

War and Economic Crimes Courts: Unlocking Solutions to Liberia's Human Security Challenges

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ABSTRACT

The research explored the establishment of a War and Economic Crimes Court as a crucial mechanism to address persisting human security challenges in Liberia. The aftermath of conflicts left Liberia grappling with numerous challenges, ranging from economic instability to the absence of justice for victims of war crimes. In the pursuit of sustainable peace and human security, the establishment of a War and Economic Crimes Courts (WECC) for Liberia has been proposed as a mechanism to address the legacies of violence and impunity. This paper explored the necessity, feasibility, and potential impact of implementing a WECC in Liberia. This paper provided insights into the potential of a WECC as a catalyst for long-term stability and human security in Liberia. The findings showed that the establishment of a War and Economic Crimes Courts for Liberia have the potential to contribute significantly to the country's efforts to achieve justice, reconciliation, and sustainable peace. However, it would require political will, financial resources, and robust institutional support to be effectively implemented. The Government will have to seek support, including funding, technical assistance, and expertise, from the international community to assist with the establishment and functioning of the War and Economic Crimes Courts. Also, the Government should collaborate with civil society organizations, international partners, and the public to build consensus and support for the establishment of the courts. This involves conducting awareness campaigns, hosting public forums, and facilitating dialogue to address concerns and garner backing for the initiative.

Key words: War and Economic Crimes Court, Human Security Liberia, Justice Impunity

INTRODUCTION

Liberia, a nation scarred by years of civil conflict, has embarked on a challenging journey towards reconciliation and stability through the implementation of war crimes court mechanisms. Despite considerable efforts to address past atrocities and promote reconciliation, Liberia grapples with persistent issues that hinder the realization of comprehensive human security through war crimes court processes. Liberia faces challenges in sustaining political will, with potential shifts in leadership and competing priorities diverting attention from the imperative of justice and reconciliation. This poses a significant obstacle to the long-term success of war crimes court efforts. The persistence of these challenges hinders Liberia's ability to achieve lasting peace, reconciliation, and human security. Victims continue to suffer, divisions persist, and the country remains vulnerable to future conflicts. Moreover, a failure to address these issues jeopardizes Liberia's international standing and threatens its progress towards a stable and just society.

The study specifically assessed the historical context and root causes of human rights violations, war crimes, and economic crimes in Liberia; explored the potential benefits of implementing a war and economic crimes court; and analyzed the challenges surrounding the establishment of a War and Economic Crimes Court in Liberia.

LITERATURE REVIEW

This section include both theoretical and empirical literature on war and economic crimes. It begins with the theoretical framework, firmly anchoring the study in existing theories and continue with integrative literature review capturing convergent and divergent views on the study.

THEORETICAL FRAMEWORK

Rational Choice Theory is a framework used in various social sciences, including political science, to analyze and explain the behavior of individuals and groups. It assumes that individuals make rational decisions based on their preferences and the available information, with the goal of maximizing their utility or satisfaction (Dowding, 2019). This theory has been applied to understand political behavior and decision-making. Downs (1957) book titled "Economic Theory of Democracy" applied Rational Choice Theory to political behavior, discussing how politicians make rational choices to maximize their self-interest.

According to Rational Choice Theory, individuals are instrumentally rational, meaning they make choices that are expected to maximize their utility (Robert, 2018). In the political context, individuals may commit to a political cause or party if they believe that doing so will advance their interests or values. Individuals may make political commitments after a rational calculation of the costs and benefits associated with such commitments (Ainsworth, 2020). This could involve considerations such as policy preferences, perceived efficacy of the political entity, and potential rewards or penalties for supporting or opposing it (Lawther, 2021). Individuals may make political commitments based on their perception of the political landscape, the trustworthiness of political actors, and the perceived alignment between their interests and the goals of the political entity they are committing to (Ward, 2022).

Rational choice theory suggests that individuals, including those who may have committed human rights abuses, make decisions based on a cost-benefit analysis. In the context of war crimes court, perpetrators may weigh the potential costs of facing prosecution or other forms of accountability against the benefits of amnesty or impunity (Cunha, 2021). Understanding these calculations can inform the design of mechanisms that encourage accountability. Victims may also make choices based on their perceived utility. For example, they may decide whether to participate in truth and reconciliation processes, pursue legal actions, or seek reparations. Rational choice theory helps in understanding the factors that influence their decisions, such as the likelihood of obtaining justice and the potential costs involved.

Rational choice theory can be applied to the decisions made by governments and international actors involved in war crimes court. Governments may weigh the political costs and benefits of pursuing accountability measures against the potential stability or reconciliation benefits of amnesty. International actors may consider their own strategic interests and the costs of intervention. The establishment and functioning of judicial institutions during war crimes court processes can also be analyzed through the lens of rational choice. Designing effective and credible institutions requires understanding the incentives and disincentives for individuals within these institutions to carry out their roles impartially.

Rational choice theory can be used to analyze public attitudes toward war crimes court measures. Individuals in society may support or oppose certain mechanisms based on their perceptions of the costs and benefits. Understanding these dynamics is crucial for policymakers seeking to implement measures that align with societal expectations. Rational choice theory can also inform the study of reconciliation processes. Individuals may choose to support or resist reconciliation efforts based on their perceptions of the potential outcomes for themselves and their communities.

Applying rational choice theory to the implementation of war crimes court provides a framework for understanding the decisions and actions of key actors involved. It helps policymakers design mechanisms that align with the incentives and disincentives faced by individuals in post-conflict or post-authoritarian settings. However, it's important to note that rational choice theory is just one lens through which to analyze complex social phenomena, and other factors such as cultural, historical, and psychological elements also play significant roles in war crimes court processes.

Background of the Conflict

Liberia has a complex history marked by human rights violations, war crimes, and economic crimes, rooted in several historical and contemporary factors: Liberia was founded in the 19th century by freed American slaves, and its history is intertwined with the transatlantic slave trade. The settler elite, mostly descendants of freed

slaves, dominated the political and economic spheres, creating tensions with indigenous Liberian communities. For much of its history, Liberia was governed by the small Americo-Liberian elite, which marginalized indigenous Liberians. This exclusion and discrimination laid the groundwork for social and political unrest.

