

Chapter Eleven



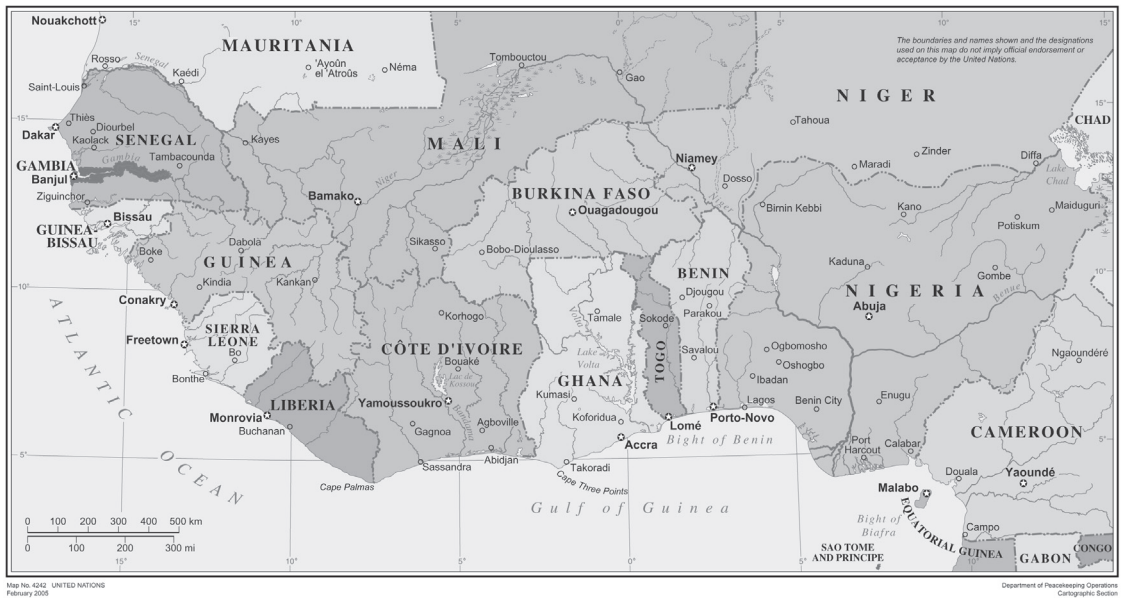
Complicating Factors

Chapter Eleven. Complicating Factors

EXTERNAL ACTORS

The Liberian war was complicated by regional politics, personal connections, and insecurity. Former U.S. Assistant Secretary for African Affairs Herman Cohen (1989-1993) testified, “We knew that these guerilla fighters had been trained in Libya and that their arms had come from Burkina Faso, and they were getting full support from Côte d’Ivoire.”¹ For example, in the first civil war, Taylor’s forces secured experts from Libya and Burkina Faso to embed land mines in Liberia.² Côte d’Ivoire served as a transit way for equipment and personnel sent from Burkina Faso and Libya.³ Qadhafi loaned Taylor planes for use by the arms dealers with whom Taylor dealt.⁴

WEST AFRICA



Libya

While the full extent of Libya’s involvement in the Liberian conflict may never be known, non-governmental organizations and scholars have documented Libya’s role in facilitating the Liberian civil war, particularly through the actions of Colonel Muammar al Qadhafi.⁵ A portion of the resources and training that fueled the war is believed to have been supplied by Libya.⁶

When Doe took power in 1980, Libya was the first to recognize the new regime and readily acted to foster diplomacy between the two states.⁷ In addition to establishing diplomatic ties with the Doe

regime, Libyans had also established a business presence in Liberia during the 1980s, owning the Pan-African Plaza office block and Monrovia's bottling plant.⁸ But the relationship cooled as Doe accepted U.S. support – including a purported ten million dollars in cash on condition that Doe would cancel his scheduled visit to Libya.⁹ Liberia's diplomatic overtures toward Israel further abated relations between Liberia and Libya, leading to the expulsion of Libyan diplomats and Libya's severance of ties to Liberia.¹⁰ In 1985, however, as his relationship with the United States soured, Doe re-initiated dialogue with Libya and paid the country a visit in 1988.¹¹

Even with reestablished ties and warmer relations with the Doe government in the mid- to late-1980s, Qadhafi pursued other avenues of influence in Liberia and supported Liberian dissidents.¹² Moses Blah, who served as Charles Taylor's Vice President, testified that Qadhafi's Libyan government ran training camps, which taught fighters how to use AK-47 assault rifles and surface-to-air-missiles.¹³ In response to Doe's deepening relationship with the United States, Qadhafi directed Libyan



agents to begin recruiting, arming, and funding Liberian dissidents throughout the region, including Sierra Leone, Burkina Faso, Guinea, and Ghana.¹⁴ It has been reported that “several hundred Liberians were training in Libya in at least three different terrorist camps.”¹⁵ Perhaps the most important figure to be trained in Libya was Charles Taylor himself. Taylor was reportedly trained in one of Libya's camps at Mathaba in 1985.¹⁶ Following Taylor's release from a Ghanaian jail,¹⁷ he began traveling between a new home in the capital of Burkina Faso, paid for by Libyan funds, and Tripoli.¹⁸

The al-Mathabh al-Thauriya al-Alamiya (“World Revolutionary Headquarters”) was an operation set up by the Libyan secret service to provide training on counterinsurgency warfare.¹⁹ Thus, when the Libyan government chose to support the National Patriotic Front of Liberia (NPFL), Taylor found himself suddenly with access to a foreign government with the finances to support a large-scale insurgency.²⁰ Taylor was reportedly personally encouraged by Qadhafi to recruit fighters in preparation for the December 1989 assault against Doe.²¹ Libya furnished Taylor with a cache of weaponry and millions of dollars to support his insurgency.²²

The relationship between Qadhafi and Taylor apparently continued up to and throughout Taylor's

presidency. After his inauguration, President Taylor made several trips to Libya for talks with Qadhafi. Even in the closing days of his presidency, Taylor received support from Libya, reportedly flying to Libya to obtain weaponry in 2003.²³ Just before Taylor stepped down in 2003, Nigerian peacekeepers controlling the airport confiscated a shipment of weapons rumored to be from Libya.²⁴

