are forced to choose between flushing and buying food.³⁷

As these figures reveal, for many Liberians, legitimate means of attaining basic necessities are non-existent due to the devastation, particularly in the socio-economic sector, caused by conflict. Accessing the necessities to

meet their basic needs has become a tedious effort. In addition to this, in 2006, the country had an estimated population of three million (half of which lived in Monrovia, the capital) and a national budget of only US \$129 million.³⁸ During the same period, the unemployment rate stood at 85 per cent. For the 2007/2008 reporting period, the country did not even appear on the 2007/2008 UN Human Development Index, while its neighbours, Sierra Leone and Côte d'Ivoire, were ranked 166 and 177 respectively.³⁹ The country's key social indicators remain among the lowest in the world.

A widely held perception is that such an economic situation creates conditions conducive to increasing levels of crime. However, the issue whether such unfavourable economic conditions, which also deepen the level of poverty in a society, predispose people to crime is hotly contested. For instance, although the 2005 UNODC Report on crime and development in Africa alluded to the fact that crime rarely occurs in isolation, it cautioned against the notion that association is tantamount to causation. In other words, although it admitted that there is a range of cofactors associated with crime, such as unemployment, income inequalities and poverty, these need not be automatically taken as the causes of crime.⁴⁰

However, at another end, the link between poverty and crime has been well captured in various criminological studies. Criminologists, as diverse in their perspectives as William A Bonger (1916), Robert K Merton (1957) and Gary S Becker (1968) have provided plausible theoretical explanations for the correlation between crime and poverty.⁴¹ According to Bonger (1916), poverty predisposes to crime and furnishes the motive for it. This claim by Bonger finds credence in the argument of Jens Ludwig, Greg J Duncan and Paul Hirschi that 'official crime rates are always higher among the poor, and poor people are more likely to be arrested and convicted for a wide variety of offenses'.⁴²

Shortly after the 14-year-long Liberian civil war ended in 2003, the country saw a large influx of people, particularly into Monrovia. While some wanted to be part of a 'new' Liberia, most moved to the city to escape the destitution, abject poverty and misery that the ongoing conflict had left in rural areas.⁴³ The government has not been able to manage people's expectations. Unfulfilled promises and disappointed expectations have led to frustration and changed patterns of behaviour.⁴⁴ Combined with an absence of state control and policing, and the collapse of the economy, this has seen many Liberians engage in desperate lawless activities to survive.⁴⁵

Many uneducated ex-combatants, unable to compete in the formal economic sector, draw upon their previous experience and secure their livelihood through armed violence.⁴⁶ Mob/vigilante justice, theft and the

thriving drug trade can also be understood as deviant behaviour arising out of the state's inability to promote the economic wellbeing of its citizens, provide them with security and protect them from violence and crime.⁴⁷ In many instances, mob justice is triggered by unreliable public security and protection; state policing is often ineffective or unavailable.⁴⁸ Public safety and security are rights that are supposed to be enjoyed by all Liberians, as anywhere else. But the Liberian government is unable to guarantee these rights, simply because the security forces are unable to meet such post-conflict challenges.⁴⁹ The administration has inherited 'ill-equipped, poorly-trained and an undisciplined security sector, not up to the task of defending the state and its citizens'.⁵⁰ Not only unable to provide security for the Liberian people, the security apparatus itself often serves as a source of insecurity. Faced by this harsh reality, ordinary Liberians are forced to fend for themselves and, on occasion, their response and coping mechanisms fall outside of an acceptable normative framework.

In addition to the anomie and state collapse theories discussed above, differential association theory is another approach to the criminality-post-conflict-peacekeeping nexus in post-conflict Liberia. Differential association posits that, through interaction with others, individuals learn the values, attitudes, techniques and motives for criminal behaviour.⁵¹ Following from this, the learnt criminal behaviour is then carried, through the vehicle of social interaction, to others within the group.⁵² Criminal behaviour is initially learnt within intimate personal groups, such as peers, families, soccer teams and churches. Proponents of this school of thought argue that, early in life, individuals are influenced by those of high status within their intimate personal group (in the case of a family, parents or adult relatives and their friends) and are likely to follow their example.⁵³

Within the context of Liberia's conflict, an example of the application of the differential association theory is the indoctrination of young girls by rebel leaders, who also used victims as their bush wives and normalised rape as a weapon of war. The indoctrination of boys by rebel leaders, who exposed them to violence, drug addiction and gang rape as a weapon of war, is well documented.⁵⁴ Inevitably, these youths now perpetrate crime.

During our research, most respondents alluded to the fact that many perpetrators of crime in Liberia are ex-combatants.⁵⁵ These are people who have been repeatedly exposed to violence during the civil war and who grew up under dysfunctional families in a society marred by an entrenched culture of violence. Between 1989 and 1996, some were recruited at a relatively young age to join the National Patriotic Front of Liberia (NPFL) and United Liberation Movement of Liberia for Democracy (ULIMO).⁵⁶ Later on (1997–2003), youngsters

were recruited by MODEL (Movement for Democracy in Liberia) and LURD (Liberians United for Reconciliation and Democracy). Through their interaction with other child-soldiers and rebel leaders, they learnt how to use guns and violence. The modus operandi of these groups often included torture and brutal killings.⁵⁷ It is not surprising, then, that, even after the war, they have continued to use violence as a way of gaining desired social benefits and wealth. Because violent crimes such as rape constitute a major criminal offence in society, even in post-conflict Liberia, these young victims of the conflict have become social misfits.

In the process, former youth combatants are labelled as deviant – a label conferred by the powerful, who determine that elements of the behaviour of the disadvantaged and the poor are ‘unnatural’ and then impose the new definitions upon the powerless against their will. For instance, in Liberia, ex-combatants are ascriptively labelled as criminals and are blamed whenever there is an armed robbery. This creates a sense of disempowerment and uselessness on their part. With no means to exercise agency against the structures of the society and stereotypes, they conform to the ascriptive label. Some labeling theorists believe that labeling offenders as ‘criminals’ does no good to the society since it deepens the criminal behaviour, making the crime problem worse.⁵⁸ Braithwaite (1989) argues that labelling does indeed create a class of outcasts. Consequently, offenders are prevented from reintegrating into society and can only become more entrenched in crime as a result of being branded a criminal.⁵⁹

Rehabilitation and reintegration programmes have failed to provide sustainable livelihoods for ex-combatants who are consequently regrouping and resorting to illegal exploitation of natural resources

On reflection, it is clear that, war and violence leads to social disorganisation because informal social controls break down and allow criminal cultures to emerge. As social disorganisation theorists (such as Gary, Sampson, Raudenbusch and Earls) observe, disorganised communities lack collective efficacy to fight crime and disorder.⁶⁰

In behavioural science, rehabilitation is recognised as a remedy to deviance. It is one of the mechanisms used to change bad behavioural patterns learned over a period of time. In 2007, the UN Secretary-General reported in his fifteenth progress report that about 90 000 ex-combatants had benefited from a rehabilitation and reintegration programme,⁶¹ some 2 000 (two percent) spontaneously reintegrated into communities and some 9 000 eligible ex-combatants were still awaiting reintegration opportunities.⁶²

Although a large number of ex-combatants benefited from these programmes, in general, they were not effective in the sense that this group continues to account for a large number of offenders in Liberia. This raises the question as to what the role of the Liberian Poverty Reduction Strategy and other post-conflict reconstruction response mechanisms have been? There is a widely held belief in Liberia that the rehabilitation and reintegration programmes have failed to provide sustainable livelihoods for ex-combatants who are consequently regrouping and resorting to illegal exploitation of natural resources such as rubber and diamonds.

As the International Crisis Group rightfully argues, an effective rehabilitation and reintegration strategy is critical to break the chain of command and control between fighters and warlords, creating sustainable livelihoods and returning fighters to their homes.⁶³ Regrettably, if ex-combatants have nothing to gain from the programmes, they are more likely to resort to crime and looting, thus perpetuating the cycle of violence in Liberian society.

POST-CONFLICT CRIMINALITY IN LIBERIA: NATURE, CAUSES AND TRENDS

Criminality in post-conflict Liberia has repeatedly been viewed as cause for considerable concern by the international community. The problem has also attracted a lot of media interest, with almost all the Liberian news media and the international press reporting on the seemingly uncontrollable wave of crime sweeping the country.⁶⁴

The problem is not unique to Liberia, nor is it something that is fundamentally new in a post-conflict situation. Even in relatively stable African countries like South Africa and Ghana, crime rates are relatively high. The situation in Liberia cannot, therefore, be expected to be markedly different. However, what has made criminality in post-conflict Liberia a source of serious concern is the potential it has to undermine the fragile peace in the country and return the country to war. It is important, then, to briefly examine the nature, trend and prevalence of different types of crime in post-conflict Liberia, partly because this helps to identify the factors responsible for such crime.

Table 1 Incidence of crime in Liberia in 2007⁶⁶

Type of Crime	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
Armed robbery	16	19	19	18	45	40	31	43	18	58	54	34
Arson	5	5	0	4	1	3	1	1	2	1	3	5
Homicide/Murder	10	3	10	7	8	7	12	12	10	8	10	5
Kidnapping	2	2	4	1	3	4	0	0	3	2	2	1
Mob violence	5	4	2	2	3	12	4	5	9	8	9	8
Possession of firearms	5	4	3	3	2	12	5	9	5	2	2	7
Rape	64	67	60	37	38	36	31	41	43	65	42	49
Riot	1	0	1	3	1	4	1	1	1	3	2	1
Robbery	28	16	30	13	18	16	8	13	12	20	14	20
Sexual abuse	7	5	22	27	16	16	14	20	13	21	9	20
Shooting	1	0	2	2	3	2	3	9	9	10	3	6
Total	144	125	153	117	138	152	110	154	125	140	150	156
Overall total of reported crime cases for 2007				1 664								

The statistics available, limited as they are,⁶⁵ indicate that robbery (including armed robbery), murder and rape constitute the most pervasive crime in post-conflict Liberia (see Table 1).

Robbery (including armed robbery), murder and rape constitute the most pervasive crime in post-conflict Liberia

Rape

Rape tops the list of violent crimes in Liberia and is one of the major crimes that dominate the sociopolitical landscape of the country (Table 1). By all accounts, it is also on the increase. In this regard, one of our respondents noted that ‘not a single day passes without hearing about a rape case’. The data obtained from UNMIL on cases of rape offences indicates that charges of rape account for more than 35 per cent of all the violent crime detainees in all detention facilities.

