

The Role of the International Criminal Court in Liberia's Peace and Stability

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Abstract: This essay addresses the role of the International Criminal Court in Liberia's peace and stability. This essay argues that corruption is the main cause of the Liberian Civil War and remains the present and future security risk to Liberia. It further argues that the intervention of the ICC was timely and helped to remove former President Charles Taylor from power on 11 August 2003 thereby ending the fourteen years civil conflict in the country; however, that Mr. Taylor got prosecuted and convicted for war crimes committed only in Sierra Leone rather than those in Liberia leaves the peace and stability of Liberia fragile. The essay reviews the history of corruption in Liberia, causes and effects of weak anti-corruption system, it discusses the challenges militating against the speedy and successful prosecution of corruption cases in Liberia. This research is important because the researcher argues that corruption was the cause of the Liberian Civil Crises. Hence, the Liberian Anti-Corruption Commission (LACC) was established to curb the endemic corruption in both the Liberian public and private sectors. However, this anti-graft agency has not done much to curb the menace. In view of this, the international community, including the Economic Community for West African States (ECOWAS), United Nations and the ICC intervened in the Liberia Civil Crisis to help the country transition towards peace and stability. Nevertheless, corruption in Liberia persists and hampers sustainable socio-political progress and retards economic growth and development. Therefore, it constitutes the outstanding main current and future security risk to Liberia. Therefore, corruption is Liberia's binding constraint to national development, which if not addressed could remain a wicked problem for the state and its future generations. This could hold back the country from attaining sustainable economic growth and development.

I. HISTORICAL BACKGROUND OF LIBERIA

The Republic of Liberia is the oldest African Republic (Guannu, 2005; Kaydor, 2014). The Country got its independence on 26 July 1847 (Guannu, 2000) and has three equal and coordinate branches of government (Constitution of Liberia, 1986). The 1986 Constitution replaced that of the First Republic that ended after the military overthrow on 12 April 1980 by the Armed Forces of Liberia led by Master Sargent Samuel Kanyon Doe (Kaydor, 2014). One of the key reasons provided by the military for the overthrow of the government was rampant corruption embedded in bad governance. The military government ruled Liberia for five years and later turned itself into a civilian government by holding General and Presidential Elections in October 1985 the same time a Constitutional referendum was held. This engendered the Second Republic in 1986 (Guannu, 2005).

Subsequently, on 24 December 1989, "President Samuel Kanyon Doe's government was attacked by 'the National Patriotic Front of Liberia (NPFL) under the leadership of Mr. Charles Taylor as the rebel leader'" (Kaydor, 2014, p.32). Like Samuel Doe's led military coup, Mr. Taylor's led rebel group blamed President Doe's government for rampant corruption, bad governance, nepotism, tribalism, and abuse of human rights. President Doe was arrested by the Independent National Patriotic Front at the Freeport of Monrovia under the supervision of the West African Peace Keeping Force and got killed on 9 September 1990 by Mr. Prince Y. Johnson, a former ally of Mr. Taylor's National Patriotic Front of Liberia (NPFL) thereby leaving Liberia in the hands of warring factions and warlords. In 1997, Mr. Taylor, after several peace accords, 'won a Special Presidential and General Elections as the 21st President of the Republic of Liberia' (Kaydor, 2014, P.24).

In 1999, a renewed rebel war started by the Liberian United for Reconciliation and Democracy (LURD) was launched from the Republic of Guinea. Other warring factions including the Movement for Democracy in Liberia (MODEL) joined the war against President Taylor from neighbouring Cote d'Ivoire. Both warring factions, also, accused President Taylor's government of rampant corruption, bad governance, tribalism, nepotism, and human rights abuses. These were the same accusations on which Mr. Taylor and his supporters launched the 1989 Civil War. Once again, the issue of corruption became a fundamental basis for a civil war against the state (Cook 2003; Kaydor, 2014, p.25; TRC Report 2009). The new rebel war led to the resignation of President Taylor on 11 August 2003, paving the way for an Interim Government formed in Accra, Ghana, to transition Liberia back to constitutional rule through the conduct of Presidential and General elections in October 2005 (Accra Peace Accord, 2003).

Although the war was mostly responsible for Taylor's resignation, the threat of the ICC to arrest Mr. Taylor combined with the former United States President Bush's call for President Taylor to resign and leave Liberia were even more compelling for Mr. Taylor's resignation and departure from Liberia. Right after the departure of Mr. Taylor from Liberia, the 2003 Comprehensive Accra Peace accord gained traction. At the end of the peace conference, Mr. Gjudy Bryant and Mr. Wesley Johnson were elected Chairman and Vice Chair of the Liberia National Transitional Government (LNTG) to lead Liberia for two years. This transitional

government led Liberia to the 2005 Presidential and General Elections that brought Madam Ellen Johnson Sirleaf, Liberia and Africa's first female Head of State and government, to power. Madam Ellen Johnson Sirleaf ascended to the Presidency in January 2006 (Kaydor, 2014, p.54). As part of the mandate from the 2003 Accra Peace Accord, President Sirleaf set up the Anti-Corruption Commission to fight rampant corruption in the Country (LACC Act, 2008). Amongst other things, the Accra Peace Accord called for the restructuring of Armed Forces of Liberia and all other security apparatuses, the formation of a Truth and Reconciliation Commission (TRC) and the formation of anti-corruption agency to end or curb corruption in Liberia, et al.

II. OVERVIEW OF THE LIBERIA ANTI-CORRUPTION COMMISSION (LACC)

The 12 April military overthrow in 1980 used corruption as a basis for the Coup d'état (TRC Report 2009). Instigators of the 14-year Liberian Civil Conflict which respectively removed Presidents Samuel Kanyon Doe and Charles Taylor also used corruption as a justification for the Liberian civil war that lasted from 1989 to 2003 (Cook 2003; TRC Report 2009). Inherently, Presidents Doe and Taylor were victims of crimes they used to removed previous governments. Hence, the LACC was established to investigate, prosecute, and prevent acts of corruption by educating and informing the public about ills of corruption and the benefits eradicating eradication (LACC Act 2008). The Commission's mandate was like that of the Indonesian Komisi Pemberantasan Korupsi (KPK) modelled on Hong Kong's Independent Commission Against Corruption (ICAC) whose role is focused on 'corruption investigation, prosecution, policy coordination, research and education' (Kuris 2012, p.2).

The TRC was also set up to determine underlying factors leading to the civil war and remedy the reoccurrence of conflict. To date, the findings, and recommendations of the TRC are yet to fully be implemented. Amongst them is the setting up of a War and Economic Crimes Court. The delay of former President Sirleaf's government and the current government to set up war and economic crimes court, provides a haven for war lords and war criminals some of whom are presently occupying key positions in the Government of Liberia. This issue creates some level of fragility in Liberia because war victims still see the perpetrators of egregious crimes parade the corridors of power pillaging the nation's wealth with impunity.

III. DEFINITION OF CORRUPTION

To discuss and justify corruption as Liberia's main current and future security risk, it is important to define what constitutes corruption in Liberia. The LACC Act considers 'embezzlement, extortion, bribery, fraud, influence peddling, insider trading, misuse of entrusted public property and vested authority, and any economic and financial crimes' as corrupt acts (LACC Act 2008, P. 5). It specifically defines corruption as:

'any act or acts, decision or decisions or use of public resource or resources by a public or private official in the discharge of official duties and or responsibilities which, in order to satisfy the selfish desire or interest of the said official or other person or persons, natural or legal, ignore the established laws, regulations, and thereby, deny, deprive, and prevent, the State or person or persons natural or legal from receiving entitlement, consideration, and or treatment' (Ibid).

The Liberian definition of corruption conforms to that of the United Nations Development Program which defines corruption as the 'abuse of public power for private benefit through bribery, extortion, influence peddling, nepotism, fraud, or embezzlement' (UNDP 1999 cited in APEC 2006, p.3). It also entails key elements of Mark Philip's (1997) definition of political corruption and agrees with Transparency International's (TI) definition-the abuse of entrusted power for private gain (TI, 2014). Corruption impedes democracy, sustainable development, human rights and rule of law, investment, and economic growth, and aggravates poverty (UNCAC 2003; Quah 2003). For example, in India and other countries, the poor must bribe officials to obtain basic services (Quah, 2003, P.176).

This corrupt behaviour perpetuates poverty as public officials prosper at the detriment of the extremely poor. Like India, public officials extort monies from the poor in Liberia in exchange for public utilities including getting connected to safe drinking water, electricity, community roads repairs, et al. Similarly, there is perverse widespread corruption in Liberia. This leads to a few powerful officials getting richer while the majority poor get poorer. Such poverty gap and socio-economic inequity between the rich minority and poor majority leads to social and political conflicts one of which erupted into the 14-year Civil War that killed over 250,000 citizens and foreigners in Liberia, devastated the infrastructure and economy of the state and destroyed millions of dollars' worth of properties.