Deep-seated ethnic and social divisions have fueled conflicts in Liberia. The exploitation of these divisions by political elites exacerbated tensions and led to human rights violations against marginalized groups. Also, Liberia has historically struggled with weak governance, corruption, and a lack of accountability. This has allowed human rights abuses to go unpunished and created an environment conducive to impunity. Economic disparities between the elite and the majority of the population have contributed to social unrest and conflict. Economic crimes, such as corruption and embezzlement, have further exacerbated poverty and inequality.

Liberia's rich natural resources, including diamonds, timber, and rubber, have been a source of conflict and economic crimes. The exploitation and mismanagement of these resources have fueled corruption and funded armed groups. Rampant corruption within the government and security forces has undermined economic development and exacerbated poverty. Corrupt practices, such as embezzlement and bribery, have deprived the population of essential services and perpetuated inequality. The regimes of Samuel Doe and Charles Taylor were marked by corruption, authoritarianism, and human rights abuses. They exploited ethnic and regional divisions, perpetuating violence and instability.

Between 1989 and 2003, civil war consumed the small West African nation of Liberia, resulting in the estimated deaths of 150,000 to 250,000 men, women and children, and the displacement of over half the country's population (Cabrera & Sarkarati, 2018). The two bloody armed conflicts that raged in Liberia between 1989 and 2003 were marked by widespread and systematic violations of international humanitarian law and human rights. All parties to the conflict were responsible for grave crimes and human rights atrocities, including torture, rape, sexual slavery, summary executions, and forced conscription of child soldiers. What became known as the First Civil War began on December 24, 1989, when the National Patriotic Front of Liberia (NPFL), led by Charles Taylor, launched an assault on Doe's forces. By early 1990, tens of thousands of Liberians had fled the country and thousands of civilians and combatants were raped, tortured or killed, as government and rebel forces engaged in extended warfare. From 1997 to 2003, the Taylor regime oversaw the further disintegration of the Liberian state and its social order (Carlos & Carravilla, 2018). By 1999, a new rebel movement formed by Liberian exiles in West Africa, the United for Reconciliation and Democracy (LURD), began attacking government forces, plunging Liberia back into a full-blown civil war (Käihkö, 2021). By 2003, another armed group, the Movement for Democracy in Liberia (MODEL), emerged in an effort to unseat Taylor from power.

Mechanisms to Address Issues of War and Economic Crimes in Liberia

On August 18, 2003, Comprehensive Peace Agreement (CPA) was signed, bringing an end to the 14-year conflict in which some sources estimate 250,000 people had lost their lives (Carlos & Carravilla, 2018). The gross human rights violations committed during the conflicts include: massive killing of civilians, torture, widespread rape and sexual violence, forcible recruitment of children as soldiers, extortion, looting of the national economy, and the destruction of cultural property (Evrard, 2023). The Comprehensive Peace Agreement (CPA) created a framework for a transitional government; called for political and economic reforms; and set out procedures for demobilization. The signatories to the CPA called for the establishment of a Truth and Reconciliation Commission (TRC) and envisioned that the TRC would provide a forum that would address issues of impunity, as well as provide an opportunity for both victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation (Kiel, 2017).

The CPA tasked the TRC with addressing the root causes of the crises in Liberia, including human rights violations, and to recommend means to rehabilitate victims of human rights violations. In 2006, the TRC took on the monumental task of identifying atrocities committed in Liberia from 1979 to 2003, and ultimately collected close to 20,000 victim and witness statements from within Liberia and the Diaspora (James-Allen et al., 2010). In 2009, the TRC submitted a final report that identified serious violations of international law and human rights abuses committed by all sides of the armed conflict (Heliso, 2020). To address these crimes, the

TRC recommended the establishment of an Extraordinary Criminal Court for Liberia, an internationalized domestic criminal court with the power to prosecute alleged perpetrators of atrocity crimes, including war crimes, crimes against humanity, and gross violations of human rights, as well as a limited number of domestic and economic crimes (Human Rights Watch, 2019).

This recommendation was ignored for over a decade. Nonetheless, there were new hopes to advance calls for a war crimes court to bring justice to crimes committed during the civil wars after President Weah's election. President Weah had previously stated his support for accountability, even endorsing a war crimes court in 2004 while he was a UNICEF Goodwill Ambassador. Following President Weah's election in December 2017, international and Liberian activists launched a fresh push for the government to create a war crimes court. Weah initially remained mute when it came to accountability. Pressure mounted as a wide range of Liberian actors, including political parties, religious authorities, attorneys, victims, and common citizens, joined the activists' campaign and urged the court to take action. The creation of a war crimes court was proposed by the Liberian National Bar Association in a draft bill (Amnesty International, 2021).

When President Weah asked the National Legislature of Liberia to "advise and provide guidance on all legislative and other necessary measures towards the implementation of the TRC report, including the establishment of war and economic crime courts," in September 2019, expectations were raised. "Considering the importance of this matter, I have already begun consultations...in order to determine pertinent issues such as legal framework, timing, venue, and funding, among others," President Weah said in his 2019 speech at the UN General Assembly's General Debate. A resolution supporting a court was also supported by more than fifty members of the House of Representatives, the lower house of Liberia's National Legislature (Human Rights Watch, 2019).. These ended up being the pinnacle of the action. Since then, no progress has been made in establishing a war crimes court. "I have not one day called for a war crimes court," Weah declared to the Liberian media after returning from the UNGA. These two contrasting statements by the Liberian leaders highlights the political unwillingly for his regime to pursue the establishment of a War and Economic Crimes Court. The leadership of the Liberian National Legislature has since prevented the resolution endorsing a court from being considered, and he has either remained silent or dismissed the court (Center for Justice in Africa, 2021).