The prevalence of rape, including gang rape, is particularly high in Monrovia, the capital city, and in the counties Kakata, Sanniquellie, Gbarnga and Tubmanburg. Monrovia accounts for 136 of the total 219 cases of rape reported nationally, or about 62 per cent, as at 30 July 2008. The problem of gang rape and statutory rape, where victims have included girls below the age

of sixteen (with recent reported rape cases of children under the age of ten years), has added a new layer to the complex issue of post-conflict criminality in Liberia.⁶⁷

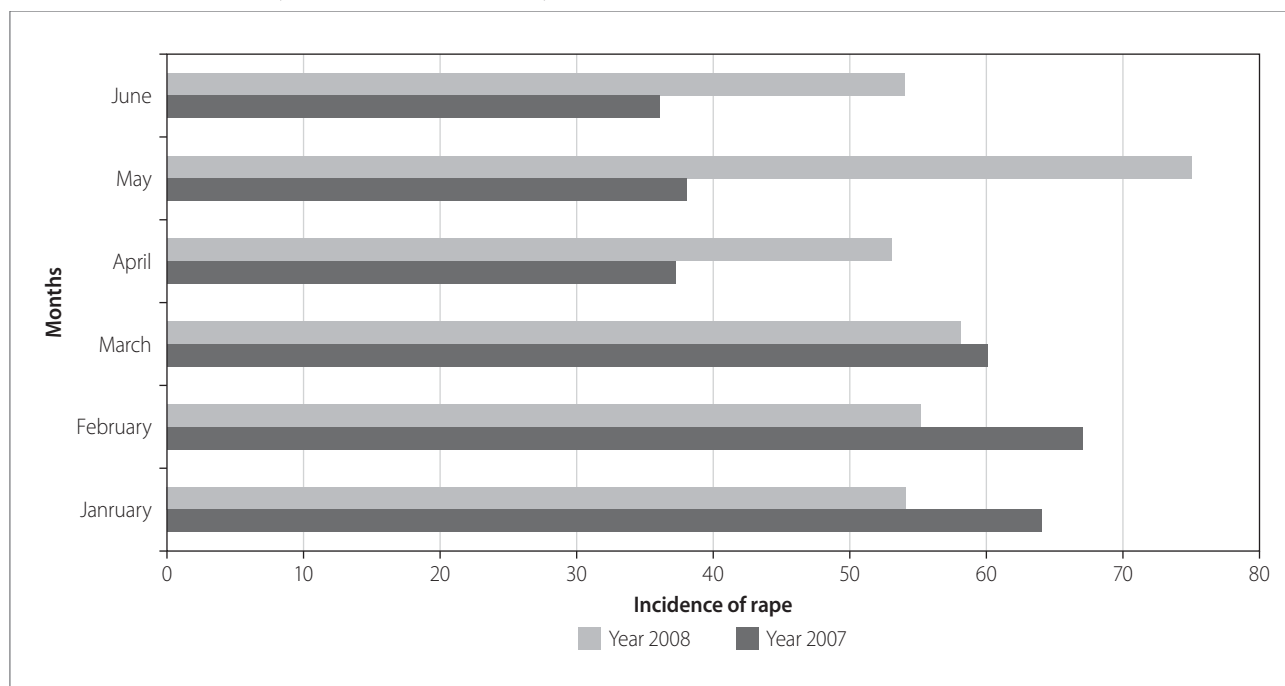
Although statistics (Figure 1) show that incidents of rape increased in Liberia in 2008, it is important to contextualise this relative increase. While the numbers undoubtedly suggest that rape is still pervasive, several of our respondents noted that the increase in recorded rape cases did not necessarily mean that incidents of rape have increased in frequency. Unlike during the civil war, when victims of rape did not have access to facilities and institutions where they could report incidents of rape, such facilities now exist. Coupled with educational and awareness campaigns, this serves to encourage victims to report cases of abuse.

Rather than actual incidents, then, it may therefore be the reporting of this crime, and others, that is on the increase, due to sustained awareness campaigns by civil society organisations, the peacekeeping mission and the Liberian government.

Notwithstanding, rape is arguably still rampant in Liberia, and encouraging victims to report such assaults remains a challenge. Many people do not come forward to report rape cases and other gender-based violence, such as forced marriages. Reasons include fear of victimisation by the abusers and a tendency to resort to traditional forms of dispute resolution or settlement out of court.⁶⁸ This means that the 219 recorded rape cases do not reflect the actual number of rape cases but merely the tip of an iceberg.

Another challenge is that victims suffer from the trauma of second victimisation. Many police stations in the country’s 15 counties do not have aftercare facilities

Figure 1 Comparative analysis of rape figures: January to June of 2007 and 2008



Source UNMIL Headquarters, Monrovia, 2008

and police officers are not well trained in how to deal with victims of gender-based violence, nor are they familiar with a rape victim's rights. New LNP recruits are not given crucial counselling skills that are necessary in dealing with cases of rape and the resulting post-traumatic stress. This means that, besides the victimisation that they may experience at home, victims suffer additionally at the hands of the police, often enduring humiliating treatment, insults and name-calling. In addition, there are relatively few trauma-counselling centres around Monrovia where victims can seek help. In the few cases in which perpetrators are apprehended, Liberia lacks the scientific expertise to put forward evidence with which to validate allegations of rape.

Young rape victims suffer further victimisation in court because they have to face their abusers in the absence of intermediaries. As UNMIL's 2007 seventeenth report on the human rights situation in Liberia shows, some law enforcement and judicial personnel have failed to fully implement the Rape Law, particularly as it relates to dealing with young victims and the relevant medical reports, by mishandling reports of rape. Hindered by moribund traditional attitudes and a war mentality whereby women are considered to be chattels and a spoil of war, Liberia has a long way to go in enhancing the protection of the rights of women and girls before the high level of rape drops.

In some instances, the problem of rape involves UN peacekeepers who break the Status of Force Agreements (SOFA) and Mission Code of Conduct.⁶⁹ It is on record that, in some UN peacekeeping missions, many cases of sexual exploitation and abuse (SEA) have been reported.

Peacekeepers have been known to abuse their status and the privileges they enjoy on these missions by exploiting the appalling plight of the local population for their own self-gratification, sometimes engaging in sexual relationships with civilians who comply in return for money or other benefits. In the case of UNMIL in Liberia, the available data on SEA during the period from January 2008 to June 2008 indicates that the incidence of SEA diminished during this period.⁷⁰ This decrease is attributed to intensified awareness campaigns by the mission's conduct and discipline unit, in collaboration with the gender unit. In addition, UNMIL continues to focus on strategies to prevent, report and effectively respond to all categories of UN personnel misconduct by implementing UN policies and procedures on standards of conduct, including the Secretary-General's zero tolerance policy on sexual exploitation and abuse.

Armed robbery⁷¹

Armed robberies are on the increase in Liberia. This trend can be attributed to several factors. Firstly, Liberia is home to a large number of unemployed youths, including ex-combatants. Secondly, the Liberian National Police (LNP), most of whose officers are unarmed, is regarded to be rather weak. According to many respondents, poor vetting processes in the restructuring of the LNP have also contributed to the increase in armed robbery. Some sections of the society maintain the view that the inadequate vetting process has meant that several 'bad apples' have been recruited into the LNP. The arrests of members of the LNP for armed robberies do lend some credence to

this claim. For example, in July 2008, six police officers were caught taking part in an armed robbery and were prosecuted in court.⁷²

The data in Table 1 shows that the incidence of armed robberies is usually higher from April onwards. Two possible factors influencing this trend are the onset of the rainy season and Christmas festivities. This was certainly the view expressed by various respondents who maintained that the worsening of the already inadequate roads in the country makes it difficult, if not impossible, for the LNP or neighbours to respond quickly to distress calls. The spike during the festive season was attributed to the tendency of many youths to resort to crime in order to get money for Christmas celebrations and to satisfy their excessive alcohol consumption over Christmas holidays.

Murder

Murder is one of the most prevalent violent crimes in Liberia. According to the UN, the incidence of murder in Liberia is 1.75 times greater than in Côte d'Ivoire, and 1.12 times more than in Sierra Leone.⁷³ Cases of murder in post-conflict Liberia are mainly due to mob justice, ritual killings (not a new phenomenon) and land disputes. Each is discussed separately below.

The contradiction between customary and statutory laws over land ownership is also a major source of conflict that frequently results in death

The growing incidence of ritual killings, involving the removal of vital organs such as the liver, cornea and, especially, the kidneys, is a particularly worrisome crime in post-conflict Liberia.⁷⁴ Even though ritual killings were common in Liberian society prior to the conflict, popular belief that they are increasing may be connected to the booming market in human organ trafficking. The globalisation of technology, which has improved preservation techniques, increased the success rate of organ transplants and enhanced the ease with which organs are transported, may underlie this trend.

The contradiction between customary and statutory laws over land ownership is also a major source of conflict that frequently results in death. The Liberian justice system is an amalgam of internal and imported

statutory law: the US common law; state-sponsored African customary law in which chiefs and local administrators exercise judicial powers; African customary law that operates beyond state oversight, such as within the Poro and Sande societies;⁷⁵ and councils of elders, and other forms of dispute resolution institutions and mechanisms.⁷⁶ The two forms of customary justice have continued, and even thrived, despite the disruptions of the war, and contradictions between them have sometimes underpinned violent conflicts over ownership of land. One such gruesome incident was the Kakata incident, on the fringes of Monrovia, in which 14 people were brutally murdered, allegedly in a land dispute case.⁷⁷

Mob violence is perceptibly on the increase in Liberia.⁷⁸ For the purposes of this paper, mob violence means a violent and spontaneous reaction by an angry mob or group of citizens who execute or punish a person or group of persons alleged to have committed a crime, rather than hand over the suspect(s) to law enforcement officers to be tried and, if found guilty, punished in accordance with the laws of the land. Such lawless acts, which put lives and property at risk, are of great concern to the Liberian authorities, partly because recourse to mob violence clearly indicates a lack of public confidence in the LNP. There have been numerous cases in Liberia where citizens have taken the law into their own hands and even killed persons alleged to have committed crimes like theft, rape or armed robbery.

On some occasions, an angry mob has gone as far as to attack police officers that have intervened at the crime scene in order to arrest alleged criminals. Worse still, angry mobs have attacked and destroyed police stations where suspects were detained for further investigation. Between January 2007 and February 2008, there were a total of nine attacks on police stations in Liberia. Within the same period, there were 56 attacks against police officers, out of which 23 occurred in the capital city of Monrovia and its environs. In April 2007, more than 200 people stormed a police station in Bong Mines, broke into a cell, released a suspect and burnt down the station. A motorbike and accommodation, both belonging to the LNP, were also burnt. In Harbel, about 250 people, armed with sticks, cutlasses and stones, demanded the release of a murder suspect in September 2007 so that they could kill him. The police depot was completely burnt and the suspect died of the injuries inflicted on him by the mob. The violence also left some LNP personnel and peacekeepers injured.⁷⁹

Two other cases of mob violence were reported to have taken place in Nimba County (Dahnlorpa and Sanniquellie) on 27 and 29 October 2007.⁸⁰ One of these incidents involved a man who was suspected of stealing rubber and another one involved a 17-year-old boy who was accused of stealing LD \$150 (USD \$2.50) and

breaking into a house to steal a mattress.⁸¹ Mob violence continues to violate several fundamental human and other rights, including due process rights, as enshrined in the country's 1986 constitution and guaranteed under international human rights law.