In Liberia, 13 former ministers were executed for 'corruption' after the 12 April military overthrow ((Guannu, 2005, Kaydor, 2018). Also, millions of US dollars went missing under the leadership of President Ellen Johnson Sirleaf; however, the new Liberian Government has failed thus far to investigate corruption under former President Sirleaf. Currently, the government under the leadership of former footballer, President George Weah, has come under strong accusations about rampant corruption. The corruption situation is even worse now compared to three years ago. Over 15 billion Liberian dollars printed by former President Ellen Johnson Sirleaf and delivered at the Central Bank cannot be accounted for by the current government (Kroll Audit Report, 2019). Said report indicates that the government borrowed 24 million USD from the Central Bank of Liberia to 'mob up excess liquidity' but the funds were mismanaged by the government, thereby leading to high inflation and declining economic

activities (African Development Bank Group, 2020; Kroll Audit Report, 2019).

Presently, local currency (Liberian Dollar) has become scarce to the extent that depositors cannot easily withdraw from their savings (Radio France International Report, 13/11/2020). Worse more, the government has mismanaged donor resources intended for development projects. Several millions of USD of donor funds have been siphoned by government agencies and ministries and cannot be accounted for (FrontPage Africa, 10 May 2019). Recently, in December 2020, the United States Government warned its citizens traveling to Liberia to travel with cash because there is no money in the commercial banks (US Embassy in Liberia Alert, December 2020). Additionally, over 50 million USD allocated for COVID-19 relief operation has been squandered by the government; the audit report on this funding is linked with the mysterious deaths of one of the four auditors that was killed (Internal Audit 360, October 21, 2020). The remaining three auditors died mysteriously as well.

Seven years ago, the Transparency International's Global Corruption Barometer (2013) rated corruption in Liberia as very corrupt. For example, this corruption barometer rated the Liberian Legislature 96%, police 94%, Judiciary 89%, education 87%, businesses 78%, political parties 71%, public officials, and civil servants 67%, media 53%, military 51%, health 49%, NGOs 45%, and religious groups 22%. Compared to this, the corruption situation now in Liberia is more than three times what it was seven years ago because over 17 billion Liberian Dollars printed to replace the previous bank notes cannot be accounted for by the Central Bank of Liberia, 24 million USD that was meant to 'mop up' excess liquidity on the Liberian market cannot also be accounted for, and there are several other economic crimes ongoing in the country.

In 2020, Liberia significantly declined by 10 points since 2013 on the Transparency International Index (TI, 2020). This essay therefore argues that the weakness of the anti-graft institutions, low prosecution capacity, legal, judicial, and political barriers impede the LACC prosecution powers, and thereby undermine the fight against corruption in Liberia thereby leading to the fragile peace and security of Liberia. It concludes that although the ICC intervened in Liberia, the failure of the ICC to prosecute war and economic crimes committed in Liberia provide impunity for war criminals and threatens genuine peace and stability of the state.

IV. COMPARATIVE ANALYSIS OF SOME ANTI-CORRUPTION MEASURES

Corruption prosecution is a global challenge due to 'the lack of political will, which is the lack of commitment of government leaders to eradicate corruption in their countries' (Quah 2003, p. 177), and the difficulty in gathering substantive evidence for prosecution due to cultural norms of individuals not wanting to report their colleagues or relatives (Larmour 2008). Although many countries default on

successfully fighting corruption, 'Hong Kong and Singapore have shifted from being corrupt to being relatively clean' (Kaufmann 1997, p. 223).

It was like creating a clean government that the LACC was created. However, since its formation in 2008, the Commission only conducted two prosecutions out of at least 58 cases in 2011 and 2012 (LACC Report 2012). One of these prosecutions initially experienced a hung jury in 2010 but was later won in a lower court. The defendant, 'former Liberia Telecommunications Authority boss, Albert Bropleh has since filed an appeal at the Supreme Court where final judgment is pending' (LACC Report 2012, p.11).

The second case against former police chief, 'Munah-Siehe Brown was also won in a lower court, but again, the defendant took an appeal at the high court' (p. 14). Therefore, the LACC had zero success rate of prosecution since its formation because the outcomes of the two appeals are still pending at the Supreme Court. Since then and up to now, the government of Liberia has not won any key corruption case. All cases won in the lower court have been appealed at the Supreme Court. This simply shows that corruption is a way of life in Liberia, despite its deleterious consequences on growth and development. Therefore, in the thinking of this researcher, corruption remains the main current and future security risk of Liberia. Corruption reduces the fiscal space for investment in human and infrastructural development.

Unlike the exceptionally low LACC prosecution rate, the Malaysian Anti-Corruption Commission (MACC) chief, Tan Sri Abu Kassim Mohamed, boasted that his country 'surpassed Hong Kong's fight against graft based on its higher conviction rate, of 85% that is 5% more than the international benchmark for superior performance' (Zahid 2013, p.1). The 'MACC won this 85% prosecution rate out of 701 arrests in 2012', but its critics argue that it only deals with petty corruption, not grand corruption' (p.1). For its part, the Hong Kong Independent Commission Against Corruption investigated and prosecuted 115 cases in 2013, and 158 persons were convicted leading to a person-based conviction rate of 77%, and a case-based conviction rate of 81 per cent out of a total case load of 1519 (ICAC Fact Sheet 2014). The Hong Kong ICAC is credited for prosecuting both petty and grand corruption. Such successful prosecution and conviction rates are due to adequate anti-corruption measures including sufficient resources, competent anti-corruption officials, adequate legal and judicial instruments, and political will (Quah 2003). These measures are very much inadequate in Liberia, hence the Country's binding constraint.

Conversely, it is important to note that in the fight against corruption, governments sometimes utilize their awesome powers to bring corruption charges against opponents and critics to silence them. Anti-corruption bodies must therefore always remain professional than political in their dealings.

V. BARRIERS TO CURBING CORRUPTION IN LIBERIA

The Liberia ACC has an exceptionally low resource capacity to prosecute corruption. First, it has extremely poor human resource capacity. Presently, the Commission has 12 investigators and one lawyer (LACC Report 2012). ‘Six of these investigators who were recruited in 2012 are in dying need of training’ (pp.31-32). This limited staff capacity cannot allow the Commission to effectively investigate cases of corruption. Twelve investigators cannot manage corruption cases in the nation’s capital, needless to talk about the 15 political subdivisions of the country.

A single lawyer cannot also prosecute corruption cases for the Commission. In fact, the immediate past Chairperson, Nwabudike, of the LACC was charged with fraud and forgery regarding his nationality and that the Liberia Legal Bar Association has expelled him as its member (Liberia News Agency, 2020), thereby leading the Liberian Senate to express a vote of no confidence in his ability to lead the anti-corruption agency. Although President George Weah failed to replace him, pressure from student groups and civil society forced him to resign as head of the anti-graft institution.

In addition to the low human resource capacity of the LACC, inadequate budgetary allocation to the Commission is the second resource capacity barrier. For instance, following the Commission’s 2012 recruitment and employment exercise ‘the Ministry of Finance reduced the LACC’s budget from US\$585,500.00 to only US\$350,000.00’ (2012 Report, p. 21). This decrease ‘affected the US\$150,000.00 placed in core budget for the improvement of the Legal Unit’ (p. 21). The Finance Ministry which diverted ‘US\$235,000.00 of the Commission’s approved budget failed to provide information on the whereabouts of this diverted budgetary allocation’ (p.21). Therefore, the Commission was ‘constrained not only to cancel the creation of 15 county offices, but also it was compelled to employ only seven investigators instead of an original number of ten’ during the 2012/2013 fiscal year (p. 21). The LACC’s annual budget has dropped from 2m USD in 2018/2019 to 1.3m in 2020/2021 (Ministry of Finance and Development Planning, 2020). If an anti-corruption commission’s budget could be diverted and reduced without explanation by a government ministry, then it suffices that the commission is a toothless bulldog, and that there is significant lack of political will to allow it to effectively function. Besides the capacity deficit negatively impacting the LACC’s effectiveness, there are legal and judicial barriers impeding its work. First, the LACC relies on the Ministry of Justice to prosecute cases. This Ministry may decline to prosecute a case of corruption recommended for prosecution if it determines that the evidence adduced by the Commission is manifestly inadequate or illegally acquired (LACC Act 2008). In such case, the ‘commission shall be given the opportunity to augment the evidence or to show that the evidence is in fact adequate and properly acquired’ (p. 19). Alternatively, upon failure of the Ministry of Justice to prosecute a corruption

within three months after the LACC has recommended, the LACC itself can prosecute (pp. 18-20).

This was the situation in July 2012. The ‘Justice Ministry ignored the LACC objection and dropped charges against the former Inspector General of the Liberian National Police for corruption and irregularities in the procurement of police uniforms’ (US Report 2013, pp.12-13). However, the LACC independently hired private lawyers and prosecuted said case, subsequently obtaining a conviction in a lower court, a decision that has been appealed at the Supreme Court by the defendant. Up to present, the court has not handed down its judgment thereby hindering the fight against corruption and woefully increasing official corruption in the public sector. Apparently frustrated by the noncooperation of the Justice Ministry, the LACC wrote in its 2011 Annual Report as follows:

‘the date of the submission of each case up to this reporting, shows that each case had stayed more than 3 months or 90 days at the Ministry of Justice. According to the LACC Act of 2008, Section 11.4 (a) notwithstanding the above, the Commission may directly prosecute acts of cases of corruption through the courts if the Justice Ministry, for whatever reason (a) does not take action to prosecute a case of corruption forwarded to it by the Commission within three consecutive months of the receipt of the request to prosecute. The Justice Ministry has failed to inform the Commission of the Ministry’s decision on the pending cases awaiting indictment, an inaction which the LACC considers as a deliberate attempt by the Ministry to fail the Commission’s mandate to coordinate the prosecution of all corruption cases’ (p.7).