Only cases prosecuted overseas have led to criminal accountability: these include the US federal conviction of Charles Chuckie Taylor, Jr. for torturing people in Liberia, the convictions of former rebel commanders Alieu Kosiah and Kunti Kamara in France and Switzerland for crimes committed during Liberia's first civil war, and an ongoing case in Belgium (Center for Justice in Africa, 2021). Additionally, there are US federal convictions for fraud, immigration infractions, and other offenses connected to the underlying abuses in Liberia committed by Thomas Woewiyu, "Jungle Jabbeh," and others. Furthermore, George Boley was deported from the United States to Liberia in 2012 on charges of involvement in the use and enlistment of child soldiers as well as other misdeeds. He held a position as a legislator in Liberia, where he was shielded from any immediate consequences. The 1990 Lutheran Church massacre, one of the worst events of Liberia's wars, was the subject of a successful civil suit filed in the United States. However, the defendant ran away and is currently residing in Liberia, where there are currently no prospects for accountability. In response to Liberia's lack of efforts to bring those responsible for the massacre to justice, survivors have filed a lawsuit at the Economic Community of West African States (ECOWAS) Court of Justice (Amnesty International, 2021).

US War Crimes Ambassador Beth Van Schaack made a valuable start in expressing US interest in holding past Liberian war criminals accountable as well as the need for more information on what has hampered progress thus far during a visit to the country in October of 2022. Given the importance Liberia places on its relationship with the United States, Ambassador Schaack's visit was widely reported in the country and gave people who had been left feeling deceived by President Weah's lack of progress toward justice newfound hope (Human Rights Watch, 2022).

The Center for Justice in Africa (2021) stated that Liberia has not done much to put the TRC's recommendations, many of which deal with prosecutions, sanctions, an alternative justice system, reparations, and memorialization into practice, despite the body's potential and its goals of ending impunity for crimes committed during the civil war. While the state of Liberia's legal system can be partly blamed for the lack of

prosecutions, political will is also a factor that needs to be considered. Others, such as the former President Ellen Johnson Sirleaf, have voiced worries that carrying out the TRC's prosecution recommendations would destabilize Liberia and that, instead, they ought to be disregarded in the sake of maintaining peace. The country according to James-Allen et al. (2010) faces multiple issues including impunity, lack of accountability, socioeconomic marginalization, reconciliation and social cohesion and community and individual security concerns.

Many individuals who were involved in horrific crimes during the conflict have not been prosecuted. This climate of impunity directly jeopardizes human security by undermining confidence in the legal system and fostering a cycle of violence. There is still a sizable portion of the populace that is marginalized and denied rights, which increases the likelihood of social unrest, creates economic instability, and restricts access to essential services (Issa, 2023). Human security is threatened by this socioeconomic instability (International Monetary Fund, 2021). Furthermore, there are still enduring social and ethnic divides, making the process of rapprochement between communities and individuals precarious. The cohesiveness of Liberian society is in danger due to this division, which makes it challenging to establish a long-lasting peace.

As a result, Liberia continues to grapple with a precarious human security situation, characterized by persistent threats to personal safety, socioeconomic stability, and social cohesion. These challenges pose a direct barrier to the successful implementation of war crimes court mechanisms, which are intended to promote accountability, reconciliation, and a lasting peace. Addressing these complex interdependencies is critical to not only achieving justice for past atrocities but also to securing the fundamental rights and well-being of Liberia's citizens. Effective war crimes court strategies that align with human security principles are essential for mitigating these threats and paving the way for a more stable and prosperous future for the people of Liberia.

The Legal Framework

The legal framework applicable to prosecuting individuals responsible for war crimes and economic crimes in Liberia is primarily governed by both international humanitarian law (IHL) and human rights law, along with domestic legal mechanisms. Under both international humanitarian law and human rights law, Liberia has an obligation to look into and prosecute the horrific crimes, such as extrajudicial killings, torture, and rape of defenseless civilians, that the warring parties committed there during the brutal fourteen-year conflict (Jalloh & Marong, 2005).

According to the International Committee of the Red Cross (2004), International Humanitarian Law, also known as the laws of war or the law of armed conflict, is a set of rules that seek to protect those who are not or are no longer participating in hostilities and to limit the means and methods of warfare. Key treaties on International Humanitarian Law include the Geneva Conventions of 1949 and their Additional Protocols, which outline the protection of civilians, prisoners of war, and other individuals affected by armed conflict. Human rights law encompasses a broad range of international instruments, including treaties and customary international law, which protect fundamental rights and freedoms. Relevant instruments include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights. International criminal law addresses the prosecution of individuals for serious international crimes, including war crimes, crimes against humanity, and genocide. The Rome Statute of the International Criminal Court (ICC) provides the legal framework for prosecuting these crimes at the international level. Liberia is a party to the Rome Statute which the country signed on Liberia had previously signed the statute on December 7, 1998 and ratified on September 22, 2004. The ICC has jurisdiction over certain crimes committed by its nationals or on its territory since July 1, 2002 (International Criminal Court, 2011).

Liberia's domestic legal system includes its constitution, domestic legislation, and judicial system. The Liberia Criminal Code addresses various crimes, including those related to economic crimes and serious violations of human rights during armed conflict. The Liberian judicial system is responsible for investigating, prosecuting, and adjudicating cases involving war crimes and economic crimes. This includes specialized courts or tribunals established to address such offenses.

The Case for a War and Economic Crimes Court

Establishing a War and Economic Crimes Court in Liberia is a complex and contentious issue, but one that holds significant importance for the country's future stability, reconciliation, and rule of law. In response to the challenges of impunity and injustice, advocates have called for the establishment of a specialized WECC in Liberia. Such a court would be tasked with prosecuting individuals responsible for war crimes, crimes against humanity, and economic plunder during the country's conflicts. By holding perpetrators accountable and providing justice to victims, a WECC could contribute to the restoration of trust in state institutions, the promotion of reconciliation, and the prevention of future atrocities. Moreover, by addressing economic crimes, the WECC could help recover stolen assets, combat corruption, and create a deterrent against future exploitation of natural resources.