Regional crime comparison

Although Liberian crime figures indicate a considerable increase in the four crime categories (armed robbery, rape, murder and mob violence), these are lower than crime figures in other West African countries like Sierra Leone. For the reporting period ending December 2007, 102 murders and 573 rape cases were recorded in Liberia (see the Table 1 above). This is minimal when compared to Nigeria's 1 981 murder cases and 1 545 rape cases recorded for 2007.⁸² In respect of theft, Liberia suffers far fewer incidents in comparison with Sierra Leone. According to the Overseas Security Advisory Council (2007), like Monrovia, Freetown has also experienced an increase in night-time robberies, assaults and murders. Likewise, incidents of petty street crime and pick-pocketing have also increased. In general, the causes of increasing criminality in a number of West African countries have some commonalities. For instance, in both Sierra Leone and Liberia, the increase in crime is affected by factors that include the withdrawal of UN peacekeeping missions (which tends to create a security gap), high unemployment rates, increasing drug usage, and a large number of ex-combatants yet to be effectively rehabilitated.

Mob violence continues to violate several fundamental human rights, including due process rights, as enshrined in the country's 1986 constitution and guaranteed under international human rights law

Post-conflict criminality in Liberia: The peacekeeping mission response

UNMIL officially took over peacekeeping operations in Liberia from the ECOWAS Mission in Liberia (ECOMIL), when the 3 500 West African troops were 're-hatted' with blue berets as UN peacekeepers in 2003.

UNMIL was established by United Nations Security Council Resolution (UNSCR) 1509 of 19 September 2003⁸³ to: support the implementation of the ceasefire agreement and the peace process; protect United Nations staff, facilities and civilians; support humanitarian and human rights activities; and assist in national security reform, including national police training and the formation of a new, restructured military.

UNSCR 1509 (2003) approved the following as the authorised strength of UNMIL: up to 15 000 military personnel, including up to 250 military observers and 160 staff officers; up to 1 115 police officers, including formed units; and the appropriate civilian component. Over time, the strength of UNMIL has varied, either decreasing or increasing due to the changing conditions on the ground. However, as at 31 May 2008, the mission's strength stood at 13 934 total uniformed personnel, including 11 588 troops, 201 military observers and 1 145 police, supported by 506 international civilian personnel, 933 local staff and 245 UN Volunteers.⁸⁴ As of 31 March 2009, the mission's strength stood at 11 345 total uniformed personnel, including 9 988 troops, 139 military observers and 1 218 police, supported by 493 international civilian personnel, 1 040 local staff and 220 UN Volunteers.⁸⁵

Combating crime and criminality remains a major preoccupation for UNMIL, especially in relation to its mandate to assist the Liberian Government in general, and monitor and support the LNP in particular. In response to spiralling crime in Liberia, UNMIL has collaborated with relevant security agencies in Liberia to evolve and implement measures aimed at enhancing security in the country. The four principal strategies for intervention by UNMIL are: joint patrols with the LNP, the establishment of formed police units, development of LNP capacity and infrastructure, and community policing forums.

One example of the joint patrols undertaken with the LNP, particularly at night, is codenamed 'Urban Surge'. It involves the deployment of troops, together with the LNP, on foot patrols in violent crime hotspots, such as Paynesville, Gardnerville, central Monrovia, West Point and Bushrod Island.⁸⁶ Together with the LNP, UNMIL has been patrolling and policing border areas to deter cross-border weapon trade and the recruitment of mercenaries.

Formed Police Units (FPUs) from India, Nigeria, Jordan and Nepal have been deployed on behalf of UNMIL to strengthen the LNP's capacity for robust police intervention. Usually, FPUs carry out a wide range of tasks, such as patrol duties, rapid response assignments, crowd and riot control, general back-up support to the local police and other law-enforcement agencies, such as in the DRC and Haiti. Since its arrival in 2007,

the all-female Indian FPU has been assigned to provide support to the LNP in several places in Monrovia, and have taken on tasks that include protecting the ministry of foreign affairs.⁸⁷ In some instances, night patrols have been jointly conducted by the Indian Formed Female Police Unit and the LNP, walking the dark passages of the inner avenues and alleyway in areas like Sinkor, Congo Town and downtown Monrovia. As shown by the case of UNMIL in Liberia and elsewhere, such as the United Nations and African Union Mission in Darfur (UNAMID) in Sudan, the establishment of FPUs in multidimensional peacekeeping missions has generally been successful. For instance, UNAMID in Darfur has managed to activate the FPU crime prevention night patrols and the provision of assistance to other mission components, as well as escort the local population, re-establish closer relationships with the Government of Sudan police, and develop training curricula in cooperation with other actors, such as the UNDP. The FPUs therefore serve as a very important component in law enforcement missions.

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As part of its mandate, UNMIL is required to provide advice, train, monitor, mentor and assist in rebuilding the country's infrastructure and enhance local capacity. Pursuant to these provisions as highlighted in its mandate, UNMIL has built a new safe house for survivors of sexual violence in the capital and helped refurbish a former jail to ease overcrowding in the prison system.⁸⁸ In Eastern Liberia, UNMIL has helped to re-open the rehabilitated National Palace of Corrections, which will become the country's largest prison facility.⁸⁹ UNMIL has also given training to the Liberian corrections organisation, in human rights, fair treatment and support to inmates in learning skills to make them useful members of the society.

UNMIL has also rebuilt the police training academy and has been training new LNP recruits. In addition, amidst persisting concerns over armed robberies in Monrovia and its environs, an elite special police unit

is being trained to deal with violent crimes in Liberia. Recently, the first group of 139 officers of the Emergency Response Unit (ERU) of the LNP graduated after completing eight months of intensive classroom and physical training at the National Police Training Academy.⁹⁰

Furthermore, in support of the transitional justice processes, in 2006 UNMIL provided the Justice Ministry with 12 prosecutorial consultants to serve as state prosecutors. Further to this, an UNMIL-Ministry of Justice organised workshop for 16 state prosecutors from the 16 political sub-divisions of Liberia under the theme 'Understanding Court Room Practice and Procedure' was held in 2006. All these training and workshops were organised with the assistance of UNMIL because the Liberian government has been struggling to clear a backlog of cases in court. This assistance has greatly enhanced the capacity of the Justice Ministry to prosecute rape, armed robbery and other cases.⁹¹

Community policing forums (CPFs) were adopted by the justice ministry in 2004 and have been coordinated by UNMIL in cooperation with the Liberian government. Following best practices on policing, CPF as a policing concept was adopted in the Liberian context not only to involve communities in the fight against crime, but also to promote social cohesion. The concept was fully embraced by the community, with about 100 CPFs set up in the Monrovia precinct and another 120 initially set up in areas of jurisdiction outside Monrovia. A partnership between the public and police, CPFs are elected by their communities and work closely with the LNP community-liaison office in educating, monitoring and advisory roles. CPF activities provide platforms from which to sensitise communities to critical issues of public safety and security. They have been instrumental in disseminating information on, and creating awareness of, a number of issues such as the new rape and armed robbery laws.

CHALLENGES TO THE RE-ESTABLISHMENT OF THE RULE OF LAW AND SUSTAINABLE SECURITY

Undoubtedly, the re-establishment of the rule of law, including the creation or restoration of effective legal and judicial institutions, is a necessity for engendering sustainable peace and security in post-conflict societies. Kofi Annan, the former UN Secretary-General, once noted that: 'It is by reintroducing the rule of law and confidence in its impartial application that we can hope to resuscitate societies shattered by conflict.'⁹² Therefore this suggests that the re-establishment of the rule of law in post-conflict Liberia is critical for sustainable peace and security, economic recovery and democratic governance in the country. The weak institution base for the rule of law has

resulted in major human rights issues that require priority attention.⁹³ Nonetheless, although the re-establishment of the rule of law is a key issue in post-conflict reconstruction in Liberia, Head of UNMIL, Ellen Margrethe Loj, reiterated that it continues to be a strong challenge facing the country.⁹⁴ Some of the major challenges to the re-establishment of the rule of law in Liberia are:

- A weak post-conflict economy
- Faulty disarmament, demobilisation, rehabilitation, and reintegration (DDRR) programmes
- Weaknesses in the police and army restructuring-recruiting and vetting processes
- Judicial and prisons congestion

Each is discussed separately below.

Weak economy inherited from over a decade of conflict

Without a doubt, a functional economy is critical for generating the funds sorely needed for rebuilding dilapidated national infrastructure, generating jobs for the youth, and sustaining the machinery of government. The new administration inherited a collapsed economic system from a decade of internecine conflict and, as a result, the greatest challenge to the re-establishment of the rule of law and to sustainable security in Liberia today is the task of reviving the Liberian economy.

Although the re-establishment of the rule of law is a key issue in post-conflict reconstruction in Liberia, Head of UNMIL, Ellen Margrethe Loj, reiterated that it continues to be a strong challenge facing the country

Following the strenuous efforts made since 2003 by the new government to revive the economy, the country's gross domestic product (GDP) grew by a record 9.4 per cent in 2007, to reach a size of US \$473.9 million,⁹⁵ a huge improvement from the war-time period. However, this progress has not translated into improvements in the lives of Liberians, about 60 per cent of whom continue to survive on less than US \$1 a day.⁹⁶

Some argue that pressing economic priorities and recovery have not been effectively implemented.⁹⁷ The Liberian government clearly needs to review the national poverty reduction strategy for 2008–2011 and see how it can develop community-based programmes aimed at eradicating poverty. Programmes on social security clusters which create synergy between different government departments also need to be developed. As previously emphasised, future stability, growth and development are dependent not only on consolidating peace and security, strengthening governance and the rule of law, rehabilitating infrastructure and delivery of service, but also on progress and a revitalised economy.⁹⁸ Economic development helps to reduce the levels of economic and social grievances that can lead to civil conflict.⁹⁹

Security sector reform: The faulty DDRR process

DDRR programmes, supported by the international community, are frequently preferred as a means to prevent ex-combatants from returning to conflict in post-conflict situations.¹⁰⁰ These programmes involve the collection of arms, particularly small arms and light weapons (SALWs), from ex-combatants after cessation of conflict or a comprehensive peace agreement and aim to return combatants to civilian life. They are designed to provide assistance to rehabilitated ex-combatants in the form of training, allowances, tools and implements, so that they can become productive and rehabilitated members of society.¹⁰¹

DDRR falls under the broader ambit of security sector reform¹⁰² and is important for achieving sustained peace and security. The availability of arms, particularly SALW, is often a major factor in the escalation, intensity, spread and duration of conflict and violent criminality.¹⁰³ Conflict and violent crime obstruct and undermine peace-building efforts and hinder the effective use of humanitarian and development aid. The effective roll-out of DDRR programmes is thus very important.

