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What drives post-war crime? Evidence from illicit economies in Liberia and Sierra Leone

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ABSTRACT

Crime is a reality of life around the world, but its characteristics and impact differ tremendously across states and societies. There are different reasons to believe that crime in post-war environments has specific features. First, parts of it may be a legacy of armed conflict or more precisely of war economies. Second, post-war contexts are often seen as being particularly attractive for criminal networks, because massive violence has ended while the state's authority and capacity remain weak. Despite these alleged links relatively little is known about the manifestations of crime in post-war settings. By looking into illicit economies in Liberia and Sierra Leone this article shows that neither remnants of war economies nor the specific vulnerability of states emerging from armed conflict alone can account for the key features identified. Continuing illicit activities around natural resources and cannabis cultivation as well as the more recent transit of cocaine rather seem to be shaped by incomplete state-building. The shifting boundaries of illegality in combination with informal arrangements increase the level of uncertainty and lead to a constant negotiation of what actually constitutes a crime. The article also discusses why this has so far not involved larger scale violence in both countries.

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Linking conflict and crime

Crime has increasingly been discussed as a relevant factor in conflict and a source of major violence, but few conceptual bases are offered in the academic literature for identifying and explaining post-war crime. There are two common angles of approaching the potential peculiarities of post-war crime: one stressing the features of war economies and their continuing significance after war, one focusing more on the vulnerabilities of states in post-war transitions that lack the capacities and means to counter or deter criminal activities. These are not contradictory explanations, but different views on how post-war crime can be expected to take shape.

The first view builds on the extensive literature dealing with the economic dimension of armed conflict. Naturally, those focusing on war economies and the related agendas of violent entrepreneurs primarily look into ways of resolving and preventing conflict along

the lines of economic transactions. From this perspective, post-war crime could be seen as an expression of the failed transformation of war economies after a violent conflict has ended by some kind of peace settlement or military victory.¹ It has frequently been pointed out for prominent cases like Bosnia that dismantling illegal activities as well as networks between state and criminal actors from wartime during post-war transitions is very difficult.² Of course, the 'crime-conflict nexus' can take many different forms, but war economies are usually seen as the core of it. Whether individual profit seeking and funding opportunities are actually a cause of the outbreak of civil war ('greed') or political concerns like ethnic discrimination and inequality ('grievance') are more important has been a matter of academic controversy.³ What is less disputed is that after the end of the Cold War and the subsequent drying-out of support by powerful states, non-state armed groups had to rely increasingly on other sources of income, including the trade with oil, minerals, timber, or drugs.⁴ In doing so, armed actors have to collaborate with business- and middlemen across borders in order to get these goods on the world market. Shadow economies in conflicts also frequently involve mafia-type structures, organised crime actors or generally those who already controlled illicit economies⁵ before the war.⁶ When relying on the 'greed' argument, it is most relevant to focus on economic incentives and opportunities to avoid a relapse into armed conflict while supporters of the 'grievance' thesis stress the significance of group identities combined with political and economic inequalities for mobilisation. It has been shown for a sample of 13 civil wars which includes those in Liberia and Sierra Leone that armed groups had only started to loot resources after the beginning of hostilities and that in 9 cases easily extractable commodities were looted, notably gemstones, drugs, or timber.⁷ So irrespective of the question what caused civil war initially, the core challenge in a post-war environment is the transformation of war economies in a way that preserves the (negotiated) peace and at the same time guarantees substantial reforms in the respective sectors to formalise and (re) distribute profits.

