

# Here Interest Meets Humanity: How To End the War and Support Reconstruction in Liberia, and the Case for Modest American Leadership

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June 2003 again brought terrible images of Africa to Americans' television screens. As fighters of the rebel Liberians United for Reconciliation and Democracy (LURD) cut off Monrovia, food and medicine for the Liberian capital's million inhabitants dwindled. Mortar shells blew apart a group of refugees cowering by the U.S. Embassy.<sup>1</sup> Thousands of civilians suffered shrapnel and bullet wounds, while government and rebel fighters raped and murdered others.<sup>2</sup>

Nigeria and other African countries offered to send peacekeepers to stop the fighting and protect shipments of food and medicine. To do so, though, they needed logistical assistance, military support, and backing from a major power that would intimidate the factions. Liberia's chaos threatened the carefully cultivated peace in neighboring Sierra Leone and Côte d'Ivoire. The United Kingdom and France, leading international interventions in those countries, joined U.N. Secretary-General Kofi Annan in calling on the United States to lead international efforts in Liberia.<sup>3</sup> *The New York Times* summarized the case: "Swift American intervention could help end two decades of carnage that has destroyed Liberia and crippled several of its neighbors. It

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1. Karl Vick, *Liberian Rebels Resume Attacks*, WASH. POST, July 22, 2003, at A01.

2. See, e.g., Press Release, Amnesty International, Liberia: West African forces must protect civilians from widespread human rights abuses, Aug. 4, 2003.

3. Christopher Marquis, *U.S. Resists Entreaties to Send Peacekeepers to Liberia*, N.Y. TIMES, July 22, 2003, at A3; Eric Schmitt, *Pentagon to Assess Military Needs in Liberia*, N.Y. TIMES, July 5, 2003, at A5.

can save lives, stabilize a region, and prove that America's commitment to Africa is real."<sup>4</sup>

In early July the Bush Administration announced it was considering sending troops, and dispatched an assessment team to Monrovia.<sup>5</sup> For six weeks the State and Defense Departments struggled over whether to put American "boots on the ground," the former in favor, the latter opposed.<sup>6</sup> *The Economist* called the delay "fiddling while Monrovia burns."<sup>7</sup>

The result was a pittance. The African intervention force entered Monrovia on August 4. President Charles Taylor resigned, satisfying the rebels' main demand, and left for asylum in Nigeria on August 11. On August 14, 200 U.S. Marines went ashore, leaving 2100 others on ships just off the coast.<sup>8</sup> They withdrew to the ships ten days later, with fighting continuing around Liberia and the African force still unable to expand beyond Monrovia's outskirts.<sup>9</sup> At the beginning of October, they sailed away.<sup>10</sup>

This Article argues that the United States would serve its national interests by leading the international effort to end fighting in Liberia and reconstruct its state, and that the international community has developed a promising model for such an effort. West Africa's failed states—Liberia, Sierra Leone, and Côte d'Ivoire—nurture terrorist groups and organized crime. Lacking internationally responsible leadership and control over their territory, their governments either cannot or will not stop those groups from establishing bases, running weapons, laundering money, and raising revenue by trading diamonds or extracting other natural resources. (Al Qaeda has purchased diamonds in Liberia.)<sup>11</sup> In addition to fighting terrorism and crime directly, U.S. leadership in Liberia would counter the view, held by many foreign leaders and ordinary people, that the United States shirks its international responsibilities. Greater goodwill would help the United States obtain cooperation on transnational issues affecting its interests, including the environment and emerging diseases, as well as crime and security.

The current situation in Liberia provides the best chance in years to stabilize West Africa. Liberia will threaten the region until it enjoys durable peace. Its conflict is part of a larger, regional war that began in Liberia in

4. *America's Role in Liberia*, N.Y. TIMES, July 24, 2003, at A18.

5. Schmitt, *supra* note 3, at A5.

6. Marquis, *supra* note 3, at A3 ("Pentagon officials are the most resistant [to deployment], while the State Department is more eager to find a solution."); *Powell Backs U.S. Role to Aid Liberia*, N.Y. TIMES, July 24, 2003, at A3; Christopher Marquis & Thom Shanker, *Pentagon Leaders Warn of Dangers for U.S. in Liberia*, N.Y. TIMES, July 25, 2003, at A1; Steven R. Weisman & Thom Shanker, *Pressure Up, Washington is Split on Liberia*, N.Y. TIMES, Aug. 9, 2003, at A1.

7. *Fiddling While Monrovia Burns*, ECONOMIST, July 26, 2003, at 46.

8. Tim Weiner, *200 U.S. Marines Land in Liberia to Aid African Force*, N.Y. TIMES, Aug. 15, 2003, at A4.

9. *Marines Withdraw to Warships*, N.Y. TIMES, Aug. 25, 2003, at A4.

10. *U.S. Pulls Out of Liberia*, BBC NEWS, Sept. 30, 2003, at <http://news.bbc.co.uk/2/hi/africa/3150650.stm> (last visited Nov. 15, 2003).

11. Douglas Farah, *Al Qaeda Cash Tied to Diamond Trade*, Wash. Post, Nov. 2, 2001, at A01; Global Witness, *For a Few Dollars More* 41–63 (2003).

1989, consumed Sierra Leone during the 1990s, and recently spread to Côte d'Ivoire. Charles Taylor's departure has caused a lull in fighting in Liberia, confusion among his loyalists, and the rebels' willingness to consider a political settlement. An international peacekeeping and reconstruction mission in Liberia, similar to those in Sierra Leone and Côte d'Ivoire being led by the United Kingdom and France, would complete the comprehensive international effort necessary to end the West African war.

The success of international intervention in Liberia will depend on U.S. leadership. West African troops operating alone tried and failed to stop the war in Liberia and Sierra Leone in the 1990s. Yet the United Kingdom succeeded in doing so in Sierra Leone in 2000 and 2001 with just one combat fatality. Under the similar circumstances now present in Liberia, another major power could quell fighting there. After the war's end, Liberia will need a major donor and advocate for international support for its reconstruction. With the United Kingdom and France occupied with Liberia's neighbors, only the United States has the resources to take the lead in Liberia.

This leadership would cost the United States little in money, political capital, and military resources. No one is calling on the United States alone to end Liberia's war and reconstruct its state, or to bear the full cost of doing so. Many states and international institutions have demonstrated their willingness to contribute. By assisting in ways that only it can, the United States would complement and encourage others' participation. Specifically, the United States first needs to make a modest military effort to end the fighting in Liberia, in collaboration with the United Nations Mission in Liberia (UNMIL). As detailed below, this would mostly involve symbolic shows of force to persuade fighters to demobilize and disarm voluntarily; U.S. soldiers would see little or no combat action. The United States also should push Nigeria to send Taylor to the Special Court for Sierra Leone for trial. Second, the United States should provide the plurality of funding for reconstruction, totaling perhaps \$1.25 billion over a decade. Finally, it should use its diplomatic clout to ensure that the international community maintains its support for Liberia's reconstruction and that Liberian leaders make steady progress on reform.

The Article begins by explaining the origins and key events of the West African regional war, emphasizing its function as a cover for profiteering by warlords and their allies. Part II explains the method for ending wars and supporting reconstruction developed in international interventions in Bosnia, Kosovo, East Timor, and Sierra Leone. It focuses on Sierra Leone, which faced problems similar and closely linked to Liberia's. Part III outlines the international mission taking shape in Liberia and explains how the United States' current policy of minimal engagement leaves the mission vulnerable. It then details the more robust role the United States should play. Part IV explains why significant involvement in Liberia would serve U.S. national interests and addresses skeptics' arguments about its cost.

## I. THE ORIGINS OF WEST AFRICA'S TROUBLES

Liberia reached its current, abject state after a half-century of political and economic decay. Sierra Leone followed a similar path that has reversed only since 2000 with massive international assistance. Their neighbors, Côte d'Ivoire and Guinea, also suffer from weak political institutions, corruption, and economic stagnation.<sup>12</sup> This Part describes the collapse of the state in Liberia and Sierra Leone and the resulting war that consumed them, has touched Guinea, and recently spread to Côte d'Ivoire.

A. *State Collapse in Liberia and Sierra Leone*1. *Liberia*

Freed American slaves founded the modern state of Liberia in 1822. Their descendants, "Americo-Liberians," monopolized political power until 1980, dismissing the indigenous population as "uncivilized."<sup>13</sup> They enriched themselves by helping foreign companies extract natural resources through forced labor. United States-based Firestone Tire and Rubber Company, their most important investor, accounted for a quarter of government revenues by 1950.<sup>14</sup>

President William Tubman's autocratic reign (1944–71) dissolved what state institutions had developed since 1822. Tubman "packed the [l]egislature with his servants, cronies, and favorites . . . Judges, magistrates, justices of the peace and tribal chiefs—all owed their appointments to him, and many were summarily removed from office when they incurred his displeasure."<sup>15</sup> Tubman's patronage network and secret police maintained his power. While rich Americo-Liberians and foreign corporations profited, the government spent little on education or economic development.<sup>16</sup> Feeble attempts at reform by Tubman's successor, William Tolbert, came to nothing.<sup>17</sup> Throughout this period, the Liberian government was one of the United States' most important allies in Africa. The U.S. government indulged Tubman's and Tolbert's misrule while they hosted the CIA's West Africa headquarters, a key satellite tracking station, and a Voice of America transmitter.<sup>18</sup>

A coup in 1980 began Liberia's bloodiest decade yet. Soldiers disemboweled Tolbert in his pajamas and publicly executed thirteen ministers on a Monrovia beach. Master Sergeant Samuel Doe, a member of the Krahn, one of Liberia's larger ethnic groups, became the country's first leader of indige-

12. See INT'L CRISIS GROUP, CÔTE D'IVOIRE: "THE WAR IS NOT YET OVER" (2003); INT'L CRISIS GROUP, GUINÉE: INCERTITUDES AUTOUR D'UNE FIN DE RÈGNE (2003).

13. STEPHEN ELLIS, THE MASK OF ANARCHY: THE DESTRUCTION OF LIBERIA AND THE RELIGIOUS DIMENSION OF AN AFRICAN CIVIL WAR 41–43 (1999).

14. BILL BERKELEY, THE GRAVES ARE NOT YET FULL: RACE, TRIBE, AND POWER IN THE HEART OF AFRICA 29 (2002).

15. ELLIS, *supra* note 13, at 47 (quoting TUAN WREH, THE LOVE OF LIBERTY 3 (1976)).

16. *Id.* at 49 (citing ROBERT W. CLOWER ET AL., GROWTH WITHOUT DEVELOPMENT: AN ECONOMIC SURVEY OF LIBERIA 259–335 (1966)).

17. See *id.* at 50–52.

18. *Id.* at 50, 158; BERKELEY, *supra* note 14, at 30–31.

nous extraction. His brutality and corruption quickly earned him the population's hatred. Doe's security forces detained, beat, and often killed suspected opponents. Doe gave political meaning to ethnic differences *within* the indigenous population for the first time, creating ethnic rivalries that would contribute to the later war. He "systematically promoted Krahn from selected clans to sensitive posts in the government and the army."<sup>19</sup> Doe made his political rivalries ethnic: when he purged military rivals, he also brutalized civilians from the same ethnic groups. After a failed coup in 1985, Doe's most notorious commander led a sweep through the coup leader's home region, Nimba County, killing a thousand civilians.<sup>20</sup>

Under Doe corruption worsened, and the economy declined further. Much of the \$300 million Doe reportedly embezzled was U.S. government aid, which totaled \$500 million between 1980 and 1985, a third of the national budget.<sup>21</sup> When Doe brazenly stole an election in 1985, the State Department defended him.<sup>22</sup>

## 2. *Sierra Leone*

Sierra Leone underwent a process of political and economic collapse similar to Liberia's. The current international reconstruction effort in Sierra Leone therefore provides an unusually appropriate model for the new one in Liberia. Like Liberia, Sierra Leone was founded in 1808 as a homeland for former slaves, in its case from Britain, which held Sierra Leone as a colony until 1961.<sup>23</sup> British dominance kept the gap between descendants of former slaves and indigenous Sierra Leoneans from growing as wide as it did in Liberia; even educated Sierra Leoneans were excluded from political influence.<sup>24</sup>

Independence simply replaced one domineering elite with another. Almost from the beginning, Sierra Leonean politicians took after their Liberian neighbors. By the mid-1960s, President Albert Margai was repressing political opposition and "convert[ing] political power and positions into economic wealth" for himself and his allies.<sup>25</sup> Under President Siaka Stevens (1968–85) and his successor, Joseph Momoh (1985–92), the country's already-weak political institutions and economy collapsed. Stevens "destroyed and corrupted every institution of the state," turning the parliament and

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19. ELLIS, *supra* note 13, at 56. "Doe was the first Liberian head of state since the conquest of the hinterland who excluded certain social groups entirely from political society, most notably the Gio and Mano of Nimba County." *Id.* at 65.

20. *Id.* at 59–60.

21. BERKELEY, *supra* note 14, at 65; *see also* ELLIS, *supra* note 13, at 158.

22. BERKELEY, *supra* note 14, at 63–67; *see* ELLIS, *supra* note 13, at 63.

23. For Sierra Leone's pre-independence history, *see* EARL CONTEH-MORGAN & MAC DIXON-FYLE, *SIERRA LEONE AT THE END OF THE TWENTIETH CENTURY* 22–28, 40–41 (1999); JOHN L. HIRSCH, *SIERRA LEONE: DIAMONDS AND THE STRUGGLE FOR DEMOCRACY* 22–24 (2001).

24. CONTEH-MORGAN & DIXON-FYLE, *supra* note 23, at 45–46.

25. Laurence Juma, *The Human Rights Approach to Peace in Sierra Leone*, 30 *DENV. J. INT'L L. & POL'Y* 325, 328–29 (2002).

judiciary into rubber stamps.<sup>26</sup> The government devoted almost no resources to health, education, or economic development. Instead, Stevens, Momoh, and their cronies enriched themselves by using state authority to control trade in diamonds, of which Sierra Leone had the largest deposits in West Africa.<sup>27</sup> Petty corruption also flourished. By the late 1980s the economy was a wreck, with inflation at eighty percent and the government bankrupt.<sup>28</sup>

## B. *The Regional War: 1989 to the Present*

### 1. *War Begins*

On December 24, 1989, one hundred fighters from several West African countries calling themselves the National Patriotic Front of Liberia (NPFL) and led by Charles Taylor invaded Liberia from Côte d'Ivoire.<sup>29</sup> They had received training in Libya and were supported by the governments of Burkina Faso, Côte d'Ivoire, and, reportedly, France.<sup>30</sup> The NPFL swept through Liberia, growing largely through conscription but also attracting volunteers who saw better chances of subsistence with a gun in their hands than in the country's regular economy. Taylor's forces tapped into popular anger at Doe's repression and ethnic discrimination; they slaughtered Krahns and sent a hundred thousand refugees fleeing to Côte d'Ivoire.<sup>31</sup> Doe's army responded with yet more ethnically targeted brutality, "killing, looting, raping, maiming, burning villages, [and] driving tens of thousands of [ethnic] Gios and Manos into the bush."<sup>32</sup> The NPFL gained more recruits, and within six months reached Monrovia's suburbs.