In the case of Liberia, disarming an estimated 100 000 or more ex-combatants scattered throughout the country shortly after the war was the most critical component for stabilising the country. However, the national government and other international implementation partners did not attempt to create an overarching strategic framework (informed by the new national security imperatives) that would be linked to the wider government planning and budgeting processes.¹⁰⁴ This shortcoming has had adverse ramifications for the implementation of DDRR programmes and other security sector reform programmes, such as army and police vetting processes. It is argued that, while security sector reform (SSR) programmes in Liberia were valid and viable at a conceptual

level, at an operational level they were faulty.¹⁰⁵ The way in which the DDRR programmes were rolled out in post-conflict Liberia was flawed and this is one of the factors implicated in the increasing wave of crime in post-conflict Liberia.¹⁰⁶

The DDRR process officially started in December 2003, at the close of the civil war, with a caseload of more than 103 000 ex-combatants. Out of this, the consolidated number of former combatants disarmed and demobilised between December 2003 and October 2004 was 101 874, of which 99 000 became eligible for reintegration assistance, assuming two per cent spontaneous reintegration. However, the combatants relinquished only 27 000 weapons to UNMIL, a fraction of what was thought to be in circulation.¹⁰⁷ The missing weapons point to a worryingly incomplete disarmament process, which has been implicated in the upsurge of violent crime in the post-conflict era. For instance, one of Liberia's popular daily newspapers, *The Analyst*, has recently noted that 'the DDRR failed in 2004; elections took place in 2005; and after that, as soon as the civilian government took charge, rape and armed robbery became violent in Liberia'.¹⁰⁸

The disarmament and demobilisation (DD) phase of Liberian DDRR ended in October 2004 and the National Commission on Demobilisation, Disarmament, Rehabilitation and Reintegration (NCDDRR) is now in the final phase of rehabilitation and reintegration (RR), with a mandate that was supposed to end in May 2008. Unlike the DD phase, during which ex-combatants were each paid a once-off amount of US \$300, in the RR phase the payment is US \$30 per month.¹⁰⁹ Funding problems have been reported in the final phase (UNDP and USAID are the core funders). This means that more than 20 000 ex-combatants will be left out of the process, possibly leading to disruptive behaviour on the part of those excluded.

While security sector reform (SSR) programmes in Liberia were valid and viable at a conceptual level, at an operational level they were faulty

Both the Liberian government and the UN have been criticised in hindsight for failing to rehabilitate and reintegrate some 39 000 ex-fighters who were lured into demobilisation and disarmament and given

compensation and/or training that was often inadequate and failed to prepare them for civilian life.¹¹⁰ Observably, the failure of DDRR in Liberia lies in the disjunction between the 'hard security' phase of DDRR, which is disarmament and demobilisation, and the 'soft security' phase, the reintegration funded by voluntary contributions and implemented by international non-governmental organisations (INGOs) and development agencies with considerably less resources. In retrospect the RR programmes were implemented on an ad hoc basis and failed to provide tangible improvements in the lives of ex-combatants.

Both the DD and RR phases have insufficiently addressed the needs of ex-combatants and have only achieved partial success in assisting ex-combatants to reconcile with their communities.¹¹¹ In this regard, it can be argued that DDRR programmes in Liberia have yielded unsatisfactory and inconclusive outcomes.

Restructuring of security forces: recruiting and vetting processes

Like the DDRR programmes, restructuring of the security sector was a part of Liberia's post-war national security agenda. The provisions for restructuring the LNP and other security services can be found in Article VII of the CPA, while provisions relating to the Armed Forces of Liberia are found in Article VII, Section 1(b). In line with these provisions, and given the long civil war and the acute suffering of civilians due to the atrocities committed by all of the armed groups, the SSR programme and the Liberian government established vetting processes to be followed during the restructuring of security institutions.¹¹² The overall goal of the recruiting, vetting, and training components of SSR is to achieve a force that maintains a professional ethos, respects the rule of law, cultivates public service leadership, is apolitical, and accepts civilian control with transparent oversight mechanisms.¹¹³ The following is the list of the vetting criteria for the LNP:

- Liberian citizen
- Between 18 and 35 years old
- High school education (Grade 12)
- Physically and mentally competent
- No criminal record
- No criminal charges and not subject to any investigation for war crimes
- Apolitical

With the assistance of UNMIL, the recruitment drive for LNP started as early as 2004. In 2008, about 3 661 officers graduated from the National Police Training Academy. The government has also made remarkable progress in

Table 2 Conviction rates for each detention centre

Detention centre	Maximum operational capacity	No. of inmates as at end of October 2007	No. of pre-trial detainees as at end of October 2007	No. of convicted persons as at end of October 2007
Monrovia Central Prison	344	760	716	44
Kakata Central Prison	60	69	69	Nil
Gbarnga Central Prison	60	51	49	2
Buchanan Central Prison	60	31	17	14
Saniquille Central Prison	19	50	44	6
Voinjama Central Prison	60	34	26	8
Harper Central Prison	128	44	42	2
Bondiway Central Prison	30	20	13	7
Zwedru LNP Holding Cells	N/A	27	5	22

Source These statistics are compiled from UNMIL Police Unit Crime Report for October 2007

the reform and restructuring of the LNP, including training and provision of equipment. As highlighted in 2008 UN Secretary-General's seventeenth report on UNMIL, the USA, through private security companies DynCorp and PAE, has been responsible for the recruitment, vetting and training of the 2 000-strong Armed Forces of Liberia (AFL).

Shortcomings already started to emerge during the vetting processes, which was difficult, particularly because of the paucity of reliable documents attesting to the education, medical condition and criminal records of candidates.¹¹⁴ There is a perception within Liberian society that a number of people who were recruited for LNP and AFL did not meet the vetting criteria. It is widely known that the young population of Liberia is the least educated population group in the country but, interestingly, only ten per cent of candidates who applied to the police force were rejected. This suggests that many people were accepted for LNP employment even though they did not meet the requirements, particularly the educational criteria. The Liberian government is now contemplating re-vetting the police, despite the fact that the current force was vetted and restructured less than two years ago at great expense and effort. These problems are probably central to the current conduct of the security forces. The UN Secretary-General, in his seventeenth UNMIL Progress Report 2008, recently reported that the LNP is struggling to achieve a level of sustained operational effectiveness. It is not yet able to independently provide the kind of efficient service which Liberians are entitled to demand of their police and other armed forces.

Congestion in the criminal justice system

Another critical challenge facing the re-establishment of the rule of law in post-conflict Liberia is the issue of

congestion in the criminal justice system. The police investigate and perform arrests, the courts prosecute, and the prisons incarcerate criminals, in theory, to rehabilitate them and allow for social reintegration.¹¹⁵ For the system to be effective, all of the three components must be efficient; none must be overcrowded, congested or corrupt.¹¹⁶

Whatever remained of this tenuous working relationship between these three components in Liberia has been decimated by 14 years of civil war, as the criminal justice institutions suffered the same fate as all other social, economic and political institutions in the country.¹¹⁷ The war not only destroyed the institutions and structures that support the criminal justice system of Liberia but, more importantly, it decimated the trained personnel and experts required to drive these institutions. Consequently, Liberia is faced with mounting judicial and prison congestion.¹¹⁸

Table 2 provides a clear picture of overcrowding, case backlog and lack of prison facilities in the country.

As the International Crisis Group correctly observed 'in many parts of the country, courts have ceased functioning. Magistrates conduct hearings on their balconies or in private homes because of crumbling or demolished courthouses.'¹¹⁹ The 2007 UNMIL Report revealed that, during the two judicial court terms in 2007, May and August, several circuit courts were unable to hear all cases on the dockets due to the absence of essential personnel. The following revelations from the 2007 UNMIL Report clearly capture the woes facing the country's judiciary:

Some Circuit Courts were unable to hear any cases during both the May and August Court Terms. Criminal Court D in Montserrado County, which handles armed robbery and murder cases remained closed during the

May and August Court Term because a Judge had not been assigned to the Court. In Rivercess County no cases were heard as the assigned Judges left immediately after opening courts terms. During the May Court Term, the Circuit Court Judge of Nimba County only began hearing cases one month after the Court Term began. No Cases were heard by the Circuit Courts in Grand Cape Mount County and in Sinoe County due to the continued absence of the Defence Counsel.¹²⁰

This lack of personnel not only undermines the effective operation of the judicial system but it also results in suspects and victims alike being denied their due process rights. It was reported that, in some circuit courts, against the provisions of Section 18.2 (1) and Section 18.2 (2) of the Judiciary Law, unqualified and incompetent jurors with insufficient expertise were allowed to hear cases and serve on juries. This type of situation not only infringes on the right to a fair trial, it also hinders the re-establishment of the rule of law.

In some instances, prisoners languish for months, sometimes even years, in pre-trial detention because the courts lack personnel, bookkeeping, and case management skills. For instance, out of 105 cases of rape being handled in 12 correctional facilities in Liberia in 2007, 31 per cent of the cases are delayed and only eight per cent of the offenders have been sentenced to jail terms. On some occasions, suspects who were caught and handed over to the police were released, either due to lack of evidence, or lack of money to feed the suspect. (Liberian law stipulates that the plaintiff must provide money for the accused's food pending an appearance in court.) According to 2007 UNMIL Report, conditions in prisons and places of detention remain below the minimum required standards and, in some instances, there are inadequate personnel overseeing the facilities. In a case in Voinjama Central Prison, Lofa Country, 'detainees were permitted to wash only twice a week due to lack of staff to supervise them'.¹²¹

Fourteen years of an internecine civil war in Liberia have set the stage for recent trends in criminality in post-conflict Liberia

Corruption has also been reported as a major issue, especially in the police force and courts. During the opening of the August 2007 court term, the Chief Justice of Liberia acknowledged having received numerous

complaints of bribery in the court system.¹²² In Lofa County, a man convicted of rape in March and sentenced to life imprisonment was denied his right to appeal by being asked to pay LD \$4 000 (US \$66) for the Court Sheriff to file the appeal in the Supreme Court, although legally he was not required to do so.¹²³

This type of situation, particularly in a post-conflict environment, poses a serious threat to the integrity of the criminal justice departments. The implication is that these institutions may end up incapable of inspiring the public confidence required to guarantee the rule of law. It also casts doubt upon the institutions' ability to rehabilitate and reintegrated offenders after they have served their terms. If this and other challenges facing the criminal justice sector are not promptly addressed, and the rule of law is not broadly established, it will be difficult to eradicate criminality and to ensure that people behave lawfully.¹²⁴ Establishing the rule of law should be a key priority. Almost everything depends on it, including a functioning economy, a free and fair political system, the development of civil society, and public confidence in courts and police.¹²⁵

CONCLUSION

Fourteen years of an internecine civil war in Liberia have set the stage for recent trends in criminality in post-conflict Liberia. While the civil conflict cannot be blamed for all ills in Liberian society, it has certainly contributed to this state of affairs in three important ways. Firstly, the war gave rise to a way of life in which violence and looting have become common. Secondly, it deprived young people of positive role models, such as parents or community leaders. Combined with a lack of legitimate opportunities to gain access to socially created goals, this erosion of moral and family values contributed greatly to spiralling criminal behaviour. Thirdly, the war led to the general collapse of Liberian governance institutions, and the criminal justice institutions in particular, resulting in impunity for those engaging in delinquent behaviour.