A second interpretation of post-war crime can be derived from the more state-focused literature stressing the general attraction of fragile and conflict-affected countries for (organised) crime. The Human Security Report 2011, for example, referred to organised crime as an external stress factor penetrating already vulnerable states and contributing to repeated cycles of violence.⁸ More precisely, when formal state authority is re-established, but institutions and capacities remain weak, vulnerability of those states may be exacerbated as risks of globalisation and illicit economies tend to gravitate towards them.⁹ There has been a growing debate on how fragile states are exactly linked to organised crime.¹⁰ Naturally there is some overlap with the literature on the legacy of war economies, but two differences stand out. First, post-war crime from this perspective may be characterised by newly emerging forms of (organised) crime that take advantage of the specific incentives linked to post-war transitions.¹¹ While wide-spread fighting and instability during a war may encourage certain criminal activities, particularly linked to the trade of natural resources for arms, it can rather discourage others like the use of affected areas for transit of illicit goods like drugs. Thus, the end of massive, wide-spread violence can provide new opportunities. Secondly, the literature has increasingly emphasised the possible convergence of interests of transnational criminal networks and power-holders in fragile states up to the point of state capture.¹² While not unique to these contexts 'the activities of organized crime can have a disproportionate and devastating impact, particularly when a political transition to peace or democracy is underway.'¹³ So while a lack of transformation of war economies is one way to look

at post-war crime, an important part of the picture may be newly emerging illicit activities and political–criminal arrangements.

Another general assumption for post-war contexts is that crimes such as armed robbery, child prostitution, or homicide tend to be high due to the circulation of small arms, traumatising, and brutalisation of parts of society or a lack of income opportunities.¹⁴ This article will look at post-war crime from the wider angle of illicit economies, mostly referring to the illicit trade in different commodities in order to see how economic and political dynamics play out. The related activities may or may not be accompanied by violence. The category of violent crime naturally is much broader and comprises inherently violent phenomena such as rape or robbery which are not the subject of this article.¹⁵ The focus will be on illicit economies and post-war crime in Liberia and Sierra Leone where peace processes involved efforts to (re)build states as well as to transform war economies.¹⁶ Ultimately, the article shows that it is neither the remnants of war economies nor the weaknesses of the state alone that shape post-war crime but the framework of uncertainty generated by transitions with shifting rules and power structures.

From war to illicit economies in Liberia and Sierra Leone¹⁷

The armed conflicts in Liberia and Sierra Leone¹⁸ have been strongly linked, just like the related war economies. While the competition over the control of natural resources such as diamonds, gold, and timber among armed groups and state agents was particularly prominent, the trajectory of violent conflict in the two countries shows many common features of other intra-state wars in the 1990s.¹⁹ Despite a series of regional and international efforts to negotiate lasting agreements and the holding of elections in the mid-1990s, hostilities resumed in both contexts over an extended period of time. Finally, under increasing outside pressure and a range of targeted sanctions, fighting mostly ended and peace has been guarded by large, multidimensional UN missions.

The post-war periods in the two countries stand out with regard to the level of international engagement and related efforts in state-building, particularly considering their relatively small size. Whether it is for that reason or others, Liberia and Sierra Leone are seen as relative success cases of peacekeeping. Yet, while the countries avoided a relapse into violent conflict so far, both are still commonly ranked as fragile states.²⁰ This combination of a ‘precarious’ stability and continuing challenges including a very weak formal economy as well as their strong connectedness makes the two countries useful cases for the analysis of features of post-war crime.

The legacy of war economies

Illicit economic activities formed a core part of the war economies in Liberia’s and Sierra Leone’s civil wars. Clearly much of the trade in West Africa had been informal before and a political–criminal nexus had already emerged in both countries. Under the leadership of President Samuel Doe in Liberia ‘a networked and decentralised system based on connections to illicit commerce’²¹ started to emerge. This system comprised shadowy deals with major international criminals.²² Similarly, the governments of Siaka Stevens and Joseph Momoh in Sierra Leone entrenched illicit networks and practices related to the mineral sector.²³

However, when warlords such as Charles Taylor in Liberia surfaced with the outbreak of conflict, they set out 'to create a new kind of political authority based on the private control of resources'.²⁴ Commercial activities provided income for weapons and other materials and thus, facilitated the militarisation, but also the fragmentation of public space in Liberia and Sierra Leone into different zones of authority. The most important resources to maintain control were gold and diamonds as well as timber and rubber.²⁵ In the process of establishing authority, Charles Taylor and his armed group – the National Patriotic Front of Liberia (NPFL) – took over some existing commercial channels while disrupting others, for example, through attacks on minority groups and foreign traders who were replaced as intermediaries.²⁶ Already by late 1990, the NPFL controlled almost all of the country outside the capital, including important trade nodes. Larger mining companies such as Liberian Minerals Company with their iron ore mines in Nimba County or the rubber company Firestone now had to rely on Taylor's protection for their operations.²⁷