The 6 October 2014 resignation of the Attorney General of Liberia, Ms Christiana Tah, claiming presidential interferences in the justice system (Front Page Africa 11/07/2014) further affirms the inaction of the Justice Ministry, and lack of political will to prosecute corruption in Liberia. Second, the judicial branch of government hinders the prosecution of corrupt cases. For example, the outcome of the only two cases prosecuted by the LACC since its formation remain on the Supreme Court docket. Given that the statute of limitation for such cases in Liberia is five years, all previous cases of corruption on the docket of the Supreme Court of Liberia have become invalid. The delay of cases therefore is a clever legal way through which the Judiciary nullifies case by allowing defendants to appeal to the statute of limitation.

Additionally, the judiciary is corrupt and can therefore not be relied on for prosecuting corruption (Kaydor, 2014). According to the US Country Reports on Liberia (2019), judges are susceptible to bribes to award damages in civil cases, and they request bribes to try cases, release detainees, or to judge defendants not guilty in criminal cases. For their part, defence attorneys and prosecutors obtained bribes from defendants to secure favourable rulings from the courts or to appease jurors, judges, prosecutors, jurors, and police officers.

Third, a corrupt jury system hinders the general prosecution of corruption in Liberia. For instance, the Bomi County Attorney confirmed that in June 2014 jurors received US\$500.00 each, while the bailiff who guarded them equally received US\$500.00 as compensation to compromise a case (New Dawn 06/21/2014). The jury's corruption was further attested to by Liberia former Solicitor General's, Michael Wilkins Wrights, comments that blamed lawyers for corruption among jurors in the justice system (New Dawn 19 June 2012). Also, five jurors investigated for allegedly accepting bribes in a US\$1m theft case, were found guilty and sentenced to 90 days imprisonment by then presiding Criminal Judge Yusif Kaba (FrontPage Africa 07/16/2012). Ten others were disbanded according to a court ruling. Based on such instances, 'the Ministry of Justice continues its calls to reform the jury system' (US Report 2013, pp.12-13). Three months' imprisonment of corrupt jurors is so an infinitesimal punishment for such crime.

Can the LACC muster the courage to prosecute cases using a single lawyer considering such rampant corruption amongst jurors? Can the LACC override the hearing of cases by the Supreme Court, which delays corruption cases? Does the LACC have the moral rectitude to prosecute corruption when its own officials and heads are being accused of corruption? It is unlikely that the LACC would venture in the prosecution of more corruption cases for all these foregoing reasons and because corrupt officials have the resources to pay jurors who will in turn vindicate the accused officials, hence the dilemma to prosecute or not.

Last, there is an absence of critical complementary legal instruments to enhance the work of the LACC (US Report 2013). For example, the country lacks 'criminal offenses acts based on which the Commission can prosecute, and the Commission also lacks subpoena powers (p.31). In addition to these, the Commission's request, and recommendation for the creation of a fast-track corruption trial court has since fallen on deaf ears from the legislative and Executive branches of government (LACC Report 2012). Presently, only the 'Criminal Court "C," can prosecute corruption, but this court is already overwhelmed with other criminal cases' (LACC Report 2012, p.31).

This indicates that even if corruption cases were speedily being sent to court, the probability of speedy trial remains unlikely. Therefore, it can be concluded that the US human rights report on Liberia was correct to state that the law does not provide criminal penalties for official corruption, although criminal penalties exist for economic sabotage, mismanagement of funds, and other corruption-related acts. To add insult to injury, some of the war lords and war criminals who sit in public offices participate in political corruption. The failure of the government to call on the ICC to prosecute war criminals has become a point of frustration for war victims. In summary, some Liberian government officials engage in corrupt practices with impunity, thereby making the crime the main current and future security risk of Liberia.

In addition to capacity, legal and judicial challenges hindering the LACC's prosecution mandate, the lack of political will is the third major barrier to the effective operation of the Commission. In its 2012 Annual Report, the LACC explicitly states that 'the lack of convincing and demonstrated show of serious commitment to the fight against corruption by all three branches of Government undermines the effectiveness of the Commission' (LACC Report 2012, p. 31). It reports that 'government ministries and agencies do not give maximum support to the Commission during investigations for corrupt acts' (pp.31-32). For instance, the Legislature took 'a total of US\$118, 000 in bribery from the National Oil Company for the ratification of the oil reform laws' (FrontPage Africa 2014, 10/02/1014).

This bribery claim has been confirmed by the audit conducted by the General Auditing Commission (GAC) of Liberia as well as a former Board Chair of the oil company, Clemenceau Urey, who admitted to a legislative committee that the bribes were paid to fast track oil reform laws ratification (Front Page Africa 10/02/1014). Mr. Urey and his cohort argued that their case has lasted over five years in the courts therefore it had exceeded the statute of limitation. They were granted reprieve and are free agents today.

Additionally, the Executive, Legislature and Judiciary have been undermining anti-corruption systems. For instance, members in these three branches of government have refused to declare assets their individual assets as required by the Code of Conduct (LACC 2014). It was only about a year ago that a newly elected Senator, Mr. Darius Dillon, declared his assets upon taking office. The Legislature and Judiciary failed to succumb to audit of their financial systems by the GAC over the past years. The National Legislature, and the former House Speaker have been embroiled in corruption allegations without appropriate redress. Since its formation, the LACC has recommended 29 cases for prosecution, completed six trials while three are ongoing, has had 2 joint persecutions with the Ministry of Justice and two are ongoing, completed prosecution of only 4 cases with 1 ongoing and has had 6 convictions, but 5 of these have been appealed to the Supreme Court (LACC, 2020).

Furthermore, the National Legislature hinders prosecution of corruption. It deliberately sits on reports of the GAC which has recommended prosecution of public officials accused of abuse, graft, and corruption (FrontPage Africa 09/12/14; New Democrat 04/25/2013). The GAC reports to the National Legislature that must clear said reports and submit them to the Executive for appropriate actions. By 2014, the GAC had presented more than 59 completed reports with some recommending prosecutions to the Legislature, but most of these recommendations were not passed on for prosecution (Peace Women 02/12/14). Similar lackadaisical attitude by the Legislature's failure to pass on corruption issues persists. The LACC could independently use these reports to prosecute, but it lacks the capacity to do so. The Justice Ministry also cannot

because it has already defaulted on several other prosecution requests from the LACC.

The Executive for its part has come under series of criticisms for not acting on corruption allegations involving top government officials and political allies of the President. For example, a Canadian investor, Len Lindstrom, out of frustration, published a 618-page book focusing on ‘key events, facts and laws pertaining to the case of “Liberty” versus the Ministry of Lands, Mines, and Energy (MLM&E), and the Government of Liberia’ (Daily Observer 01/07/2014). His book entitled ‘Corruption 101’ details his company’s (Liberty) fight for justice during ‘corruption, extortion, economic sabotage, and violation of court injunctions through bought-off lawyers, tampering with official court records, and repeated flagrant assaults against the Liberian laws’ (p. 1).

Also, journalist Rodney Sieh was jailed and fined US\$1.6m for libel relative to a corruption report against a close confidant of the former President Sirleaf, former Agricultural Minister, Dr Chris Toe (Livewire, 11/21/2013). Recently, the government of Liberia dropped corruption charges against former Central Bank officials (All Africa.com, 2020). All these are testimonies that the Government of Liberia is uninterested in curbing official corruption. In fact, corruption has become and organized crime embodying drugs smuggling, violence thereby making corruption to reproduce corruption and crimes.

Similarly, corruption charges were brought against President Sirleaf, her son and other close allies by the former CEO and President of the National Oil Company of Liberia, Dr Christopher Zeohn Neyor (The Perspective, 06/16/2014). Moreover, there have been corruption allegations involving the squandering of millions of US Dollars by relatives, presidential allies and former and current top government officials including ‘Robert Sirleaf and Jenny Bernard, the President’s son and elder sister respectively, as well as Willie Knuckles, Ms Medina Wesseh, Elva Mitchell Richardson, Lusinee Donzo, Amara Konneh, Harry Greeves’, et al. (Kaydor 2014, pp.65-68), but no action has been taken on these. It would have been better were such cases tried in court and the accused cleared or found guilty rather than leaving their names on the docket of public opinions. Worse more, the current government has come under pressure to prosecute corrupt government officials, but much is not done about this. Therefore, the government’s inaction to address the issue of rampant corruption in the public sector constitutes a tacit approval of the criminal act (corruption).

Additionally, some civil servants have not been paid for more than six months, thereby increasing the chances for those working in public sector to get engaged in corruption for personal and family survival. Such factors help to explain why anticorruption laws in Liberia are feeble and selectively implemented, and that the LACC is poorly staffed and underfunded. As Quah (2003) asserts, ‘many leaders have adopted “hopeless” strategies that perpetuate corruption instead of stifling it’ (p. 176). Liberia finds a place in this

expression (Kaydor, 2020), and it is therefore arguably right to place it in the “hopeless strategy” quadrant of Jon Quah’s (2003) matrix of anti-corruption strategies in Asia (p.179) below.