Today, the current administration has to grapple with increasing incidents of rape, murder, armed robbery and mob violence. As argued in this paper, what has made criminality a source of serious concern in post-conflict Liberia is its potential to undermine the fragile peace in the country. The issue of criminality constitutes one of the major threats to internal security and stability.

The theoretical frameworks used in this paper have shown that criminality arises from the convergence of limited state capacity, disconnection between social goals and legitimate means to achieve those goals, amongst others.

Many other challenges contribute to the increasing criminality in post-conflict Liberia. They include, but

are not limited to, the following: a weak economy, faulty DDDR processes, flawed recruiting and vetting processes in the restructuring of the police and army, and a weak and ineffective criminal justice system. Criminality will continue to flourish and the rule of law will be adversely affected if drastic and effective measures are not taken to address these challenges.

One of the objectives of the research was to establish an existing relationship between criminality and peacekeeping. What we have discovered is that UNMIL's presence in Liberia has contributed a great deal to the containment of violence and the re-establishment of a climate of relative political stability, at least for now. However, this has not necessarily translated into a decrease in criminal activities. Criminality is still on increase, despite UNMIL's best efforts through its support and monitoring activities, such as co-patrolling, joint crime awareness campaigns, police training, and the construction of roads and prisons.

In order to avoid unintended consequences of peacekeeping, mission management need to ensure that peacekeepers behave appropriately and strictly abide by the UN Secretary- General's zero-tolerance policy on SEA

While there is some cause for optimism regarding the prospects for a reduction in crime, as well as post-conflict democratic consolidation and stability in Liberia, success in these areas will largely depend on a set of critical factors. Some of the key issues are the restoration of state authority, a holistic reform of the criminal justice system, increased capacity for state institutions, and the creation of oversight mechanisms to thwart corruption and promote good governance. Rebuilding the country's economy will also be a major priority for the government if it is to address social strain and create conditions that enable the attainment of socially created goals. None of these are easy and none can be achieved in the short term. The international community should therefore be ready to play a long-term and more meaningful role in addressing the goal/means dichotomy¹²⁶ by providing UNMIL with resources to support its humanitarian and local support initiatives. In this way, the local

population would be empowered, which would help to narrow the gap between goals and means, thus helping to reduce the susceptibility of members of society to criminal activities.

The current president and her administration are making some progress towards bringing about the expected peace dividend in post-conflict Liberia. However, there is still a long way to go before Liberia can be considered a peaceful, self-sustaining, stable and prosperous country again. In order to bring about such a transformation, it is possible to list a number of broad recommendations for the Liberian government, UNMIL and the international community.

UNMIL

- UNMIL should revisit sector reform disequilibrium. More emphasis should not only be placed on police and army restructuring, but also on other equally important imperatives, such as building the capacity of the justice arm of the criminal justice system.
- The need to strike a good balance between peace and justice has also become pertinent. These should be pursued simultaneously since they can be mutually reinforcing. Nation-building and nation-healing need to be seen as equally important priorities. Victims of state brutality during previous regimes need to be convinced that justice is being done, so that they can regain confidence in the rule of law. UNMIL can be of assistance in this regard by continuing to provide training and other assistance to judicial services staff, and by supporting transitional justice programmes.
- UNMIL's mandate as extended by Security Council Resolution 1836 (2008), is due to end on 30 September 2009 and UNMIL should reconsider its exit plan. It would do well to consider lessons from the Sierra Leone case. It is widely acknowledged in Liberia that, if UNMIL were to depart Liberia today, the chances of a relapse into conflict would be very high because of the minimal, occasionally even non-existent military and security capacity in the country. The LNP and other law enforcement agencies do not have a monopoly over the use of force. At times they are heavily dependent on UNMIL. It is recommended that, in order to avoid a relapse into conflict, UNMIL's mandate should be extended beyond 30 September 2009, until such time as the state authority has been fully restored.
- It is advisable that UNMIL should continue with its joint patrols with the LNP and other law enforcement agencies. It should also provide assistance in reviving CPFs. This will help to decrease social crime. The capacity of the newly formed Elite Police Unit must also be enhanced to be able to fight rampant forms of

crime such as armed robbery, mob violence and the illicit trade in arms and diamonds.

- There is a relationship between peacekeeping and criminality. At times, peacekeeping produces unintended consequences. A clear example of this is when peacekeepers engage in criminal activities, such as rape and the illicit trade in minerals and other resources. (The Iraq 'oil-for-food scandal' and the sexual abuse perpetrated by UN peacekeepers in the Democratic Republic of Congo (DRC) are two examples of such incidents.) UNMIL should enforce stringent measures to ensure that peacekeepers do not contribute to increasing criminality in Liberia. UN Policies on SEA, such as the UN Secretary-General's 2003 bulletin (SGB/2003/13), which provides for special measures for the protection of women and children from sexual exploitation and abuse, need to be enforced. Mission management need to ensure that peacekeepers behave appropriately and strictly abide by the UN Secretary-General's zero-tolerance policy on SEA.
- UNMIL should continue its work to sensitise people to SEA at both community and mission levels. This will help to increase awareness of rape and improve reportage of rape. UNMIL should also continue to provide training to local NGOs on sexual violence.
- Sexual exploitation and abuse, and other forms of misconduct, should not be allowed to impede the goals of UNMIL.

Liberian government

- The Liberian government should channel most of its resources towards institutional capacity building. It should place emphasis on building ministries, departments and agencies, focusing on human resources and financial management with strong personnel capacity and financial management expertise. This would bring about swift improvements in service delivery. Strong and vibrant governance institutions are critical for the consolidation of democracy.
- In order to prevent criminality from flourishing, the Liberian government needs strong parliamentary and civilian oversight mechanisms, based on transparency and accountability, since these are required for democratic consolidation and for sustainable peace and security. It will need to strengthen the capacity of the public sector to effectively deliver essential services in a manner that discourages corruption. This will help to restore public confidence in the government, thus reducing the incidence of criminality. Effective service delivery will help to alleviate strain in Liberian society.
- The capacity of the criminal justice system needs to be reinforced in order to safeguarding the rule of law

and individual human rights. This applies particularly to judicial institutions.

- Consolidating state authority throughout the country is as critical as reforming the security sector and meeting the socioeconomic expectations of the population.
- In post-conflict Africa, the identity of the state and state capacity, and about public policing and wider criminal justice (courts, prisons) capacity, are the most primary and pressing issues. In this regard, it is critical for the Liberian government to rebuild its security sector, since building good security infrastructure is an effective deterrent against a relapse into conflict.
- Although not dealt with in this paper, it is strongly recommended that the Liberian government should consider developing a good national youth policy, a family policy, a national victims of crime survey, and a national census so as to inform policy decisions on combating rampant forms of criminality such as organised crime, rape and murder. It should also work to ensure that the newly formulated national security strategy is implemented.
- The government of Liberia, more especially the criminal justice sector, needs to appreciate that more prisons, more guns for the police, and more police officers on the streets will not solve the crime problem, as crime is not caused by one factor but by a number of combined issues. It should therefore avoid quick-fix solutions and gear its efforts towards an integrated approach to the crime problem. Clusters such as socioeconomic and security sectors need to meet to design such integrated programmes aimed at fighting poverty, unemployment and crime.
- A renewed emphasis should be placed on human security and other equally important imperatives such as social and economic imperatives. The Liberian government needs to look at issues of security other than state security. It will also need to look at food security, rural socioeconomic development and environmental issues.
- The legalisation of the death penalty by the government does not encourage a democratic culture. In order for the country to be part of the broader international community, it needs to respect, adhere to and promote international legal frameworks, such as international human rights law. It is both desirable and necessary for the country to review its penal laws.
- In these and other respects, the state needs to move away from a retributive to a restorative justice system.
- The government needs to appreciate the links between security sector reforms, economic development

and good governance. It needs to understand that transforming the nature and identity of the state and enhancing state authority will greatly advance the cause of peace and democracy in Liberia. Reforming the security sector is critical to the consolidation of peace and stability. This will promote a reduction in poverty, the rule of law and good governance, which will expand legitimate state authority and thus prevent a relapse into conflict.

- Security sector reform in Liberia should concentrate on threats to domestic security, particularly those emanating from the unreformed 'security sector' (ex-combatant community).
- Demonstrable action must be taken against political and financial corruption through institutionalised measures and by strengthening the weak rule of law.

International community

- The international community should provide funding for post-conflict reconstruction programmes.
- It should assist in enhancing local ownership, which is important as it allows locals to see themselves as part of the solution to their country's problems. Donor control or dominance of local initiatives instils a sense of helplessness in the local population, who then see themselves as useless resources to be managed. This is not good for attaining sustained peace and development.
- The international community should provide financial support for local capacity-building programmes, such as poultry-farming projects, community sewing and artisan projects.
- Donors need to coordinate their efforts in order to avoid or minimise excessive multiplicity in external initiatives that create unnecessary confusion and conflict between programmes.
- Considering that security sector reform is a long-term process, donors such as the US should move beyond short-termism in their programmes.

NOTES

1 About 325 000 Liberians sought refuge in Guinea, 270 000 in Ivory Coast, 125 000 in Sierra Leone, 8 000 in Ghana and 1 700 in Nigeria. For additional information on these figures please see B Bruce, 'Liberia: the challenges of post-conflict reconstruction', September 2004, <http://www.migrationinformation.org/Feature/display.cfm?id=255> (accessed 10 August 2008); FB Aboagye and Alhaji Bah (eds), *A tortuous road to peace: the dynamics of regional, UN and international humanitarian intervention in Liberia*, Pretoria: ISS, 2005 and M Malan 2008, 'Security sector reform in Liberia: mixed results from humble beginnings', Pennsylvania: Strategic Studies Institute, US Army War College.