The newcomers to the scene included Ivorian, French, and Lebanese business people based in Abidjan whom Taylor had met there before the war.²⁸ The logging business became a central part of the economy of 'Greater Liberia', as the NPFL-controlled territory was called. Ivorian-based logging firms were allowed to operate in Nimba County and the south-east of Liberia and to export timber, mostly to European states through Côte d'Ivoire.²⁹ Overall, income for the NPFL was mostly derived by taxes, fees, payments of salaries to port managers or other bodies, as well as material support in the form of fuel, oil, or vehicles.³⁰ Taxation systems – including for diamond and gold exports – could have brought Taylor's group about \$75 million a year, according to estimates.³¹

The access to the diamond fields was also an important factor leading to Taylor's involvement in Sierra Leone. He supported the Revolutionary United Front (RUF) – a Libyan-trained group of Sierra Leoneans led by former army corporal Foday Sankoh that invaded the area from Liberian territory in 1991.³² The diamond mining areas fell to the RUF in November 1992, changed hands several times and remained the centre of the war economy in Sierra Leone until 2002. Overall, there was a break in established patterns of commerce when the RUF attacked Lebanese diamond traders and established its own marketing links to Liberia. The neighbouring country became the official export source for diamonds from Sierra Leone as well as Guinea and even Angola, so that by 1994 Liberia was the third largest supplier of diamonds to Antwerp.³³ But despite these ruptures, Lebanese diamond traders apparently remained engaged in the business as well, operating from new bases outside of the mining areas.³⁴ Despite Sierra Leone's war economy being more fragmented, violence and business became deeply entrenched. Categories like 'licit' or 'illicit' rendered largely undistinguishable in both countries. Other armed groups like the 'United Liberation Movement of Liberia for Democracy' (ULIMO) partly copied the NPFL model and became 'like a marketing franchise' for smaller groups of fighters controlling territory and resources.³⁵

Overall, the war economies in both countries contained the two common manifestations of the 'crime-conflict nexus': the organisational link of armed groups to criminal actors (as well as to formal enterprises) and armed groups themselves engaging in 'do it yourself' forms of organised crime.³⁶ The latter was most visible in the exploitation of diamonds while a prominent example for the collaboration with shady entrepreneurs abroad was the cooperation of Charles Taylor and the RUF with businesses of the network of the notorious Russian arms dealer Viktor Bout. In exchange for the supply of weapons, the latter was apparently

paid by diamonds and other valuable commodities acquired illegally by Taylor's associates and RUF.³⁷

The emerging 'warlord politics' relied on the domination of markets, rather than the state bureaucracy³⁸ before the peace settlements negotiated over the course of the 1990s led to the inclusion of various armed factions into government.³⁹ In 1997, Charles Taylor himself became elected president of Liberia, just as the 1999 Lomé Peace Accord in neighbouring Sierra Leone made RUF leader Sankoh Vice-President and left him in charge of the diamond mines.⁴⁰ When these arrangements largely failed to secure peace, international efforts increasingly focused on disentangling violence and business. A set of UN sanctions finally tried to deprive state and non-state actors of their income from the exploitation and export of natural resources, such as the ban of direct or indirect import of all rough diamonds from Sierra Leone through Security Council resolution 1306 (2000) and from Liberia based on resolution 1343 (2001) as well as the embargo on Liberian timber and timber products through resolution 1521 (2003). The civil wars ended relatively soon after, in 2003 and 2002, respectively.