Table 1: matrix of anticorruption strategies in Asia

| | Adequate anti-corruption measures | Inadequate anti-corruption measures |
|-----------------------|---|--|
| Strong political will | Effective strategy Singapore and Hong Kong | Ineffective Strategy South Korea |
| Weak political will | Ineffective strategy Malaysia and Thailand | Hopeless strategy India, China, Indonesia, Mongolia, Philippines, LIBERIA |

Source: Quah (2003), Curbing Corruption in Asia, p.179.

Corruption is now even more rampant in Liberia’s public sector. This societal problem goes with impunity and is now a revolving crime that has become a competition amongst elites not only in Liberia, but also across Africa and other parts of the globe. Corruption breeds poverty and crimes. Therefore, poverty is on the increase, public goods and services are inadequate, basic social services are lacking due to lack of funding to provide them, et al. for the poor. This poses security risk to peace and stability in the Country as demonstrated through anti-government rallies and the recent defeat of 12 out of 15 Senators of the ruling establishment in the December 8, 2020, Senatorial Elections (National Elections Commission, 2020).

VI. ROLE OF REGIONAL BODIES IN ENDING THE LIBERIAN CIVIL WAR

There was an expectation that the United States would intervene in what has often been described as its unofficial colony. But the US initially showed little concern for what it considered would be a brief disruption. The United States’ government stated that ‘the resolution of this civil war is a Liberian responsibility...a solution to Liberia’s current difficulties will be viable if it is worked (out) by Liberians themselves and has broad internal support’ (Cohen, 1991, p.43-46). Senior Liberian and interest groups called for the US marines to stop the fighting or at least to create a haven for the civilians (Ruiz, 1992, p.165). The only response came with the use of 200 US marines to rescue at least 300 US nationals on 5 August 1990 (BBC Monitoring Report, 5 August 1990).

The events taking place in Liberia came under the scrutiny of the 13th summit of the Heads of States of ECOWAS countries which was held in Banjul, Gambia on 30 May 1990, under the leadership of Sir Dawda Jawara of Gambia. The member states decided to set up the five-member Standing Mediation Committee (SMC Report,1990) with the task of achieving a peace settlement to the Liberian civil war. On 6 July 1990 at a summit meeting in Banjul, Gambia, the five members of the SMC took an unprecedented step in deciding to send a multinational peacekeeping force into Monrovia. The mandate for the peacekeeping force stated that they were to, ‘keep peace, restore law, and order and ensure that a cease-fire

agreed by the warring factions in Liberia must be respected (UNSRG Report,1993). On the 25th of August 1990, 3,000 troops from ECOMOG landed in Monrovia.

The decision taken by ECOWAS to intervene was a novel move. ECOWAS was founded in 1975 by a joint initiative of Liberia, Nigeria, and Togo to promote economic and social cooperation within the West African region. Why then should a multilateral organization established for economic integration assume the responsibility for collective security and the management of conflicts in the subregion? From its founding, neither in the aims of the Community nor in the modalities for achieving them was there any mention of interposition of force, armed or unarmed (Eze, 1993, p.14). This is not to say that the Community could not address political or security issues which could affect economic stability within the region. In Africa, the dominance of security issues and concerns in regional politics make it more imperative that economic relations be harnessed on a sound political and security foundation as the collapse of law and order render the pursuit of the objectives of economic integration difficult, if not impossible (Ibid, p.207),

The convergence between economic and political matters informed the signing in 1978 of the Protocol on Non-Aggression, adopted at the Third Conference of Heads of State and Government of ECOWAS held in Dakar, Senegal on 22 April 1978 and the Protocol on Mutual Assistance on Defense adopted in Freetown, Sierra Leone, on 29 May 1981. The Protocol on Non-Aggression states that the Community ‘cannot attain its objectives save in an atmosphere of peace and harmonious understanding among Member States.’ It affirms the non-use of force contained in Article 2(4) of the United Nations Charter and respect for the sovereignty of each member state. The Protocol however adds that ‘each member state shall refrain from committing, encouraging or condoning acts of subversion, hostility or aggression against the territorial integrity or political independence of the other member state.’ At the same time member states were ‘to prevent non-resident foreigners from using its territory as a base for committing (these) acts (ECOWAS,1978, p.18). While the 1978 Protocol upholds the principle of non-intervention, it neither rules out the right of individual or collective self-defence nor the possibility of enforcement under Chapter VII of the UN Charter.

Although valuable, the Protocol was limited to only addressing aggression between member states (Wippman, 1993, p.166). It made no reference to aggression coming from outside the Community or the problem of internal conflicts. The Protocol subsequently became supplemented by the Protocol relating to Mutual Assistance on Defense and dealt with these omissions. Here member states were ‘firmly resolved to safeguard and consolidate the independence and sovereignty of member states against foreign intervention.’

Members also declared that any ‘armed threat or aggression’ directed against fellow members shall constitute a threat or aggression against the entire Community. In the case of

‘internal armed conflict within any member state engineered and supported from the outside’ and which is ‘likely to endanger the peace and security’ in the region, the Protocol empowers ECOWAS to initiate armed or collective intervention. Where armed intervention (Article 9) is to occur, the Protocol empowers the Authority (Head of ECOWAS) to decide on the expediency of military action (Article 6(3)). If necessary, the Authority shall interpose the Allied Armed Force of the Community between the troops engaged in the conflict. (Article 17). Article 13(1,2) allows for the creation of a community army made up of troops earmarked from national units (ECOWAS Protocol,1981, p.19-24). This Protocol has been cited by its proponents as providing the basis for the ECOMOG intervention in Liberia (Adisa,1993, p.213).

In its first decision, the Standing Mediation Committee, referring to the Protocol on Mutual Assistance and Defense and ‘acting on behalf of the Authority of Heads of States and Government,’ called for:

1. The parties to observe an immediate ceasefire.
2. An ECOWAS ceasefire monitoring group (ECOMOG) to be set up for the purpose of keeping the peace and restoring law and order and ensuring respect for the ceasefire.
3. A broad-based interim government in Liberia set up through a National Conference of political parties and other interest groups.
4. Free and fair elections within 12 months leading to the establishment of a democratically elected government.
5. The exclusion of all leaders of the various warring factions to the Liberian conflict from the Interim Government; and
6. The creation of a Special Emergency Fund for the ECOMOG operation in Liberia (Decision A/DEC.1/8/90).

Member states of ECOWAS had advanced several reasons for their decision to intervene. First, was the argument that regional instability was inevitable due to the overflow and displacement of refugees in neighbouring countries. General Erskine of ECOMOG stated that, ‘with the crisis in Liberia creating unbearable refugee problems for Sierra Leone, Ghana, the Gambia, Guinea, Nigeria and the Republic of Côte d’Ivoire, it is obvious that the situation in Liberia has gone beyond the boundaries of the country and ceases to be an exclusive and endogenous Liberian question’ (Emmanuel, 1991, p.282). A further threat to the subregion’s peace and security can be found in the argument that the current crisis in Sierra Leone is as of a direct consequence of the Liberian civil war. Elements of NPFL are said to have joined the Sierra Leone rebel group, the Revolutionary United Front in the overthrow of government forces and Joseph Momoh in March 1991.

Second, the decision of some West African leaders to get involved in the Liberian crisis was said to be humanitarian. In

its Final Communiqué, the Standing Committee gave a strongly humanitarian rationale for its decisions, adding that, 'presently, there is a government in Liberia which cannot govern and contending factions which are holding the entire population as hostage, depriving them of food, health facilities and other necessities of life' (ECOWAS, 1990, p.72). A subsequent ECOWAS statement in August 1990 was more explicit in stating a humanitarian objective: 'stopping the senseless killing of innocent civilians' nationals and foreigners, and to help the Liberian people to restore their democratic institutions' (Greenwood, 1993, p.32). It is hard to escape the conclusion that ECOWAS had strengthened its overall case by increasing the humanitarian justification post facto.

The third justification given for the intervention was based on the 1981 ECOWAS Protocol relating to Mutual Assistance in Defense. According to Article 16 of the Protocol, the Head of State of a member country under attack may request action or assistance from the community. General Doe did request assistance in a letter addressed to the chairperson and members of a Ministerial meeting of the SMC when he indicated that, 'it would seem most expedient at this time to introduce an ECOWAS Peace-keeping Force into Liberia to forestall increasing terror and tension and to assure a peaceful transitional environment' (Doe,1990). There was however some concern over this letter. Specifically, there was the question of whether Doe could still be regarded as the 'legal' authority in the country. By July 1990, at the time the letter was written, Liberia was in a state of anarchy with Doe trapped within the Executive Mansion, the seat of the government. At least one of the warring factions, the NPFL, effectively controlled large parts of the country and the capital city.

Aside from the above justifications given for the interventions, individual member states harboured distinct reasons for wanting to intervene and assist the various warring parties to the conflict. Burkina Faso and Côte d'Ivoire (along with Libya) were said to have given Charles Taylor some support. At the beginning of the conflict, Doe supporters alleged that the Charles Taylor forces had been trained in Burkina Faso (and Libya) and had entered the country from Côte d'Ivoire – a claim which was denied by the states concerned (BBC Monitoring Report, 1990). Burkina Faso's Head of State, Blaise Compaore was said to have provided the NPFL with a 'strategic planning ground' and acted as 'a major source of arms supply for Charles Taylor, while Libya became a training ground for the NPFL Alao, A. (1993).