Neighboring governments, mostly Anglophone, intervened to stop Taylor from taking power, by deploying troops to Monrovia under the auspices of the Economic Community of West African States (ECOWAS). They were too weak to crush the rebels, however, and stalemate resulted. Ambitious NPFL commanders split from Taylor and formed their own factions. One captured Doe and tortured him to death in September 1990. The ECOWAS force installed and propped up a civilian Interim Government of National Unity, while Krahns from Doe's old army formed the United Liberation

26. HIRSCH, *supra* note 23, at 29; accord CONTEH-MORGAN & DIXON-FYLE, *supra* note 23, at 103–05.

27. HIRSCH, *supra* note 23, at 30; CONTEH-MORGAN & DIXON-FYLE, *supra* note 23, at 94–100.

28. CONTEH-MORGAN & DIXON-FYLE, *supra* note 23, at 116.

29. INT'L CRISIS GROUP, LIBERIA: THE KEY TO ENDING REGIONAL INSTABILITY 1–2 (2002).

30. *Id.*; ELLIS, *supra* note 13, at 158–59. These governments had various motives. Ivorian President Félix Houphouët-Boigny, the godfather of Francophone West Africa, wanted revenge on Doe, because his goddaughter's husband had been one of the Tolbert ministers executed on the beach in 1980. INT'L CRISIS GROUP, TACKLING LIBERIA: THE EYE OF THE REGIONAL STORM 15 (2003). Burkina Faso's President, Blaise Compaoré, was close to Houphouët-Boigny and Liberian exiles had helped him take power in a 1987 coup. *Id.* at 26. On the regional network of alliances during the West African war, see generally ELLIS, *supra* note 13, at 158–59, and reports by the International Crisis Group.

31. BERKELEY, *supra* note 14, at 49–50.

32. Bill Berkeley, *Liberia Between Repression and Slaughter*, ATLANTIC MONTHLY, Dec. 1992, at 54.

Movement for Democracy in Liberia (ULIMO) to fight the NPFL.<sup>33</sup> Other factions came and went during the early 1990s.

Furious at being thwarted, Taylor threatened that Sierra Leone, the ECOWAS force's rear base, soon would "taste the bitterness of war."<sup>34</sup> In March 1991, NPFL units joined guerrillas calling themselves the Revolutionary United Front (RUF) and invaded Sierra Leone, expanding the war.<sup>35</sup> RUF leader Foday Sankoh had met Taylor in Libya and like the NPFL, the RUF included fighters from across West Africa. Throughout the war, Taylor's forces and the RUF coordinated attacks, exchanged weaponry, and shared fighters and commanders. Taylor probably spread the war to Sierra Leone to gain political influence in the subregion,<sup>36</sup> obtain Sierra Leonean diamonds, and exact revenge.<sup>37</sup>

War raged across the two countries for years. No force was strong enough to prevail, and all found profit in chaos. The Sierra Leone Army's motivation and discipline had deteriorated under Stevens and Momoh, and it was unable to crush the RUF. The ECOWAS force expanded its mandate in 1993 and from its Freetown base began helping the Sierra Leonean government fight the RUF. Alliances came and went, and fighters, arms, and money flowed between Sierra Leone and Liberia, and into both from West African governments.<sup>38</sup>

The factions brutalized civilians constantly throughout the war. Every group massacred, raped, burned villages, and looted.<sup>39</sup> There are no reliable estimates of civilian deaths, but the number is well over 100,000.<sup>40</sup> A million Liberians and one to two million Sierra Leoneans fled their homes in the 1990s.<sup>41</sup> Many spent years in refugee camps, fleeing from country to country

33. INT'L CRISIS GROUP, *supra* note 29, at 2; ELLIS, *supra* note 13, at 95.

34. ELLIS, *supra* note 13, at 93.

35. *Id.*; HIRSCH, *supra* note 23, at 32.

36. See INT'L CRISIS GROUP, SIERRA LEONE: TIME FOR A NEW MILITARY AND POLITICAL STRATEGY ii (2001) (Taylor "uses [the RUF] as a proxy army to pursue his drive for regional hegemony"); *id.* at 13 (for Taylor "[r]esources are simply a means to his political goals").

37. See IAN SMILLIE ET AL., THE HEART OF THE MATTER: SIERRA LEONE, DIAMONDS, AND HUMAN SECURITY 48 (2000), available at <http://www.pacweb.org/e/pdf/heart%20of%20the%20matter.doc> (last visited Nov. 15, 2003).

38. INT'L CRISIS GROUP, *supra* note 29, at 1–3; ELLIS, *supra* note 13, at 90; GLOBAL WITNESS, THE USUAL SUSPECTS: LIBERIA'S WEAPONS AND MERCENARIES IN CÔTE D'IVOIRE AND SIERRA LEONE 20–22 (2003); see INT'L CRISIS GROUP, CÔTE D'IVOIRE: "THE WAR IS NOT YET OVER" 18 (2003).

39. See generally HUMAN RIGHTS WATCH, LIBERIA: A HUMAN RIGHTS DISASTER (1990); HUMAN RIGHTS WATCH, LIBERIA: EMERGING FROM THE DESTRUCTION 11–14 (1997); HUMAN RIGHTS WATCH, SOWING TERROR: ATROCITIES AGAINST CIVILIANS IN SIERRA LEONE (1998); HUMAN RIGHTS WATCH, "WE'LL KILL YOU IF YOU CRY": SEXUAL VIOLENCE IN THE SIERRA LEONE CONFLICT (2003).

40. Estimates of the number killed in Liberia between 1989 and 1996 range from 60,000 to 200,000. ELLIS, *supra* note 13, at 312–16; INT'L CRISIS GROUP, *supra* note 29, at 7. Human Rights Watch refers to "tens of thousands" dying in Sierra Leone. Human Rights Watch, "The Jury is Still Out," A Human Rights Watch Briefing Paper on Sierra Leone (July 11, 2002). These estimates do not include civilians killed during the second phase of war in Liberia, since 2000.

41. HUMAN RIGHTS WATCH, LIBERIA: EMERGING FROM THE DESTRUCTION (1997); PHYSICIANS FOR HUMAN RIGHTS, WAR-RELATED SEXUAL VIOLENCE IN SIERRA LEONE: A POPULATION-BASED ASSESSMENT 1 n.1 (2002).

as the fighting moved. In both Liberia and Sierra Leone fighters raped tens, perhaps hundreds, of thousands of women, many so roughly they died.<sup>42</sup> Some factions seemed to revel in creative torture: the NPFL decapitated civilians, sometimes in front of their families, and RUF fighters sliced open the bellies of pregnant women after placing bets on the sex of the fetus.<sup>43</sup>

## 2. *Feeding the War: Greed and Despair*

The war in Liberia and Sierra Leone lasted years largely because it benefited both warlords and ordinary fighters. Their purpose was “not for one side or the other to win . . . but to ‘engage in profitable crime under the cover of warfare.’”<sup>44</sup> Leaders used the tremendous wealth they obtained by harvesting natural resources—diamonds from Sierra Leone, rubber and timber from Liberia—to maintain luxurious lifestyles, purchase subordinates’ loyalty, and acquire weapons to continue the war.<sup>45</sup> Low-level fighters found more opportunity in pillage than in their countries’ moribund formal economies. In both countries, the army lacked the discipline and motivation to defeat rebels, and corrupt commanders joined the pillage rather than fight. Anthropologist Joseph Opala, who lived in Sierra Leone for seventeen years between 1974 and 1997, commented, “Sierra Leone does not suffer from civil war, and never has. It suffers from the rampant banditry that accompanies state collapse.”<sup>46</sup>

Plunder was a primary goal of all armed groups. “[E]very Liberian faction and its external backers developed an interest in the burgeoning war economy. Diamonds, gold, drugs, rubber, wood, looted goods, scrap metal, palm oil, coffee, cocoa, and, of course, weapons, were all traded.”<sup>47</sup> ECOWAS

42. *Id.*; HUMAN RIGHTS WATCH, *supra* note 41 (noting the “widespread sexual violence committed against women during the war”).

43. HUMAN RIGHTS WATCH, *EASY PREY: CHILD SOLDIERS IN LIBERIA* (1994); HUMAN RIGHTS WATCH, “WE’LL KILL YOU IF YOU CRY”: SEXUAL VIOLENCE IN THE SIERRA LEONE CONFLICT 35 (2003).

44. SMILLIE ET AL., *supra* note 37, at 12 (quoting scholar David Keen); *see also* ELLIS, *supra* note 13, at 169. A leading analyst has commented, “Sierra Leone’s war was neither ‘rebellion,’ in the sense of it being an internal uprising, nor ‘civil,’ in the sense of it being about clearly understandable and achievable political goals. Rather, it was part of a continuous narrative of escalating regional violence and terror driven largely by criminal economic interests, much of it inspired and controlled by Charles Taylor.” LANSANA GBERIE, *WAR AND PEACE IN SIERRA LEONE: DIAMONDS, CORRUPTION, AND LEBANESE CONNECTION* 3 (2002). Gberie’s point applies equally to the war in Liberia.

45. By one estimate Taylor made \$250 million a year in the early 1990s, before assuming the presidency. Ryan Lizza, *Where Angels Fear to Tread*, *NEW REPUBLIC*, July 24, 2000, at 22, 24. A U.N. investigation reported estimates of the RUF’s annual diamond revenues between \$25 million and \$125 million, and concluded that even the lower figure was “more than enough to sustain its military effort.” *Report of the Panel of Experts appointed pursuant to Security Council resolution 1306 (2000)*, ¶ 19, in relation to Sierra Leone, at ¶ 1, U.N. Doc. No. S/2000/1195 (2000), available at <http://www.un.org/Docs/sc/committees/SierraLeone/SLselectedEng.htm> (last visited Nov. 15, 2003). Conversely, the Sierra Leonean government had trouble funding its war effort in the early 1990s, when the diamond mines were in RUF hands. On the role of natural resources in the war, *see id.* at ¶¶ 65–98; SMILLIE ET AL., *supra* note 37; GLOBAL WITNESS, *THE LOGS OF WAR: THE TIMBER TRADE AND ARMED CONFLICT* 22–28 (2002).

46. Joseph Opala, *What the West Failed to See in Sierra Leone*, *WASH. POST*, May 14, 2000, at B1.

47. ELLIS, *supra* note 13, at 169.



commanders shipped home household goods, appliances, and cars stolen from the country they were supposed to be aiding.<sup>48</sup> This aspect of the war, like nearly every other, was no different in Sierra Leone. The RUF claimed to be fighting to overthrow the corrupt political order and expand access to Sierra Leone's economic resources, but its "ideology of salvation quickly degenerated into a campaign of violence whose principal aim was to gain access to the country's diamond and other mineral wealth."<sup>49</sup> The Sierra Leone Army was little better: after the Stevens and Momoh era its leaders had no more integrity than officials of any other part of the failed Sierra Leonean state. Commanders stole their troops' pay and supplies and set up personal mining operations in the diamond areas.

Taylor was the most systematic and effective businessman among the warlords. He exploited NPFL-controlled territory, granting concessions to foreign companies to extract timber, rubber, iron ore, gold, and diamonds in exchange for royalties.<sup>50</sup> With the profits Taylor created a patronage network, bestowing cars, generous salaries, and luxurious houses on senior aides, while the NPFL's fighters burned villages around the country.<sup>51</sup> Taylor also facilitated the RUF's illegal arms trading and diamond mining, while taking a cut himself. His ascent to Liberia's presidency in 1997 gave him international legitimacy, and by the late 1990s, "Liberia had become a major centre for massive diamond-related criminal activity, with connections to guns, drugs and money laundering throughout Africa and considerably further afield."<sup>52</sup>

Looting occurred at the grassroots level, too. Many ordinary fighters joined the RUF or Liberian factions because they could get more with a gun than by working. Others took up arms out of grievance—at Doe's brutality and discrimination, or Momoh's corruption—only to find that their commanders' ideology was mere pretext for self-enrichment through war. By then, though, quitting meant losing their only source of sustenance and defense against other marauding fighters. In the first fight for Monrovia in 1990, Doe's army and the NPFL focused as much on theft as on fighting.<sup>53</sup> In the countryside, fighters lived off the land or, rather, the people. Villagers who hesitated to give up their last goat, or who only had a chicken, were exe-

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48. *Id.* at 173; *see id.* at 167–68, 170–73 (on the ECOWAS force's corruption).

49. HUMAN RIGHTS WATCH, "WE'LL KILL YOU IF YOU CRY": SEXUAL VIOLENCE IN THE SIERRA LEONE CONFLICT 10 (2003); *see also* INT'L CRISIS GROUP, *supra* note 36, at ii ("The RUF has no meaningful political constituency.")

50. BERKELEY, *supra* note 14, at 52.

51. *See* ELLIS, *supra* note 13, at 91.

52. SMILLIE ET AL., *supra* note 37, at 6. By 2003, according to one report, Liberian government officials, Taylor surely chief among them, had accumulated \$3.8 billion in Swiss bank accounts. GLOBAL WITNESS, *supra* note 38, at 18; *see also* Report of the Panel of Experts established pursuant to paragraph 25 of Security Council Resolution 1478 (2003) concerning Liberia, U.N. Doc. S/2003/937.

53. BERKELEY, *supra* note 14, at 50 ("Soldiers and rebels alike looted with abandon: homes, stores, offices, government ministries, hospitals, embassies, churches—and banks. Nearly 50 million Liberian dollars in cash disappeared . . ."); *see also* ELLIS, *supra* note 13, at 89–92.

cuted on the spot, sometimes after torture. Government soldiers had the same incentives: “[m]any soldiers found that they could do better by joining with the rebels in looting civilians in the countryside than by fighting against them.”<sup>54</sup> Across Liberia and Sierra Leone, the war became almost a collaborative enterprise as factions concentrated on victimizing civilians and extracting resources rather than fighting each other.