- 2 During our interview with Mr. J Gouton, he argued that Liberia is not the only unstable country in the region (see F Onuoha and T Mbadlanyana, Interview with JMAC, Mr J Gouton, 7 August 2008). In Cote d'Ivoire, during DDR processes, out of 937 ex combatants, only 27 brought in rifles and only one was working/serviceable. On Sunday, 1 March 2009, Guinea Bissau's Army Chief of Staff, General Batista Tagme Na Waie, was killed by a group of unknown soldiers that attacked his office at the army headquarters. And On Monday, 2 March 2009, in what looked like an act of revenge, the country's president João Bernardo 'Nino' Vieira was killed by military elements as he attempted to flee his house. Also see UN Security Council. 'Seventeenth progress report of the Secretary General on the United Nations Mission in Liberia', 19 March 2008, New York and UN Security Council. 'Eighteenth progress report of the Secretary General on the United Nations Mission in Liberia', 19 February 2009, New York. According to Chambas in Aboagye and Bah (2004), since the beginning of the 1990s, West Africa has learned the hard way, through the conflict in the Mano River Countries of Liberia, Sierra Leone, Guinea-Bissau and Côte d'Ivoire, that conflict cannot be contained within national borders.
- 3 These are typical manifestations of insecurity that characterize many African countries (see M Brzoska and A Heinemann-Gruder, 'Security sector reform and post-conflict reconstruction under international auspices', in Alan Bryden and Heiner Hanggi (eds), *Reform and Reconstruction of the Security Sector*, Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2004). The country is vulnerable to these and other modalities of criminality due to the porous borders in the region. Notably, UNMIL is unable to monitor Liberia's borders effectively. It is important, then, for UNMIL to coordinate border patrols with the United Nations Mission to Côte d'Ivoire (MINUCI) and the French Opération Licorne in that country (see International Crisis Group. 'Rebuilding Liberia: prospects and perils', *Africa Report*, 75 2004).
- 4 F Onuoha and T Mbadlanyana, Interview with the Minister of Safety and Security, Honourable J Ballaah, 4 August 2008. Also see T Jaye, 'An assessment report on security sector reform in Liberia', Governance Reform Commission of Liberia, Monrovia, 2006; B Tarr, 'Orientations and challenges of economic and social reconstruction in Sierra Leone and Liberia', *Regional Workshop on Post Conflict and Development*, Abidjan, Côte d'Ivoire 2-5 June 2008; J Thomas-Queh, 'Liberian criminal justice system: in retrospect and reforms', *The Perspective*, 17 February 2006, available at <http://www.theperspective.org/articles/0217200602.html> (accessed 20 July 2008) and; D Zounmenou, *Situation report: managing post war Liberia: an update*, Pretoria: ISS, 2007 available at http://www.iss.co.za/index.php?link_id=29&slink_id=5418&link_type=12&slink_type=12&tmpl_id=3 (accessed 1 July 2008).
- 5 When the American Colonisation Society received a US \$100 000 congressional grant from the US government to found the colony of 'free men of colour', a lot was expected from this first black-ruled African republic. The American 'masters' expected to see Americo-Liberian hegemony that would promote and cherish democratic ideals.
- 6 Country profile: Liberia, *BBC News*, 2008, http://news.bbc.co.uk/go/pr/fr/1/hi/world/africa/country_profiles/1043500.stm (accessed 10 October 2008) and Malan 2008.

- 7 According to Van der Spuy, the relationship between police and the political elite in Africa has been an intimate one. Police agencies have been deployed as armed protectors of regime interests and this has caused many conflicts, including the civil war in Liberia (see E Van der Spuy in *Report of the Police Reform and Democratisation Conference in Post-Conflict African Countries*, Pretoria, 12–15 March 2007).
- 8 Also see Tarr 2008; Malan 2008; Aboagye and Bah eds (2004).
- 9 D Zounmenou, 'Liberia's truth and reconciliation commission', *ISS Today*, 17 January 2008.
- 10 M Rupiya, J Lwehabura and L Le Roux, *Civil-military relations in Tanzania: investigating the relationship between the state, security services and civil society*, Pretoria: ISS, 2006.
- 11 E Pajibo, 'Liberia: ending the horror', *Foreign Policy in Focus*, 15 July 2003, available at www.fpif.org/pdf/gac/OUS0307liberia (accessed 26 September 2008).
- 12 See Malan (2008).
- 13 Ibid.
- 14 Others, like International Crisis Group argue that interventions in Liberia and Sierra Leone are failing to produce states that will be stable and capable of exercising the full range of sovereign responsibilities on behalf of their long-suffering populations. It is too early to draw such conclusions.
- 15 United Nations 2008, UN Security Council, 'Seventeenth progress report of the Secretary General on the United Nations Mission in Liberia', 19 March 2008, New York. Also see United Nations 2008g, UN Security Council, 'Sixteenth progress report of the Secretary-General on the United Nations Mission in Liberia', 19 March 2008, New York.
- 16 Ibid.
- 17 This was confirmed during a number of our interviews, in particular, interview with National Commission on Demobilisation Disarmament Reintegration and Rehabilitation (NCDDRR) Programme Manager, Mr W Kpangbale Sengbe, 9 August 2008; interview with DSRSG, Rule of Law, 12 August 2008 and; interview with UNMIL Gender Unit, 7 August 2008.
- 18 The term criminality is used here in a broader sense to mean the quality or state of being criminal as a result of the activities that are generally considered to be illegal in most societies (criminal activities).
- 19 Unintended consequences of peacekeeping include the involvement of peacekeepers in illicit activities such as drug trafficking, sexual relations with underage civilians, and disrespecting domestic laws such as traffic laws (see F Onuoha and T Mbadlanyana, Interview with the Minister of Safety and Security, Honourable J Ballaah, 4 August 2008, Interview with Deputy Minister of Safety and Security, Honourable Peter Zaizay, 4 August 2008 and Interview with the Office Director of International Centre for Transitional Justice, Liberia, Mr. Lansana Gberie, 4 August 2008). In their book on the unintended consequences of peacekeeping, Aoi, de Coning and Thakur eds. Highlight the sexual abuses perpetrated by UN peacekeepers in the Democratic Republic of Congo (DRC). See De Coning, Aoi and R Thakur (eds), *Unintended consequences of peacekeeping operations*, Tokyo: United Nations University Press, 2007.
- 20 Ibid.
- 21 APSTA is an African chapter of the International Association of Peacekeeping Training Centres. Its memberships comprise 12 regional centres of excellence, with the ISS serving as a permanent secretariat, while ACCORD serves as a presidency. The e research team members were drawn from different APSTA member institutions and were: Prof Modibo Goita, Mali Peacekeeping School; Freedom Onuoha, National Defence College of Nigeria; Afua Lamptey, LECIA, University of Ghana; Aissatou Fall, KAIPTC; Thembanani Mbadlanyana, Institute for Security Studies. However, while the five-team members conducted the research, two team members, namely, Thembanani and Freedom, wrote the paper.
- 22 Established by an Act of Legislature on 6 June 1975, the National Police Force has a duty to detect crimes, apprehend offenders, preserve law and order, protect life, liberty and property, and enforce all laws and regulations with which they are directly charged. (See *Constitution of the Republic of Liberia*, 6 January 1986, Liberia).
- 23 These interviews were conducted with key government officials (Inspector General of Police, National Minister of Security, NCDDRR), UNMIL Officials (UNPOL Commissioner, Representative of the Secretary General, Rule of Law, members of the Human Rights Unit, Community Liaison, JMAC etc) and NGO representatives (Mano-River Gender Network, *New Democrat Newspaper* editor, Liberian Lawyers for human rights, ICTJ etc).
- 24 The theory of political realism posits that state interests are to be maintained through the exercise of power, and that, as the world is characterised by competing power bases, the state must always put its national interests first, including the protection of its citizens. For more clarity and scholarly explanations on this notion of a state, writings of the classic theorists like Thomas Hobbes, John Locke, Niccolo Machiavelli, Jean-Jacques Rousseau and those of some contemporary thinkers, such as Michel Foucault, Robert Nozick etc, are useful. Please see <http://en.wikipedia.org/wiki/State> (accessed on 3 March 2009).
- 25 The 2004 report of the International Commission on Intervention and State Sovereignty deals with this issue on length and clearly stipulates the responsibilities of sovereign states. See International Commission on Intervention and State Sovereignty (ICISS), *Report on the responsibility to protect*, Ottawa, ON, Canada: ICISS, December 2001.
- 26 W Zartmann, 'Introduction: posing the problem of state collapse', in William Zartmann (ed) *Collapsed States: The disintegration and restoration of legitimate authority*, London: Lynne Rienner Publishers, 1995, 5.
- 27 According to International Crisis Group, it is well known that failed states not only condemn their citizens to misery but can also become breeding grounds for organised crime and terrorism. Because the political and economic systems are non-transparent and lack accountability, terrorists and their financiers can infiltrate and use them for making and laundering money that is impossible to trace. (See International Crisis Group 2004b, 'Liberia and Sierra Leone: rebuilding failed states', *Africa Report*, 87 2004,1–29).
- 28 Merton, R (1968), *Social Theory and Social Structure*, New York: Free Press.