Armed conflict tends to increase the room for 'nodes' of organised criminals connected with governance structures and formal private enterprises.⁴¹ Thus, a core challenge of the post-war transitions was to unravel at least some of those nodes without disrupting the fragile balance of the negotiated settlement. Apart from the embargos, international measures included travel bans and asset-freezing as well as the set-up of the Special Court for Sierra Leone in 2002. Ultimately, it indicted 13 persons, including Charles Taylor, who was sentenced to 50 years of imprisonment in May 2012. Some central actors of the war economies remained under scrutiny of the UN sanctions regime for Liberia, but others, as in peace processes elsewhere, managed to 'use post-conflict privatization programmes and elections as opportunities to launder their looted assets and their coerced legitimacy'.⁴² A whole set of reform programmes tried to re-establish a formal state framework after the lines of 'licit' and 'illicit' had been completely blurred during the civil wars. Efforts particularly focused on re-organising the governance of natural resource sectors as foreseen in the initial mandate of the United Nations Mission in Liberia.⁴³

'Old' and 'new' components of post-war illicit economies

Naturally, illicit economies in Liberia and Sierra Leone underwent changes during the post-war transitions. The end of large-scale instability may have provided a more conducive environment for licit and illicit economic activities alike. Yet, at a global scale neither country has become an important destination market for international illicit trade. There is some demand for illegal goods produced in the region (marihuana or hunting weapons) and lower priced goods that are smuggled (rice, fuel, faked medicines), but overall both countries mainly provide natural resources for illicit markets or serve as transit zones.

More of the same? The transformation of illicit resource exploitation and trade

Looking at the evolution of the minerals sector and the logging industry in post-war Liberia and Sierra Leone shows how remnants of previous illicit activities persist while the ongoing state-building also infuses doses of change. Both Liberia and Sierra Leone have become parties to the Kimberley Process Certification Scheme in 2007 and 2003, respectively. The scheme regulates the commerce with precious stones in order to prevent 'conflict

diamonds⁴⁴ from entering the world market. Therefore, all related activities – from mining and dealing to exporting – require licences.

However, the review mission of the Kimberley Process to Liberia in March 2013 found evidence of routine smuggling of Sierra Leonean diamonds and their certification by Liberia, evidence of illicit diamond mining in many parts of Liberia and a high likelihood that conflict diamonds from Côte d'Ivoire, [...], were being processed through the Liberian system.⁴⁵

Even for Sierra Leone, more recent estimates of the value of diamonds lost to smuggling are between 50% and 90% of total production.⁴⁶ As the regulatory regime for gold is weak in both countries, the assumption usually is that much of it bypasses the system.⁴⁷ In 2013, the UN Panel of Experts on Liberia noted that illicit mining and trafficking of gold in the country 'continues almost entirely unhindered'.⁴⁸ In June 2014, the Panel concluded that thousands of ex-combatants who are often still tied to their former commanders engage in illicit mining.⁴⁹ There has been small-scale violence allegedly linked to illicit gold mining in the Gola Forest region bordering Sierra Leone and Liberia where ex-combatants remain allegedly under the influence of former 'generals' who commanded armed factions during the Liberian conflict.⁵⁰ Many of these groups were engaged in illicit activities – particularly diamond mining in the Liberia–Sierra Leone border areas – during and in some cases already before the war.⁵¹

The minerals mined illegally are either legalised by being sold to a licenced dealer inside the country or smuggled abroad. In both practices illegal diamond dealers or brokers can be involved. For example, in Sierra Leone some markets are well-established places for the illegal trade in diamonds.⁵² Lebanese traders generally remain prominent in the diamond business, but nationals from other West African countries also play an important role. Yet, all kinds of actors can be involved in smuggling, including miners, licenced and illicit dealers or middlemen who buy up gold or diamonds and bring them abroad as well as foreign investors, for example, from Europe or the Middle East.⁵³ Different rates of taxation and systems of certification in the region set up during the transitions provided incentives for smuggling. Sierra Leone's Mines and Minerals Act of 2009 raised the tax for precious stones to 6.5%, and to 15% for special stones above a market value of \$500,000.⁵⁴ When the tax was enacted, there were no official exports whatsoever the following six months, whereas exports of Guinea and Liberia increased.⁵⁵ Similarly, there was a clear drop in exports for gold after the Act raised the tax to 5%.⁵⁶