Both the Burkinabe leader and President Houphouët-Boigny of Côte d'Ivoire are said to have personal reasons for intervention. For example, in the case of Côte d'Ivoire, Doe had killed President Tolbert and arrested his eldest son, Adolphus Tolbert, the son-in-law of Houphouët-Boigny, who was subsequently killed in jail. It was against this background that the Ivorian leader was believed to have encouraged another of his sons-in-law, Blaise Compaore to support the

rebel cause ([33]). Compaore in turn was believed to have introduced Taylor to the Libyan leader Colonel Ghaddafi, but it was difficult to assess the motives of the Libyan leader. Ghaddafi had been involved in several projects with the intention of creating and supporting an 'anti-imperialist coalition' against the West and the United States in particular, and to extend his influence in Sub-Saharan Africa (Ofuately-Kodjoe,1994, p.272).

Charles Taylor was not however the only one receiving external support. Doe 'visited countries within the sub-region of West Africa, namely Sierra Leone and Nigeria' (Nwolsie,1995, p.58)). The Nigerian leader, President Ibrahim Babangida, was seen by some as Doe's sub-regional godfather, and the Liberian leader named a Graduate School of International Relations and a major road after him. Nigeria was also partly motivated to intervene because of the attacks on foreigners, especially Nigerians in Liberia. In July 1990 shooting is said to have taken place at the Nigerian Embassy in Monrovia by Charles Taylor's forces. Similarly, on 8 August 1990, NPFL forces killed 700 to 1,000 Nigerians inside the Nigerian Embassy (Komolafe, 1990). Beyond the concerns for its nationals, the Liberian conflict had provided Nigeria with the opportunity to establish itself as the most influential mediator in the sub-region.

Nigeria had been a major contributor especially in the composition and finance of ECOMOG contributing at least 70% of the troops. Its role in the conflict and the perception that it was using Liberia as a means of exacting her dominance in the sub-region has been a source of contention among the member states, the francophone states. Sierra Leone's position was more difficult to assess. The only plausible explanation was that Joseph Momoh and Ibrahim Babangida had a close relationship that was first established while they were both attending the Nigerian Defense Academy at Kaduna. Sierra Leone had received economic assistance from Babangida and Momoh's support for Doe was a repayment of this assistance (Alao, 1993).

The decision to intervene was unwelcome by Charles Taylor who saw the initiatives as an attempt to prevent him from taking power. He subsequently went on to denounce the intervention by ECOMOG calling it a 'flagrant act of aggression' and stating that he did not consider the (ECOMOG) force to be a peace force (BBC Monitoring Report, 23 August 1990). Charles Taylor was however not alone in criticizing the decision to intervene. Some members of ECOWAS were opposed to the idea of sending in a peacekeeping force into Liberia. Strong opposition for the deployment of ECOMOG came from the francophone countries, Burkina Faso, and Côte d'Ivoire. The Burkinabe Head of State and Government, Lt Blaise Compaore, was reported by Radio Burkina to have sent a message to the ECOWAS Chairman Dawda Jawara of Gambia, declaring his country's 'total disagreement' with the operation and adding that ECOMOG had 'no competence to interfere in member states' internal conflicts, but only in conflicts breaking out

between member countries' (BBC Monitoring Report, 15 August 1990, p.85).

Côte d'Ivoire too was believed to be 'opposed to the initiative, which they saw as being largely advanced by Nigeria' (Alao, 1993, p.342). Both countries were suspicious of Nigeria's intention; more so when it was believed that the country was supporting Doe. Togo, a member of the SMC, initially announced that it would 'refrain from intervening' and making troops available for ECOMOG 'until the three factions agreed to the mediatory mission (BBC Monitoring Report, 25 August 1990, p.87). The opposition to the deployment of ECOMOG has raised fears that the age-old rivalry between the Anglo and francophone countries would be rekindled. To reduce the tension, Nigeria initially conceded the leadership of the force to Lt. General A. Quainoo of Ghana to avoid giving any impression that they wanted to dominate the ECOMOG operation (Alao, 1993, p.342).

The Liberian conflict has exposed most of the classical problems of peacekeeping operations, especially in internal security situations. What happens when a peacekeeping force itself becomes a party to the conflict and assumes a combative role? ECOMOG's deployment in Liberia had raised significant questions about its legitimacy, neutrality, and effectiveness. Although subsequently referred to as a peacekeeping force, the consistent denial by NPFL of ECOMOG's compromised neutrality undermined its authority in Liberia. As early as October 1990, the neutrality and peacekeeping nature of ECOMOG was in question especially when it was assuming a combative role in alliance with the INPFL and AFL (BBC Monitoring Report, 18 & 19 September 1990, p. 99-100). The ECOMOG force which landed in Monrovia on 24 August 1990 was met with Charles Taylor's promise to intensify his attack to undermine their advancement. Taylor's policy however had implications for ECOMOG.

Within a month of landing ECOMOG's strategy had evolved into a conventional offensive, with the aim of driving Taylor's troops out of Monrovia and creating a protected buffer zone around the capital city. Although styled as a peacekeeping force, ECOMOG's actual mission bordered on peace-making and peace-enforcement, 'a major departure from the original mandate' (Adisa, 1993, p.218). ECOMOG remained as an enforcement unit for at least six to eight months after its deployment. By November 1990, ECOMOG controlled Monrovia and a ceasefire was subsequently established. During this period, President Doe was captured at the Freeport of Monrovia where ECOMOG was headquartered (Whiteman, 1990). tortured and killed by Prince Johnson's men. President Doe was arrested by the INPFL why meeting with the ECOMOG commander. This raised suspicion about the regional force's peacekeeping agenda. In justifying the position taken by ECOMOG, the chairperson of ECOWAS stated that 'the strategy being pursued (was) one of peacekeeping, but one which they (ECOMOG) were obliged

to fire back and attack' given the NPFL's refusal to accept a ceasefire.

On the diplomatic front, ECOWAS had to begin a long and slow search for the elusive formula that would unify the country under free and fair elections. The first attempt came with peace talks in Bamako, Mali on 27 November 1990 and the swearing in of the Interim Government of National Unity under Dr. Amos Sawyer, with ECOMOG providing a security zone for it around Monrovia. Two other peace talks were held at Lome, Togo (12 February 1991), and Monrovia, Liberia (15 March 1991). However, all three talks were unsuccessful due in part to Charles Taylor's refusal to acknowledge the legitimacy of the interim government and his claim that he should be president since he controlled over 90% of Liberia. Therefore, Taylor established an alternative government for the bulk of 'Greater Liberia' in his own capital city of Gbargna, Bong County with the NPFL and its civilian counterpart, the National Patriotic Reconstruction Assembly (NPFA). As part of harnessing security for the Monrovia Government, in 1992, IGNU formed its own militia, the Black Berets, which was incorporated into the AFL during the October 1992 attack – Operation Octopus. This effectively led to a partitioned state. During this period and largely because of the political and military stalemate in Liberia, the peace process was halted and thrown into a state of confusion by the emergence of a new warring faction, the United Liberation Movement of Liberia for Democracy (ULIMO) on 29 May 1991.

ULIMO was founded in Sierra Leone and in Conakry, the capital of Guinea from four existing components. One group, the Liberian Peace Council (LPC) was headed by George Boley, former advisor to President Doe. The second group, the Liberian United Defense Force was headed by an ex-functionary in the Doe government, General Albert Karpeh. The third group, the Movement for the Redemption of Liberian Moslems (MRLM), was founded in February 1990 and based in Guinea. This group was headed by Doe's former Minister for Information, Alhaji Kromah. The fourth group contained elements of Samuel Doe's army, the AFL soldiers who fled to Sierra Leone

The AFL wanted to be viewed as the legitimate government army, and not just a warring faction, but its position was ambiguous. The AFL was regarded as the army of the Interim Government (IGNU). as illustrated by the fact that the IGNU minister of defence oversaw the AFL that was supported by IGNU's own militia, the Black Berets, later incorporated into the AFL in October 1992 attack – Operation Octopus. ULIMO was believed to be a mixed bag of people most of whom were members of the Krahn (Doe's) tribe and former officials of the Doe government. According to official ULIMO documents its 'aims and objectives' were said to be 'to liberate Liberia from Taylor's NPFL occupation.... (and) to support and cooperate with legitimate national and subregional authorities...in the search for lasting peace, harmony, security, and genuine democracy in Liberia

(UNSRG,1993). Finally, after several peace accords, Liberians went to elections on July 19, 1997, and Mr. Taylor won the Special Presidential and General Elections, then became President of the Republic of Liberia.

Two years later, in 1999, other aggrieved parties and human rights activists, student and civil society groups raised alarms about Taylor bad human rights record, corruption, and bad governance. The Liberians United for Reconstruction and Democracy (LURD) and new rebel group comprising form ULIMO forces, et al. and the Movement for Democracy in Liberia (MODEL) organized in Cote d'Ivoire began a new rebel war against President Taylor. By August 2003, LURD and MODEL had advanced on the Capital, Monrovia, thereby leaving MR. Taylor without any option but to agree on the Accra Peace meeting at which an ICC indictment was issued against him, hence the intervention of the ICC in Liberian politics.