### 3. *The War Since the Mid-1990s: Liberia, Sierra Leone, and Côte d’Ivoire*

The patterns of international connections among factions, appalling atrocities, and plunder on grand and small scales have held throughout the war. Constant talks during the early 1990s among the Liberian factions produced no agreement until Nigeria, the major contributor to the ECOWAS force, decided to withdraw.<sup>55</sup> Liberians elected Taylor president in 1997, terrified he would take up arms again if he lost.<sup>56</sup> Taylor ruled Liberia as a personal fiefdom, continuing his natural resource extraction business and diverting the state’s minimal resources, mainly revenue from its international registry of ships.<sup>57</sup> Paramilitary security forces repressed opponents as the country’s economic condition grew more and more desperate.<sup>58</sup>

Sierra Leone attracted international attention in January 1999 when RUF fighters swept into the capital, Freetown, torching government buildings and raping and murdering civilians.<sup>59</sup> Under pressure from the United States and the United Kingdom, Sierra Leone’s president signed a peace treaty with the RUF in July 1999. A United Nations peacekeeping force, the United Nations Mission in Sierra Leone (UNAMSIL), was deployed to help disarm the RUF and restore government authority throughout the country. However, the RUF resisted disarmament, refused to withdraw from the diamond areas (and kept mining), and continued to attack civilians. In May and June 2000 its forces humiliated the peacekeepers by capturing and holding 500 of them hostage for weeks. As Part II.A.1 explains in detail, the resulting British military intervention and international pressure on Taylor to end his support for the RUF led to the dissolution of the rebel group and the end of fighting in Sierra Leone.

Meanwhile, Liberian exiles in Guinea organized a group to overthrow Taylor, Liberians United for Reconciliation and Democracy (LURD).<sup>60</sup> By

54. HIRSCH, *supra* note 23, at 36. Hirsch is discussing Sierra Leone, but the same conditions prevailed in Liberia.

55. ELLIS, *supra* note 13, at 94–104; *id.* at 109 (With a truce “Nigeria could officially proclaim that it had succeeded in its mission of pacifying Liberia, and Taylor could become president of Liberia with some show of legitimacy”).

56. A popular campaign song expressed their logic: “He killed my Pa, He killed my Ma, I’ll vote for him.” *Id.*

57. See INT’L CRISIS GROUP, *supra* note 29, at 17–18.

58. See *id.* at 14–16; HUMAN RIGHTS WATCH, 2003 WORLD REP. 48–51 (2003).

59. See generally HUMAN RIGHTS WATCH, SIERRA LEONE: GETTING AWAY WITH MURDER, MUTILATION, AND RAPE (1999).

60. INT’L CRISIS GROUP, *supra* note 29, at 4.

July 2000, its fighters began attacks into Liberia. In September, Taylor sent Liberian government troops, RUF fighters, and Guinean dissidents on a counterattack deep into Guinea. The move backfired. The Guinean army collaborated with LURD to repulse the attack. Guinea began supplying LURD and provided air and artillery support for its subsequent offensive into Liberia, which began the latest phase of war there.<sup>61</sup>

The fighting in Liberia contributed to the outbreak of war in yet another neighbor, Côte d'Ivoire, in September 2002, after a failed coup attempt.<sup>62</sup> Tensions between the northern and southern regions of the country and between the military and President Laurent Gbagbo were partly to blame. However, Taylor, his old ally President Blaise Compaoré of Burkina Faso, and a rogues' gallery of mercenaries from across the region also were implicated.<sup>63</sup> Quick intervention by France halted the fighting, but left the country divided between the government and rebels, who quickly split into several factions. Ivorian government troops allied with LURD fighters clashed with anti-Gbagbo rebels supported by Taylor and Compaoré.<sup>64</sup> Many combatants came from Liberia or Sierra Leone, revealing the existence of a destabilizing pool of fighters ready to participate in any war available.<sup>65</sup> Atrocities were common, repeating the pattern established in Sierra Leone and Liberia.<sup>66</sup> In April 2003 the International Crisis Group summarized the region's fragility: "Sierra Leone's lengthy civil war was a regional crisis that began in Liberia. That regional crisis has not ended, and the threat of further instability, casualties, and chaos is very real as the Liberian conflict becomes increasingly entangled with that in Côte d'Ivoire."<sup>67</sup>

Developments in Liberia since that warning have created an opportunity to end the regional war. Since 2000, Taylor's forces and LURD had pushed each other back and forth, displacing civilians and committing atrocities.<sup>68</sup> LURD had splintered into factions, the largest calling itself Movement for Democracy in Liberia (MODEL).<sup>69</sup> As the war went on, "[d]esertions, low morale caused by forced recruitment, and poor or non-existent pay and training" weakened Taylor's army.<sup>70</sup>

61. *Id.* at 4,5.

62. See INT'L CRISIS GROUP, CÔTE D'IVOIRE: "THE WAR IS NOT YET OVER" (2003).

63. The International Crisis Group has traced the connections most thoroughly. See *id.* at 8–27; INT'L CRISIS GROUP, TACKLING LIBERIA: THE EYE OF THE REGIONAL STORM 14–28 (2003).

64. See INT'L CRISIS GROUP, *supra* note 62, at 8–27.

65. INT'L CRISIS GROUP, TACKLING LIBERIA, *supra* note 63, at 1.

66. Human Rights Watch, "The Regional Crisis and Human Rights Abuses in West Africa: A Briefing Paper to the U.N. Security Council," June 20, 2003. The Ivorian government's recruitment of Liberian mercenaries brought into Côte d'Ivoire "the same patterns of abuses against civilians that had been seen in Liberia. Some of those practices were present already, but the involvement of Liberian fighters intensified them." Telephone Interview with Janet Fleischman, then-Human Rights Watch advocacy director for Africa (Sept. 24, 2003).

67. INT'L CRISIS GROUP, *supra* note 63, at 3.

68. HUMAN RIGHTS WATCH, 2003 WORLD REP. 47 (2003).

69. INT'L CRISIS GROUP, *supra* note 63, at i, 4.

70. *Id.* at 6.

In June 2003, LURD laid siege to Monrovia as MODEL advanced from the east. The military situation and Taylor's indictment by the Special Court for Sierra Leone, announced in June, brought enough pressure to force Taylor to flee to exile in Nigeria in August. The ECOWAS peacekeepers' arrival cleared the way for deliveries of food and medicine to be shipped into Monrovia, and the rebel factions, civil society groups, and representatives of Taylor's old government formed a national unity government. Throughout the fall of 2003, though, rumors persisted that Taylor was trying to influence events from afar, and fighting continued in the rural areas. Whether the ceasefire is the beginning of the long war's end, or just a lull in the regional storm, will depend on the international response.

## II. ENDING WAR AND SUPPORTING RECONSTRUCTION: AN EVOLVED METHOD

This moment presents the best opportunity since the West African war began in 1989 to end it for good. The entire region will remain at risk until the war ends everywhere, forcing fighters to return into civilian life. Permanent stability will depend on Liberia and Sierra Leone addressing the war's causes: failed state institutions and economic misery. International coalitions led by the United Kingdom and France have stopped the fighting in Sierra Leone and Côte d'Ivoire. Reconstruction has begun in Sierra Leone, with the United Kingdom leading international support for such tasks as resettling refugees, retraining the police, and promoting economic development.

Liberia, the last of the three countries, now is ready for international assistance to turn the current lull in fighting into a permanent peace, and to rebuild its state and economy. Since Taylor's resignation and exile, fighting has subsided while factional leaders figure out whether to continue fighting or join the political process. Those loyal to Taylor also are pondering whether he will wield influence from exile or return soon, or whether they now should disregard him in their calculations. If international actors seize this moment in Liberia, as the United Kingdom did in Sierra Leone in 2000, they can increase the attractions of peace and diminish those of war for both warlords and ordinary fighters. They can then snuff out any last flares of violence. Peace will enable Liberians to start a reconstruction process that addresses their country's deeper problems. A serious effort in Liberia and the international interventions in Sierra Leone and Côte d'Ivoire would amount to a comprehensive strategy for moving West Africa toward sustainable peace.

The international community knows how to end wars and support state reconstruction.<sup>71</sup> Since the end of the Cold War, the United Nations; regional organizations such as NATO, the Organization for Security and Co-

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71. This Article examines what *international* actors can do to end wars and support reconstruction. It does not mean to suggest that they have more impact on the success of those processes than local people; generally they do not.

operation in Europe (OSCE), and ECOWAS; and various combinations of states have undertaken major missions to support political and economic reconstruction, often after intervening to end wars. These missions have taken place in Cambodia, Bosnia and Herzegovina, Kosovo, East Timor, Sierra Leone, Afghanistan, and Iraq, and their effectiveness arguably has improved steadily.<sup>72</sup> Academics and policy analysts have produced an extensive literature on international peacekeeping and reconstruction missions, enabling the institutions involved to learn from each mission.<sup>73</sup> At an individual level, the civilians, police officers, and soldiers who move from one mission to another, and the diplomats who set the missions' parameters, also have learned from experience.

Increasingly, one state leads these interventions, providing major military and financial support and mustering contributions to the mission from other states and organizations. The United Kingdom is playing this role in Sierra Leone, as Australia did in East Timor. But this is not unilateralism. The U.N., international financial institutions such as the World Bank, individual states with particular interest in the area, and relevant regional organizations collaborate.<sup>74</sup> In Sierra Leone, the United States, China, and the European Union have provided financial support, and the peacekeeping force, UNAMSIL, includes Nigerians, Pakistanis, Bangladeshis, Ghanaians and others. Portugal may have given as much money for East Timor as Australia has; New Zealand, Pakistan, South Korea, Thailand, and others sent soldiers for the peacekeeping force; and dozens of governments lent staff to the U.N. reconstruction mission.<sup>75</sup>

International intervention in Liberia should be guided by these other missions' experience. This Part lays out the approach they have taken. It pays particular attention to Sierra Leone, because the problems the international community has confronted there—corruption, political exclusion, lack of economic opportunity, and plundering warlords and leaders—are both

72. See, e.g., Fareed Zakaria, *Take the Lead in Liberia*, WASH. POST, Aug. 12, 2003, at A13 (stating that "the United Nations has become increasingly skilled at nation-building"). The Iraq reconstruction, following a military intervention that lacked broad international support, may be an exception to the pattern of improvement. Probably no analyst of these missions would dispute that even the best have much room for improvement.

73. See, e.g., *Report of the Panel on United Nations Peace Operations*, U.N. Doc. A/55/305-S/2000/809 (2000); William J. Durch, *Picking Up the Peaces: The U.N.'s Evolving Postconflict Roles*, WASH. Q., Autumn 2003, at 195; RAY SALVATORE JENNINGS, *THE ROAD AHEAD: LESSONS IN NATION BUILDING FROM JAPAN, GERMANY, AND AFGHANISTAN FOR POSTWAR IRAQ* (2003); UNITED STATES INSTITUTE OF PEACE, *SPECIAL REPORT, BOSNIA'S NEXT FIVE YEARS: DAYTON AND BEYOND* (2000); INT'L CRISIS GROUP, *SIERRA LEONE: THE STATE OF SECURITY AND GOVERNANCE* (2003); see generally INT'L CRISIS GROUP, reports on Bosnia since 1996 and Kosovo since 1998, available at <http://www.crisisweb.org> (last visited Nov. 15, 2003).

74. This is not to suggest that the collaboration is always smooth—international interventions are complex and still new. The various states and institutions involved work together more effectively, but there remains plenty of room for improvement.

75. HUMAN RIGHTS WATCH, *2002 WORLD REPORT* 219 (2002); Report of the Secretary-General on the United Nations Transitional Administration in East Timor (for the period July 27, 2000 to January 16, 2001), U.N. Doc. S/2001/42 (2001), at 8.

similar to, and closely linked with, those it faces in Liberia. Having tried and refined its approach to a West African failed state in Sierra Leone, the international community now has a model for intervention in Liberia, albeit one that will require adjustments for local circumstances. All components of the international approach are interdependent—reform of state institutions and economic development cannot begin until fighting ends, but only reconstruction and development can prevent war's recurrence—but this Part divides them for clarity into initiatives for ending war (Section A) and for supporting reconstruction (Section B).

### A. *Ending War*

International interventions are most successful in ending wars when they recognize the related imperatives of stopping fighting, keeping and consolidating the peace, and ensuring that individual actors who fueled the war do not cause it to break out again.

#### 1. *Stopping Fighting*

U.N. peacekeeping operations generally lack the military strength, coordination, and mandate to defeat one side in a war decisively. The international community has ended wars in Bosnia, East Timor, and Sierra Leone through a two-pronged strategy. First, major powers have pressed the sponsors of warring factions to end their support, and, where necessary, backed this pressure up with sanctions imposed by the U.N. Security Council. Second, a major power has crushed one of the fighting factions militarily at a moment when the faction has weakened, often as a result of losing outside sponsorship. For example, after sanctions weakened Serbia's support for the Bosnian Serbs, NATO bombing raids and a Croatian offensive made clear to leaders of the Bosnian Serb army that negotiation at Dayton was a better option than continued fighting. In East Timor, atrocities by anti-independence militias attracted diplomatic attention after the territory's vote for independence in 1999. Intense pressure on the Indonesian government forced it to withdraw its troops, which were aiding the militias. Many militia members fled to Indonesia, and an Australian-led force landed and disarmed those who remained.<sup>76</sup>

In Sierra Leone, the ECOWAS force tried unsuccessfully to defeat the RUF throughout the 1990s. Only when the RUF took U.N. peacekeepers hostage in May 2000 did the United Kingdom and the United States take decisive action.<sup>77</sup> They started with the RUF's external sponsor, Taylor. U.S.

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76. IAN MARTIN, SELF-DETERMINATION FOR EAST TIMOR: THE UNITED NATIONS, THE BALLOT, AND INTERNATIONAL INTERVENTION 103–16 (2001).

77. Their concern was not with Sierra Leone in particular. Rather, as a U.S. official working on Africa says, the hostage-taking “raised Sierra Leone on the agenda because [the RUF was] threatening African peacekeeping missions generally.” Telephone Interview (Sept. 24, 2003); *accord* Telephone Interview with Janet Fleischman, then-Human Rights Watch advocacy director for Africa (Sept. 24, 2003).