Beyond the illicit mining and trade in minerals, there have been rather new illegal activities in the sector, such as fraud schemes with gold and diamonds. Amongst these are scams with faked gold or diamonds making use of the Internet and upfront businesses, particularly in Sierra Leone. Usually such covers are set up to attract foreign investors who initially receive real stones or gold, which are replaced by faked ones after the investor has paid an advance fee or tax.⁵⁷ Records on the exact proceedings of such scams differ. In May 2014, the US State Department published a warning on fraud and fake Kimberley Process certificates for Sierra Leone. In this scheme, individuals were 'invited to Sierra Leone to view rough diamonds that were later evaluated as fake stones and were also provided with a fake Kimberley Process certificate [...]'.⁵⁸ There are no insights on how frequent these scams are, but most likely many are not reported.⁵⁹

The impact of changing regulation and incentives can also be seen in the logging industry. Both countries saw bans on logging after the end of armed conflict, generally rendering the trade in timber illegal. In Liberia, the international embargo remained effective until 2006.

The forest sector was reformed and new logging licences were granted, but some returning companies are said to have been operating earlier under different names.⁶⁰ Finally, seven large Forest Management Contracts and ten small Timber Sale Contracts were issued by the Liberian Government, but the process was marred by violations. More importantly, private-use permits (PUPs) emerged as a new legal loophole.⁶¹ By 2012, there were 66 such licences designed for small-scale use, which did not require the payment of any taxes. An audit revealed that none of the PUPs had complied with national forest laws and regulations.⁶² Moreover, despite a moratorium placed on PUPs (with the exception of four that were already operating), the shipment of timber apparently never really stopped.⁶³

Similarly, Sierra Leone placed a ban on timber exports and suspended all concession operations by January 2008 due to allegations that foreign companies had engaged in illicit activities.⁶⁴ Again it became clear that exports continued illegally when containers destined for East Asia and labelled as scrap metals were intercepted by the Anti-Corruption Commission at the Freetown port in 2011.⁶⁵ Overall, it turned out that there were 33 containers of timber with three exporting companies from Sierra Leone and Guinea involved. Finally, out of 25 people charged in the cases, 18 were convicted.⁶⁶ A paper by the EU Commission concludes that after the ban 'illegal logging is often managed by Lebanese from Guinea Conakry and Liberia, who obtain agreements with chiefs and employ local people'.⁶⁷ It is a general assumption in Sierra Leone that paramount chiefs tend to be implicated in illegal logging as they are the first entry point for any activity in an area.⁶⁸ By law, they receive surface rents from companies operating legally on land in their chiefdom.⁶⁹

But there are also changes in illegal logging since demand has shifted – from Europe during the time of war economies to Asia. China and India are now the largest importers of timber. At the same time, the United States, the EU, and Australia have raised barriers for the import of illegal timber and products made of illegal timber through new laws.⁷⁰ Asian, particularly Chinese, organisations are often believed to be behind logging operations, whether as financiers or with a more prominent role in shipping out the wood from Sierra Leone, Liberia, or another country in the region.⁷¹ But larger companies also need to establish links with local transport businesses as well as secure access to ports for shipping their containers. Thus, the operations in illegal logging on the ground might have remained at the level of middlemen as during the wars.

A new threat? The drug trade

While natural resources were at the core of the war economies in Liberia and Sierra Leone, drugs were part of them as well. Initially, cannabis was introduced to West Africa in the twentieth century and spread particularly by Sierra Leonean traders along the coast in the 1920s and 1930s.⁷² During wartime, it was particularly consumed by combatants in both Liberia and Sierra Leone. In the post-war period, the cannabis market has remained relevant for local consumption. Growing cannabis brings high returns in comparison to crops such as rice, and it is an important source of income in areas with few opportunities.⁷³