VII. THE ICC AND ITS INTERVENTION IN LIBERIA

Headquartered in the Netherlands at The Hague, the International Criminal Court (ICC) is a court of last resort created under the 1998 Rome Statutes to investigate and prosecute individuals accused of genocide, war crimes, and crimes against humanity, and it began sittings on July 1, 2002. As of now, 123 countries are States Parties to the Rome Statute of the International Criminal Court. Out of them 33 are African States, 19 are Asia-Pacific States, 18 are from Eastern Europe, 28 are from Latin American and Caribbean States, and 25 are from Western European and other States. The Court is participating in a global fight to end impunity, and through international criminal justice, the Court aims to hold those responsible accountable for their crimes and to help prevent these crimes from happening again. The Court cannot reach these goals alone. As a court of last resort, it seeks to complement, not replace, national Courts. Governed by an international treaty called the Rome Statute, the ICC is the world's first permanent international criminal court"

ICC has jurisdiction over offenses committed after July 1, 2002, in a country that has ratified the Rome Statute or by an individual in one of the ratifying countries, even if the individual is a national of a country that has not ratified it. When the ICC was established, it was widely applauded; no longer would the heinous crimes of world leaders and others with power go unpunished. However, enthusiasm for the ICC has dwindled since then, especially on the African continent on grounds that the court is disproportionately targeting Africans and engaging in Western imperialism and/or neo-colonialism. If this assertion were true, why should African governments and leaders be involved in egregious crimes and human rights abuses against their own?

The views of these Africans hail from the history of the court's actions in the past. As of December 2016, only one of the court's investigations has occurred in a non-African country (Georgia); all other investigations have concerned

individuals from eight African countries (Ibid). Defenders of the court rebut these charges by noting the origins of the African investigations: five African countries (Sierra Leone, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Mali, and Uganda) invited the ICC to investigate allegations of wrongdoing in their countries, and investigations concerning two other countries (Sudan and Libya) were begun at the request of the UN Security Council (Ibid). The only African investigation that the ICC began of its own volition was the one in Kenya. Also, preliminary examinations the precursor to an investigation have been opened in non-African areas, including Afghanistan, Colombia, Iraq (regarding the actions of United Kingdom nationals in Iraq), Palestine, and Ukraine, as well as in some other African countries: Burundi, Gabon, Guinea, and Nigeria.

Another point to take into consideration when examining the focus of the ICC's preliminary examinations and investigations is which countries have not ratified the Rome Statute and therefore are not a party to the court. For example, China, India, Russia, and the United States never ratified the Rome Statute (although the latter two are signatories) and therefore are not a party to the court. The failure of the big powers to ratify the ICC is a slap in the face of the defence for human rights. In some of these countries, human rights are being violated daily or these countries' government go abroad to violate the rights of others. That larger powerful countries such as the four have not yet joined the ICC irritates many who feel that the lack of ratification by those countries perpetuates a sense of unequal and unfair treatment in the ICC's activities. The court has also come under fire for what some feel is a weak track record of having won only four cases since its start.

Countries that no longer wish to be a part of the ICC are free to leave. But a country's declaring its intention to leave the ICC doesn't mean that the withdrawal automatically happens. There is a procedure that needs to be followed. For a country to formally withdraw from the ICC, the country must notify the secretary-general of the United Nations in writing; once that notification has been received, withdrawal will take effect one year from the date of the notification, or later if the notification specifies a later date.

In 2016 several countries announced that they were leaving or were considering leaving the ICC. Many of those countries cited the previously mentioned concerns as their reasons for wanting to depart from the court, but some observers also noted that certain countries that were contemplating leaving the ICC were the subjects of, or the potential subjects of, investigations that would be unfavourable to their governments. Russia announced that it was going to leave the ICC, but since Russia never ratified the Rome Statute, it technically couldn't withdraw from the court; it could only declare that it was withdrawing its signature from the original 1998 statute (Ibid). Other countries that have also mulled a departure include Namibia, Uganda, Kenya, and the Philippines.

Thus far, only three countries have taken formal action to withdraw from the court. Burundi, South Africa, and The Gambia all submitted written notification to the secretary-general of the UN, informing him of their intent to withdraw; this raised the alarm for the future of the court if other countries were to follow suit (Ibid). In December, however, The Gambia's new president-elect announced his intention to stay with the ICC, and in South Africa, the decision to leave the ICC was in the process of being challenged in that country's court system. These actions gave some measure of hope that a mass departure from the ICC might not be as imminent as it initially appeared.

American Society of International Law (ASIL) asserts that on June 4, 2003, the Special Court for Sierra Leone (SCSL) issued an arrest warrant against Charles Taylor, the incumbent President of Liberia. When the warrant was issued, Mr. Taylor was traveling to Ghana for talks with Liberian rebel groups to end a four-year civil war that has destabilized West Africa. The indictment against Mr. Taylor had been issued on March 7, 2003; but was kept sealed until the Special Court Prosecutor saw in Mr. Taylor's trip an opportunity to apprehend him (ASIL 2003). The warrant was served on the authorities of Ghana and transmitted to Interpol.

At the opening of the peace conference in Accra, in the presence of numerous African leaders, Mr. Taylor announced that he would step down by the end of his mandate in January 2004. Just after being applauded, he left the conference abruptly and boarded a Ghanaian plane to fly back to Liberia. Ghanaian authorities did not apprehend him. On June 17, 2003, Liberia's Defense Minister and the rebels signed in Accra a peace agreement (Ibid). The agreement provides for an immediate ceasefire, and within 30 days, the deployment of monitors to the front lines. These monitors would facilitate the subsequent deployment of peacekeepers, and a transitional government to replace Mr. Taylor's.

As news of the agreement was released, Mr. Taylor warned that there would be no peace in Liberia unless the indictment against him was dropped. The indictment was not dropped up to the time regional African leaders convinced Mr. Taylor to resign and seek sanctuary in the Federal Republic of Nigeria. This influence combined with President George Bush's call that President Taylor should resign, forced him to abdicate power leaving his then Vice President, Mr. Moses Z. Blah, as President of Liberia on 11 August 2011 (Kaydor, 2020).

In April 2012, Charles Taylor, the former president of Liberia, was found guilty of providing arms, financial and moral support to the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council rebel forces. With the aim of destabilizing the country and gaining access to the natural resources of Sierra Leone (diamonds), he supported the RUF in the preparation of military actions in Sierra Leone. During the military actions, civilians were killed, beaten, terrorised, raped, and abducted (<http://www.internationalcrimesdatabase.org/Case/1107>). Children were also abducted and involved in the military

actions. On 26 September 2013, the Appeals Chamber of the SCSL confirmed that Charles Taylor assisted and planned numerous crimes committed during the Sierra Leone's civil war by the RUF and the Armed Forces Revolutionary Council rebel forces. The Appeals Chamber also confirmed the fifty years' sentence. On 7 March 2003, the SCSL issued an indictment under seal against Charles Ghankay Taylor.

On 4 June 2003, the indictment was unsealed when Charles Ghankay Taylor visited Ghana; on 31 May 2004, The Appeals Chamber dismissed a motion brought on behalf of Charles Taylor that challenged his indictment on the grounds of sovereign immunity and extraterritoriality; on 29 March 2006, Charles Taylor was transferred to the Special Court; on 30 June 2006, he was transferred to the Hague; on 18 May 2012, the Trial Chamber found Charles Taylor guilty of war crimes (acts of terrorism, outrages upon personal dignity, violence to life, health and physical or mental well-being of persons (murder and cruel treatment), and pillage) and crimes against humanity (murder, rape, sexual slavery, other inhumane acts, enslavement) and conscripting or enlisting children under the age of 15 under Article 4(c). The accused was found individually criminally liable under Art. 6(1) of the Statute for aiding and abetting and planning the commission of the crimes. On 30 May 2012, the Trial Chamber issued a sentencing decision imposing a prison term of 50 years and on 1 October 2012, both the Prosecution and the Defence filed Appeals Briefs.

VIII. CONCLUSION

The LACC and the Ministry of Justice are responsible for exposing, persecuting, and combating official corruption. The LACC is to prosecute any corruption case, or cases that the Ministry declines to prosecute. However, the LACC remains a weak option because of incompetent staffing, underfunding, legal and judicial bottlenecks, and the lack of political will. Liberia's political leadership is comfortable and complacent with the feeble anti-corruption laws, poorly staffed and an underfunded anti-corruption commission because their families and allies are linked to allegations of corruption. In fact, the current President and his key Cabinet members have come under strong accusations of corruption; however, this government has made no tangible move to address massive corruption in Liberia.

Corruption in Liberia might be minimized if the political leadership impartially implements effective anticorruption strategies. These include paying civil servants' adequate salaries and on time, reducing opportunities for corruption in "wet agencies" by cutting red tape and unnecessary regulation, improving the supervision of civil servants in vulnerable positions, and increasing the probability of detecting and punishing corrupt individuals (Quah 2003, p. 178). Without these measures, the adoption of an independent anti-corruption agency like the LACC to implement anti-corruption measures does not ensure success in mitigating the main current and future security risk of Liberia. This risk

exists and might persist for many years to come; hence, the need for an affirmative action to curb corruption in Liberia.