Undersecretary of State Thomas Pickering flew to Monrovia in July 2000 to demand that Charles Taylor end his support for the RUF.<sup>78</sup> After a U.N. panel of experts documented that support in detail, the Security Council, led by the United States and the United Kingdom, took up the demand and backed it with a ban on international travel by Taylor and his supporters and an embargo on the sale of diamonds coming from Liberia.<sup>79</sup> (Taylor and the RUF derived much of their income from diamonds mined in Sierra Leone and exported to the world market through Liberia.) In March 2001, Taylor announced his “total disengagement” from the RUF.<sup>80</sup> Although he fell short of full compliance with the Security Council’s requirements, and sanctions therefore remained in place, analysts believe the sanctions resulted in Taylor either reducing aid or pressing the RUF to make peace.<sup>81</sup>

In the meantime, the RUF was losing military strength.<sup>82</sup> Arrests of RUF commanders in May 2000, after the rebels broke the ceasefire, had deprived the group of important battlefield leaders. In September 2000 they suffered heavy casualties during the failed invasion of Guinea in pursuit of LURD.<sup>83</sup>

British military intervention hastened the RUF’s demise. The United Kingdom deployed over a thousand troops to Sierra Leone in 2000, first to defend Freetown against an RUF advance in May, then to train the Sierra Leone Army. After one of the most feared rebel factions took eleven British soldiers hostage, their compatriots rescued them and annihilated the faction on September 10.<sup>84</sup> The British built on that show of force by waging an “extraordinary campaign of intimidation” against the RUF in late 2000 and early 2001, involving “military convoys and deployments, fly-bys of RUF bases by Harrier jets and combat helicopters, and demonstrations of naval artillery power.”<sup>85</sup> These actions showed the RUF that the British would not tolerate further violations of the ceasefire, including attacks on UNAMSIL peacekeepers.<sup>86</sup> U.K. military back-up gave the peacekeepers authority to stop rebel attacks on civilians and plundering across the country.

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78. *United States Policy in Sierra Leone, Hearing Before the Subcomm. on African Affairs of the Senate Comm. on Foreign Relations*, 106th Cong. 4–7 (2000) (testimony of Hon. Susan E. Rice, Assistant Sec’y of State for African Affairs).

79. S.C. Res. 1343, U.N. SCOR, 56th Sess., 4287th mtg. ¶ 2, U.N. Doc. S/RES/1343 (2001); *see also 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 (2000). Resolution 1343, enacted under Chapter VII of the U.N. Charter, ordered the Liberian government to expel all RUF members from Liberia; prohibit RUF activities on Liberian territory; end all financial and military support for the group, including arms transfers; freeze RUF funds; and stop the import of Sierra Leone diamonds other than those certified by the government.

80. INT’L CRISIS GROUP, *SIERRA LEONE: MANAGING UNCERTAINTY 2* (2001).

81. *See id.* at 12.

82. *Id.* at 2.

83. INT’L CRISIS GROUP, *supra* note 29, at 5.

84. HIRSCH, *supra* note 23, at 133.

85. INT’L CRISIS GROUP, *supra* note 80, at 2.

86. *Id.*

With their group overmatched by the British, RUF fighters turned their weapons over to UNAMSIL and entered the government's demobilization, disarmament, and reintegration (DDR) program. RUF members, like the fighters in Liberia, were fighting for subsistence, not for a cause; when they could no longer pillage, their weapons were useless. Each unit that deserted left the others more vulnerable. RUF attacks declined steadily during 2001 and ended by December. By then UNAMSIL had reached full strength, and its 17,500 well-armed troops, deployed across Sierra Leone, could deter flare-ups throughout the country.<sup>87</sup>

Liberia now resembles Sierra Leone in 2000. Forces loyal to Charles Taylor are in disarray and the government of Guinea is under pressure to stop supplying LURD.<sup>88</sup> The combination of the new U.N. peacekeeping force and military backup from the United States would make demobilization attractive to fighters, triggering a cycle of desertion that would cause the war to peter out.

## 2. *Keeping and Consolidating the Peace*

Preventing fighting from recurring requires an array of initiatives. Every recent international mission to end a war has included an international force to deter renewed fighting as well as a DDR program for former fighters.<sup>89</sup> Sierra Leone has benefited from three additional initiatives: a strong military force available to provide back-up to the peacekeeping force; restructuring and retraining of the army; and a program to prevent the illegal exports of natural resources that funded the war. Each of these should be employed in Liberia.

In Bosnia, Kosovo, East Timor, Sierra Leone, and Afghanistan, a large peacekeeping force either under the command of or sanctioned by the United Nations has remained on the ground for at least two years after the end of fighting. Factions will not demobilize their fighters and hand in their weapons—a key step in solidifying the peace—without the protection from their rivals that a peacekeeping force can provide. In Sierra Leone, UNAMSIL troops comprised of forces loaned by thirty-three countries<sup>90</sup> have deterred ex-combatants from rearming, prevented fighting in Liberia from spilling into Sierra Leone, and quelled an attempted coup in January 2003.<sup>91</sup>

87. See INT'L CRISIS GROUP, *SIERRA LEONE: RIPE FOR ELECTIONS?* 1 (2001).

88. See S.C. Res. 1509, at ¶ 13, U.N. Doc. S/RES/1590 (2003) (demanding that neighboring states cease support for armed groups in Liberia).

89. See generally ANDREAS HEINEMANN-GRÜDER ET AL., *TURNING SOLDIERS INTO A WORK FORCE: DEMOBILIZATION AND REINTEGRATION IN POST-DAYTON BOSNIA AND HERZEGOVINA* (2003); ANDREAS HEINEMANN-GRÜDER ET AL., *WAG THE DOG: THE MOBILIZATION AND DEMOBILIZATION OF THE KOSOVO LIBERATION ARMY* 19–26 (2001); *Report of the Secretary-General, supra* note 75, at 4 (East Timor); INT'L CRISIS GROUP, *SIERRA LEONE AFTER THE ELECTIONS: POLITICS AS USUAL?* 13–14 (2002); INT'L CRISIS GROUP, *DISARMAMENT AND REINTEGRATION IN AFGHANISTAN* (2003).

90. UNITED NATIONS, *UNAMSIL: FACTS AND FIGURES* (2003), available at <http://www.un.org/Depts/dpko/missions/UNAMSIL/facts.html> (last visited Nov. 17, 2003).

91. See INT'L CRISIS GROUP, *SIERRA LEONE: THE STATE OF SECURITY AND GOVERNANCE* 1, 6–7



DDR programs collect fighters' weapons, house the fighters in cantonment camps for a few months while they adjust to not being able to loot and steal, and help them return to civilian life. Peacekeepers often play an important role, guarding or destroying the weapons collected and supervising cantonment camps. Reintegration projects, invariably internationally funded, give fighters cash grants, job training, and sometimes jobs.

The United Kingdom's readiness to intervene militarily and provide back-up to UNAMSIL in Sierra Leone has strengthened the peace there even after most British troops withdrew in July 2002. The U.K. government's frequent reiteration and demonstration of this commitment have been key to its effectiveness. For example, in February 2003, just after the attempted coup, three-hundred elite soldiers and a Royal Navy ship spent several weeks in Sierra Leone. Their purpose, according to the Minister of Defense, was to demonstrate the United Kingdom's "ability to conduct such deployments rapidly and at short notice."<sup>92</sup> Without undertaking any combat, the British soldiers showed any Sierra Leonean ex-combatants thinking of taking up arms again that one of the world's strongest militaries would oppose them.

In countries whose armed forces are militarily weak or prone to disloyalty or corruption, internationally supported military reform can reduce the chances of war recurring. In Sierra Leone and Liberia, the army failed to stop insurgents because its troops were badly trained and equipped and its commanders preferred pillaging under the cover of war to fighting. At the Sierra Leonean government's request, roughly 130 British, American, Australian, and Canadian soldiers have occupied key command positions in the Sierra Leone Army since 1999.<sup>93</sup> This International Military Advisory and Training Team (IMATT) has restructured the army, trained over 14,000 Sierra Leonean soldiers in combat techniques and professionalism, and begun overhauling the court martial system.<sup>94</sup> Analysts credit IMATT with reducing corruption and improving military effectiveness.<sup>95</sup>

In both Sierra Leone and Liberia, consolidating peace requires coordinated international attention to trade in natural resources that fueled the conflict. The West African war brought to public attention the problem of "conflict

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(2003).

92. Richard Norton-Taylor, *Gurkhas Sent to Sierra Leone*, GUARDIAN, Feb. 21, 2003, at 17.

93. See Human Rights Watch, *supra* note 40, at 7. The vast majority of the soldiers are British. To some this may look like neocolonialism. International reconstruction missions can intrude on national sovereignty and displace indigenous actors. How they do so and whether they should are important and complex questions that lie beyond the scope of this Article. It may be worth noting that Sierra Leoneans freely criticized many aspects of international assistance to the author during the year he lived in Sierra Leone (2002-2003), including the behavior of U.N. peacekeepers, but none objected to IMATT's presence or work. Considering the Sierra Leone Army's performance during the war and the British role in making peace, many Sierra Leoneans may feel safer with foreign officers in charge.

94. HUMAN RIGHTS WATCH, 2003 WORLD REPORT 73 (2003).

95. See, e.g., INT'L CRISIS GROUP, SIERRA LEONE, *supra* note 91, at 6; HUMAN RIGHTS WATCH, *supra* note 40, at 1, 7 (crediting, among other things, "British-led efforts to rehabilitate" the army and police with "dramatic improvements in prospects for peace, security, and respect for human rights").

diamonds”—illegally mined gems used to finance war.<sup>96</sup> Through the “Kimberley Process,” governments, nongovernmental organizations (NGOs), and companies concerned with the diamond trade are establishing licensing schemes to prevent non-state actors, most importantly warlords, from trading diamonds on the world market.<sup>97</sup> The United Nations and the United States also are helping Sierra Leone’s government tighten control of diamond mining to deny potential rebels a source of funds and to raise revenues by taxing diamond exports.<sup>98</sup> Liberia will need to control exploitation of natural resources that fueled the conflict there, such as timber and rubber, and may need international cooperation to do so.

### 3. Neutralizing Key Predators

Ending wars often requires persuading or forcing predators who benefit from them to stop supporting fighting factions. The West African war illustrates how warlords and politicians can profit from war. Diplomatic pressure and targeted sanctions (such as travel bans on them, their families, and close associates) can dissuade such people from disrupting a newly attained peace in the short-term, but persistent spoilers may need to be removed permanently through prosecution and imprisonment. The international community is just beginning to recognize this aspect of ending wars, which is especially relevant in Liberia.

The Special Court for Sierra Leone is explicitly mandated to pursue people who fueled the war it has jurisdiction to try “those who bear the greatest responsibility” for war crimes and crimes against humanity, including “those leaders who, in committing such crimes, have threatened the establishment of and implementation of the peace process.”<sup>99</sup> The Special Court’s prosecutor must, of course, indict only people responsible for the specific offenses over which the court has jurisdiction, mainly war crimes and crimes against humanity.<sup>100</sup> However, the prosecutor should weigh particular individuals’ contribution to the continuation of the war, as well as to particular atrocities, in deciding whom to indict.

This is an important innovation in international criminal justice.<sup>101</sup> Internationally supported prosecutions can be designed not just as vehicles for justice, but also as strategic instruments for making peace sustainable. The

96. See, e.g., *DIE ANOTHER DAY* (Metro-Goldwyn-Mayer 2002) (James Bond concludes that villain Gustav Graves is “laundering African conflict diamonds”).

97. Alan Cowell, *40 Nations in Accord on “Conflict Diamonds,”* N.Y. TIMES, Nov. 6, 2002, at A6.

98. See INT’L CRISIS GROUP, *supra* note 91, at 25–28; *Nineteenth Report of the Secretary-General on the United Nations Mission in Sierra Leone*, U.N. Doc. S/2003/863 (2003), at ¶¶ 30–31.

99. STATUTE OF THE SPECIAL COURT FOR SIERRA LEONE art. 1.

100. See *id.* at arts. 2–5.

101. The Special Court is international in that it is a “hybrid” tribunal created by a treaty between the Sierra Leonean government and the United Nations, with international staff and financial support from foreign governments. See generally Special Court for Sierra Leone, at <http://www.sc-sl.org> (last visited Nov. 15, 2003).

Special Court, and other post-conflict tribunals, can both prevent the individuals most responsible for the conflict from taking up arms again, by imprisoning them, and deter others who might be tempted to do so.<sup>102</sup>

The Special Court's indictment of Charles Taylor may already have boosted Liberia's prospects for peace by hastening his departure from power. As Part III.C will explain, Taylor continues to threaten the peace from exile in Nigeria. Since only trial and imprisonment will end his influence, the Nigerian government should turn him over to the Special Court.<sup>103</sup> Other warlords remain in Liberia, though. If they disrupt the peace process, prosecution by the International Criminal Court, a new tribunal like the Special Court, or a foreign court exercising universal jurisdiction may be an effective and legitimate way to curb their power, and an important part of the international effort to end the war.

### *B. Reconstructing State and Economy*

Liberia's peace will not hold if the conflict's roots go unaddressed. The international reconstruction effort will need to take on four tasks that also have been part of reconstruction programs in Bosnia, Kosovo, East Timor, Sierra Leone, and Afghanistan: facilitating the return of refugees and internally displaced persons (IDPs), rebuilding the state, encouraging good governance, and supporting development.

#### *1. Facilitating the Return of Refugees and IDPs*

Long, brutal conflicts create tens and often hundreds of thousands of refugees and IDPs. During many conflicts, including the West African war, a large proportion of IDPs spend years away from their homes and lose all of their possessions. Helping them begin to reconstruct their lives is a necessary component of post-war rebuilding. Staff of the United Nations High Commissioner for Refugees (UNHCR) and various NGOs transport refugees and IDPs back to their communities and help them rebuild homes, plant crops, and find work. The process can take several years: some refugees and IDPs return immediately once conflict ends, while others remain in camps or relatives' homes to see if peace holds. Liberia's reconstruction certainly will require the UNHCR and NGO programs for supporting refugee and IDP return.

#### *2. Rebuilding the State*

The breakdown of state institutions in Liberia and Sierra Leone was a primary cause of the West African war. The state's inability to deliver services or provide a transparent business environment contributed to economic

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102. These two effects correspond to the criminal law concepts of specific and general deterrence.

103. The evidence of Taylor's involvement in the war in Sierra Leone and responsibility for atrocities is overwhelming and he almost certainly would be convicted.

stagnation that fed popular anger at the status quo. The two countries' armies could not defeat rebels and instead joined their looting. Missions in Bosnia, Kosovo, East Timor, and Afghanistan, as well as Sierra Leone, have worked to rebuild state structures, recognizing that peace cannot last without them. Foreigners have only modest ability to influence the direction and pace of reform, but careful intervention can crucially strengthen progressive local forces. International assistance to Sierra Leone's police force, civilian ministries, and legal system suggests the sorts of aid Liberia's institutions may receive.<sup>104</sup>

A competent, apolitical police force is essential to maintaining civil order; international funds and trainers can contribute to reform. Police officers from around the world attached to UNAMSIL are retraining Sierra Leone's police. The Commonwealth, an association of former British colonies and the United Kingdom, also has sent trainers. The U.K. Department for International Development (DFID) has bought communications equipment and vehicles and constructed stations and barracks. Progress has been slow—the police remain “under-equipped, understaffed, and under-trained” and spread too thin in much of the country<sup>105</sup>—but perceptible.<sup>106</sup>

In Sierra Leone, Liberia, and other failed states, government administration is almost a fiction. Civil servants spend their days literally shuffling papers and are paid little and sporadically. They lack both equipment, such as vehicles and computers, and any sense that their work can benefit the country or their fellow citizens. Reform requires changing bureaucratic culture, upgrading skills, designing new systems, and improving working conditions. International funding, advisers, and pressure on politicians for progress can speed reform. In Sierra Leone, for example, a DFID economist has worked closely with the Ministry of Finance to improve its management of the national budget.<sup>107</sup> The World Bank, United Kingdom, and European Union are funding most of the Sierra Leone government's budget while it improves tax collection, and the tax base grows as the economy recovers.<sup>108</sup>

International funds and advice also can support the development of a strong and independent judiciary. Dictators in both Liberia and Sierra Leone have intimidated judges and starved them of resources for decades. During the war, courts were unable to operate in most rural areas and court buildings and records were destroyed.<sup>109</sup> Foreign aid can be used to rebuild court-

104. Progress has been slow in Sierra Leone and will take years in Liberia, too. For a detailed critique of the progress of reform in Sierra Leone and the international contribution, see INT'L CRISIS GROUP, *supra* note 73, at 8–10.