Burkina Faso

Burkina Faso played a supporting role to Taylor and the NPFL, and the president of Burkina Faso, Blaise Compaore, was a significant figure in the events leading up to Taylor's rebellion.²⁵ It is likely that at least part of the motivation for Burkinabe support for Taylor was personal. Accounts suggest that Compaore ordered former Burkinabe President Thomas Sankara's assassination²⁶ and that Taylor, who arrived in Burkina Faso at approximately the time of President Sankara's assassination in October 1987, was involved in the murder.²⁷ Compaore was also married to Ivorian President Houphouet-Boigny's daughter, the widow of Adolphus Tolbert. Given the strong relationship between Compaore and Houphouet-Boigny and their shared hostility toward Doe,²⁸ a perception exists that Houphouet-Boigny persuaded Compaore to support Taylor's efforts to overthrow Doe as revenge for Tolbert's murder.²⁹ Compaore continued his support for Taylor despite international pressure and the humanitarian disaster that ensued in Liberia: "He kept going because he had an investment in Charles Taylor, and he wanted absolutely for Charles Taylor to win, and he did not trust the West African forces because he opposed the operation."³⁰

Perhaps one of Compaore's most significant acts was his introduction of Taylor to the Libyan leader Colonel Muammar Qadhafi.³¹ It was Compaore who convinced Qadhafi that Taylor possessed the military and diplomatic skills necessary to overthrow the Doe government.³² Also, Burkina Faso helped facilitate arms transfers to Taylor by serving as a transfer site for weapons en route to Liberia.³³ Despite assurances to the United States in 1991 that he would stop supplying arms to Taylor, Compaore continued his support for Taylor.³⁴ Burkinabe banks also harbored diverted funds for Taylor, who had at least two Burkinabe bank accounts under the name of Jean Pierre Somé.³⁵

Burkina Faso served as recruiting grounds for the NPFL's ranks as well. A generation of young Burkinabe men were alienated during the country's economic crisis in the mid-1980s, and it was largely these disaffected youth who traveled to the NPFL training camps in Libya and Burkina Faso.³⁶ In fact, Taylor's 1989 invasion involved not only Liberian combatants, but also Burkinabe soldiers.³⁷ Statement givers corroborated the view that Burkina Faso's support enabled Taylor to train his soldiers.³⁸

Côte d'Ivoire

The backing of Côte d'Ivoire was politically, personally, geographically, and financially important to

Taylor. Côte d'Ivoire's combination of geographical convenience and unstable government provided Taylor the platform he needed to eventually gain power in Liberia. The president of Côte d'Ivoire, Felix Houphouët-Boigny, was one of the principal regional supporters of Taylor.³⁹

Côte d'Ivoire was geographically strategic for Taylor to establish his base, given that its "corridor... provided convenient, regular passage for truckloads of arms, ammunitions destined for Taylor's rebel forces."⁴⁰ Its border with Liberia allowed the NPFL to recruit fighters along the Ivorian frontier in preparation for its attack on Liberia.⁴¹

Côte d'Ivoire's political leverage was also a significant factor in Taylor's war efforts. At the time of Taylor's campaign, Côte d'Ivoire was France's most prominent ally in West Africa.⁴² Arguably, this international recognition, along with Côte d'Ivoire's political connections and diplomatic facilities,⁴³ was one of the most important benefits to Taylor. One possible factor affecting the onset and duration of Liberia's war was the French influence in the region.⁴⁴ France's wariness of Nigeria's rise as a regional power led to chilly relations between the two states.⁴⁵ As a result, France had discouraged its former colonies, such as Burkina Faso and Côte d'Ivoire, from engaging in any peace agreements that would have raised Nigerian influence in the region.⁴⁶

The Ivorian government also provided Taylor and his rebels with other material goods and services, including cantonment (quartering of troops),⁴⁷ "military intelligence, transportation facilities, safe haven for retreating rebels, and medical assistance for wounded rebels."⁴⁸ It also played a role in Liberia's diamond and arms trade. Côte d'Ivoire facilitated the smuggling of diamonds from Liberia,⁴⁹ as well as weapons shipments.⁵⁰ Also, Taylor's financial backers used Abidjan as a venue to convene and to cut their deals on arms, communication resources, and training.⁵¹ Further, Côte d'Ivoire provided protection to Taylor's relatives who resided there.⁵²

After Houphouët-Boigny's death in 1993, Taylor maintained close relationships with both his successors, Henri Konan Bedie and Robert Gueï, which enabled him to continue the arms transfers and other activities.⁵³ When Gueï was ousted from the presidency after the 2000 elections, the alliance shifted toward plotting a coup against Ivorian President Laurent Gbagbo.⁵⁴ Taylor opposed Gbagbo, who had developed relationships with and recruited combatants from Liberians United for Reconciliation and Democracy (LURD), and Taylor sought to destabilize Côte d'Ivoire.⁵⁵ Also, Taylor purportedly wanted to establish a base in Côte d'Ivoire should he need to leave Liberia; gain control over Ivorian seaports that were vital to Liberia's timber exports;⁵⁶ and establish an armed line of defense to stop LURD and Movement for Democracy in Liberia (MODEL) incursions into Liberia.⁵⁷ Thus, Taylor supported two Ivorian rebel groups, the Popular Movement of the Ivorian Great West (MPIGO) and the Movement for Justice and Peace (MJP), which launched an offensive on Danané from Liberia on November 28, 2002.⁵⁸ While the Liberian government denied any involvement, Danané residents reported that Liberian security, the Anti-Terrorist Unit (ATU), or former NPFL fighters constituted

90 percent of the rebels.⁵⁹

CONFLICT RESOURCES

The Liberian civil wars were complicated by economic actors interested in Liberia's natural resources. In particular, economic factors and policies had a major impact by providing the funds and resources to fuel the war. The rubber, timber, gold, and shipping industries served as the means for Taylor to obtain resources and weapons. Many countries directly and indirectly funded the Liberian war, but most of such financing went unrecorded.⁶⁰



Exploitation of Liberia's economic landscape began as early as Taylor's control over Greater Liberia. The significance of the NPFL's territorial control and its impact on the war cannot be overstated. During this time, Taylor ran a relatively sophisticated financial apparatus, the revenue of which helped finance the war. Being a rebel group rather than a recognized government provided the NPFL two advantages. First, it was unencumbered by debt.⁶¹ Unlike the Interim Government in Monrovia, which had inherited

four billion dollars in debt, the NPFL enjoyed a clean financial slate.⁶² Second, the NPFL's offensive had driven the civil service apparatus from the country, thus allowing the NPFL to start anew, unencumbered by bureaucracy.⁶³ Importantly, Taylor was also able to assume control over the port of Buchanan,⁶⁴ thus ensuring his ability to engage in foreign commerce.⁶⁵ Taylor increased exports of natural resources from Liberia through NPFL control of the Bong Mines, the Firestone Plantation at Harbel, and the port of Buchanan. He also found other ways to garner revenue from Greater Liberia. For example, the NPFL imposed a standing order that all marine commerce, including food, should move through the port of Buchanan,⁶⁶ thus ensuring that no NPFL wealth would pass through Monrovia, which was under the control of the Economic Community of West African States Monitoring Group (ECOMOG). The NPFL, acting as a government, accepted bids for management of the port, while a private company collected customs and duties on behalf of the NPFL.⁶⁷ Even equipment from the industries in Greater Liberia afforded revenue, as Taylor began his rule of Bong Mines by selling off a good deal of the machinery.⁶⁸