Finally, anti-corruption success occurs where three conditions are met. These include ‘the enactment of comprehensive anti-corruption legislations; an independent anticorruption agency with competent staffing enjoying political will and provided with sufficient resources to guarantee its independence; and the fair enforcement of the anti-corruption laws by the political system through an independent and impartial Judiciary’ (Quah, 2003, p. 177). With these measures in place, the Liberia Anti-Corruption Commission might succeed in curbing corruption, thereby reducing, and mitigating the main current and future security risk this menace poses to the Republic of Liberia.

REFERENCES

- [1]. Adisa, J. (1993). The Politics of Regional Military Cooperation: The Case of ECOMOG, in Vogt, M., (ed), The Liberian Crisis and ECOMOG.
- [2]. African Development Bank Group 2020, Liberia Economic Outlook. https://www.afdb.org/en/countries/west-africa/liberia/liberia-economic-outlook?fbclid=IwAR2Z4DPLVYzIImCDL17uaVBg3ADHjkTX6f-x6JIUWznmOfAiRQ_m4M2E8Lk.
- [3]. Alao, A. (1993). Peacekeeping in Sub-Saharan Africa: The Librian Civil War in Brassey’s Defense Yearbook, edited by the Centre of Defense Studies, King’s College, London, (London: Brassey’s, 1993).
- [4]. AllAfrica.com 2020, ‘Liberia: State Drops Charges Against Charles Sirleaf, Others’, <https://allafrica.com/stories/202005150427.html>.
- [5]. AllAfrica.com 2014, ‘Corruption with impunity: United States 2013 human rights report slams Liberia,’ FrontPage Africa (online edition), 28 February, viewed 2 October 2014, <http://allafrica.com/stories/201402280531.html>.
- [6]. APEC 2006, Anti-Corruption, and governance: the Philippine experience, Philippine Institute for Development Studies; Philippines APEC Study Center Network, viewed 1 August 2014, http://www.apec.org.au/docs/06ascc_hcmc/06_9_1_balboa.pdf.
- [7]. BBC Monitoring Report. (18 and 19 September 1990). Document 79 and 80, Weller, M., Regional Peace-keeping and International Enforcement.
- [8]. BBC Monitoring Report, (5 August 1990). Document forty-five and US President’s Press Secretary (Fitzwater), Press Briefing, 5 August 1990 (Extract), Document 46, Weller, M., Regional Peace-keeping and International Enforcement.
- [9]. BBC Monitoring Report. (23 August 1990). Document sixty-one, Weller, M., Regional Peace-keeping and International Enforcement.
- [10]. BBC Monitoring Report. (15 August 1990). Document 59.
- [11]. BBC Monitoring Report. (25 August 1990). Document 63, Weller, M., Regional Peace-keeping and International Enforcement.
- [12]. BBC Monitoring Report, (5 January 1990). Documents 8 & 9, *ibid*, p.33 See also Côte d’Ivoire: Friend or Foe? in African Confidential, vol. 13, No. 18, 14 September 1990 32. Nwoli, O., The Internationalization of the Liberian Crisis, and the effects on West Africa, in Vogt, M., (ed) The Liberian Crisis and ECOMOG.
- [13]. Cesare, R. and André, N. (2003) The Arrest Warrant Against the Liberian President, Charles Taylor; The American Society of International Law. Issue 8, Volume: 16; <https://www.asil.org/insights/volume/8/issue/16/arrest-warrant-against-liberian-president-charles-taylor>.
- [14]. Cohen, H. (1991). Testimony of Assistant Secretary of State, Herman J. Cohen, US House of Representatives, Subcommittee on Africa of the Committee on Foreign Affairs, 101st Congress, 2nd Session, 19 June 1991, Document 29.
- [15]. Constitution of the Republic of Liberia, (1986). Decision A/DEC.1/8/90, Document 50, p. 67-69; Decision A/Dec.2/8/90, Document 51, p. 69-70; Decision A/Dec.3/8/90, Document 52, p. 70-71 and Decision A/Dec.4/8/90, Document 53, p. 71-72, Weller, M., Regional Peace-keeping and International Enforcement.
- [16]. Doe, S. (1990). Letter addressed by President Samuel K. Doe to the Chairman and Members of the Ministerial Meeting of ECOWAS Standing Mediation Committee, 14 July 1990, Document 39, Weller, M., Regional Peace-keeping and International Enforcement.
- [17]. ECOWAS (1978). ECOWAS Protocol on Non-Aggression, Article 2 & 4, Document 2, Weller, M., Regional Peace-keeping and International Enforcement.
- [18]. ECOWAS Protocol (1981). Protocol relating to Mutual Assistance on Defense, 29 May 1981, Document 3, Weller, M., Regional Peace-keeping and International Enforcement.
- [19]. ECOWAS (1990). ECOWAS Standing Mediation Committee, Banjul, Republic of Gambia, Final Communiqué of the First Session, 7 August 1990, Document 54, Weller, M., Regional Peace-keeping and International Enforcement.
- [20]. Emmanuel, E. (1991). Peacekeeping, Africa Forum, Vol. 1, no. 1, 1991, p. 27, cited in Otuatye-Kodjoe, W., Regional Organizations, and the Resolution of Internal Conflicts.
- [21]. Eze, O.C. (1993). Legal Aspects of Peacekeeping, in Vogt, M. and Ekoko, A. E., (ed) Nigeria in International Peacekeeping: 1960-1992, (Nigeria: Malthouse Press Limited, 1993).
- [22]. Eze O C. (1993), Nigeria in Liberia: Historical and Political Analysis of ECOMOG, in Vogt, M. and Ekoko, A. E., (ed) Nigeria in International Peacekeeping: 1960-1992, (Nigeria: Malthouse Press Limited, 1993).
- [23]. FrontpageAfrica (10 May 2019). ‘Breaking News: Liberia: Weah’s Gov’t Confirms Using Donors’ Funds for Purposes Other Than Ones Intended for,’ <https://frontpageafricaonline.com/business/breaking-news-liberia-weahs-govt-confirms-using-donors-funds-for-purposes-other-than-ones-intended-for/>.
- [24]. FrontPage Africa 2012, ‘Tainted and Corrupt Jurors Jailed in Liberia: Five Get 90 Day- Sentence for Bribery,’ FrontPage Africa (online edition), 16 July, viewed 15 August 2014, <http://www.frontpageafricaonline.com/old/news/general-news/3639-jurors-jailed-in-liberia-5-get-90-day-sentence-for-bribery.html>
- [25]. (2014). ‘Tyler, NOCAL credibility at stake over ‘illegal’ payment to lawyers’, FrontPage Africa (online edition), 2 October, viewed 2 October 2014, <http://www.frontpageafricaonline.com/index.php/news/3223-tyler-nocal-credibility-at-stake-over-illegal-payment-to-lawyers>.
- [26]. (2014). ‘Liberia: Auditing Commission Submits Audits to Legislature for Action,’ FrontPage Africa (online edition), 12 September, viewed 1 October 2014, <http://allafrica.com/stories/201409121066.html?viewall=1>
- [27]. (2014). ‘Distrust, betrayal pushed ‘tough skin’ Tah out of EJS gov’t,’ FrontPage Africa (Online edition), 7 October, viewed 8 October 2014, <http://www.frontpageafricaonline.com/index.php/politic/3265-distrust-betrayal-pushed-tough-skin-tah-out-of-ejs-gov-t>.
- [28]. General Auditing Commission (GAC) (2014). Audit reports 2008-2012, Government of Liberia viewed 5 October 2014, http://gacliberia.com/content_list_sub.php?sub=129&related=26&third=129&pg=sp
- [29]. Act (2005). Government of Liberia, viewed 5 October 2014, <http://gacliberia.com/content.php?sub=124&related=1&third=124&pg=sp>
- [30]. Government of New South Wales (2014). ‘Prosecution briefs with the DPP and outcomes, ICAC, New South Wales, viewed 1 October 2014, www.icac.nsw.gov.au/investigations/prosecution-briefs-with-the-dpp-and-outcomes
- [31]. Greenwood, C., (February 1993). Is There a Right of Humanitarian Intervention? The World Today, p. 36. See also the letter by the delegation of Nigeria to the United Nations Secretary-General which was published as a letter to the Security Council.