105. INT'L CRISIS GROUP, *supra* note 104, at 5 (2003).

106. See Human Rights Watch, *supra* note 40, at 8.

107. On the issues of national sovereignty such arrangements raise, see *supra* note 93.

108. In 2002, external financing, most of it donations rather than loans, covered 58% of government spending. *Eighteenth Report of the Secretary-General on the United Nations Mission in Sierra Leone*, at ¶ 15, U.N. Doc. S/2003/663 (2003) (reporting net external financing of government spending as 17% of GDP and total government spending as 29% of GDP).

109. See Human Rights Watch, *supra* note 40, at 5 (stating that Sierra Leone's legal system “all but

houses, buy equipment, and pay salaries. In Sierra Leone, DFID and non-governmental donors have provided advisers and money to update laws that are decades, in some cases a century, old.<sup>110</sup> As the next Subsection explains, reducing corruption and increasing judicial independence involve deeper reform in which outsiders can play a limited but valuable role.

### 3. *Improving Governance*

The West African war was caused largely by elite monopolization of power, repression of dissent, officially sponsored discrimination, and corruption in Liberia and Sierra Leone. That “good governance” is a necessary condition for recovery and long-term stability is a truism of international reconstruction efforts. Most broadly, the term refers to lack of corruption; respect for human rights; participatory, democratic government; and efficient government administration. Cultivating these institutions may prove the most difficult aspect of rebuilding Liberia’s failed state. Reform will depend mostly on local actors, but outsiders can support NGOs and other advocates of change with funding, training, and ideas. International institutions and foreign governments also often have more power than local reformers to apply pressure to the local political elite.<sup>111</sup> This Subsection provides examples of such support.

Bribery and the diversion of public resources to private use have become normal governmental practice in Liberia and Sierra Leone. It may take years to convince politicians, civil servants, and judges that they will be held accountable for corruption, and to persuade citizens that they need not tolerate it. A recent study of Sierra Leone concluded:

Corruption needs to be tackled aggressively, but even punishing the corrupt will not change a system based on patronage that tends to reinforce opportunities and incentives for bad practices. Only extensive institutional reform and social education can make a difference[, but] government [should] begin the process.<sup>112</sup>

In Liberia as well as Sierra Leone, local politicians are likely to punish or remove corrupt colleagues and bureaucrats only under pressure from foreign governments and international institutions. In Sierra Leone, for example, the U.S. Ambassador has publicly criticized some “current leaders” who are per-

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collapsed”); U.S. DEP’T OF STATE, 2002 COUNTRY REP. ON HUMAN RIGHTS PRACTICES: LIBERIA § 1.e. (2003).

110. These initiatives have made only slow progress, largely because the Sierra Leonean public interest lawyers interested in law reform are stretched thin.

111. Political and legal reform is slow and complex. The Democracy and Rule of Law Program at the Carnegie Endowment for International Peace has produced the most insightful and sophisticated analysis of how international actors can—and cannot—support it. See [http://www.ceip.org/files/projects/drl/drl\\_home.asp](http://www.ceip.org/files/projects/drl/drl_home.asp) (last visited Nov. 15, 2003).

112. INT’L CRISIS GROUP, *supra* note 104, at 19.

petuating “bad governance, corruption, and a lack of respect for the rule of law.”<sup>113</sup> The United Kingdom persuaded the Sierra Leonean government to create an Anti-Corruption Commission to raise public awareness and investigate and prosecute wrongdoers and has provided most of its funding.

Democratic politics can channel popular grievances into the political system, induce leaders to broaden the distribution of the benefits of a country’s wealth, and give ordinary people a stake in the state’s stability. Democracy faces many obstacles in countries as troubled as Liberia and Sierra Leone, and foreigners often overestimate their ability to hasten democratic change.<sup>114</sup> They can help, though, by pressing politicians for democratic reforms and supporting local individuals and groups that advocate change.

Transforming a political system with the trappings of democracy, such as elections, into one that actually functions democratically requires a citizenry that holds government officials accountable. In societies where ordinary people feel resigned to abuses by the powerful—such as Liberia and Sierra Leone—investigations of wartime wrongdoing by internationally supported courts and truth commissions can begin to undermine this culture of impunity. Sierra Leone’s Special Court, for example, will force some of the country’s most powerful figures to answer for their actions during the war. This spectacle may spur a public resigned to abuses by the powerful to hold politicians accountable for less bloody malfeasance, such as corruption and incompetence.<sup>115</sup>

Outsiders advocating good governance encounter resistance from many of those in power, who benefit from the status quo. Many politicians in Sierra Leone and Liberia, as well as elsewhere, grow wealthy from corruption and maintain their positions by manipulating democratic processes. Foreign initiatives send professors and political operatives to train judges and legislators, but fail to reduce corruption or enhance responsiveness to citizens because they do not address the lack of citizen oversight and motivation for reform.<sup>116</sup> Outside pressure has little effect unless it is backed by concrete measures, such as the denial of a visa to the spouse of a corrupt politician. Money speaks even louder. A bilateral development agency such as DFID can withdraw funding for a project in the president’s hometown. The United Kingdom has tied its aid to Sierra Leone to specific steps in fighting corruption.<sup>117</sup>

113. Ambassador Peter R. Chaveas, “Remarks at the Opening of the Homecoming Summit,” Dec. 30, 2002, available at <http://freetown.usembassy.gov> (last visited Nov. 15, 2003).

114. See generally THOMAS CAROTHERS, *AIDING DEMOCRACY ABROAD: THE LEARNING CURVE* (1999).

115. See INT’L CRISIS GROUP, *THE SPECIAL COURT FOR SIERRA LEONE: PROMISES AND PITFALLS OF A “NEW MODEL”* 19 (2003) (citing one analyst’s view “that in a society and political system where impunity [for corruption and human rights abuses] has been the norm, the Special Court will go some way toward ensuring that in the future the ‘big men’ are forced to account for their behavior in front of a judge, even if ultimately found innocent”).

116. See CAROTHERS, *supra* note 114, at 105–08.

117. U.K. DEP’T FOR INT’L DEV., *A LONG-TERM PARTNERSHIP FOR DEVELOPMENT* (2003).

Enhancing democracy, the rule of law, respect for human rights, and efficiency in government administration may be the most difficult aspect of Liberia's reconstruction. Countries and international institutions working to rebuild Liberia will need to support local reformers and pressure their opponents consistently and for a long period.

#### 4. *Supporting Development*

The final component of international reconstruction efforts is development aid. Long-term stability in Liberia will require economic progress: there and in Sierra Leone economic frustration helped make young people receptive to warlords' rhetoric of radical, violent change and view pillage as their only economic opportunity. International development assistance is a broad category, covering the physical rebuilding of medical clinics and schools, the provision of microcredit to stimulate small business growth, job training, and increasing agricultural productivity. The major players include multilateral institutions such as the World Bank and United Nations Development Program, government donors such as DFID, and the U.S. Agency for International Development (USAID), in addition to thousands of NGOs.

In Sierra Leone, DFID has helped coordinate support for development projects from the World Bank, other international institutions, and other national development agencies, and has provided major funding itself. If the United States led the international reconstruction effort in Liberia, USAID would play an analogous role.

Liberia, like Sierra Leone and other failed states, has broken down almost comprehensively. State institutions have disintegrated. A small cabal runs the country for its own benefit, allowing only nominal democracy. The economy is a disaster and much of the population remains desperately poor. The vast majority lack access to even basic education and healthcare. The country is flooded with arms and young men whose only work experience is as fighters. Even first steps toward recovery—such as the return of refugees and reconstruction of buildings—will take years.

Progress is possible, though. Bosnia, Kosovo, East Timor, and Sierra Leone have grown more stable and prosperous since fighting ended, and their populations are healthier, better educated, and, everywhere but perhaps Kosovo, more unified despite the horrors of the past. In absolute terms, perhaps none is in *good* shape, but all are doing *better* as a result of intense international investment and local people's efforts to take advantage of it.

### III. ESSENTIAL TO SUCCESS: THE U.S. ROLE IN THE INTERNATIONAL EFFORT IN LIBERIA

Ending the West African war permanently will require a comprehensive approach in Liberia similar to that taken in Bosnia, Kosovo, East Timor, and Sierra Leone. The United Nations, other international institutions, and individual governments involved will need to tailor their approach to Liberia's

particular circumstances. But the British-led international effort in Sierra Leone provides a model designed to cope with issues very similar to and intertwined with Liberia's, and a preview of issues that arise in implementing it. This is an advantage that no international reconstruction mission before Liberia's has had.

The United Nations has put forward an ambitious plan along these lines, to be implemented in part by UNMIL. Without the United States working with it in a major role, however, UNMIL is likely to be no more successful than UNAMSIL or the earlier ECOWAS force in Sierra Leone before Britain intervened there. This Part describes and critiques the nascent international peacemaking and reconstruction effort in Liberia. Section A summarizes U.N. Security Council Resolution 1509, which sets forth the plan and UNMIL's intended role. Section B identifies the serious threats it faces without significant U.S. involvement. Section C explains how U.S. leadership would dramatically improve prospects for a sustained peace while costing the United States little in military, economic, and political terms.

#### A. Plans for the International Mission

The international intervention in Liberia will consist of UNMIL, charged with both peacekeeping and reconstruction tasks, and an array of programs run and funded by individual governments and intergovernmental entities such as the World Bank and the European Union.<sup>118</sup> Five months after the ceasefire, as this Article went to press, it remained uncertain whether UNMIL would receive the military resources, money, and civilian personnel it would need to fulfill its mandate, and few donors had announced significant contributions to reconstruction. The history of earlier interventions suggests that Liberia will become a priority only if one country steps forward to lead, making major contributions and lobbying others to do the same.

Security Council Resolution 1509, passed on September 19, 2003, outlined a program for ending the war and supporting reconstruction in Liberia that closely tracked the approach taken in Sierra Leone.<sup>119</sup> Resolution 1509 created UNMIL and asked U.N. member states to send 15,000 soldiers, 1115 police officers, and an "appropriate" number of civilians to staff it.<sup>120</sup> It directed UNMIL to support implementation of the ceasefire between the government and rebels and to create and run a demobilization, disarmament, and reintegration program.<sup>121</sup> UNMIL will protect key government

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118. Many discussions of similar international reconstruction efforts in other places refer to the United Nations mission only. Analyses of such efforts need to consider the work of intergovernmental organizations and individual governments, as well as the NGOs that often implement those funders' programs.

119. S.C. Res. 1509, at ¶¶ 3(a)–(g), U.N. Doc. S/RES/1590 (2003); *see also* Security Council Can Do What is Just and Right for Liberia, Special Representative Says in Urging U.N. Force, United Nations Press Release, Sept. 17, 2003, 2003 WL 63732925.

120. S.C. Res. 1509, *supra* note 119, at ¶ 1.

121. *Id.* at ¶¶ 3(a), 3(f)–(g).



installations; U.N. staff and facilities; and, “within its capabilities,” civilians “under imminent threat of physical violence.”<sup>122</sup> Its troops also will “help to establish the necessary security conditions” for humanitarian relief.<sup>123</sup>

The Security Council recognized that merely stopping the fighting would not stabilize Liberia. It directed UNMIL to contribute to human rights protection, police training and reform, the restructuring of Liberia’s army, the re-establishment of functioning government administration, reform of the legal system, improvement in the administration of natural resources, and preparation for elections by 2005.<sup>124</sup> These programs have not been developed, and how they will be funded and staffed is unclear—the United Nations has never undertaken all these tasks without major assistance from regional organizations or individual states.<sup>125</sup>

The Security Council did not envision that UNMIL would achieve all this alone. The plan in Resolution 1509 included tasks not allocated to UNMIL. It suggested that ECOWAS, international organizations, and “interested states” should undertake them. The Security Council “encourage[d]” UNMIL to assist in the return of refugees and IDPs, “call[ed] on the international community to consider how it might help future economic development in Liberia aimed at achieving long-term stability,” and “call[ed] on the international donor community” to support the DDR program.<sup>126</sup>

The international intervention has begun, but Resolution 1509 remains largely a paper plan. Many international relief NGOs have set up operations in Liberia since July, as have the U.N. World Food Program and High Commissioner for Refugees. An ECOWAS force was deployed to Monrovia in early August 2003 to separate the rebels and government forces and to facilitate the flow of humanitarian aid. Its members were placed under UNMIL command on October 1, 2003. New battalions will bring UNMIL’s peacekeeping component to full strength in early 2004.

## B. UNMIL’s Prospects Without the United States

### 1. UNMIL’s Weakness

The United States’ current reluctance to play a significant role in Liberia endangers the international effort in three ways. First, a peacekeeping force alone cannot quell the continuing skirmishes and deter the outbreak of more full-scale fighting. If LURD, MODEL, army generals still loyal to Taylor, or,

122. *Id.* at ¶¶ 3(i)–(j).

123. *Id.* at ¶ 3(k).

124. *Id.* at ¶¶ 3(l), 3(n)–(s).

125. The closest the United Nations has come to sole responsibility for a major reconstruction effort was in East Timor between 1999 and 2002; the leading country, Australia, channeled most of its support through U.N. structures. In Bosnia and Kosovo, by contrast, the Organization for Security and Cooperation in Europe has taken responsibility for areas such as developing political institutions, protecting human rights, reconstructing the judiciary, and establishing government administration.

126. S.C. Res. 1509, *supra* note 119, at ¶¶ 6, 15, 18.

most likely, ambitious unit commanders willing to split off as a new faction grow dissatisfied with the benefits flowing from the peace process (cabinet positions, business prospects, reintegration benefits), they could restart the war with little fear of consequences. Second, states and international organizations will not provide enough money and personnel for the reconstruction effort in Liberia unless a major state takes the lead and invests financial and diplomatic resources to make it work. Third, Charles Taylor will remain a threat to peace unless powerful states persuade Nigeria to turn him over to the Special Court for Sierra Leone.