Liberia, as mentioned by Human Rights Watch (2022), has a history marred by civil war and economic exploitation, including war crimes, crimes against humanity, and corruption. Holding individuals accountable for these crimes is crucial for justice and reconciliation. A specialized court would ensure that those responsible, regardless of their position or influence, face legal consequences for their actions. Moreover, establishing a court dedicated to prosecuting war and economic crimes sends a strong message that such actions will not be tolerated in the future. This can act as a deterrent against future human rights abuses, corruption, and violence, helping to create a culture of respect for the rule of law. Liberia is party to various international treaties and agreements, including the Rome Statute of the International Criminal Court (ICC), which obligate it to investigate and prosecute serious crimes within its jurisdiction (Amnesty International, 2018). Establishing a specialized court would demonstrate Liberia's commitment to upholding its international legal obligations and promoting human rights.

One of the key challenges Liberia faces is the culture of impunity, where powerful individuals have historically evaded accountability for their actions. A War and Economic Crimes Court would help break this cycle by ensuring that even the most influential individuals are held accountable under the law, thereby promoting equality before the law and strengthening the justice system. Justice is essential for long-term peace and stability. By addressing past injustices through a transparent and impartial legal process, Liberia can lay the groundwork for sustainable peace and reconciliation. A War and Economic Crimes Court can provide a forum for victims to seek redress, perpetrators to acknowledge their crimes, and society as a whole to confront its past and move forward together.

Challenges of Implementing War Crimes Court in Liberia

Implementing a war crimes court in Liberia would undoubtedly present numerous challenges, stemming from both practical and political considerations.

Resource Constraints

Liberia, like many post-conflict countries, lack the necessary resources to effectively operate a war crimes court. This includes financial resources for investigations, trials, and maintaining the security of the court, as well as human resources such as qualified judges, lawyers, and support staff (Jalloh & Marong, 2009). Establishing and maintaining a war crimes court requires significant financial resources. This includes funding for personnel, infrastructure, legal proceedings, witness protection programs, and administrative costs. Liberia, as a post-conflict country, could struggle to allocate sufficient funds for such endeavors due to competing priorities such as infrastructure development, education, and healthcare. Ensuring the court operates effectively requires a pool of legal experts, including judges, prosecutors, defense attorneys, and legal support staff. Training and retaining qualified personnel may be difficult in Liberia, where the legal system may still be recovering from the impact of conflict.

Political Will

Political Will is the kind and degree of acts that show a persistent commitment on the part of an actor or actors to a set of accountability goals intended to put an end to the impunity of human rights violations (Pham et al,

2019). Political will to implement war crimes court is a crucial factor in the success of any war crimes court process. War crimes court is heavily influenced by a nation's political leadership (Songa, 2021). Effective war crimes court mechanisms are difficult to establish and maintain without the political leadership's commitment and willingness to address historical abuses (Gallen, 2023). Building and bolstering a legal framework that promotes war crimes court is a common way for political will to be seen. To address previous human rights violations, this will entail setting up truth commissions, special tribunals, or other mechanisms (Werle & Vormbaum, 2021). Kapshuk (2022) mentioned that peace processes leading to comprehensive peace agreements and successfully executed political wills are favorably correlated with the fulfillment of truth and reconciliation requirements.

War crimes court procedures must receive sufficient funding and human resources. This covers the cost of funding inquiries, legal actions, settlements, and victim assistance. The government's budgetary priorities demonstrate its political commitment (Rojas & Shaftoe, 2021). Political leaders need to be prepared to face the dangers and difficulties that come with war crimes court, including the potential for opposition from those who are against accountability measures by properly aligning with the five dimensions- Initiation, assessment, mobilization, allocation, and enforcement of political will (Pham et al., 2019).

METHODOLOGY

This section presents a comprehensive description and explanation through a systematic review of literature. The section consists of the research method, design, sampling, participants, instruments, data collection and analysis, interview protocol, sample of interview protocol, document analysis protocol, research setting and trustworthiness and ethical consideration of the study.

Method and Design

This study adopted a qualitative research approach. According to Zohrabi, (2013) Qualitative Research is a form of research which focuses on the way people interpret, and make sense of their experiences and how they strive, how they attribute meaning to their experiences in order to understand the social reality of individuals. The researchers adopted the Explorative research design which is used to explore War and Economic Crimes Courts as an instrument for unlocking solutions to Liberia's human security challenges.

Sampling

This study employed Delphi Technique for the selection of the participating individuals. The Delphi Technique is a methodical approach to obtaining expert opinions and reaching a consensus on a particular issue or topic. It has been widely used in a variety of fields, including business, education, healthcare, and policy-making, since it was developed by the RAND Corporation in the 1950s (Naisola-Ruiter, 2022). The sample size was 10 participants drawn from various spectra of expertise including Political Parties in Liberia, Civil Society Organizations, academicians and some prominent Liberians.

Data Analysis

To analyze the qualitative data from the interviews for this study, the researcher followed a methodical process of thematic analysis that included data editing, transcription, codification, and thematic interpretation. By using this technique, it was made sure the results of the open-ended interviews from the experts were legitimate and fairly represented the opinions of the participants.

FINDINGS AND DISCUSSION

A qualitative research study's Findings and Discussion section is an essential component that presents the methodical analysis and interpretation of the data gathered. The primary themes and subthemes that appeared in the data which were frequently gleaned from observations and interviews, as well as the direct quotes are tabulated and presented in this section. The findings are contextualized within the broader existing literature, highlighting how the current study contributes to the ongoing scholarly discourse.