In contrast, cocaine trafficking has been linked to South American crime groups when major cases were revealed about ten years ago. Around 2005, UNODC noticed a strong increase in the number of seizures of cocaine on route to Europe via West Africa.⁷⁴ With a rising market in Europe, a decline in demand in the United States, and a better controlled Caribbean route, South American cocaine traffickers started to make extensive use of West African countries as transit zones.⁷⁵ Both Liberia and Sierra Leone had been connected with

the trafficking of cocaine and heroin before, notably in the 1980s. But in 2008 two events raised the attention for the vulnerabilities of both countries. The discovery of about 700 kg of cocaine on a Cessna plane from Venezuela that had landed at Lungi Airport in Sierra Leone's capital, Freetown, in 2008 led to the arrest of three Colombians, two Mexicans, a Venezuelan, and an American as well as of eleven Sierra Leoneans.⁷⁶ At first, no adequate legal basis existed, so a retroactive new law had to be passed in 2008. In the end, 16 of the 18 arrested were found guilty,⁷⁷ which so far represents the only convictions in a higher end cocaine case in Sierra Leone.⁷⁸ Apparently, state officials had been implicated. Amongst the convicted was Ahmed Sesay, national football team manager and the cousin of the Minister of Transport and Aviation; he was fined 300 million Leones and sentenced to five years of imprisonment. Even though evidence emerged in the trial that the minister himself had knowledge of the incoming plane and gave permission for its landing, he was appointed again to high-ranking official positions after an initial suspension by the president.⁷⁹

Liberia was directly confronted with cocaine being trafficked through the region the same year. The French Navy caught the ship 'Blue Atlantic' 100 miles offshore loaded with 2.5 tons of cocaine in 92 barrels with a value of about \$500 million. Even though the vessel was apparently not destined for Liberia, it was brought to Monrovia, where the Ghanaian crew was arrested.⁸⁰ The case revealed the shortfalls of the criminal justice system in Liberia, where possession and trafficking of drugs was tried under a public health act with insignificant fines.⁸¹ A special drug law making drug trafficking a non-bailable offence was drafted, but it was only finally signed into law by the Liberian President in October 2014. Under the very weak legal basis, the 'Blue Atlantic' case was finally dropped.⁸²

The operating networks at the time comprised people from inside and outside the region. In another prominent case, for example, the responsible operating group comprised 'a Russian pilot, a Nigerian narcotics broker, a Colombian cocaine supplier and a Ghanaian maritime expert.'⁸³ More recently, West African traffickers are not merely providing logistical services anymore and seem to gain more influence in the market as transactions increasingly take place in the region.⁸⁴ In Liberia and Sierra Leone, there surely are upfront businesses, people involved in logistics such as transport of drugs and also in the small retail market. But there are also higher ranking cases such as the one of Gibrilla Kamara, a Sierra Leonean drug kingpin who was arrested together with seven others in Liberia through a sting operation of the US Drug Enforcement Administration (DEA) and Liberian agents in 2010. Apparently they tried to bribe high-level officials in the Liberian Government to use the country as a transshipment point for cocaine.⁸⁵

Yet, there is little evidence suggesting that Liberia and Sierra Leone have emerged as major hubs for criminal networks. There is a common assumption that cocaine trafficking continues through the use of containerised cargo by the ports or by vessels that tranship drugs from South America onto smaller boats off the coast before they are sent by car to Guinea or on boats to Europe.⁸⁶ Clearly, the ports at Freetown and Monrovia remain vulnerable for trafficking of all kinds.⁸⁷ Frequent seizures at Roberts International Airport in 2013 and 2014, including of heroin, indicate that it remains an important entry into Liberia as well.⁸⁸ But overall, seized quantities in the region have been going down. Moreover, the cultivation and trade in cannabis seem to remain mostly locally driven with some transnational links in the region. Occasionally, plantations are discovered and destroyed by law enforcement, for example, in lower Montserrado County in Liberia⁸⁹ or in the Kambia District north of Freetown in Sierra Leone in 2012.⁹⁰ There are frequent allegations of protection of

the cultivation by politicians, chiefs, or the police.⁹¹ In a prominent case, there has been direct involvement of a Liberian police officer who was arrested in November 2013 at Bo border crossing in a joint operation. The car carrying cannabis with a street value of more than \$36,000 was marked as being part of the presidential escort, and the operation led to the arrests of a superintendent, the head of the presidential escort, and four others, including a member of the Sierra Leonean armed forces.⁹²