Government and rebel troops have stopped fighting in Monrovia, but continue to clash elsewhere. By the end of 2003 rebels still controlled most of the country and peacekeepers had reached only a small portion of the country.<sup>127</sup> Most of Liberia was too dangerous for refugees to return, a U.N. official stated.<sup>128</sup> Both they and forces loyal to Taylor reportedly still were victimizing civilians.<sup>129</sup> Without a strong international force to deter them, the warlords can gain political and economic concessions in the peace process in exchange for disarmament, knowing their threat to return to war is credible. In late October 2003, for example, LURD threatened to pull out of the new, power-sharing administration.<sup>130</sup>

Without back-up from a major power, UNMIL lacks the military strength to end the fighting through direct military action or intimidation. ECOWAS troops, mostly Nigerians who also comprise the bulk of UNMIL so far, were unable to defeat Sierra Leonean and Liberian factions in the early 1990s. In Sierra Leone, the combination of British intimidation and UNAMSIL's deployment around the country, with the British ready to reinforce it, motivated RUF fighters to disarm peacefully. Currently, UNMIL has no such backup and resembles the ill-fated ECOWAS forces in Liberia and Sierra Leone in the 1990s and UNAMSIL before the British army arrived.<sup>131</sup> In late December, for example, LURD blocked UNMIL's deployment outside Monrovia on the grounds that they "had not been consulted"; such weakness bodes ill should UNMIL face more forceful opposition.<sup>132</sup>

The second major problem the international reconstruction effort is likely to face is a shortage of funding and experts. Dozens of crisis areas in the

127. *Liberia Peace Force Reaches Rebel Towns*, BBC NEWS, Dec. 31, 2003, available at <http://news.bbc.co.uk/2/hi/africa/3359741.stm> (last visited Nov. 15, 2003).

128. *Liberia "Not Safe for Refugees"*, BBC NEWS, Dec. 30, 2003, available at <http://news.bbc.co.uk/2/hi/africa/3356187.stm> (last visited Nov. 15, 2003).

129. *Liberia's Rural Reign of Terror*, BBC NEWS, Oct. 29, 2003, available at <http://news.bbc.co.uk/2/hi/africa/3224177.stm> (last visited Nov. 15, 2003).

130. *Liberia Rebels in Pull-Out Threat*, BBC NEWS, Oct. 24, 2003, available at <http://bbc.co.uk/go/pr/fr/-/2/hi/africa/3211287.stm> (last visited Nov. 15, 2003).

131. A former U.N. human rights officer who worked in Liberia during the early 1990s has written, "Regional peacekeeping [by West African troops] may eventually work in Liberia—but it's not likely to work overnight and without American support." Kenneth L. Cain, *Send In The Marines*, N.Y. TIMES, Aug. 8, 2003, at A17.

132. *UN Warns Liberian Rebel Grouping*, BBC NEWS, Dec. 27, 2003, available at <http://news.bbc.co.uk/2/hi/africa/3351377.stm> (last visited Nov. 15, 2003).

world claim donors' resources, and intergovernmental organizations. Governments direct their funds and staff to the missions they consider most important and most likely to succeed. A major power needs to signal that Liberia is a priority by providing experts and funding, and by encouraging other countries to do the same. According to former Assistant Secretary of State Susan Rice, "If Liberia's reconstruction is half-hearted or under-funded, we run the risk of this international intervention just being the prelude to another round of breakdown."<sup>133</sup>

Charles Taylor is the third threat to Liberia's stability requiring U.S. action. Nigerian President Olusegun Obasanjo presumably persuaded Taylor to resign as president of Liberia and accept exile in Nigeria by promising not to hand him over for trial before the Special Court for Sierra Leone. But even in exile Taylor threatens peace in Liberia and its neighbors. When he stepped down, Taylor hinted he would return soon. Since then, UNMIL's head, Special Representative of the Secretary-General Jacques Klein, has accused Taylor of trying to run Liberia from exile.<sup>134</sup> In late September, Liberia's interim president said that cabinet ministers, holdovers from the Taylor administration, had visited Taylor in exile.<sup>135</sup>

Taylor has been the most influential and ruthless figure in West Africa since 1989. Until his commanders are certain that he will not return to Liberia for at least several decades, and perhaps forever, many will remain loyal and will maintain stocks of arms for a new war to return him to power. Other Liberian factions know this, and will protect themselves by disarming only partially or not at all. The only way to remove Taylor from all factions' calculus is through imprisonment that clearly will last decades, or forever.

Obasanjo is not inclined to hand Taylor over to the Special Court. Leaders in the region feel bound by strong norms of hospitality and respect, and Obasanjo would have to break a promise made to a fellow leader who is now a guest. He likely would do so only in response to a superpower's pressure.

## 2. *The United States' Unique Position*

International experience shows that interventions to end wars falter unless led by a major power. UNMIL has little chance of solidifying the tentative peace in Liberia without U.S. military backup and the removal of Charles Taylor from influence. Without a lead donor and advocate, Liberia's reconstruction will not receive enough international support to succeed.

With the United Kingdom and France committed in Sierra Leone and Côte d'Ivoire, the United States is the only country that can intimidate the factions and provide back-up to UNMIL so as to end the war for good. The

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133. Telephone Interview (Oct. 6, 2003).

134. *Liberia: President Blah Tells Liberian Exiles to Stop Meddling*, U.N. OCHA INTEGRATED REGIONAL INFORMATION NETWORK, Sep. 22, 2003, available at <http://www.reliefweb.int/w/rwb.nsf/ByCountry/Liberia>.

135. *Id.*

unique respect that the United States commands in Liberia also would allow it to do this at even less risk than others would face, as Susan Rice explains:

We are the one country that every Liberian faction, every doped-up child soldier in the bush, respects and fears. The U.S. has a particular history and mystique in Liberia that no other country has, and if our troops in particular are on the ground and visible, that dramatically reduces the chances of fighting recurring.<sup>136</sup>

Rice's successor, current-Assistant Secretary of State for African Affairs Walter Kansteiner, told a Congressional committee on October 1, 2003, "Both the leaders and fighters among government and rebel forces have stated explicitly that they are willing to give up their arms and seek peace only because of U.S. involvement."<sup>137</sup>

The United States also is the only country that can lead the reconstruction. "[T]he international donor community will respond to Liberia adequately only if the United States helps Liberia,"<sup>138</sup> says Kansteiner. No regional power is wealthy enough, and the two other wealthy nations that engage in Africa, the United Kingdom and France, have already taken the financial, as well as military, lead in Sierra Leone and Côte d'Ivoire. Furthermore, smaller donors are looking to the United States, Rice explains: "If the United States does not step up in Liberia, no other country will. If we won't do this in the one country on the continent with which we have a unique history and relationship, why should anyone else? This is part of being an international power."<sup>139</sup>

### *C. How the United States Should Lead*

The leadership the United States needs to provide in Liberia bears little resemblance to what it has done in Afghanistan and Iraq. Liberia would require far, far less in troops, money, and political capital. The U.S. military mainly would reinforce UNMIL and intimidate the Liberian factions through shows of force; U.S. troops would see little or no combat and could expect very few casualties. The United States would be the lead donor and advocate for the reconstruction, contributing perhaps forty to fifty percent of the money needed, encouraging others to contribute the rest, and maintaining pressure on the Liberian government to reform. Like the United

136. Telephone Interview (Oct. 6, 2003); *see also* Human Rights Watch, Liberia: International Forces Needed Immediately, Press Release, July 23, 2003 (urging U.S. provision of logistical support and rapid-response capability to "help ensure the effectiveness of [a peacemaking deployment], and encourage other nations to participate" in a later U.N. peacekeeping mission).

137. *U.S. Policy Toward Liberia*, Hearing Before the Subcomm. on Africa of the House Comm. on Int'l Affairs, 108th Cong. (2003) (Statement of Walter H. Kansteiner, Assistant Secretary of State for African Affairs), available at [http://wwwa.house.gov/international\\_relations/afhear108.htm](http://wwwa.house.gov/international_relations/afhear108.htm) (last visited Nov. 15, 2003).

138. *Id.*

139. Telephone Interview (Oct. 6, 2003).

Kingdom in Sierra Leone, the United States would lead a coalition of countries and international organizations and provide a plurality of the resources needed.

On the military side, UNMIL needs logistical support—primarily helicopters to enable its troops to deploy outside Freetown—and backup from a powerful military to deter serious outbreaks of fighting and crush them if they occur. The first task would involve no U.S. combat troops. The second would require one to two thousand soldiers in Monrovia, plus vehicles for patrolling the capital's environs and helicopters to transport small units to rural areas if factions clash there.<sup>140</sup> Helicopter gunships would be valuable for attacking any group of fighters that persistently caused trouble. But the U.S. force would do little fighting. Instead, it would follow the British strategy used successfully in Sierra Leone: intimidating the factions by flying gunships low over their camps and patrolling visibly in and around Monrovia. Intimidation alone would have tremendous effect by showing fighters that they would face certain defeat if they started fighting again. Fighters would likely find turning in their weapons to the DDR program, receiving a lump-sum payment or job training from it, and returning home to be much more attractive than persisting in fighting. It is likely that U.S. troops would never see combat in Liberia, let alone suffer casualties, but they would dramatically strengthen the peace.

The U.S. deployment need not last long. The force should remain until the DDR program is completed, probably in the summer of 2004. If UNMIL has deployed across the country by then, no factions are known to remain active, and the country is calm, then the United States should withdraw about half its force. The other half should remain another six to nine months, patrolling regularly to remind demobilized combatants that they would gain no advantage from taking up arms again, and that their enemies are unlikely to do so. After the last U.S. soldiers leave, small groups of troops should visit Liberia briefly, every six months or so, as the British have done next door, to send a message that the U.S. military remains willing to back up UNMIL peacekeepers if necessary.

Funding and advocacy for the reconstruction effort comprise the second form of leadership the United States should provide. It need not bear all or even most of the burden. Bosnia, Kosovo, East Timor, Sierra Leone, and Afghanistan demonstrate that where a major power intervenes to stop a war with broad international approval, it can count on large-scale assistance from other countries and international agencies for the subsequent reconstruction effort. Former Assistant Secretary of State Rice comments:

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140. The first President Bush's former Assistant Secretary of State for African Affairs, Herman Cohen, estimates it would require 1,500 to 2,000 troops with helicopter gunships. Herman Cohen, *Transcript of Interview with Special Report with Brit Hume*, FOX NEWS, July 22, 2003, available at <http://www.foxnews.com/story/0,2933,92654,00.html> (last visited Nov. 15, 2003).

The rebuilding effort in Liberia should be run by the United Nations, not the United States. The United States should be the lead investor in reconstruction—not the only one, but putting in maybe 40% or 50% of the funding, enough to be credible and bring in other governments with us.<sup>141</sup>

Other countries' contributions would come easily at first, and only moderate U.S. lobbying would be necessary to keep them flowing for the long run. The October 2003 donors conference on Iraq shows that U.S. leadership can spur other countries to support international reconstruction missions that are more expensive and more controversial than Liberia's. After promising \$20 billion to Iraq and lobbying intensely, the United States convinced others to pledge \$13 billion, even though many had opposed the U.S.-led war and the mission faced violent resistance.<sup>142</sup>

Funding just under half of Liberia's reconstruction could cost the United States roughly \$200 million per year for the first five years of reconstruction, and half that for the second five years. That would underwrite humanitarian relief, restructuring of the military and police, anti-corruption measures, democracy-building and human rights advocacy, infrastructure improvements, economic development, and some of the Liberian government's general operating budget.<sup>143</sup> The Iraq-Afghanistan aid bill enacted in November 2003 already has provided \$200 million for Liberia; the Administration should promise other countries that it will ask Congress to maintain that level of support.<sup>144</sup>

Liberia needs expertise as well as money. The U.S. government should send advisers, such as auditors from its General Accounting Office who can help Liberian colleagues develop accounting systems for their ministries. The Defense Department's Africa Contingency Operations Training Assistance program has been training African soldiers for several years.<sup>145</sup> It should respond to the suggestion by Jacques Klein, UNMIL's head, that it restructure and retrain the Liberian army, perhaps with help from British

141. Telephone Interview (Oct. 6, 2003).

142. Steven R. Weisman, *Over \$13 Billion in Aid is Pledged to Rebuild Iraq*, N.Y. TIMES, Oct. 25, 2003, at A1.

143. This is a rough estimate, but generous: the United Nations estimates that in 2004 Liberia will need a total of \$40 million in food aid and \$137 million for DDR, health, agriculture, water and sanitation, education, and human rights. \$200 million from the United States would cover half that and leave \$111.5 million for refugee resettlement, state reconstruction, military and police reform, and governance initiatives. This does not include the cost of the U.S. military force or the United States' portion of UNMIL's budget, which is assessed by the United Nations according to a formula that shares the cost among all U.N. member states.

144. 149 Cong. Rec. S 12,779, S 12,789 (daily ed. Oct. 17, 2003) (passing the amendment); An act making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, Pub. L. No. 108-06 § 2101, 117 Stat. 1209 (2003) (containing two tranches of \$100 million for Liberia).

145. Russell J. Handy, *Africa Contingency Operations Training Assistance: Developing Training Partnerships for the Future of Africa*, AIR & SPACE POWER J., Fall 2003, at 57.

soldiers from IMATT in Sierra Leone.<sup>146</sup> There will be many other areas in which U.S. personnel can complement funding.

The third broad task the United States should undertake in Liberia involves investment of attention and diplomatic capital to monitor the progress of stabilization and reconstruction and to convince other states to support those processes. Convincing Nigeria's President Obasanjo to turn Charles Taylor over to the Special Court for Sierra Leone would be the only task requiring significant high-level effort. The State Department's Bureau of African Affairs could handle the rest of the diplomacy with Liberians and fellow donors, with only symbolic and occasional attention from on-high: a single sentence in a presidential speech every few months and an occasional telephone call from the Secretary of State to the Liberian president. These would signal approval of progress or dismay at intransigence, warning Liberian politicians and former warlords that Washington was keeping an eye on their commitment to peace and reform. That awareness would strengthen pressure applied by U.S. diplomats in Monrovia for progress in prosecuting corruption cases, investing in development, purging potentially rebellious military officers, and taking other steps necessary for reconstruction. With Liberia a priority for Washington, the United Kingdom, France, and Secretary-General Annan, a West African, would be more likely to maintain pressure on the Liberian government to reform.