Table 1 Challenges of Establishing the War and Economic Crimes Court in Liberia

Themes	Sub-Themes	Direct Quotations
Political Will and Commitment	Reluctance of political elites	"Political elites have often been reluctant to pursue justice for fear of destabilizing fragile power dynamics or facing accountability themselves."
	Personalization of the issue	"In Liberia, whenever the issue of War crimes court is mentioned, certain political figures including the Senate Chair on Internal Affairs, Prince Y. Johnson tend to personalize and trivialize the establishment of the court."
Financial Resources	Securing funding	"The establishment of a WECC in Liberia faces numerous practical, legal, and political challenges, including securing financial resources."
	Dependence on international aid	"Ensuring cooperation from international partners is a major obstacle to implementing the establishment of the War and Economic Crimes Court."
Resistance from Vested Interests	Opposition from powerful figures	"Addressing potential resistance from vested interests is one of the major obstacles."
	Fear of accountability	"Political elites have often been reluctant to pursue justice for fear of facing accountability themselves."
Socio-Political Dynamics	Fragile power dynamics	"Political elites have often been reluctant to pursue justice for fear of destabilizing fragile power dynamics."
	Complex socio-political environment	"Navigating complex socio-political dynamics are the major obstacles to implementing the establishment of the War and Economic Crimes Court in Liberia."

Table 1 summarizes the challenges and obstacles identified in establishing the WECC in Liberia, categorized by themes and sub-themes, along with relevant direct quotations from the provided content.

The thematic analysis table highlights the challenges faced in establishing a War and Economic Crimes Court (WECC) in Liberia. Each theme is associated with specific sub-themes and supported by direct quotations from stakeholders, illustrating the nuanced and multifaceted nature of the obstacles encountered.

Theme 1: Political Will and Commitment:

Reluctance of political elites: The reluctance of political elites to pursue justice is primarily due to the fear of destabilizing fragile power dynamics and facing accountability themselves. As indicated by Participant 1 *"Political elites have often been reluctant to pursue justice for fear of destabilizing fragile power dynamics or facing accountability themselves."* Justice initiatives may face obstacles due to the complex socio-political landscape of post-conflict societies. It is commonly known that political elites are reluctant to seek justice because they fear upsetting the delicate balance of power (Pham, 2004).

Another subtheme that was generated under "Political will and Commitment" was "Personalization of the issue." Certain political figures tend to personalize and trivialize the establishment of the court when the issue of war crimes is raised. Participant 3 averred that *"In Liberia, whenever the issue of War crimes court is mentioned, certain political figures including the Senate Chair on Internal Affairs, Prince Y. Johnson tend to personalize and trivialize the establishment of the court."* Ainley (2011) claims that this resistance is frequently motivated by a desire to keep control over established power structures and to keep their complicity in

historical crimes from coming to light. Establishing accountability mechanisms is made more difficult by powerful individuals personalizing and trivializing justice initiatives.

Theme 2 Financial Resources

Securing funding: Establishing a WECC in Liberia involves significant practical, legal, and political challenges, with securing financial resources being a major hurdle. As indicated by Participant 6, *"The establishment of a WECC in Liberia faces numerous practical, legal, and political challenges, including securing financial resources."*

Dependence on international aid was another subtheme that was generated from the thematic analysis. There is a heavy dependence on international partners for cooperation, which is a major obstacle to implementing the court. As mentioned by Participant 4, *"Ensuring cooperation from international partners is a major obstacle to implementing the establishment of the War and Economic Crimes Court."* According to empirical research, post-conflict societies frequently need strong financial and political support for the creation of special courts such as the War and Economic Crimes Court (WECC). The government's commitment and the availability of funds to support judicial procedures and infrastructure are frequently critical factors in the establishment of such courts. According to Clark (2009), progress can be severely impeded by a resistance to allocating necessary funds and political capital.

Theme 3 Resistance from Vested Interests:

A subtheme that was generated from the thematic analysis was "Opposition from powerful figures." Addressing resistance from vested interests, particularly from powerful figures who may be implicated, is a significant challenge. Participant 4 intimated that, *"Addressing potential resistance from vested interests is one of the major obstacles."* Initiatives for post-conflict justice frequently face opposition from vested interests and influential political elites. Skaar (2011) highlights that efforts to impose accountability mechanisms are frequently met with resistance by those who have profited from the previous conflict or have participated in criminal activities. This resistance may take the form of power dynamics being used to stall or derail the process, political obstruction, or public opinion manipulation.

Fear of accountability was a subtheme generated from the major theme "resistance from vested interest." The fear of facing accountability is a recurring theme among political elites, contributing to their reluctance to pursue justice. Participant 10 mentioned that *"Political elites have often been reluctant to pursue justice for fear of facing accountability themselves."*

Theme 4 Socio-Political Dynamics:

Fragile power dynamics is a subtheme that was generated under socio-political dynamics. The fragile nature of power dynamics in Liberia makes political elites hesitant to pursue justice. Participant 10 indicated that *"Political elites have often been reluctant to pursue justice for fear of destabilizing fragile power dynamics."*

Complex socio-political environment is another subtheme that was generated from the major theme "socio-political dynamics. The socio-political environment in Liberia is complex, posing major obstacles to the establishment of the WECC. As averred by Participant 9, *"Navigating complex socio-political dynamics are the major obstacles to implementing the establishment of the War and Economic Crimes Court in Liberia."*

The establishment of a WECC in Liberia faces numerous practical, legal, and political challenges. The major themes from the interview conducted showed that securing political will and financial resources, ensuring cooperation from international partners, addressing potential resistance from vested interests, and navigating complex socio-political dynamics are the major obstacles to implementing establishment of War and Economic Crimes Court in Liberia. Political elites have often been reluctant to pursue justice for fear of destabilizing fragile power dynamics or facing accountability themselves.