Such cases reveal the weakness of the criminal justice systems in both countries. In Liberia, the police and the courts have been rated as the most corrupt institutions in the country, indicating the common perception 'that wealth, not guilt, determines the outcome of a case.'⁹³ The situation might be slightly, but not fundamentally, better in Sierra Leone, particularly for drug cases where large profits are involved.⁹⁴ But despite these weaknesses, other countries have been more prominent as transit zones for hard drugs which suggests that post-war transitions are not per se attracting crime. A closer look at the incomplete state-building and underlying structures of power are necessary in order to identify patterns that bind the 'old' and 'new' components of illicit economies together and shape post-war crime more generally.

Understanding post-war crime

State authority and a legal framework have formally been (re-)established after armed conflict in Liberia and Sierra Leone. The different features of illicit economies discussed, however, show that hybrid forms of governance persist. These may be seen as a legacy of war and the underlying economic interests penetrating the post-war system or simply as an expression of fragile statehood. But it is essential to understand how this mode of governance actually works in order to shed some light on post-war crime.

State-building and protection

After violent actors pursued or facilitated illicit business during the civil wars in Liberia and Sierra Leone, illegality in the post-war context is not systematically linked to such actors anymore. Structures of non-state armed groups have only partly persisted, for example, in illicit mining operations in some areas.⁹⁵ Whilst many in higher level positions were able to 'legalize' their profits and status, those at the lower end of the chain apparently did often not manage to do so. In combination with a lack of income opportunities for the youth in general, this situation clearly remains a potential source of insecurity.⁹⁶

The more organised components of illicit post-war economies in Liberia and Sierra Leone tend to rely on their access to patronage networks – preferably those that are core parts of the state-building process. In fact, when asking whether crime tends to be organised, respondents in Liberia and Sierra Leone frequently refer to the involvement of politicians or security agents as indicators of the level of organisation.⁹⁷ Generally, three basic patterns exist. In the first, officials facilitate illicit activities with certificates or licences, for example, to engage in mining or the export of natural resources. Naturally, this only works for legal goods, not for drugs like cocaine.

The second option is the classic 'paying somebody off' for protection. Either criminal actors arrange a cover-up in advance or they engage in negotiations with officials when caught. These two can be combined as, for example, in the case of the deputy director of

the Liberian DEA, Albert Chelley, who was dismissed in August 2013 because he had conspired with Nigerian drug traffickers and on two occasions prevented the arrest of heroin smugglers.⁹⁸ In Sierra Leone, it has been reported that there is also interference by paramount chiefs and politicians on behalf of people in cannabis cultivation.⁹⁹ Despite reforms of the legal and institutional frameworks, many transactions still depend on personal relations – for legal and illegal businesses alike. These are not easy to circumvent, as one official in a Liberian border town stressed: ‘People buy their way out, it is fishy. People are reluctant to enforce the law. When you take it to the bosses, there is another bargain up there. And it is a matter of social relationship, you compromise.’¹⁰⁰ Ultimately, the fear of falling out with the patronage system keeps it together.

In the third scheme, officials are actually entrepreneurs of illicit activities themselves, or illicit traders gain public office. For example, it is said that government officials are behind ‘cartels’ in Freetown where the more expensive drugs are sold¹⁰¹ or that some politicians manage illicit mining operations.¹⁰² The majority of cases of state involvement, however, seem to be in the first two categories. It is difficult to systematically analyse whether such networks of protection – or parts of them – stem from the time of the war economies. Clearly, the phenomena described are not confined to post-war contexts as crime and state politics have been linked elsewhere. In fact, markets of protection seem to be a more adequate label than organised crime in African countries in general.¹⁰³ Similarly, the distribution of resource revenues in West Africa tends to be subject to patronage politics and political bargaining involving state and quasi-state actors.¹⁰⁴ This raises the question of what the specific mechanisms of the related transactions are in countries that have recently emerged from armed conflict.