- 29 See Thomas-Queh, J 2006, 'Liberian Criminal Justice System: In Retrospect and Reforms', *The Perspective*, 17 February 2006, <http://www.theperspective.org/articles/0217200602.html>. (Accessed 20 July 2008).
- 30 By 'legitimate means' we mean, employment, economic empowerment opportunities and effective service delivery.
- 31 By 'socially created' goals we mean wealth and decent living standards. See R Agnew and H White, 'An empirical test of general strain theory', *Criminology* 30(4) (1992), 475–499.
- 32 As the Liberian intellectual, Thomas-Queh (2006) admits, 'Unfortunately the very grim picture of more than two decades of protracted chaos has left our country in a complete state of anomie.'
- 33 F Adler and WS Laufer (eds), *The Legacy of Anomie Theory Vol 6*, New Brunswick: Transaction Publishers, 113–137.
- 34 B Baker, 'When the Bakassi Boys came: Eastern Nigeria confronts vigilantism', *Journal of Contemporary African Studies* 20(2) (2002), 223–244.
- 35 See UN News Service 2008, *No Relief as Most Monrovia Go Without Toilets*, 19 November 2008, New York.
- 36 Ibid.
- 37 Ibid.
- 38 The approved national budget for the fiscal year 2008/09 is now US \$298 million. However, despite the commendable overall economic progress made, more than 60 per cent of the population is estimated to be living below the national poverty (SG 17th Progress Report on UNMIL 2008). Also see N Alusala, 'Liberia: "DD" and "RR" – narrowing or widening the gap?', *ISS Today*, 6 June 2007.
- 39 According to Mo Ibrahim, Index of African Governance, Sustainable Economic Opportunity Summary of Raw Data – 2006, Liberia's Annual percentage of GDP Per Capita Growth was 3.67 (the worst). Liberia's 3.5 million people share just 19 690 toilets and less than one in three Liberians have access to safe drinking water. Also see United Nations 2008c, 'UN Office for the Coordination of Humanitarian Affairs 2008, *Sierra Leone: sex crimes continue in peacetime*, June 2008).
- 40 According to the 2005 UNODC Report on Crime and Development in Africa, African leaders have recognized that mass poverty and under-development interact with, and exacerbate, crime (see the United Nations Office on Drugs and Crime, 'Crime and Development in Africa', June 2005, UNODC: Geneva).
- 41 Richard A. Berk, Kenneth J. Lenihan and Peter H. Rossi. 'Crime and Poverty: Some Experimental Evidence From Ex-Offenders'. In *American Sociological Review*, Vol. 45, No. 5 (Oct., 1980), pp. 766-786).
- 42 Jens Ludwig, Greg J. Duncan and Paul Hirschfield (2001) Urban Poverty and Juvenile Crime: Evidence from a Randomized Housing-Mobility Experiment. In *The Quarterly Journal of Economics* May 2001, Vol. 116, No. 2, Pages 655-679 Massachusetts Institute of Technology.
- 43 Onuoha, F and Mbadlanyana, T 6 August 2008. Interview with UNPOL Community Relations Coordinator, Ms Bisanz Sylvia.
- 44 During our interview with the Minister of Safety and Security, the Minister said 'there are lots of people from the war who are not employed and who are taking things with the barrel of the gun'.
- 45 M Shaw, 'The cost of war and the price of peace: the political economy of crime and conflict in sub-Saharan Africa', unpublished paper, South Africa: South African Institute of International Affairs, 2005.
- 46 Alusala, Nelson 2006. ISS Today, *Liberia: Forwards with trepidation*. 4 December 2006. ISS, Pretoria.
- 47 According to *The Analyst* (2008a), in an implied admittance of the government's inability to adequately protect the citizenry, the then Justice Minister Johnson Morris urged citizens to protect themselves by forming vigilante groups. Also see B Bruce, *Liberia: the challenges of post-conflict reconstruction*, September 2004, <http://www.migrationinformation.org/Feature/display.cfm?id=255> (accessed 10 August 2008).
- 48 See Baker (2002).
- 49 L Le Roux and Y Kidane (eds), *Challenges to security sector reform in the Horn of Africa*, Pretoria: ISS, 2007.
- 50 Ibid.
- 51 Sutherland, Edwin H. 1932–33/1973. The Michael-Adler report. In *Edwin H. Sutherland on Analyzing Crime*, ed. Karl Schuessler. Chicago: University of Chicago Press.
- 52 This was confirmed by Deputy Minister of Safety and Security, Honourable Zaizay, when he said, 'crime is exacerbated by the change in behavior pattern; people were behaving before the war but after the war, people became violent'.
- 53 See Sutherland 1973.
- 54 According to Deputy Information Minister Mr Gabriel Williams, rape was an evil of the past, particularly during Liberia's civil cataclysm. He said that now that the war is over, such evil must be stopped. Also see Fahngon, J C 2008. "Liberia: Gov't, UN Embark On Anti-Rape Awareness" All Africa News, 26 June 2008, Monrovia <http://allafrica.com/stories/200806260791.html>.
- 55 Le Roux and Kidane (2007) argue that if such groups exist, but do not have gainful employment, they could threaten post-war peace by becoming involved in crime. The activities of ex-combatants continue to be a potential source of instability (UN 2008g).
- 56 From its outset, ULIMO was beset with internal divisions and the group effectively broke into two separate militias in 1994: ULIMO-J, an ethnic Krahn faction led by General Roosevelt Johnson, and ULIMO-K, a Mandingo-based faction led by Alhaji GV Kromah (Aboagye and Bah eds 2005). Some ULIMO forces reformed themselves as the Liberians United for Reconciliation and Democracy (LURD), backed by the government of neighbouring Guinea, and other elements of the former ULIMO-factions formed another new rebel group, the Movement for Democracy in Liberia (MODEL). Early 2003, MODEL emerged in the south of Liberia (Available at http://en.wikipedia.org/wiki/History_of_Liberia, accessed 2 March 2009).
- 57 According to the UNMIL's Community Relations Coordinator, the only thing the youth in Liberia knew was to have a gun in their hands, kill, torture and loot (Interview with Bisanz 6 August 2008).
- 58 See J Braithwaite, *Crime, Shame and Reintegration*. Cambridge: Cambridge University. Press, 1989 and Katz J ,

- 'Essences as moral identities', *Amer. Journal of Sociology* 80, 1369-90 (1975).
- 59 Ibid.
- 60 Sampson, R., Raudenbusch, S. & Earls, F. (1997). 'Neighborhoods and Violent Crime: A Multilevel Study of Collective Efficacy.' *Science* 227: 918-924 and Sutherland 1973. According to Jensen Gary (2003) the concept was developed to refer to the absence of organization among people in relatively small ecological units (neighborhoods, census tracts, communities), but has been used to explain variations in crime among larger units (e.g. counties, states and nations) as well as variations over time. Also see J Gary, 'Social disorganization theory', *Encyclopedia of Criminology*. Richard A Wright (editor), Fitzroy Dearborn Publishers.
- 61 These were conceived against the background of the 2003 CPA and UNSCR 1509 which provided the legal framework for the deployment of UNMIL (see NCDDRR Summary Report 2008).
- 62 Also see Zounmenou 2008; Malan 2008, and NCDDRR 2008.
- 63 International Crisis Group 2004a, 'Rebuilding Liberia: Prospects and Perils', *Africa Report No 75 30 January 2004*, Brussels. And International Crisis Group 2004b, 'Liberia and Sierra Leone: rebuilding failed states', *Africa Report*, 87 (2004),1-29.
- 64 See Harris, J W 2008. 'Holistic Approach Needed in Addressing Crime in Liberia'. *The Perspective*, Atlanta, Georgia, July 18 2008; Dosso, Z 2008. 'Crime Wave hits Monrovia'. *Mail and Guardian*. 15 July 2008; *The Analyst*, 'State of Insecurity worries NAYMOTE-PARTNERS'. 18 July 2008, Monrovia, <http://allafrica.com/stories/200807180804.html> (accessed 18 September 2008) *The Analyst*, 'Liberia: Death Penalty Under Fire'. 7 August 2008, (Monrovia), <http://allafrica.com/stories/200808070711.html> (Accessed 10 August, 2008) and; *The New Democrat*, Police Armed Robbers Grabbed, 18 July 2008, p.3.
- 65 These statistics were collected from UNMIL's Headquarters (see 'UNMIL JMAC, crime statistics', July 2008. UNMIL: Monrovia. The LNP does not have the capacity to gather crime information; statements in many police stations in several counties are collected manually. When we asked for statistics on LNP headquarters, we were told, 'No electricity no statistics.' This raises obvious questions regarding the reliability and verifiability of information gathered.
- 66 The reason why we started from 2007 is that this is the period during which 'reliable' statistics became available; there are no clear crime statistics reports for periods before 2007 (Interview with Police Commissioner UNPOL, Mr. Henrik Stiernblad and Assistant to the Police Commissioner, Mr. Abubakarr Jeng, 5 August 2008.
- 67 For example, a 13-year-old girl who was allegedly gang-raped in Gbarnga, Bong County, in August 2007, died in December of the same year (New Democrat 2008). It was reported 'the victim bled profusely after the alleged rape and the quantity of blood that she lost might have contributed to her death' (Daybor, N J 2007. 'Liberia: 13 Yr-Old Girl Dies of Rape in Gbanga, Bong County' *The Analyst*, 21 December 2007 http://wimam.net/news/liberia_13%20yrs%20rape%20victim.html (Accessed 11 July 2008). On other reported rape cases in Liberia also see Amnesty International, *Liberia: No impunity for rape – a crime against humanity and a war crime*, UK: Amnesty International, 2004; R Callimachi, 'Liberian women turn to law in fight against rape', *Mail & Guardian*, 7 August 2007 and; 'UNMIL reports sexual exploitation, abuse minimized', *The Analyst*, 21 August 2008d, available at <http://allafrica.com.stories200808211029> (accessed on 15 September 2008).
- 68 During our meeting with the Minister of Safety and Security, he told us that, in some instances, the offender is known to the victim and sometimes traditional forms of dispute resolution are applied to the case (interviews with Ballaah and Hartinger 2008).
- 69 According to Tarr (2008): 'peacekeepers seldom abide by laws; status of force agreements virtually exempt peacekeepers from obeying national laws, be it laws against reckless driving or even rape and other sexual violence.'
- 70 See *The Analyst*, 'UNMIL Reports Sexual Exploitation, Abuse Minimized', 21 August 2008 (Monrovia), <http://allafrica.com.stories200808211029> and; JC Fahngon, 'Liberia: Government, UN embark on anti-rape awareness', *All Africa News*, 26 June 2008, <http://allafrica.com/stories/200806260791.html> (accessed 26 June 2006).
- 71 On 23 July 2008, the president, Ellen Johnson-Sirleaf, signed into law an Act amending the penal Law of 1976, which make the crimes of armed robbery a non-bailable capital offence, punishable by hanging.
- 72 The policemen were accused of robbing residents of Paynesville and Sinkor of over \$25 000 (Liberian dollars) and US \$150.
- 73 Onuoha, F and Mbadlanyana, T 7 August 2008. Interview with JMAC, Mr. J Gouton. Also see B Baker, 'The African post-conflict policing agenda in Sierra Leone', *Conflict, Security and Development*, 6(1) (2006).
- 74 Onuoha, F and Mbadlanyana, T 6 August 2008. Interview with UNPOL Policy Advisor, Jane Grousgruba.
- 75 African secret societies are societies to which all-adult men belong and which maintain the continuity of religious and historical traditions, especially through the cult of the ancestors. These associations achieved such power that they were crucial to the pre-colonial systems of law and order. Among the tribes in the former area, there was a women's society, Sande, but Poro, for men, was the major organisation responsible for punishing serious offences such as incest and homicide. There were local Poro councils, composed of members of the highest grade (<http://www.britannica.com/EBchecked/topic/470652/Poro>, accessed 3 March 2009).
- 76 International Crisis Group 2006. 'Liberia: Resurrecting the Justice System'. *Africa Report No107 6 April 2006* <http://www.crisisgroup.org/home/index.cfm?id=4061&l=1> (accessed 12 August 2008).
- 77 Interview with a team of UN Police, at UNMIL Headquarters, Monrovia, Liberia, 6 August 2008.
- 78 According to UN Security Council Seventeenth Progress Report 2008, the prevalence of law and order incidents, including mob justice and random violence, have become a major national security concern and underlines the tenuous state of security in Liberia (also see ICG Africa Report No 148 2009).