Table 2: Potential Benefits of Establishing the WECC in Liberia

Theme	Subtheme	Direct Quotations
Justice and Accountability	Promoting justice and rule of law	"Holding individuals accountable for war crimes, crimes against humanity, and economic crimes committed during Liberia's civil wars (1989-2003) would contribute to the promotion of justice and the rule of law."
	Addressing grievances	"This could help address grievances among victims and survivors, fostering a sense of justice and closure."
Reconciliation and Healing	Truth-telling and acknowledgment	"The establishment of such a court could serve as a platform for truth-telling and acknowledgment of past atrocities."
	Facilitating reconciliation	"By providing a space for victims to share their experiences and for perpetrators to acknowledge their actions, the court could facilitate reconciliation efforts within Liberian society."
	Healing and validation	"For victims and survivors of war crimes, seeing perpetrators held accountable can contribute to a sense of healing and validation."
Institutional Strengthening	Strengthening judicial system	"The establishment of a specialized court focused on war and economic crimes would strengthen Liberia's judicial system and institutions."
	Upholding international standards	"It would demonstrate the government's commitment to upholding international human rights standards and the rule of law."
	Enhancing international standing	"This could enhance Liberia's international standing. It could improve relations with the international community and potentially lead to increased support for development initiatives and foreign investment."
Economic Stability	Recovering stolen assets	"With the issue of economic crimes, the WECC will help recover stolen assets, deter future corruption, and create a conducive environment for sustainable development and investment."
	Deterring future corruption	"The WECC will help deter future corruption, and create a conducive environment for sustainable development and investment."
Support and Reparations	Providing reparations and support	"The court could provide opportunities for reparations and support services for those affected by the conflicts."
	Preventing cycles of violence	"This can help prevent the recurrence of cycles of violence and impunity, which can undermine stability and development."

Table 2 shows that despite the challenges, the establishment of a WECC holds significant potential benefits for Liberia's long-term stability and human security with the following major themes and subthemes from the interview conducted.

Theme 1 Justice and Accountability

Promoting justice and rule of law is a subtheme generated from the major theme on “justice and accountability as benefits of implementing war and economic crimes court. Ensuring accountability for war crimes, crimes against humanity, and economic crimes from Liberia's civil wars (1989-2003) fosters justice and upholds the rule of law. This process deters future violations and reinforces the commitment to human rights and legal standards. As mentioned by Participant 3, *"Holding individuals accountable for war crimes, crimes against humanity, and economic crimes committed during Liberia's civil wars (1989-2003) would contribute to the promotion of justice and the rule of law."* The importance of accountability mechanisms in maintaining justice and the rule of law in post-conflict societies is highlighted by empirical research. Restoring confidence in judicial systems and upholding legal norms are aided by the prosecution of individuals accountable for grave crimes committed during civil conflicts (Higonnet, 2015).

Addressing grievances is another subtheme. Resolving grievances among survivors and victims can help to promote a sense of justice by recognizing their experiences and providing validation for their suffering. Additionally, by fostering closure, this process can aid in healing and enable people to move on with their lives. This is supported by Participant 10, who advanced that, *"This could help address grievances among victims and survivors, fostering a sense of justice and closure. The study of Pham et al. (2004) shows that addressing the grievances of victims and survivors through judicial processes can foster a sense of justice and closure. This contributes to social cohesion and stability."*

Deterring future atrocities was the last subtheme under theme 1. By indicating that those who commit atrocities will be held accountable, a functioning war crimes court acts as a potent deterrent. In addition to fostering a culture of respect for international law and human rights, this accountability can aid in the prevention of future crimes. As averred by Participant 2, *"A functioning war crimes court could act as a deterrent against future atrocities by sending a clear message that individuals who commit such crimes will be held accountable."* According to empirical data, having a war crimes court in operation can act as a potent deterrent to atrocities in the future by sending a message that impunity will not be allowed (Sikkink, 2011).

Theme 2 Reconciliation and Healing

Truth-telling and acknowledgment is one of the subthemes that establishment of war and economic crimes court could benefit Liberians as indicated by the respondents. A public understanding of past wrongdoings would be facilitated by the creation of a court that would provide a formal forum for both victims and offenders to discuss their experiences. This process emphasizes the value of justice and accountability in stopping atrocities in the future while also promoting healing and reconciliation. As infer by Participant 3, *"The establishment of such a court could serve as a platform for truth-telling and acknowledgment of past atrocities."* As mentioned by Hafner-Burton (2005), truth-telling and acknowledgment are critical components of reconciliation processes. They provide a platform for survivors to share their experiences and for societies to come to terms with past atrocities

Facilitating reconciliation is another subthemes that came out from the major theme" of “Reconciliation and Healing.” As mentioned by Participant 1, *"by providing a space for victims to share their experiences and for perpetrators to acknowledge their actions, the court could facilitate reconciliation efforts within Liberian society."* The research of Mendeloff (2004) indicate that attempts at reconciliation are more successful when victims are given a platform to talk about their experiences and offenders take responsibility for their actions. Social divisions may be healed by this interaction

Another subtheme under the major theme on reconciliation and healing was about healing and validation. As averred by Participant 4, *"For victims and survivors of war crimes, seeing perpetrators held accountable can contribute to a sense of healing and validation."* According to Minow's (1998) research, victims may experience healing and validation as a result of accountability. In post-conflict environments, this procedure is crucial for both individual and community healing.

Theme 3 Institutional Strengthening

Strengthening judicial system is one of the subthemes presented from the major theme that indicated that the implementation of war and economic crimes court benefits Liberia by strengthening institutions. As advanced by Participant 9, *"The establishment of a specialized court focused on war and economic crimes would strengthen Liberia's judicial system and institutions."* Specialized courts for war and economic crimes can greatly strengthen national judicial systems and institutions, according to Akhavan, (2001) on post-conflict reconstruction

From the major theme, another subtheme that was generated is that war and economic crimes courts can lead to upholding international standards. As averred by Participant 6, *"It would demonstrate the government's commitment to upholding international human rights standards and the rule of law."* Governments demonstrate their commitment to enforcing international human rights standards by creating specialized courts focused on human rights matters. This action highlights the value of justice and accountability within their purview while also displaying a commitment to the rule of law. Therefore, taking such steps can greatly improve the government's legitimacy and credibility on a national and international level. Teitel (2000) asserts that improved diplomatic relations, increased trust and cooperation from the international community, and possibly increased foreign investment and aid can all result from this increased credibility. These advantages therefore reinforce the status and power of the government by fostering a more equitable and stable society.