Endemic corruption during the civil war and Taylor's administration helped drive this exploitation. Following the launch of the war, Taylor accumulated millions of dollars within months.⁶⁹ He was able to exploit existing industries through activities such as levying fees for industry rights and appropriating a portion of the profits,⁷⁰ selling off deserted equipment in NPFL territory,⁷¹ and making demands for equipment, foreign currency, electricity, fuel, and oil from timber and mining companies.⁷² The NPFL took over rubber plantations at various stages of the two civil wars to obtain other commodities, and corporations allegedly collaborated by paying rebels for protection and providing them with logistical and other assistance.⁷³ Other rebel groups later emulated this tactic of taking over rubber plantations. When MODEL took over the Liberian Agricultural Company plantation, Liberian Agricultural Company staff offered the rebels money, vehicles, and electronics in an effort to keep the rebels from devastating the plantation.⁷⁴

In addition to controlling government coffers and engaging in private procurement activities, Taylor's exploitation of natural resources to fund wars is well documented. Often referred to as "conflict" or "blood" resources, these natural resources provided the revenue, logistical means, or camouflage to obtain weapons and to fund wars.⁷⁵

Timber, iron ore, and gold are among the natural resources abundantly occurring in Liberia.⁷⁶ Importantly, however, the origins of these resources that funded the conflict were not confined to Liberia but were instead international in scope. For example, while Liberia has some naturally occurring diamonds, these are few in number,⁷⁷ of low quality, and command a price of \$25 to \$50 per carat on the world market.⁷⁸ Most diamonds exported from Liberia were mined elsewhere, most prominently in neighboring Sierra Leone, but also in Russia and Angola, or they were smuggled into Liberia to enter the international stream of commerce bearing the Liberian name.⁷⁹ It was a complicated network involving multiple actors and countries in addition to Liberia and Sierra Leone.

Notwithstanding any argument from Taylor to the contrary,⁸⁰ these diamonds represent significantly more carats on the whole than Liberia-mined diamonds, and were of much higher quality, commanding prices between \$200 to \$250 per carat. Some diamonds that bear the Liberian name never actually passed through Liberia, but merely took advantage of the Liberian government's involvement in the illicit diamond trade and its unwillingness to combat the situation.⁸¹ Taylor's desire to dominate trade in the area was one reason behind the RUF invasion of Sierra Leone. In fact, RUF and NPFL soldiers bragged they had attacked Sierra Leone to obtain and to sell loot.⁸² As with the origin of these sources, the trade, shipments, destinations, and other related aspects were likewise international in scope and involved many players and countries. Investigations have found that the illegal trade in Liberia's natural resources "fueled and prolonged the country's civil war."⁸³

While the primary objective of trade in these resources was to obtain weaponry, the trade involved other purposes beyond just their purchase. For example, Global Witness found that the timber industry

was involved in the “financing and importing of weapons, in violation of UN sanctions,” specifically “[paying] for weapons delivery;” expediting “sanctions-busting arms transfers to Liberia;” facilitating arms shipments within Liberia and to Sierra Leone using roads commissioned for the timber industry; organizing the “logistical aspects of many of the arms deals;” and enabling shipments, such as through the use of a timber company owner’s private jet “to ship weapons from Niger and from Burkina Faso to Liberia.”⁸⁴

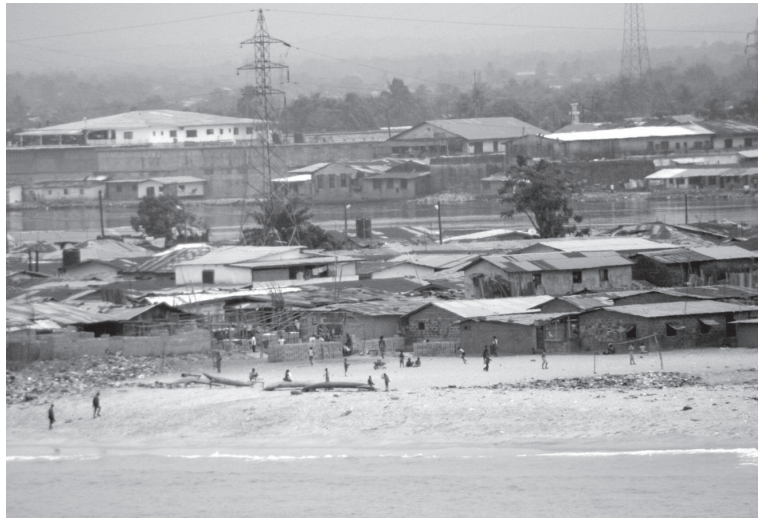
Liberia traded its timber for arms and funds to purchase arms.⁸⁵ An alleged key player in this trade was Guus van Kouwenhoven, a Dutch arms dealer who headed the Oriental Timber Company as well as the Royal Timber Company.⁸⁶ Throughout the two civil wars, the Oriental Timber Company held the largest logging concessions in Liberia.⁸⁷ Records reveal that the Oriental Timber Company was the major source of Liberian timber imports for China during the war.⁸⁸ China’s imports were triple those of Liberia’s second biggest trading partner.⁸⁹ Although China’s role may appear minor in comparison with other nations, its offering of guns and money in exchange for timber helped sustain rebel groups in Liberia, thus contributing to the continuation of the Liberian conflict.⁹⁰

These resources garnered significant revenue for Liberia both during the civil war and under the Taylor administration. One scholar approximates the total value of “warlord trade” in Liberia from 1990 to 1994 at \$100-150 million in diamonds; \$121.6 million in timber; \$81 million in rubber; and \$95 million in iron ore.⁹¹ Following the 1997 elections, the trade was still highly lucrative, although official figures are likely lower than actual as a result of corruption, tax-evasive practices, and the trade’s underground nature. A 2001 U.N. report described the income generated by diamonds, rubber, and timber. In 1999, Liberia officially exported 8,500 carats of diamonds,⁹² an amount estimated to constitute only 10-15 percent of the actual exports.⁹³ Timber production was valued at \$46.2 million USD between January and June 2001, but estimates mark the actual value of exports to be 50 percent to 200 percent higher.⁹⁴ The value of rubber totaled \$33.3 million in 1999 and \$53.2 million in 2000.⁹⁵ While foreign companies generally exerted greater control over the rubber industry, the U.N. report acknowledged it was unclear how the Liberian government spent the profits once received.⁹⁶