To reiterate, the United States should lead the international effort in Liberia by deploying a small military force and providing logistical support for UNMIL, giving a plurality of the money and expertise for reconstruction, mobilizing other states to contribute, pressing Liberian leaders for reform and monitoring their progress, and securing Charles Taylor's extradition to the Special Court. This would require only modest military, economic, and political resources. It would nearly assure UNMIL's success in ending the fighting and would help Liberians rebuild their failed state and economy. Stabilizing Liberia would solidify the tentative peace in Sierra Leone and Côte d'Ivoire, laying a foundation for political and economic reconstruction that could end the region's dependence on international assistance.

#### IV. WHY THE UNITED STATES SHOULD LEAD

This Article has argued so far that the current pause in Liberia's fighting and the effective international interventions to nip in the bud the war in Côte d'Ivoire and stabilize and rebuild Sierra Leone have created the best opportunity to end West Africa's crisis since it began in 1989. It further has argued that without greater U.S. involvement the international intervention in Liberia is likely to fail. This will not be enough to persuade many com-

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146. See *Text of Press Conference by U.N. Special Representative for Liberia and Coordinator of United Nations Operations in Liberia Jacques Paul Klein*, AFRICA NEWS, Sept. 5, 2003, LEXIS, News Library, 90 DAYS File.

mentators and citizens that the U.S. should invest troops (even a few), money, and attention. As President Bush contemplated sending Marines ashore last August, Senator John Warner, chair of the Armed Services Committee, took the Senate floor to say that U.S. forces should be committed “only if there is a clear risk to national security interests of the United States,” and to ask whether Liberia met this test.<sup>147</sup>

The case for sending U.S. soldiers to Liberia turns out to be powerful. Chester Crocker, President Reagan’s Assistant Secretary of State, summarized it:

[T]he Liberia crisis does, in fact, affect significant United States interests . . . in combating terrorism and promoting good governance. Liberia is a specific example of the broader challenge posed by failed states everywhere, which . . . are the incubators of almost every hostile challenge to American interests and values around the globe. And if Washington wants other countries to help in sharing security burdens that fall on its shoulders in the future, it is essential that it play a lead role in Liberia today. Finally, this is about stopping, relatively quickly, a humanitarian disaster at reasonable cost.<sup>148</sup>

Crocker raises three arguments: first, that failed states like Liberia, Sierra Leone, and Afghanistan offer succor to criminal gangs and terrorists; second, that leading in Liberia represents an international responsibility the United States cannot shirk if it hopes for cooperation from other countries; and third, that U.S. intervention will alleviate human suffering.

Opponents of U.S. involvement in Liberia dispute Crocker’s assessment of the intervention’s cost as “reasonable.” Some argue that the U.S. military lacks sufficient resources for a Liberia mission. (They often raise this argument in a cost-benefit analysis that assumes the United States has no interests in the region.<sup>149</sup>) Others worry that Liberians’ warm feelings toward the United States will sour and that U.S. troops will come under attack, as they have in Somalia and Iraq. These are important questions.

This Part elaborates on Crocker’s three arguments for U.S. leadership and concludes by responding to the skeptics’ points. It argues that by taking a leading role in Liberia the United States would serve important national interests while risking few, if any, American lives, investing modest military resources, and spending relatively little.

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147. 149 CONG. REC. S10.893 (daily ed. Aug 1, 2003) (statement of Sen. Warner); see also William F. Buckley, Jr., *No on Liberia: The Case Against Nation-Building*, NAT’L REV. ONLINE, July 8, 2003, available at <http://www.nationalreview.com> (last visited Nov. 15, 2003).

148. Chester A. Crocker, *A War America Can Afford to Stop*, N.Y. TIMES, Aug. 1, 2003, at A21.

149. See, e.g., Jack Spencer, *Playing Global Cop Overextends the Thin Red, White and Blue Line*, HERITAGE FOUNDATION COMMENTARY, July 28, 2003, available at <http://www.heritage.org/Press/Commentary/ed072803a.cfm> (last visited Nov. 15, 2003).



### A. Failed States, Terrorism, and Organized Crime

Failed states in West Africa threaten the United States by nurturing international terrorism and organized crime. “While humanitarian relief and the avoidance of further violence constitute more than sufficient reasons for us to remain engaged in Liberia, our strategic interests are also significant,” Assistant Secretary of State for African Affairs Walter Kansteiner told Congress in October 2003.<sup>150</sup> A disintegrated Liberia could become “a new terrorist and criminal training ground,” he said.<sup>151</sup>

It is now a truism of foreign policy analysis that terrorist and criminal groups use failed states—those with state institutions so weak or corrupt that they have lost control of much of their territory—as training areas, hideouts, delivery sites for illegal weapons, and transit routes. Susan Rice explains:

Terrorist organizations take advantage of failing states’ porous borders, of their weak or nonexistent law enforcement and security services, and of their ineffective judicial institutions to move men, weapons, and money around the globe. They smuggle out precious resources like diamonds and narcotics that help fund their operations. Terrorist organizations may also recruit foot soldiers from local populations [of] poor and disillusioned youth . . . .<sup>152</sup>

In an essay on the implications of the September 11 attacks, British Foreign Secretary Jack Straw wrote:

It is no longer possible to ignore distant and misgoverned parts of a world without borders . . . . For terrorists are strongest where states are weakest. . . . [W]hen we allow governments to fail, warlords, drug barons, or terrorists fill the vacuum.<sup>153</sup>

In early 2001 a working group on the West Africa crisis, composed of officials from U.S. government agencies, international organizations, and NGOs, concluded that “state collapse” was a key factor in “the spread of contagion, international criminal networks, and terrorism.”<sup>154</sup>

150. *U.S. Policy Toward Liberia*, *supra* note 137.

151. *Id.*

152. Susan E. Rice, *The New National Security Strategy: Focus on Failed States*, BROOKINGS INST. POL’Y BRIEF No. 116, Feb. 2003, at 2.

153. Jack Straw, *Order Out of Chaos: The Challenge of Failed States*, in RE-ORDERING THE WORLD 98, 98–99 (Mark Leonard ed. 2002), available at <http://fpc.org.uk/fsblob/36.pdf> (last visited Nov. 15, 2003); see also GLOBAL WITNESS, FOR A FEW DOLLARS MORE 39 (2003) (reporting that many counter-terrorism analysts surveyed by *Jane’s Intelligence Review* believed “unstable states and corrupt regimes are breeding grounds and safe havens for terrorism; and that parts of Africa, Central Asia and South America were particularly susceptible”).

154. *Responding to War and State Collapse in West Africa*, U.S. INSTITUTE OF PEACE SPECIAL REPORT, Jan. 21, 2002, at 4.

President Bush has adopted this view as official government policy. The *National Security Strategy of the United States* lays out the reasoning and fundamental principles that guide U.S. military policy. Its seventh sentence states, "America is now threatened less by conquering states than we are by failing ones."<sup>155</sup> President Bush's introduction to the document states: "The events of September 11, 2001, taught us that weak states, like Afghanistan, can pose as great a danger to our national interests as strong states."<sup>156</sup>

"Liberia is a classic failed state," as Rice says.<sup>157</sup> Government soldiers control almost none of the country's territory, which has been overrun by rebel groups. Where they do, they answer to their unit commanders, not civilian authorities. Liberia's ministries are shells, and civil servants, teachers, police, and soldiers frequently go unpaid for months.

Terrorists have already exploited Liberia. *The Washington Post* and the investigative NGO Global Witness have documented a visit by Al Qaeda operatives to Liberia in 1998. Charles Taylor introduced them to RUF commanders from whom they began purchasing diamonds.<sup>158</sup> The purchases peaked shortly before September 11, 2001; their presumable purpose was to convert Al Qaeda funds into a medium that would hold its value, be easily transportable, and be difficult to trace.<sup>159</sup> "Diamonds don't set off alarms at airports, they can't be sniffed by dogs, they are easy to hide, and are highly convertible to cash," a U.S. official told the *Post*.<sup>160</sup>

Whatever the importance of Liberia to Al Qaeda in particular, the incident highlights the danger even of a lawless leader. Terrorist groups would find purchasing diamonds or maintaining bases easier in areas controlled by warlords with no international legitimacy to maintain. Rice states, "We cannot afford to ignore West Africa in the war against terrorism's manifestations and root causes."<sup>161</sup> The link to terrorism convinced the skeptical Senator Warner, after he visited Liberia in early September 2003, that the United States should intervene there. He concluded:

Unless the free world comes in and helps re-establish some form of democracy and a government, it could quickly lapse into a haven

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155. PRESIDENT GEORGE W. BUSH, NAT'L SEC. STRATEGY OF THE UNITED STATES 1 (2002).

156. *Id.* at v.

157. Telephone Interview (Oct. 6, 2003); *accord Responding to War and State Collapse*, *supra* note 154, at 5 (concluding that state collapse had occurred in Liberia and Sierra Leone).

158. Douglas Farah, *Al Qaeda Cash Tied to Diamond Trade*, WASH. POST, Nov. 2, 2001, at A01; GLOBAL WITNESS, *supra* note 153, at 41-63.

159. Farah, *supra* note 158, at A01.

160. *Id.*

161. Telephone Interview (Oct. 6, 2003). Journalist Ryan Lizza has commented, "Liberia's links to Al Qaeda, in other words, are far more well-documented than Iraq's." Ryan Lizza, *Ace of Diamonds*, NEW REPUBLIC, July 21, 2003, at 14.

for terrorism . . . . That terrorism could be transferred from here to any place in the Western world, and indeed to the United States.<sup>162</sup>

### B. Maintaining International Credibility

Failing to lead in Liberia also would undermine the United States' ability to mobilize international cooperation on issues important to it. This interest is no less vital for being indirect: international cooperation is widely recognized as necessary to promote U.S. goals in areas such as security, trade, the environment, and health. Cutting off terrorists' funding requires regulation in every one of the scores of countries integrated into the international banking system, many of which profit from dubious transactions. Trade negotiations involve hundreds of issues, many of which have uncertain distributional consequences that make it difficult to strike deals based purely on immediate mutual interest. Pollution flows easily across borders and presents a classic free-rider problem, tempting every state to hold out on environmental agreements rather than bear the costs of conservation. In the SARS epidemic a new disease threatened the whole world, but a few countries bore the cost of containing it. On these and other issues, U.S. goals often diverge from those of other countries, and it is too expensive to buy them off. Accommodating other states' preferences when it is easy can create goodwill that translates into reciprocal flexibility in other areas. In addition to serving U.S. interests directly, leading in Liberia would generate such goodwill.

The Bush Administration's policies have convinced political leaders and the general public in many countries that it has opted out of the international community. They believe the Administration sees little value in international cooperation and cares nothing for the needs and preferences of other countries.<sup>163</sup> The United States went to war in Iraq over widespread international opposition. Its withdrawal from the Kyoto Protocol on global warming drew protests from Europe. It has fought the Comprehensive Test-Ban Treaty, a stronger Chemical and Biological Weapons Convention, and, most vigorously, the International Criminal Court.<sup>164</sup> A survey of European public opinion in early 2002, long before debate on war in Iraq began,

162. Tim Weiner, *Realpolitik: How Much Does Liberia Matter?*, N.Y. TIMES, Sept. 7, 2003, § 4, at 4.

163. See, e.g., Henry Porter, *How to Rescue Brand America*, OBSERVER, Mar. 23, 2003, at 10; Eric Alterman, *U.S.A. oui! Bush non! How Europeans See America*, NATION, Feb. 10, 2003, at 11 (quoting Britain's *The Mirror* as pronouncing "The U.S.A. Is Now the World's Leading Rogue State"), *id.* at 12 ("Even such famously pro-American voices as Chris Patten, the much-admired conservative former governor of Hong Kong . . . have taken to complaining about the Bush Administration's launch into 'unilateralist overdrive.' . . ."); Jeremy Rifkin, *Thanks, Mr. President: Bush's Actions are Helping Europe to Fashion a New Sense of Identity*, GUARDIAN, Apr. 26, 2003, at 23.

164. Other sources of tension often cited are "[e]conomic disputes relating to steel and farm subsidies; limits on legal cooperation because of the death penalty in the United States; . . . and the U.S. decisions on the ABM Treaty . . ." Richard Bernstein, *Foreign Views of U.S. Darken Since Sept. 11*, N.Y. TIMES, Sept. 11, 2003, at A1.

found that “85% of Germans, 80% of French, 73% of British and 68% of Italian respondents say the U.S. is acting mainly on its own interests in the fight against terrorism, while very few feel the U.S. is taking into account the interests of its allies.”<sup>165</sup> Bush Administration officials’ tone also has been criticized for suggesting disdain for other countries.<sup>166</sup> Clyde Prestowitz, formerly a senior official in the Reagan Commerce Department, decries these unilateral moves, calling the refusal to sign the Kyoto Protocol a “metaphor for American profligacy, unconcern, and arrogance.”<sup>167</sup> Michael Ignatieff, director of the Carr Center for Public Policy at Harvard, has commented, “In a war on terror, an isolated America whose military power awakens even the resistance of its friends may prove a vulnerable giant.”<sup>168</sup>

United States policymakers should heed the view held around the world that the United States has a responsibility to lead international efforts in Liberia. Failure to respond will strengthen the perception that the United States refuses to do its share of the global community’s work, and will reduce other countries’ willingness to cooperate on other issues. *The Washington Post* editorialized,

The United States, and the Bush Administration in particular, is in sore need of the international goodwill that could be won from a modest but energetic response to Liberia . . . . [P]eople around the world[] are questioning whether the United States is still willing to use its strength for international causes outside its own narrowly defined self-defense.<sup>169</sup>

The governments of the United Kingdom and France,<sup>170</sup> U.N. Secretary-General Kofi Annan,<sup>171</sup> the editorial pages of *The New York Times*<sup>172</sup> and *The Economist*,<sup>173</sup> and the Assistant Secretaries of State for African Affairs under Presidents Reagan, George H. W. Bush, and Clinton<sup>174</sup> all made clear that they considered sending troops a U.S. responsibility.

165. Pew Center for the People and the Press, *Other Important Findings and Analyses in AMERICANS AND EUROPEANS DIFFER WIDELY ON FOREIGN POLICY ISSUES* (2002), available at <http://people-press.org/reports/display.php3?PageID=453> (last visited Nov. 15, 2003).

166. E.g., David E. Sanger, *To Some in Europe, the Major Problem is Bush the Cowboy*, N.Y. TIMES, Jan. 24, 2003, at A1 (reporting European annoyance at Secretary of Defense Donald Rumsfeld’s dismissal of France and Germany); *The U.N.’s Better Idea on Iraq*, N.Y. TIMES, Oct. 10, 2003, at A30 (describing “the administration’s oddly inverted logic” that “it is the U.N. that is failing the test of multilateralism by not rallying around America’s nonnegotiable positions”).