War and economic crimes court can also benefit Liberia by enhancing international standing according to the participants. Specifically, Participant 8 indicated that, *"This [war and economic crimes court] could enhance Liberia's international standing. It could improve relations with the international community and potentially lead to increased support for development initiatives and foreign investment."* Enhanced international standing through robust judicial mechanisms can lead to improved relations and increased support for development and investment (Hafner-Burton, 2005).

Theme 4 Economic Stability

The main theme "economic stability presented two subthemes. The first is that Liberia will benefit from war and economic crimes court because it will help to recovering stolen assets. As advanced by Participant 6, *"...With the issue of economic crimes, the WECC will help recover stolen assets, deter future corruption, and create a conducive environment for sustainable development and investment."* According to empirical data from Rose-Ackerman (1999) study, recovering stolen assets and deterring corruption are essential for promoting sustainable development and investment.

Another subtheme that was generated with regards to economic stability is deterring future corruption Participant 3 advanced that *"The WECC will help deter future corruption, and create a conducive environment for sustainable development and investment."* Effective legal measures that discourage corruption in the future can greatly improve the outlook for investment and sustainable development. Kaufmann (2005) asserts that putting strong legal frameworks in place to fight corruption can improve transparency and predictability in the business world. Being transparent is essential to drawing in both foreign and domestic investment because investors want to know that their money will be safe from dishonest practices and that agreements will be applied equitably.

Theme 5 Support and Reparations

By providing reparations and support, Participants 7 indicated that "The court could provide opportunities for reparations and support services for those affected by the conflicts." Meeting the needs of individuals impacted by conflicts, promoting healing and stability, requires providing reparations and support services (De Greiff, 2006). Reparations allow victims' suffering to be acknowledged, which promotes healing and a sense of justice, two things that are essential for restoring trust in communities.

Also relative to the major theme that war and economic crimes court can provide support and reparation, a subtheme that was generated was that the war and economic crimes court can aid in preventing cycles of

violence as advanced by Participant 8 who mentioned that "...*this can help prevent the recurrence of cycles of violence and impunity, which can undermine stability and development.*" Empirical research, like that done by Collier et al. (2003), highlights the need of tackling the underlying causes of violence and impunity in order to stop conflict cycles from happening again and to achieve long-term stability and development. Economic inequality, political marginalization, social injustices, and shoddy governance systems are frequently these core causes. Societies can lessen the chance of conflicts reoccurring and foster a more stable and supportive environment for sustainable development by addressing these fundamental issues. To ensure inclusivity, accountability, and equitable resource distribution, effective interventions may entail extensive reforms in the areas of governance, justice systems, and economic policies. This will ultimately promote a more peaceful and prosperous society.

CONCLUSION

Political, economic, and sociopolitical factors present serious obstacles to Liberia's War and Economic Crimes Court (WECC) establishment. The reluctance of political elites is a major obstacle because it stems from their fears of personal accountability and the instability of delicate power balances. Further complicating efforts is the personalization and trivialization of justice initiatives by influential individuals. Financial limitations and a disproportionate dependence on foreign assistance impede advancements, as does opposition from invested parties and powerful individuals who might be connected to previous transgressions. Achieving justice and accountability in Liberia will require a concerted effort to secure political will, financial resources, and international cooperation. Navigating the country's complex socio-political landscape remains a formidable obstacle.

One of the most important steps toward obtaining justice and accountability for the atrocities committed during the civil wars in Liberia from 1989 to 2003 is the establishment of a war and economic crimes court. Through the prosecution of those accountable for economic crimes, war crimes, and crimes against humanity, the court would protect human rights norms and strengthen the rule of law. Resolving victim and survivor grievances is another crucial component. Acknowledging their pain and offering affirmation via legal channels promotes a feeling of fairness and facilitates their recovery process. Furthermore, the court's presence would act as a strong deterrent to atrocities in the future. The court would aid in preventing further infractions by demonstrating that individuals who commit serious crimes will be held accountable and promote a culture of respect for International Humanitarian law, International Law and International Human Rights Law.

To advance justice and accountability, Liberia must establish a court for war and economic crimes. It will uphold human rights and strengthens the rule of law by addressing historical grievances, promoting healing, and discouraging further violations. The significance of this type of court in promoting a more stable and just society in Liberia following conflict is highlighted by the empirical data and participant insights. For assistance in establishing and running the War and Economic Crimes Court, the Government of Liberia will need to look to the international community for funding, technical support, and expertise. To foster agreement and support for the courts' establishment, the Government of Liberia should also work with civil society organizations, foreign partners, and the general public. This entails addressing concerns and gaining support for the initiative through the conduct of awareness campaigns, public forums, and dialogue facilitation.

REFERENCES

1. Ainley, K. (2011). The Responsibility to Protect and the International Criminal Court: Counteracting the Crisis. *International Affairs*, 87(4), 905-923. DOI: 10.1111/1468-2346.12185
2. Ainsworth, S. H. (2020). Rational choice theory in political decision making. *Oxford Research Encyclopedia of Politics*. <https://doi.org/10.1093/acrefore/9780190228637.013.1019>
3. Akhavan, P. (2001). Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?. *American Journal of International Law*, 95(1), 7-31. DOI: 10.2307/761767
4. Amnesty International (2018). Liberia's compliance with the international covenant on civil and political rights report of civil society organizations in reply to the list of issues regarding impunity for past human rights violations. <https://www.amnesty.org/en/wpcontent/uploads/2021/05/AFR3487352018ENGLISH.pdf>