Ultimately, the trade in conflict resources led to U.N. sanctions against diamond and timber exports. On March 7, 2001, the U.N. Security Council adopted a resolution imposing sanctions on “the direct or indirect import of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia.”⁹⁷ While it significantly reduced the flow of conflict diamonds out of Liberia, it failed to address a major gap in the industry by not providing for an international monitoring system.⁹⁸ The Kimberley Process Certification Scheme, a multilateral initiative to stem the flow of conflict diamonds, did not enter into effect until 2003.⁹⁹ U.N.-imposed sanctions against the export of Liberian timber came into effect on July 7, 2003.¹⁰⁰ In October 2001, the United Nations contemplated sanctions on Liberia’s rubber industry, but U.S. lobbying on behalf of Firestone and the potential economic impact deterred the Security Council from taking further action.¹⁰¹

A final complicating factor in the conflict resource trade was its end objective: the arms trade itself. Illicit arms brokering involved the transfer of weapons without government authorization (*i.e.*, black market trade), but because most countries do not have laws regulating the act of brokering, most brokering is considered to be in the grey market.¹⁰² The central orchestrator is the arms broker, or the middleman involved in “negotiating, arranging or otherwise facilitating the transfers of weapons.”¹⁰³

Brokers generally connect sellers and buyers, engage in weapons acquisition, facilitate deals, carry out logistics, and ensure the necessary documentation—legitimate and otherwise—is procured to allow transport of weapons.¹⁰⁴ Brokers can avoid capture and prosecution by performing their functions from within the confines of a house or hotel room in any country that does not legislate against brokering.¹⁰⁵ With extensive



networks of corrupt government contacts and transportation resources used for delivery, the brokers can complete a sale of weapons from start to finish without ever meeting the sellers or purchasers and without being in the same location as the weapons. In this way, the exploitation of international criminal networks enables arms brokers to evade the scope of domestic jurisdictions.¹⁰⁶ The arms trade in Liberia has been shaped by a number of factors, including historical events, a multitude of sources and networks, and a dearth of prosecutions.

First, the demise of the Soviet Union provided a lucrative opportunity and an established infrastructure for arms brokers.¹⁰⁷ Small arms and military transport aircraft became widely available as they were relatively unattended or not needed, thus ending up in the hands of profiteers willing to sell to the highest bidder.¹⁰⁸ Arms brokers thus acquired “fully operational systems of clandestine transport, replete with money channels, people who understood how to use them, and, most important, established shipping pipelines...”¹⁰⁹ The logistical pipelines once used by the Soviet bloc countries were transformed into tools for individual weapons brokers.¹¹⁰ These channels served specific purposes in the illegal arms trade, from supplying once legitimate weapons stockpiles to the grey and black markets, to providing government contacts willing to sell falsified end-user certificates¹¹¹ that provided the cover of legitimacy to an illicit arms shipment.¹¹² These falsified documents facilitated the brokers’ acquisition of arms from sanctioned dealers, as well as their sale to a diverse customer base that spanned from governments to rebels.¹¹³

Second, the vast number of sources in the arms trade hinders effective control of the weapons trade in Africa generally and Liberia specifically. Many of the weapons are left over from the Cold War era, during which period large amounts of arms were sent to rebel movements; other states, seeking to further the position of rebel groups and governments they support, continue to instigate such traffic.¹¹⁴ Most weapons have likely traded hands many times over the course of several decades, either through seizure or theft from owners, captured or killed soldiers, or the sale by individual soldiers to competing groups.¹¹⁵ Liberia specifically has experienced a flow of weapons from governments and armed rebel groups in surrounding countries that had a stake in arming one faction or another for political purposes.¹¹⁶ For example, there is evidence of the transfer of Chinese arms to Liberia, including “Chinese-made AK-47s, machine guns and rocket-propelled grenade launchers.”¹¹⁷ Another significant but less discussed source of weapons in Liberia is unauthorized gunsmiths who had the capacity to manufacture an estimated 200,000 small arms annually.¹¹⁸ The 1996-97 disarmament reveals the high numbers of weapons present during the first conflict. The disarmament, which lasted from November 22, 1996, until February 9, 1997,¹¹⁹ resulted in the registration of approximately 10,000 weapons and some 1.24 million rounds of ammunition.¹²⁰ Subsequent disarmament activities resulted in the surrender of additional weapons.¹²¹ Of an estimated 33,000 combatants, the program demobilized 21,315, including 4,360 children and 250 women.¹²²

Third, international efforts to stem the illicit arms trade to Liberia proved largely ineffective. U.N. Security Council Resolution 788 (1992) established an embargo on all weapons and military equipment shipments to Liberia.¹²³ The sanctions were relatively successful in blocking participation by the legitimate arms-selling market, such as the large U.S. and European weapons manufacturers. Overall, however, the embargo proved to be less effective as the demand for weapons in Liberia and surrounding nations increased while traditional supply channels were cut off. This economic reality caused the grey and black markets to be flooded with weapons from various sources.¹²⁴ From 1989 to 2003, a number of countries, including Bulgaria, Romania, Moldova, Slovakia, Kazakhstan, Kyrgyzstan, Ukraine, Yugoslavia, Russia, Libya, and Nigeria, were involved along the chain of illicit arms trade to Liberia.¹²⁵ Furthermore, not one person has been successfully prosecuted for violating the terms of the embargo.¹²⁶

Overall, few statements reference the role of economic actors in the conflict, and the majority of those that do so are primarily in the context of seeking refuge.¹²⁷ One statement giver reflected on foreign companies’ general disregard for Liberia’s development. He stated that foreign investors in Liberia “keep all the desirable jobs for their own nationals, and give only menial work to the Liberians.”¹²⁸ If given the opportunity, however, Liberians would quickly learn the technical aspects of the investment activities.¹²⁹ He concluded by faulting the Liberian government for being so anxious to bring in foreign investment that it failed to impose conditions to bring about technology transfer to Liberian nationals.¹³⁰ Other statements referring to economic actors focused on their connection to development rather than their role in the conflict. For example, one statement giver opined:

Liberia was the largest producer of natural rubber in the world; yet the profit from the country's resources were being stolen instead of reinvested in development, infrastructure and education...[W]ith a small population of 5.1 or 5.2 million, Liberia's vast natural resources should be more than enough to support a small population and provide well for them. The way multi-national companies treated Liberia made it into a sort of "American colony."¹³¹

Notes

- 1 Herman J. Cohen, Former U.S. Asst. Sec’y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 7 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 2 Int’l Campaign to Ban Landmines, Landmine Monitor Report 2004, at (2004) (citing interview with Maj. Robert A. B. Kesseley, Chief of Explosive Ordnance Disposal, Armed Forces of Liberia, Monrovia, on Jan. 21 2004), <http://www.icbl.org/lm/2004/liberia.html#fn3788>.
- 3 STEPHEN ELLIS, THE MASK OF ANARCHY: THE DESTRUCTION OF LIBERIA AND THE RELIGIOUS DIMENSIONS OF AN AFRICAN CIVIL WAR 71, 75-78 (1999); Liberia – First Civil War – 1989-1996, <http://www.globalsecurity.org/military/world/war/liberia-1989.htm> (last visited March 20, 2008).
- 4 Philip Sherwell, Liberia Chief Fuels ‘Diamond War’, THE DAILY TELEGRAPH (United Kingdom), May 28, 2000, <http://www.telegraph.co.uk/htmlContent.jhtml?html=/archive/2000/05/28/wdiam28.html> (last visited March 21, 2008).
- 5 See Global Witness, *The Usual Suspects: Liberia’s Weapons and Mercenaries in Côte d’Ivoire and Sierra Leone* (2003) [hereinafter *Usual Suspects*]; Int’l Crisis Group, *Liberia: The Key to Ending Regional Instability*, (2002) [hereinafter *Ending Regional Instability*] <http://www.crisisgroup.org/home/index.cfm?l=1&id=1533>; For examples see also Emmanuel Kwesi Aning, *The International Dimensions of Internal Conflict: The Case of Liberia and West Africa* 12 (Danish Inst. for Int’l Stud., Working Paper 97.4 (Jun. 1997), http://www.diis.dk/graphics/CDR_Publications/cdr_publications/working_papers/wp-97-4.htm . While there are a variety of spellings of Qadhafi, including Qadhafi, Kaddafi, Gaddafi, and Ghaddafi, this report relies on the U.S. Department of State’s spelling of Qadhafi throughout the narrative for consistency.
- 6 Liberia – First Civil War, *supra* note 3. For examples, see Aning, *supra* note 5, at 12.
- 7 Kenneth Noble, *The United States, Libya, and the Liberian Civil War*, 18 ALICIA PATERSON FOUND. REP. 4 (1998), <http://www.aliciapatterson.org/APF1804/Noble/Noble.html>.
- 8 MARK HUBAND, THE LIBERIAN CIVIL WAR 104 (1998).
- 9 Noble, *supra* note 7, at 4.
- 10 Nicolas Cook, Cong. Research Serv. Liberia: 1989-1997 Civil War, Post-War Developments, and U.S. Relations, at 20 (Dec. 31, 2003).
- 11 *Id.*
- 12 *Id.*; Noble, *supra* note 7, at 4.
- 13 The Prosecutor of the Special Court v. Charles Ghankay Taylor, Case No. SCSL-2003-01-I, Transcript of Record at 9802-03, 9840-41 (May 14, 2008) <http://www.sc-sl.org/LinkClick.aspx?fileticket=ggq9q0ASLSw0=&tabid=160>.
- 14 Noble, *supra* note 7, at 4. ELLIS, *supra* note 3, at 70. Throughout the conflict, “Libya may have used the Liberian civil war to undermine US influence in Liberia, since the CIA had reportedly used Liberia as a base to attempt the overthrow of Gadaffi’s regime.” Liberia – First Civil War, *supra* note 3.
- 15 Noble, *supra* note 7, at 4.
- 16 Willem Tijssen, *Mano River War*; THE LIBERIAN POST 25 (1998), <http://liberian.tripod.com/Post25.html> (last visited March 21, 2008); President Charles Ghankay Taylor, Liberia: Past and Present of Africa’s Oldest Republic, http://www.liberiapastandpresent.org/charles_taylor.htm (last visited March 21, 2008); A TORTUOUS ROAD TO PEACE: THE DYNAMICS OF REGIONAL, UN AND INTERNATIONAL HUMANITARIAN INTERVENTIONS IN LIBERIA 54 (Festus Aboagye & Alhaji M.S. Bah eds., May 2005), <http://www.issafrica.org/pubs/Books/TortuousRoad/Contents.htm>; *Ending Regional Instability*, *supra* note 5.
- 17 Tijssen, *supra* note 16, at 24.
- 18 Noble, *supra* note 7, at 4.
- 19 ELLIS, *supra* note 3, at 69.
- 20 *Id.*
- 21 *Libya Helped Taylor to Launch War in Liberia, Says Moses Blab*, May 15, 2008, <http://runningafrica.com/news-05152008Libya-Helped.html>; Noble, *supra* note 7, at 4.
- 22 ELLIS, *supra* note 3, at 160.
- 23 Karl Vick, *Taylor Brought Weapons From Quick Trip to Libya: Nigerian Peacekeepers Seize Second Plane Loaded with Arms*, S.F. CHRON., Aug. 8, 2003 at A10, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2003/08/08/MN193873.DTL&hw=Liberia&sn=007&sc=693>.
- 24 Nicole Itano, Institute for Security Studies, *Liberating Liberia: Charles Taylor and the Rebels who Unseated Him*,