- 79 S Momodu, 'Confronting mob violence', *UNMIL FOCUS*, 4(3) (2008).
- 80 United Nations 2007a. UNMIL Human Rights and Protection Section 2007. *Report on the Human Rights Situation in Liberia, May- October 2007*, and Monrovia.
- 81 Ibid.
- 82 For detailed crime statistics in Nigeria, visit the following link <http://www.cleen.org/officialcrimestatistic.html>. For Sierra Leone crime situation please see US Department of State 2008, 'Sierra Leone country specific information', 10 June 2008, Washington DC; UN Office for the Coordination of Humanitarian Affairs 2008, *Sierra Leone: sex crimes continue in peacetime*, June 2008 and; Overseas Security Advisory Council, *Global security news and reports: Sierra Leone 2007 crime and safety report*, Sierra Leone: Overseas Security Advisory Council, 2008.
- 83 United Nations 2003, UN Security Council Resolution 1509 (2003). The UNMIL mandate has been extended until September 2009 (see United Nations 2008, UN News Service 2008, 'Security Council extends UN presence for another year', 29 September 2008). However, the Secretary General He recommended repatriating almost 1 500 personnel – including troops, officers, observers, and engineering and administrative units – leaving troop strength of just over 10 000 by September 2009. (See UN News Service Report 29 September 2008). Also see UN Secretary General's UN Security Council, 'Fifteenth, Sixteenth, Seventeenth and Eighteenth progress reports on UNMIL progress.
- 84 These personnel figures indicate that UNMIL at least has the capacity to execute its mandate as it relates to providing support and enhancing the capacity of local law enforcement agencies to fight rising criminality.
- 85 Please visit this link: <http://www.un.org/Depts/dpko/misions/unmil/facts.html> (accessed on 23 March 2009).
- 86 Other agencies and countries have also provided collaborative support to UNMIL. The Liberian Drug Authority has been assisted by UNMIL in a number of operations. In cooperation with UNMIL, French authorities stopped a Blue Atlantic Ship carrying tons of cocaine to Liberia (Munir 2008).
- 87 Chea-Annan, M 2008. 'Rule of Law is Still a Challenge'. *The Enquirer*, 15 November 2008, Monrovia.
- 88 UN police commissioner unveils new police facility, *The Analyst*, 30 October 2008e, available at <http://www.liberiawebs.com/index.php?> (accessed 11 June 2008).
- 89 Ibid.
- 90 Washington, W 2008. 'Elite Police Unit Takes'. *UNMIL FOCUS*, Vol. 5, No. 01 September –November 2008. Liberia: Monrovia.
- 91 United Nations 2006. 'UNMIL supports Justice Ministry through training of state prosecutors'. UNMIL Press Release, 28 October 2006 UNMIL/PIO/PR/127. Liberia: Monrovia.
- 92 Bekoe, D and Parajon, C 2007. *Security Sector Reform in Liberia: Domestic Considerations and the Way Forward*. United States Institute of Peace, April 2007 and Chea-Annan, M 2008.
- 93 D Gierycz, 'No peace without justice', *Mail & Guardian*, 17 July 2008 available at <http://www.mg.co.za/printformats/single/2008-07-17-no-peace-without-justice.html> (accessed 12 July 2008). Also see Malan (2008) and Chea-Annan, M 2008.
- 94 According to Madame Loj, the challenge to re-establishment of the rule of law in Liberia is reflected in the continuous incidents of mob justice, rape, armed robbery and land disputes, which pose potential threats to sustained peace and security in Liberia (see Chea-Annan 2008; SG Fifteenth, Sixteenth and Seventeenth Progress Reports on UNMIL, and ICG Africa Report No 148 2009).
- 95 The recent SG Report on UNMIL indicates that, at the macro level, the Liberia economy was expected to have grown by around 7 per cent in 2008, down from 9.5 per cent in 2007, owing to a general decrease in commodity prices and slow progress in the commercial forestry and mining sectors (UN 2009).
- 96 The poverty line is the minimum level of income deemed necessary to achieve an adequate standard of living. Many Liberians live below the poverty line of US \$1 a day, and 52 per cent even live in extreme poverty of under US \$0.50 a day. Liberia's poverty-reduction strategy seeks to address this. The strategy is based on four pillars that aim to enhance national security, revitalise economic growth, create appropriate structures of governance underpinned by the rule of law, and rehabilitate infrastructure as well as deliver basic services. (See http://ec.europa.eu/europeaid/where/acp/countrycooperation/Liberia/liberia_en.htm).
- 97 D Taylor, 'Challenges confront investors in Liberia', 6 March 2007, 'State of insecurity worries', available at <http://newsgroups.derkeiler.com/pdf/Archive/Soc/soc.culture.liberia/2007-03/msg00002.pdf> (accessed 20 July 2008). Also see Malan 2008, Aboagye and Bah 2004 and Zounmenou 2008.
- 98 KAIPTC, 'Report of the 2nd Annual KAIPTC/ZIF Seminar', *Post- Conflict Peacebuilding and National Ownership: Meeting the Challenges of Sierra Leone*, Accra, Ghana, 1–3 December 2005; KAIPTC 2007, 'Report of the 3rd Annual KAIPTC/ZIF Seminar', *Post-Conflict Peacebuilding in Liberia: much remains to be done*, Accra, Ghana, 1–3 November 2007. And J Kayode-Fayemi, 'Governing insecurity in post-conflict states: the case of Sierra Leone and Liberia', in Alan Bryden and Heiner Hanggi (eds), *Reform and Reconstruction of the Security Sector*, Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2004.
- 99 E Adedeji, 'Security sector reform as an instrument of sub-regional transformation in West Africa', in Alan Bryden and Heiner Hanggi (eds), *Reform and reconstruction of the security sector*, Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2004. This is also emphasised in Bekoe, D and Parajon 2006, 'Liberia's Peacebuilding Effort: One year after Transition', December 2006, http://www.usip.org/pubs/usipeace_briefings/2006/1213_liberia_peacebuilding.html (Accessed 16 July, 2008).
- 100 United States Institute for Peace, 'Would You Fight again? Understanding Liberia Ex-Combatant Reintegration', Special Report, www.usip.org (Accessed 10 August, 2008).
- 101 Ginifer, J, Bourne, M and Greene, O 2004. 'Considering armed violence in the post-conflict transition: DDR and small arms and light weapons reduction initiatives'. Briefing Paper, September 2004, Department of Peace Studies University of Bradford.

- 102 According to Malan (2008), SSR in Liberia is being pursued and implemented within a convoluted legal framework. Both 2003 CPA (UNSCR 1509) and the 1986 Constitution of Liberia provide the context and legal basis for the implementation of SSR. (See Article VII and VIII of part four of the CPA).
- 103 Ginifer et al (2004).
- 104 See Malan (2008).
- 105 According to Malan 2008, outside Europe a whole of government approach to security sector reform may be conceptually valid, but it does not seem to work in practice. In Africa, recipient countries did not have the financial and human resource capacity to implement or sustain overarching SSR programmes.
- 106 According to ICG Africa Report No 75 2004, 'the whole process was badly managed.' During our interview with Lansana Gbeire, he alluded to this when he said that 'though DDRR processes are not always 100 per cent effective, the Liberian processes were flawed' (Gberie 2008). Also see CF Freeman, *The failures of post-conflict reconstruction in Sierra Leone and the threat to peace*, Notre Dame, Indiana: University of Notre Dame, 2008.
- 107 Bekeo and Parajon (2006).
- 108 See *The Analyst*, 'Defence Ministry Rejects LCC Appeal'. 28 September 2008c, (Monrovia).
- 109 AB Weah, 'The role of civil society in police reform in Liberia', presentation at the Institute for Democracy in South Africa (IDASA) Pretoria, 14 March 2008. Also see Malan (2008) and Zounmenou (2008).
- 110 Ibid.
- 111 United States Institute for Peace, 'Would you fight again? Understanding Liberian ex-combatant reintegration', Special Report, available at www.usip.org (accessed 10 August 2008). Also see Ginifer et al (2004).
- 112 See Malan (2008).
- 113 Ibid.
- 114 Bekoe and Parajon (2007).
- 115 Thomas-Queh (2006).
- 116 Ibid.
- 117 Ibid.
- 118 The Criminal Justice System is overwhelmed with rapid urban population growth and increasing numbers of offenders (Thomas-Queh 2006).
- 119 United Nations 2007a, 'UNMIL human rights and protection section 2007', *Report on the Human Rights Situation in Liberia*, May–October 2007. New York: United Nations
- 120 Ibid.
- 121 Ibid.
- 122 Ibid.
- 123 Ibid.
- 124 Please see Brzoska, M and Heinemann-Gruder, A 2004. 'Security Sector Reform and Post Conflict Reconstruction under International Auspices'. In Alan Bryden and Heiner Hanggi (eds), *Reform and Reconstruction of the Security Sector*, Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2004.
- 125 Chesterman, S 2005. 'Rough Justice: Establishing the rule of law in post-conflict territories'. *Ohio State University Journal on Dispute Resolution* 20 (2005), 69–98, US.
- 126 Mark Malan's 2008 paper on security sector reform in Liberia clearly states the responsibilities of the international community. Also see Olonisakin, F 2008. *Lessons Learned from an Assessment of Peacekeeping and Peace Support Operations in West Africa*. Kofi Anan International Peacekeeping Training Centre, Ghana.

ABOUT THIS PAPER

The paper presents a critical review of criminality as one of the major challenges facing post-conflict Liberia. The criminality-peacekeeping nexus is also explored with a view of establishing the link between UNMIL's presence in Liberia and increase in criminality. Although UNMIL has contributed significantly in ensuring relative stability since the ending of overt conflict in Liberia, it has failed to combat spiraling crime in the country due to the nature of its mandate.

The paper further argues that due to convergence of challenges, violent crimes in post-conflict Liberia, especially rape, armed robbery, murder and mob violence have assumed a more worrisome dimension. The paper concludes that if concerted efforts are not made to address these challenges (such as weak economy, faulty DDRR and vetting processes, ineffective criminal justice system etc) rule of law will be adversely impacted and criminality will continue to flourish.

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