5. Amnesty International (2021). Liberia: Truth, justice, reparation for Liberia's victims. <https://www.amnesty.org/en/wp-content/uploads/2021/07/afr340012007en.pdf>
6. Cabrera, C.G. & Sarkarati, N. (2018). Using U.S. courts to promote accountability for the 1990 Liberian church massacre and beyond. Retrieved online from <https://www.justsecurity.org/52970/u-s-courts-promote-accountability-1990-liberian-church-massacre/>
7. Clark, J. N. (2009). The limits of retributive justice: Findings of an empirical study in Bosnia and Hercegovina. *Journal of International Criminal Justice*, 7 (3), 463–487. <https://doi.org/10.1093/jicj/mqp041>
8. Collier, P., Hoeffler, A., & Söderbom, M. (2003). On the duration of civil war. *Journal of Peace Research*, 41(3), 253-273. DOI: 10.1596/978-0-8213-5481-0
9. Cunha, M. (2021). Reckoning with perpetrators and collaborators: Accountability and transitional justice in Latin American Postdictatorship cinema. *International Journal of Transitional Justice*, 15(2), 448-458. <https://doi.org/10.1093/ijtj/ijab009>
10. De Greiff, P. (2006). *The Handbook of Reparations*. Oxford University Press. DOI: 10.1017/CBO9780511494191
11. Dowding, K. (2019). Political power and bargaining theory. *Rational Choice and Political Power*, 47-82. <https://doi.org/10.1332/policypress/9781529206333.003.0004>
12. Evrard, E. (2023). The language of inclusion: Using critical corpus-based methods to study the presence and representation of “women, children and vulnerable groups” in Liberia’s truth commission. *Social Justice Research*, 1(31). DOI 10.1007/s11211-023-00411-z.
13. Hafner-Burton, E. M. (2005). Trading Human Rights: How Preferential Trade Agreements Influence Government Repression. *International Organization*, 59(3), 593-629. DOI: 10.1177/0022002704271920
14. Heliso, T. E. (2020). Critical appraisal of the Ethiopian Reconciliation Commission: A comparative study. *Journal of Law and Conflict Resolution*, 11(1), 15-25. <https://doi.org/10.5897/JLCR2020.0308>
15. Human Rights Watch (2022). Briefing Note on the Call for a War Crimes Court for Liberia. <https://www.hrw.org/news/2022/12/05/briefing-note-call-war-crimes-court-liberia>
16. Human Rights Watch (2022). US: Back War Crimes Court in Liberia :US-Africa Summit Important Moment to Support Justice for Liberian Victims. <https://www.hrw.org/news/2022/12/05/us-back-war-crimes-court-liberia>
17. International Committee of the Red Cross (2004). What is International Humanitarian Law? https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf
18. International Criminal Court (2011). Rome Statute of the International Criminal Court. <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>
19. Issa, K. (2023). 20 years of inaction fail to dampen activists’ hopes for justice and accountability for Liberia war atrocities. *Journalist for Justice in Africa*. Retrieved from <https://jffjustice.net/20-years-of-inaction-fail-to-dampen-activists-hopes-for-justice-and-accountability-for-liberia-war-atrocities/>
20. Jalloh, C. & Marong, A. (2009). Ending Impunity: The Case for War Crimes Trials in Liberia. *African Journal of Legal Studies*, 1. 10.1163/221097312X13397499735986.
21. James-Allen, P., Weah, A., & Goodfriend, L. (2010). Beyond the truth and reconciliation commission: Transitional justice options in Liberia. *International Center for Transitional Justice*, pp.1-32. Retrieved from: <https://www.ictj.org/sites/default/files/ICTJ-Liberia-Beyond-TRC-2010-English.pdf>
22. Kapshuk, Y. (2022). Transitional justice from a political bargaining perspective. *International Journal of Development and Conflict*, 12, pp. 1–21, Retrieved from http://www.ijdc.org.in/uploads/1/7/5/7/17570463/1_kapshuk.pdf
23. Keil, J.A. (2017). Liberia's TRC: The road to rule of law or a dead end? *African Journal of Political Science and International Relations*, 11(8), pp. 201-209, DOI: 10.5897/AJPSIR2017.0993
24. Lawther, C. (2021). ‘Let Me Tell You’: Transitional justice, victimhood and dealing with a contested past. *Social & Legal Studies*, 30(6), pp.890-912. <https://doi.org/10.1177/0964663920974072>
25. Naisola-Ruiter, V. (2022). The Delphi technique: A tutorial. *Research in Hospitality Management*, 12(1), 91-97. <https://doi.org/10.1080/22243534.2022.2080942>
26. Pham, J. P. (2004). *Liberia: Portrait of a failed state*. Reed Press (NY).

27. Pham, P.N., Balthazard, M., Gibbons, N & Vinck, P. (2019). Perspectives on memory, forgiveness and reconciliation in Cambodia's post-Khmer Rouge society. *International Review of the Red Cross*, 101 (1), 125–149. doi:10.1017/S1816383119000213
28. Robert, D. (2018). Expected comparative utility theory: A new theory of rational choice. *The Philosophical Forum*, 49(1), 19-37. <https://doi.org/10.1111/phil.12178>
29. Rojas, H., & Shaftoe, M. (2021). Human rights and transitional justice. *Human Rights and Transitional Justice in Chile*, 1-28. Retrieved online from https://doi.org/10.1007/978-3-030-81182-2_1
30. Skaar, E. (2011). Judicial Independence and Human Rights in Latin America: Violations, Politics, and Prosecution. *Journal of Peace Research*, 48(4), 449-462.
31. Songa, A. (2021). Enlivening transitional justice within the African union's agenda of silencing the guns: Looking beyond 2020. African Union Policy Paper. Retrieved from <https://www.csvr.org.za/enlivening-transitional-justice-within-the-african-unions-agenda-of-silencing-the-guns-looking-beyond-2020/>
32. Sriram, C. L. (2007). *Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice*. Routledge
33. Ward, L. (2022). Conclusion: Towards a political economy of rights and interests. *Recovering Classical Liberal Political Economy*, 218-221. <https://doi.org/10.3366/edinburgh/9781399500593.003.0009>
34. Werle, G., & Vormbaum, M. (2022). Legal principles of transitional justice. *Transitional Justice*, 25-38. Retrieved online from https://doi.org/10.1007/978-3-662-65151-3_3
35. Zohrabi, M. (2013). Mixed Method Research: Instruments, Validity, Reliability and Reporting Findings. *Theory and Practice in Language Studies*, 3(2), 254-262. <https://www.academypublication.com/issues/past/tpls/vol03/02/tpls0302.pdf#page=56>