167. CLYDE PRESTOWITZ, *ROGUE NATION: AMERICAN UNILATERALISM AND THE FAILURE OF GOOD INTENTIONS* 113 (2003).

168. See Michael Ignatieff, *Why Are We In Iraq? (And Liberia? And Afghanistan?)*, N.Y. TIMES MAG., Sept. 7, 2003, at 38, 85.

169. *Liberia Denied*, WASH. POST, July 22, 2003, at A16.

170. Schmitt, *supra* note 3, at A5.

171. Marquis, *supra* note 3, at A3.

172. *America’s Role in Liberia*, N.Y. TIMES, July 24, 2003, at A18.

173. *Why Liberia is not Somalia*, ECONOMIST, July 19, 2003, at 11.

174. Crocker, *supra* note 148; Richard W. Stevenson & Christopher Marquis, *Bush Team Faces Wide-*

Liberia is widely seen as the United States' turn to pitch in on the international effort to end the West African war. The United Kingdom and France are leading the international interventions in their former colonies, Sierra Leone and Côte d'Ivoire. The United States maintained close ties with Liberia during the Cold War, as well as in the nineteenth century. "[I]f Washington wants other countries to help in sharing security burdens that fall on its shoulders in the future, it is essential that it play a lead role in Liberia today," Crocker wrote.<sup>175</sup> Rice, a Democrat, spoke more sharply: "The British have played the major role in Sierra Leone, as have the French in Côte d'Ivoire, and the Australians in East Timor . . . . So far we have just opted out, [rather than] show[ing] some concept of leadership and therefore some concept of burden-sharing in Africa."<sup>176</sup> The most authoritative statement, though, came from the U.S. government itself, through Assistant Secretary Kansteiner:

U.S. follow-through on Liberia will affect our relations with Nigeria and the other 14 countries of ECOWAS. Liberia's stability is important not only for our relations with our African partners . . . but also for our relations with Europe. Specifically, the United Kingdom and France, which have invested significantly in stabilizing Sierra Leone and Côte d'Ivoire, have publicly called on the U.S. to take the lead in resolving the Liberia crisis. Indeed, had the United States walked away from the country it created, many in the world would have doubted the depth of our commitment to Africa.<sup>177</sup>

The problem, though, was that the United States *had* walked away. It deployed a handful of troops for a few weeks and then withdrew completely two days before Kansteiner spoke.

The contrast with Iraq could hardly be sharper. In Iraq, the Bush Administration has jealously guarded political and military control over both war and reconstruction. Of Liberia, Deputy Secretary of Defense Paul Wolfowitz said in July, "it's necessary . . . for the *U.N.* to begin a political process" for national reconstruction.<sup>178</sup> The Administration has so far resisted even the modest involvement others have urged. In Iraq it has pursued an enormous invasion and occupation against the weight of international opinion, costing hundreds of American lives and over \$100 billion based on only flimsy evi-

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*spread Pressure to Act on Liberia*, N.Y. TIMES, July 23, 2003, at A3; Telephone Interview with Susan Rice, Assistant Secretary of State for African Affairs, Department of State, Washington, D.C. (Oct. 6, 2003).

175. Crocker, *supra* note 148.

176. Rice, *supra* note 172 (Oct. 6, 2003); *accord* Nicholas Kristof, *Hearing Liberia's Pleas*, N.Y. TIMES, July 29, 2003, at 23.

177. *U.S. Policy Toward Liberia*, *supra* note 137.

178. Associated Press, *U.S. Ambassador to Liberia Urges Rebels to Leave Capital*, N.Y. TIMES, July 28, 2003, at A4 (emphasis added).

dence of a threat to the United States.<sup>179</sup> If it fails to respond to pleas from all local factions in Liberia and around the world to contribute to a multinational effort to stabilize and reconstruct an entire region, alongside two major allies, at almost no risk to U.S. soldiers, and for less than \$2 billion over ten years, it will solidify its reputation abroad as a selfish unilateralist unwilling to do its part as a global citizen. Whether justified or not, this reputation will hinder the United States' pursuit of its interests in areas where cooperation is a necessity, not a luxury.

### C. Humanitarian Goals and Historical Responsibility

More idealistic considerations also support U.S. leadership in Liberia. Without the United States, UNMIL may well fail to consolidate the peace and Liberians will be unable to be able to reconstruct their shattered state institutions and economy. Liberians and their neighbors have suffered terribly during fourteen years of war. Both Liberia and Sierra Leone are developmental disasters, with per capita income under \$150, infant mortality over 15%, and life expectancy under forty-two years.<sup>180</sup> By leading, and making effective, the international intervention in Liberia, the United States could complement French and British-led efforts in Côte d'Ivoire and Sierra Leone and enable reconstruction and development across the region. Doing so would alleviate tremendous misery.<sup>181</sup>

The United States arguably bears some responsibility for Liberia's, and therefore the region's, disintegration.<sup>182</sup> Its unquestioning support kept dictator Samuel Doe in power while he murdered and tortured political opponents, embezzled millions, and created deep ethnic divisions that fed the war in the 1990s. Historian Stephen Ellis argues that by sanctioning Doe's theft of an election in 1985 the United States "sent a message that there was no point in moderate opposition," and that only rebellion could oust him.<sup>183</sup> United States support for Doe and complacency toward his corrupt predecessors, William Tubman and William Tolbert, arguably give the United States a moral responsibility to provide a tiny proportion of its military and financial resources to help Liberia rebuild.

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179. See Joseph Cirincione et al., WMD in Iraq: Evidence and Implications 6–9 (2004), available at <http://www.ceip.org> (last visited Nov. 15, 2003).

180. U.N. DEV. PROGRAM, 2003 HUMAN DEV. REP. 240 (2003); *id.* at 210; *id.* at 339; WORLD BANK, 2004 WORLD DEV. REP. 253 (2003); *id.* at 263.

181. See Daniel Bergner, *The English Lesson*, N.Y. TIMES, Sept. 28, 2003, § 4, at 11 (arguing for U.S. intervention on humanitarian grounds).

182. See Karl Vick, *Liberian Strife is Traced to Turbulent Past: Some Blame Turmoil on its American Roots*, WASH. POST, Aug. 10, 2003, at A1.

183. Howard W. French, *Two Decades of Decline: When Liberians Looked to America in Vain*, July 13, 2003, § 4, at 4 (paraphrasing Ellis).

#### D. A Low-Cost Intervention

The United States has important interests at stake in Liberia: security against the criminals and terrorists who flourish in failed states, international support that can translate into cooperation on important issues, and humanitarian values and historical responsibility. As the Heritage Foundation's James Carafano points out, though, policymakers need to weigh the costs of intervention as well as its benefits.<sup>184</sup>

The low risk and cost to the United States of intervening in Liberia is a key pillar of the argument for acting; as detailed below, this would not be another Somalia. This Article, like the many analysts who have advanced similar positions, does not call on the United States to overthrow an entrenched regime or occupy a hostile territory, as in Iraq; to enable a weak force to win a war, as in Afghanistan; to provide all, or even a majority, of international troops on the ground; or to devote billions of dollars in funding each year. U.S. leadership in Liberia would cost about \$200 million per year for the first five years of reconstruction, and perhaps \$100 million per year thereafter—\$1.5 billion over ten years—in addition to the cost of its military force. The United States is spending \$18.6 billion on reconstruction in Iraq.<sup>185</sup> It will spend roughly \$480 billion on defense and homeland security in 2004, and \$5.4 trillion dollars from 2004 to 2013.<sup>186</sup> It would cost less than one-twentieth of one percent of that to reconstruct Liberia, and thereby stabilize the rest of West Africa, eliminate a major resource for terrorists, and advance national security.

The United States would have little trouble sparing the military resources Liberia needs. Opponents of U.S. involvement in Liberia argue that the U.S. military is too “overstretched” by existing commitments to undertake a new mission in Liberia.<sup>187</sup> Examining the actual numbers deflates this claim. No one has called for sending more than 2,000 troops to Liberia. The Administration was able to divert 4,500 Marines on short notice to sit off the Liberian coast in the summer of 2003. The skeptics' own numbers demonstrate how little impact a Liberia mission would have on the U.S. military. By their count, the United States has 248,000 currently deployed in actual or potential conflict zones.<sup>188</sup> Furthermore, “[e]ach of these operations requires

184. James Jay Carafano, *The U.S. Role in Peace Operations*, HERITAGE LECTURES, Aug. 13, 2003, at 4, available at <http://www.heritage.org/research/nationalsecurity/hl795.cfm> (last visited Nov. 15, 2003).

185. Helen Dewar, *Senate Approves \$87 Billion for Iraq*, WASH. POST, Nov. 4, 2003, at A01.

186. CONGRESSIONAL BUDGET OFFICE, THE BUDGET AND ECONOMIC OUTLOOK: AN UPDATE 8 (2003) (estimating, in Table 1-3, defense outlays and non-defense discretionary spending classified as homeland security).

187. Helle Dale, *Military Humanitarianism: Will Liberia be Another Somalia?*, HERITAGE FOUNDATION COMMENTARY, July 31, 2003, available at <http://www.heritage.org/Press/Commentary/ed073103a.cfm> (last visited Nov. 15, 2003); Spencer, *supra* note 149.

188. Dale, *supra* note 187; see also Jack Spencer, *The Wrong Way to Help Liberia*, HERITAGE FOUNDATION COMMENTARY, July 16, 2003, available at <http://www.heritage.org/Press/Commentary/ed071603b.cfm> (last visited Nov. 15, 2003). Both list 150,000 troops in Iraq, 10,000 in Afghanistan, 8,000 in the Balkans, 37,000 in South Korea, and 43,000 in Japan.

committing three times the number of troops actually deployed because of rotation requirements. . . . All this is out of a standing military force of 1.4 million.”<sup>189</sup> The math defeats their argument, though: three times 248,000 soldiers yields 744,000 committed, just over half the active-duty force. Even if these figures do not include tens of thousands of other soldiers involved in other critical missions, it strains credibility to claim that the United States could not spare 1500 to 2000 soldiers (4500 to 6000 if the critics’ rotation multiplier is correct) out of the remaining 656,000 to help stabilize a failed state that many analysts consider a potential haven for terrorists.<sup>190</sup> As former Assistant Secretary of State Crocker wrote in July 2003, “If [U.S. forces] are too stretched to spare the few thousand marines President Bush has already put on ships headed to West Africa, then the time has come for a major reassessment of America’s readiness for global leadership.”<sup>191</sup>

American soldiers are unlikely to suffer more than minor casualties in Liberia. Some African Americans have asked why U.S. soldiers, disproportionately people of color, should risk their lives in Liberia.<sup>192</sup> “Will Liberia be another Somalia?” one commentator asked in July.<sup>193</sup> The answers to these important questions are simple: “the risk is low” and “no.” A *Black Hawk Down* scenario, with U.S. soldiers killed and dragged through the streets by cheering crowds, as in Somalia, is far-fetched.<sup>194</sup> *The Economist* titled its editorial in favor of U.S. intervention, “Why Liberia is not Somalia.”<sup>195</sup> In contrast to Somalis, it pointed out, Liberians “are possibly the most pro-American people on the planet, and are begging the Americans to come and restore calm to their shattered nation.”<sup>196</sup> Two Republican former Assistant Secretaries of State for African Affairs similarly have dismissed the comparison. “Only the United States can send peacekeepers to Liberia and confidently expect Liberians to welcome them peacefully. The chances of Liberia becoming another Somalia or Iraq in terms of dangers to U.S. forces are virtually nil,” wrote Herman Cohen in a paper for a July 2003 forum on intervention.<sup>197</sup> Crocker calls the Somalia analogy to Liberia “simply a red herring” and suggests, “[f]or a better comparison, consider what happened in

189. *Id.*

190. One skeptic of involvement in Liberia has said that 300,000 active-duty soldiers are occupied in desk jobs in the Pentagon. Jack Spencer, *Stretched Too Thin*, HERITAGE FOUNDATION COMMENTARY, Aug. 7, 2003, at <http://www.heritage.org/Press/Commentary/ed080703b.cfm> (last visited Nov. 15, 2003).

191. Crocker, *supra* note 148.

192. Christopher Marquis, *Blacks Counsel Caution on Liberia*, N.Y. TIMES, Aug. 3, 2003, § 4, at 3. Other African Americans, such as the Reverend Jesse Jackson and Secretary of State Colin Powell, have pushed strongly for intervention.

193. Dale, *supra* note 187.

194. See MARK BOWDEN, *BLACK HAWK DOWN* (2000); *BLACK HAWK DOWN* (Columbia Pictures 2001).

195. *Why Liberia is Not Somalia*, ECONOMIST, July 19, 2003, at 11.

196. *Id.*

197. Herman J. Cohen, *Without U.S. Attention the Liberian Tragedy Will Continue to Fester*, at 3, available at [http://www.aei.org/events/eventID.468,filter.event\\_detail.asp](http://www.aei.org/events/eventID.468,filter.event_detail.asp) (under “Cohen’s article”) (last visited Oct. 27, 2003).



neighboring Sierra Leone in 2000.”<sup>198</sup> The British army lost just one soldier in ending the war there.<sup>199</sup>

The U.S. military role in Liberia would parallel the United Kingdom’s in Sierra Leone. Its most important purpose would be symbolic: to intimidate fighters into choosing disarmament over renewed combat. United States troops would see little or no combat, intervening only if UNMIL was overwhelmed. Their opponents would be ragtag fighters motivated not by ideology but by a desire for pillage that would melt quickly into fear of death in the face of American helicopter gunships. UNMIL would undertake most day-to-day patrolling, and U.S. forces would withdraw as peace solidified. American soldiers would face little risk as they brought peace to West Africa.

#### IV. CONCLUSION

In Iraq, the Bush Administration predicted that U.S. troops would be welcomed as liberators. Since Saddam Hussein’s fall, angry Iraqis have killed an American soldier a day, on average. Liberians greeted the few Marines who went ashore as heroes. “Thank Allah for America,” said one Monrovia as they arrived.<sup>200</sup> More West Africans, and people elsewhere, would share his feeling if the United States had stayed, saving lives, helping a country and region rebuild, and advancing its own interests in combating terrorism and maintaining global influence.

We still can help, by sending a small force and leading the reconstruction effort with financial support and political attention. By doing so, we would save lives, bolster our own security against terrorism, and enhance our international standing as a global citizen, all at little cost. Without U.S. leadership, the chances of Liberia’s peace holding and the reconstruction proceeding to completion are slim. With it, many countries are ready to help, and we can end the West African war for good.

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198. Crocker, *supra* note 148.

199. Bergner, *supra* note 181, at 11.

200. Tim Weiner, *Liberians Cross Capital’s Former Front Line as Aid Arrives*, N.Y. TIMES, Aug. 16, 2003, at A6.