- at 4 (Nov. 2003), <http://www.issafrica.org/pubs/Papers/82/Paper82.pdf>.
- 25 See, e.g., Comfort Ero, *ECOWAS and the Subregional Peacekeeping in Liberia*, J. HUMANITARIAN ASSISTANCE (Sept. 25, 1995), <http://jha.ac/1995/09/25/ecowas-and-the-subregional-peacekeeping-in-liberia/>; Eboe Hutchful, Institute for Security Studies, *The ECOMOG Experience with Peacekeeping in West Africa*, 3-4 (April 1999), <http://www.iss.co.za/Pubs/Monographs/No36/ECOMOG.html>.
- 26 See Carina Ray, *Who Really Killed Thomas Sankara?*, PAMBAZUKA NEWS, Jan. 15, 2008, www.pambazuka.org/en/category/features/45420.
- 27 See *id.*
- 28 See Ero, *supra* note 25; Ray, *supra* note 26. A historical reliance by Burkina Faso on Côte d'Ivoire, plus Compaore's personal debt to the Ivorian president for backing him against Thomas Sankara, posed additional complicating factors. Hutchful, *supra* note 25, at 3-4.
- 29 Ero, *supra* note 25.
- 30 Herman J. Cohen, Former Asst. Sec'y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 19 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 31 See, e.g., Ray, *supra* note 26.
- 32 ELLIS, *supra* note 3.
- 33 *Usual Suspects*, *supra* note 5, at 22.
- 34 Herman J. Cohen, Former Asst. Sec'y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 19 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 35 *Usual Suspects*, *supra* note 5, at 18.
- 36 ELLIS, *supra* note 3, at 159.
- 37 President Charles Ghankay Taylor, *Liberia: Past and Present of Africa's Oldest Republic*, *supra* note 16.
- 38 TRC Diaspora Statement Recs. 38, 42, 107.
- 39 See, e.g., Hutchful, *supra* note 25, at 3-4. Among other reasons, Houphouët-Boigny was motivated by personal antipathy toward Doe for having murdered his son-in-law. ELLIS, *supra* note 3, at 54.
- 40 Tom Kamara, *Liberia's Mercenary Virus and Ivory Coast*, THE PERSPECTIVE, October 30, 2000, www.theperspective.org/mercenaryvirus.html.
- 41 ARTHUR F. KULAH, *LIBERIA WILL RISE AGAIN: REFLECTION ON THE LIBERIAN CIVIL CRISIS* 25 (1999).
- 42 ELLIS, *supra* note 3, at 15.
- 43 Terhi Lehtinen, *Liberia, in AGENTS, MOTIVES AND INSTRUMENTS: AN ATLAS OF AFRICA CONFLICTS* 152, (Timo Kirimaki & Liisa Laakso, eds.) (2002) (citations omitted).
- 44 Howard W. French, *Liberia War: Nation Adrift*, N.Y. TIMES, May 12, 1996.
- 45 *Id.*
- 46 *Id.*
- 47 Lehtinen, *supra* note 43, at 152.
- 48 Ebenezer Maanlawon Vonhm Benda, *The Internationalization of Civil War: Liberia as a Case Study*, at 61 (2004) (unpublished M.A. Thesis, American University) (2004) (on file with author).
- 49 Paul Kelbie, *Rough Trade: Diamond Industry Still Funding Bloody Conflicts in Africa*, THE INDEPENDENT (United Kingdom), February 10, 2006, <http://www.independent.co.uk/news/world/africa/rough-trade-diamond-industry-still-funding-bloody-conflicts-in-africa-466129.html>.
- 50 Lehtinen, *supra* note 43, at 152.
- 51 Tijssen, *supra* note 17.
- 52 Kamara, *supra* note 40.
- 53 Int'l Crisis Group, *Tackling Liberia: The Eye of the Regional Storm* 15 (2003) [hereinafter *Tackling Liberia*]. In return for weapons supplies and equipment, Taylor provided Gueï with RUF and NPFL combatants. *Id.*
- 54 *Id.* at 16.
- 55 *Id.* at 16, 18.
- 56 *Id.* at 19.
- 57 *Id.* at 20.
- 58 *Usual Suspects*, *supra* note 5, at 39.
- 59 *Id.* at 29.
- 60 See, e.g., Kerstin Canby, *Helping Liberia Escape Conflict Timber: The Role of the International Community – China & Europe*, INFORMATION BULLETIN: CHINA AND EAST ASIA: TRANSFORMING TRADE AND POLICY FOR FORESTS AND LIVELIHOODS, at 1, June 2006 (“[b]y 2002, timber extraction generated more than US \$80 million a year and should have generated US \$19 million in taxes, but the government could only account for less than 15% of these revenues.” (citing

- Blundell, A. G. 2005. Conflict timber and Liberia's war. *European Tropical Forest Research Network News*. 43-44: 32-35).
- 61 *Taylor Stronghold of Gbarnga Reportedly in "Complete Ruins,"* BBC RADIO, Oct. 21, 1994.
- 62 *Id.*
- 63 *Id.*
- 64 The Port of Buchanan is the second largest port in Liberia.
- 65 ELLIS, *supra* note 3, at 89.
- 66 Kenneth B. Noble, *In Liberia's Illusory Peace, Rebel Leader Rules Empire of His Own Design*, N.Y. TIMES, Apr. 14, 1992.
- 67 See William Reno, *Reinvention of an African Patrimonial State: Charles Taylor's Liberia*, 16 THIRD WORLD Q. 109, 112-15 (1995).
- 68 *Id.* at 114.
- 69 ELLIS, *supra* note 3, at 168.
- 70 *Ending Regional Instability, supra* note 5, at 17.
- 71 WILLIAM RENO, *WARLORD POLITICS AND AFRICAN STATES* 95 (1998).
- 72 *Id.* at 96.
- 73 Reno, *supra* note 67, at 114. Christine Cheng, *The Rise of Extralegal Groups during Post-Conflict Transitions: Illegal Rubber Tapping in Liberia*, (Paper Presented at the Annual Meeting of the American Political Science Association) (Aug 31, 2006), http://www.allacademic.com/meta/p151191_index.html; For example, the security wing of the NPFL, "G-2," was accused of finding workers for Firestone's operations, receiving logistical support in return. Reno, *supra* note 67, at 114. See also Kerper Dwanyen, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 17 (June 14, 2008, St. Paul, Minn., U.S.A.) (describing how NPFL rebels looted property from his father's rubber and logging businesses, including a stockpile of rubber valued at c.a. \$60,000 and sold to the Liberian Agricultural Company, a Pajero jeep, a Pajoke (phonetic) 504, a Toyota truck used for transporting the rubber, and their logging equipment).
- 74 Cheng, *supra* note 73, at 10.
- 75 Definitions of what constitutes a conflict source focus on the point of their origin, i.e., areas under control of rebel fighting groups, or their role in commerce, i.e. a traded commodity that has passed through the custody of a fighting faction and is used to sustain or exploit the conflict for personal gain. "Conflict diamonds" or "blood diamonds" have been defined as "diamonds that originate in areas controlled by forces fighting the legitimate and internationally recognized government of the relevant country." *Report of the Panel of Experts Appointed Pursuant to Security Council Resolution 1306 (2000), Paragraph 19, in Relation to Sierra Leone*, U.N. Doc. S/2000/1195, ¶ 144 (December 20, 2000) [hereinafter *Sierra Leone Report*].
- Conflict diamonds also have been defined as "rough diamonds which are used by rebel movements to finance their military activities, including attempts to undermine or overthrow legitimate Governments." G.A. Res. 55/56, U.N. Doc A/RES/55/56 (Jan. 29, 2001). Similarly, Global Witness defines "conflict timber" as "timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers or by a civilian administration involved in armed conflict—either to perpetuate conflict or take advantage of conflict situations for personal gain." *Usual Suspects, supra* note 5, at 8.
- 76 CENTRAL INTELLIGENCE AGENCY, *THE CIA WORLD FACTBOOK 2008* (2008), <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html>.
- 77 *Sierra Leone Report, supra* note 75, ¶ 122 (stating that "[t]he highest estimates of current Liberian production capacity do not exceed 150,000 carats per year.>").
- 78 For example, Liberia exported 295,000 carats, averaging \$37 per carat in 1987. *Id.*
- 79 Interview with Ian Smillie (March 21, 2008); IAN SMILLIE, *DIAMONDS, THE RUF AND THE LIBERIAN CONNECTION: A REPORT FOR THE OFFICE OF THE PROSECUTOR THE SPECIAL COURT FOR SIERRA LEONE* 4 (April 21, 2007) (noting "Liberia has a very small diamond resource base, producing low-quality stones."). Liberia was not a major exporter of diamonds; between the mid-1990s and 2000, however, Liberia exported more than 200 years' worth of its own national diamond mining capacity, indicating that most of the diamonds had actually originated in Sierra Leone and been issued false