- The letter summarizes the decision of the Standing Mediation Committee. UN Doc. S/21485, 10 August.
- [32]. Guannu, J. (2005). *Liberian History and Government an Overview Pamphlet*, Cuttington University.
- [33]. (2000). *A Short History of the First Liberian Republic, Sequel to Liberian History up to 1847*, 2nd edition.
- [34]. Honk Kong (2014). ICACA fact sheets, Hong Kong Special Administrative Region Government, Information Services Department, Hong Kong, viewed 20 September 2014, www.gov.hk/en/about/about/hk/factsheets/docs/icac.pdf.
- [35]. Internal Audit 360 Report 21 October 2020, Independent Resource for Internal Auditors, 'Suspicious Deaths of Four Liberian Internal Auditors Spark Outrage', <https://internalaudit360.com/suspicious-deaths-of-four-liberian-internal-auditors-spark-outrage/>.
- International Crimes Database, <http://www.internationalcrimesdatabase.org/Case/1107>.
- [36]. Kaydor, T. (2014). *Liberian democracy: a critique of checks and balances*, Authorhouse, Bloomington, IN, USA.
- [37]. Kaydor T. (2021) *Cash Transfer: A Strategic Determinant for Poverty Reduction*. In: Leal Filho W., Azul A.M., Brandli L., Lange Salvia A., Özuyar P.G., Wall T. (eds) *No Poverty*. Encyclopedia of the UN Sustainable Development Goals. Springer, Cham. https://doi.org/10.1007/978-3-319-69625-6_107-1.
- [38]. Kaydor, T. (2020). *Development and Policy Dialogue: Contemporary Insights*, Authorhouse, Bloomington, IN, USA.
- [39]. Kaufmann, D. (1997). 'Corruption: The Facts,' *Foreign Policy*, no. 107, pp. 114-131. Kwanue, C 2014, 'Canadian investor releases book on corruption in Liberia', *Daily Observer* (online edition), 1 July, viewed 2 October 2014, <http://www.liberianobserver.com/politics/canadian-investor-releases-book-%E2%80%98corruption%E2%80%99-liberia>.
- [40]. Komolafe, K. (1990). *ECOMOG Burdened With 7000 Stranded Nigerians*, *The Guardian* (Lagos), Vol. 7, No. 4824, 10 Sept. 1990, p. 1 cited in Ofuatay-Kodjoe, W., *Regional Organisations, and the Resolution of Internal Conflict*.
- [41]. Kroll Audit Report (2019); viewed 31 December 2020, <https://www.usaid.gov/liberia/newsroom/missing-currency-report>.
- [42]. Larmour, P. (2008). 'Corruption and the concept of culture: evidence from the Pacific Islands,' *Crimes Law and Social Change*, vol. 49, pp.225-239.
- [43]. Liberian 1980 coup d'état, YouTube, viewed 15 August 2014, <https://www.youtube.com/watch?v=BeZ2dSiJhc0>.
- [44]. Liberia Anti-Corruption Commission (LACC) Act (2008). Government of Liberia, viewed 15 August 2014, http://www.lacc.gov.lr/public/LACC_ACT.pdf.
- [45]. Liberia Anti-Corruption Commission Case Statistics (2020). viewed 31 December 2020, <http://lacc.gov.lr/>.
- [46]. (2012). 2012 Annual Report to President Ellen Johnson Sirleaf, Government of Liberia, viewed 15 August 2014, www.lacc.gov.lr/public/ANNUAL%20REPORT%202012-LACC.pdf.
- [47]. (2011). 2011 Annual Report to President Ellen Johnson Sirleaf, Government of Liberia, viewed 15 August 2014, www.lacc.gov.lr/public/LACC%202011%20ANNUAL%20REPORT.pdf.
- [48]. (2014). 'Legislature and Judiciary,' LACC official website, viewed 23 October 2014, <http://www.lacc.gov.lr/public/index.php/about-us/legislature>.
- [49]. Liberia News Agency, (23 June 2020). 'LNBA Expels LACC Boss Nwabudike Over 'Fake' Liberian Citizenship', <https://liberianewsagency.com/2020/06/23/lnba-expels-lacc-boss-nwabudike-over-fake-liberian-citizenship/>.
- [50]. Livewire 2013, 'Three months in hell – Jailed for reporting on corruption in Liberia', *Livewire* (online edition), 21 November, viewed 1 October 2014, <http://livewire.amnesty.org/2013/11/21/three-months-in-hell-jailed-for-reporting-on-corruption-in-liberia/>.
- [51]. Mckenna, A. (2004). *The International Criminal Court (ICC)*, (<https://www.britannica.com/story/the-international-criminal-court-icc#:~:text=The%20ICC%20was%20established%20by,120%20countries%20have%20ratified%20it>).
- [52]. Ministry of Finance and Development Planning (2020). *National Budget of the Republic of Liberia 2020/2021*, <https://www.mfdp.gov.lr/index.php/docs/the-national-budget>.
- [53]. National Elections Commission (2020). December 8, 2020 Senatorial elections results.
- [54]. *New Democrat* (2013). 'Liberia: Legislature ignores GAC report,' *New Democrat* (online edition) 25 April, viewed 13 August 2014, <http://allafrica.com/stories/201304251413.html>.
- [55]. Nwolsie, O. (1995). *The Internationalization of the Liberian Crisis and the effects on West Africa*.
- [56]. OAU Council of Ministers Meeting (1991). OAU Council of Ministers, Resolution on the Armed Conflict in Liberia, Addis Ababa, Ethiopia 1 March 1991. Document 123, Weller, M., (ed), *Regional Peace-keeping and International Enforcement*. Ofuatay-Kodjoe, W. (1994). *Regional Organisations and the Resolution of Internal Conflict*.
- [57]. Peace Women (2014). 'Liberia: The United Nations Mission in Liberia, facts, and figures,' *Peace Women* (online edition), 12 February, viewed 1 October 2014, http://www.peacewomen.org/news_article.php?id=4723&type=news.
- [58]. Philp, M. (1997). 'Defining political corruption,' *Political Studies*, vol. 45, pp.436-462.
- [59]. Quah, J. (2003). *Curbing corruption in Asia*, Eastern Universities Press, Singapore.
- [60]. Radio France International (November 13, 2020). 'Liberian dollar shortage worsens the country's economic woes', <https://www.rfi.fr/en/africa/20201113-liberian-dollar-shortage-worsens-the-country-s-current-economic-crisis-currency>.
- [61]. Ruiz, H. (1992). *Uprooted Liberians: Casualties of a Brutal War*, (Washington, D.C.: US Committee for Refugees, 1992), p. 7 cited in Wippman, D., *Enforcing the Peace: ECOWAS and the Liberian Civil War in Fislser Damrosch, L., (ed), Enforcing Restraint: Collective Intervention in Internal Conflicts*, (New York: Council on Foreign Relations, 1993).
- [62]. SMC Report (1990). The members of the Standing Mediation Committee were Gambia, Ghana, Mali, Nigeria, and Togo. The SMC rotates every three years. See Decision A/DEC.9/5/90, Document 20.
- [63]. *The Comprehensive Peace Agreement* (2003). Accra, Ghana. The Liberia Bar Association (2019).
- [64]. *The Perspective* (2014). 'Open letter to President Ellen Johnson Sirleaf,' *The Perspective* (online edition), 16 June, viewed 20 August 2014, <http://www.theperspective.org/2014/0616201402.php>.
- [65]. *The New Dawn* (2014). 'Liberia: Mercenaries' Lawyer Claims Bribery,' *The New Dawn* (online edition), 20 June, viewed 29 September 2014, <http://allafrica.com/stories/201406200898.html>.
- [66]. *The New Dawn* (2012). 'Lawyers indicted for bribery,' *The New Dawn* (online edition), 19 June, viewed 29 September 2014, http://thenewdawnliberia.com/index.php?option=com_content&view=article&id=6181:lawyers-indicted-for-bribery&catid=25:politics&Itemid=59.
- [67]. *Transparency International* (2014), Definition of corruption, TI, viewed 6 October 2014, http://www.transparency.org/whatwedo?gclid=CjwKEAajw-8ihBRD2t9qT3NaW7igSjAD3_sNVPJuv8OsaqarRuhO1fY1vmvzXZeamiew1YMQHh--uhoCSJ_w_wcB.
- [68]. (2013). *Global Corruption Barometer 2013*, TI, viewed 6 October 2014, <http://www.transparency.org/gcb2013/country/?country=liberia>.
- [69]. *United States Country Report on Liberia* (2019). <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/liberia/>.
- [70]. *United Nations* (2004). *UN handbook on practical anti-corruption measures for prosecutors and investigators*, United Nations, NY, viewed 12 August 2014, <http://www.unodc.org/pdf/crime/corruption/Handbook.pdf>.

- [71]. United Nations (2003). The United Nations Convention against Corruption (UNCAC) 2003, United Nations Office on Drugs and Crimes, United Nations, viewed 5 October 2014, http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf.
- [72]. United States State Department (2003). Liberia: 1989-1997 Civil War, Post-War developments, and U.S. relations, Congress Research Service (CRS) Report, updated 31 December 2003, Nicolas Cook, Foreign Affairs, Defense, and Trade Division, Library of Congress, USA, viewed 1 October 2014, http://digital.library.unt.edu/ark:/67531/metacrs8431/m1/1/high_res_d/RL30933_2003Dec31.pdf.
- [73]. United States of America Embassy in Liberia Alert (2020). viewed 31 December 2020, <https://lr.usembassy.gov/alert-u-s-embassy-monrovia-liberia-december-21-2020/>.
- [74]. UNSRG Report (1993). Report of the Secretary-General on the Question of Liberia, UN Doc. S/25402, 12 March 1993.
- [75]. UNSRG (1993). Report of the Secretary-General on the question of Liberia, UN Doc. S/25402, 12 March 1993, para 16. See also ECOWAS Committee of Five, Final Communiqué of the Third Meeting on the Liberian Crisis, Yamoussoukro, 30 October 1991, Document 147, Weller, M., Regional Peace-keeping and International Enforcement.
- [76]. Whiteman, K. (1990). Towards Peace in Liberia, West Africa, November 26-December 2, 1990..
- [77]. Wippman, D. (1993). Enforcing the Peace.
- [78]. Zahiid, S. (2013). 'MACC: Malaysia now better than Hong Kong in graft fight,' Malaymail (Online edition), 6 November, viewed 20 September 2014, www.themalaymailonline.com/malaysia/article/macc-malaysia-now-better-than-hong-kong-in-graft-fight.