certificates of origin from Liberia, in violation of the U.N. ban on Sierra Leonean diamond exports. Blaine Harden, *Diamond Wars: A Special Report; Africa's Gems: Warfare's Best Friend*, N.Y.TIMES, Apr. 6, 2000, at A1.

80 Taylor refused to recognize that Liberia lacked a substantial diamond base and has argued that Liberia, in fact, surpassed Sierra Leone in its diamond resources. See SMILLIE, *supra* note 79, at 10 (noting “Minister Dunbar[, Minister of Lands, Mines and Energy at the time,] was eager for the Panel to see an area near Paynesville, not far from Monrovia, where a major diamond find had been announced. He personally drove one of the vehicles that took us to the site where we saw a large area of perhaps 100 acres that had been extensively and recently mined. Someone appeared to show us a small sample of diamonds that were said to have been found there. There were no more than ten or fifteen diggers in the entire area, however, a highly unlikely situation if indeed there had been any significant find.”).

81 See *id.* at 19-20 (“Many of the diamonds recorded by Belgian customs as having come from Liberia never actually entered Liberia. The Panel obtained copies from the Belgian government of invoices from eight companies exporting diamonds from Liberia to Belgium. A physical check on their street addresses in Monrovia revealed that there were no such companies at the listed addresses. Courier firms in Monrovia had been instructed to re-route mail addressed to these companies to the International Trust Company (ITC), which in January 2000 changed its name to the International Bank of Liberia Ltd. From there, mail was forwarded to the Liberian International Ship and Corporate Registry, which handled the Liberian Maritime Registry.”).

82 ELLIS, *supra* note 3, at 168.

83 Rep. of Liberia, *Executive Order No. 1, GOL Forest Sector Reform*, Feb. 2, 2006, <http://www.elaw.org/node/2028>.

84 Global Witness, *Liberia: Back to the Future, What is the Future of Liberia's Forests and its Effects on Regional Peace?* 13 (May 2004).

85 Canby, *supra* note 60, at 1.

86 Amnesty Int’l, *People's Republic of China: Sustaining Conflict and Human Rights Abuses – the Flow of Arms Accelerates* 13, AI Index ASA 17/030/2006, June. 11, 2006 [hereinafter *China: Sustaining Conflict*], <http://asiapacific.amnesty.org/library/Index/ENGASA170302006?open&of=ENG-390>; Trial Watch: Guus Van Kouwenhoven, http://www.trial-ch.org/en/trial-watch/profile/db/legal-procedures/guus_van-kouwenhoven_289.html (last visited Feb. 4, 2009).

87 *Id.*

88 Canby, *supra* note 60, at 2.

89 *Id.*

90 *China: Sustaining Conflict*, *supra* note 86, at 13; Amnesty Int’l, *Dead on Time – Arms Transportation, Brokering and the Threat to Human Rights* 22-27, AI Index ACT 30/008/2006, May 10, 2006 [hereinafter *Dead on Time*].

91 RENO, *supra* note 71, at 99.

92 Letter Dated 2001/10/26 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1343 (2001) Concerning Liberia Addressed to the President of the Security Council, at 75, U.N. Doc. S/2001/1015 (2001).

93 *Id.* at 76 (Between 1999 and 2000, diamond production increased by 162.1%, followed by an increase of 78%).

94 *Id.* at 70.

95 *Id.*

96 *Id.*

97 S.C. Res. 1343, ¶ B(6), U.N. Doc. S/RES/1343 (March 7, 2001). The resolution also included a ban on travel for senior government officials, which also went into effect. *Id.* ¶¶ B(7)(a), B(8).

98 The flaws in the system lie in the difference between the terms “country of origin” and “country of provenance,” which are used in the exportation/importation of diamonds. The term “country of provenance” is the “country from which diamonds were last imported,” while “country of origin” indicates “where they were mined.” *Sierra Leone Report*, *supra* note 75, ¶ 115. For example, at one time India claimed that it did not engage in the blood diamond trade and supported this assertion by noting that Belgium was the source of most of its rough diamond imports and that nearly none were directly from Africa. *Id.* ¶ 120. Commenting on this assertion, the Panel of Experts noted that:

the operative word is ‘directly’. The

- lack of scrutiny throughout the delivery chain and the stops along the way allow most importing countries to say that they do not import *anything* from Africa, conflict or otherwise. These examples explain why it is so difficult to determine where diamonds – still in their rough state and moving from one trading or polishing centre to another – are actually mined. *Id.* at ¶¶ 120-21 (emphasis added).
- 99 See Background, Kimberly Process, http://www.kimberlyprocess.com/background/index_en.html (last visited Feb. 4, 2009).
- 100 S.C. Res. 1478, U.N. Doc. S/RES/1478 (2003). As early as January 2001, the United States urged the imposition of sanctions on timber from Liberia during discussions for a U.N. ban on weapons, diamonds, and travel. Other states, including France—which imported large amounts of Liberian lumber—objected to a ban on timber. Carola Hoyos, *Liberian Timber in U.N. Spotlight*, FINANCIAL TIMES, Jan. 27, 2001. Several ECOWAS states criticized the 2001 sanctions for being too harsh without offering any real incentives for Taylor to change his policies; Guinea and Sierra Leone, notably, did not join the critics. ADEKEYE ADEBAJO, LIBERIA’S CIVIL WAR: NIGERIA, ECOMOG, AND REGIONAL SECURITY IN WEST AFRICA 237 (2002).
- 101 Cheng, *supra* note 73, at 9.
- 102 Claudette Torbey, *The Most Egregious Arms Broker: Prosecuting Arms Embargo Violators in the International Criminal Court*, 25 WIS. INT’L L.J. 335, 336 (2007). The grey market is defined as the distribution of legal goods through streams of commerce that are unauthorized by the maker. Economicexpert.com, *Grey Market*, <http://www.economicexpert.com/a/Grey:market.html> (last visited June 9, 2009). While many countries have laws governing the distribution and import of weapons by weapons manufacturers, only 40 countries have laws governing weapons brokering. Matt Schroeder & Rachel Stohl, Arms Control Association, *Small Arms, Large Problem: The International Threat of Small Arms Proliferation and Misuse*, June 2006, http://www.armscontrol.org/act/2006_06/SmallArmsFeature (citing BITING THE BULLET, INTERNATIONAL ACTION ON SMALL ARMS 2005: EXAMINING IMPLEMENTATION OF THE UN PROGRAMME OF ACTION 6, 32 (2005)).
- 103 Arms Brokers: Brokering Controls, Int’l Action Network on Small Arms, http://www.iansa.org/issues/arms_brokers.htm (last visited Feb. 5, 2009).
- 104 Loretta Bondi & Elise Keppler, The Fund for Peace 2001, *Casting the Net? The Implications of the U.S. Law on Arms Brokering*, 18-19, <http://se1.isn.ch/serviceengine/FileContent?serviceID=47&fileid=956041CA-4C56-496F-C63D-79CA1EF7645C&lng=en>.
- 105 See generally Interview with Johan Peleman, *Frontline*, (PBS television broadcast May 2002) transcript at <http://www.stimson.org/fopo/?SN=FP20050314794>.
- 106 Lisa Misol, *Weapons and War Crimes: The Complicity of Arms Suppliers*, in HUMAN RIGHTS WATCH WORLD REPORT 2004: HUMAN RIGHTS AND ARMED CONFLICT 279 (2004), <http://www.hrw.org/legacy/wr2k4/download/wr2k4.pdf>; BONDI & KEPPLER, *supra* note 104, at 20.
- 107 The Henry L. Stimson Center, *Security for a New Century: Study Group Report 1*, Oct. 19, 2007, <http://www.stimson.org/images/Merchant%20of%20Death.doc>.
- 108 *Id.*
- 109 Peter Landesman, *Arms and the Man*, N.Y. TIMES MAGAZINE, Aug. 17, 2003, at 28.
- 110 *Id.* at 28; BONDI & KEPPLER, *supra* note 104, at 15.
- 111 An End User Certificate is a “universally required document that permits a weapons manufacturer or a state to legally ship a specified number of weapons to a non-sanctioned state through a specified shipping firm.” The Henry L. Stimson Center, *supra* note 107, at 1.
- 112 Torbey, *supra* note 102, at 341-42; Landesman, *supra* note 109, at 28.
- 113 The Henry L. Stimson Center, *supra* note 107, at 2.
- 114 Matt Schroeder & Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, 1 AFR. ANALYST Q. 70-71 (2006); BONDI & KEPPLER, *supra* note 104, at 14.
- 115 See Schroeder & Lamb, *supra* note 114, at 69-70.
- 116 *Id.* at 70.
- 117 *China: Sustaining Conflict*, *supra* note 86, at 13.
- 118 Schroeder & Lamb, *supra* note 114, at 70.

- 119 Liberia – UNOMIL Background, August 1999 – August 1993: ECOMOG deployment, United Nations actions on Liberia, Massacre of civilians, Cotonou Peace Agreement, http://www.un.org/Depts/dpko/dpko/co_mission/unomil/FT.htm#AUGUST (last visited Feb. 5, 2009)(An ECOMOG-headed committee, including UNOMIL and representatives of the transitional government and fighting factions, oversaw the disarmament planning).
- 120 The Secretary-General, *Final Report of the Secretary-General on the United Nations Observer Mission in Liberia*, ¶ 8, delivered to the Security Council, U.N. Doc. S/1997/712 (Sept. 12, 1997); HUMAN RIGHTS WATCH, *WORLD REPORT 1998*, at 46 (1997), <http://www.hrw.org/en/node/79288>.
- 121 An additional 458 weapons and 25,000 ammunition pieces were surrendered at stations kept operational beyond February 9, and 3,759 weapons were handed in at places other than the official stations. *Help Desk for Practical Disarmament—Stories—Liberia*, Bonn International Center for Conversion, <http://www.bicc.de/helpdesk/stories/liberia.html> (last visited Feb. 12, 2008). In the lead-up to the July 19 election, ECOMOG searches turned up approximately 3,750 weapons and 152,500 ammunition rounds. HUMAN RIGHTS WATCH, *WORLD REPORT 1998*, at 46 (1997), <http://www.hrw.org/en/node/79288>.
- 122 HUMAN RIGHTS WATCH, *WORLD REPORT 1998*, *supra* note 121, at 46.
- 123 S.C. Res. 788, U.N. Doc. S/RES/788 (Nov. 19, 1992).
- 124 Torbey, *supra* note 102, at 337-38.
- 125 *Usual Suspects*, *supra* note 5, at 20.
- 126 Interview with Tom Ofcansky, *Frontline* (PBS television broadcast May 2002), transcript at <http://www.pbs.org/frontlineworld/stories/sierraleone/ofcansky.html>. In 2005, Dutch officials charged van Kouwenhoven with war crimes committed in Liberia and with violation of the U.N. Security Council arms sanctions under Resolution 1343. The trial court convicted and sentenced van Kouwenhoven to eight years' imprisonment for breaching the U.N. embargo, but the conviction was overturned on appeal. The Dutch prosecution intends to appeal. The court found van Kouwenhoven not guilty of war crimes due to evidentiary issues. Trial Watch: Guus van Kouwenhoven, http://www.trial-ch.org/en/trial-watch/profile/db/legal-procedures/guus_van-kouwenhoven_289.html (last visited Feb. 4, 2009).
- 127 See Chapter 13 for more information.
- 128 TRC Diaspora Statement Rec. 1351.
- 129 *Id.*
- 130 *Id.*
- 131 *Id.*