The shifting boundaries of illegality

Personalised structures of authority functioning inside or alongside formal rules and institutions always involve some degree of uncertainty. But in post-war Liberia and Sierra Leone laws and regulating institutions have undergone many changes. Therefore, it has often been difficult to even formally establish what legal and illegal means, let alone what is criminal. Not surprisingly, the line is even less clear-cut for goods that can be exploited and traded legally such as gold, diamonds, and timber. However, new regulations are not at all meaningless. In fact, quite a few illegally exploited minerals are ‘legalized’ before being exported, even more so after some incentives for smuggling have been removed by harmonising taxes between neighbour countries in the Mano River Union. Yet, most activities in gold and diamond mining and trade continue to rely on established relationships and informal rules.¹⁰⁵ The formal system is still met with suspicion which has an impact, for example, with regard to containing the smuggling, as one respondent pointed out:

Who would run after who? There is officially a reward for reporting, but people are not sure it will ever happen, and then it would just complicate their life with the other people. The core is, the system is not trusted.¹⁰⁶

This lack of trust means that legality and legitimacy strongly diverge in the new framework. In fact, establishing legality is often seen as a means of personal enrichment. For example, there have been protests and riots against industrial mining companies – such as Ocea and London Mining in Sierra Leone¹⁰⁷ and China Union in Liberia¹⁰⁸ – that turned violent. Moreover, while violent opposition to the state has become rare, there are parallel

systems of authority and dispute settlement, especially customary and statutory legal systems. Frequent conflicts occur with regard to land rights, for example when people have traditionally used land that is then assigned to a foreign company for exploitation. In contrast, the smaller scale illicit production and trade of diamonds in Sierra Leone has a high social legitimacy while scams are usually seen as criminal behaviour.¹⁰⁹ Tensions linked to larger extractive industry investments, to the decentralisation of decision-making and revenue distribution as well as to negative impacts of mining at the community level are common across West African countries.¹¹⁰ In post-war contexts, however, informal arrangements frequently collide with the new official system, and it can be very unpredictable what the outcome will be, for example, which rules are finally enforced. Legally, it may be easy to define a crime, but in a shifting post-war framework there is a high level of uncertainty as to what new laws and procedures actually matter when and where.

This even holds true for the more organised drug trade. Until the new laws had been passed in Liberia and Sierra Leone, it was easy to release traffickers 'on bail'. Even with the new regulation and the adaptation of law enforcement in both countries, there still is the common assumption that they can easily buy their way out. In addition, due to the social stigma linked to drug consumption, there seems to be a danger that consumers and small offenders are increasingly criminalised. Yet, Liberia and Sierra Leone have not become major hubs for cocaine trafficking like some countries in the region. In fact, weak state capacities in post-war situations are real, but they are only part of the story. Clearly, other features may rather have had a deterrent effect in Liberia and Sierra Leone, for example, a barely reconstructed infrastructure and the strong international presence with large UN missions. Most importantly, an incomplete state-building process not only increases incentives for criminal activities. In fact, these settings may be attractive for outside networks compared to rather centralised authoritarian systems since the number of officials – and thus potential entry points – increases with multiparty elections, institution-building, and decentralisation during transitions. At the same time, the predictability of those settings is usually lower and the reliability of protection can decrease. Therefore, countries with a strong political influence of the military like previously Guinea-Conakry and Guinea-Bissau may be more appealing for illicit activities like cocaine trafficking.

Conclusion

The introduction to this collection has pointed out that there are many paths and mechanisms connecting different explanatory factors of post-war crime.¹¹¹ Looking at illicit economies in Liberia and Sierra Leone the most notable aspect seems to be an incomplete state-building and the related uncertainty in the new system. The illicit economies largely centre on the exploitation and trade in natural resources, cannabis cultivation and trade as well as the transit of hard drugs. When the extent of cocaine trafficking through West Africa became visible, there was the fear that the trade could 'turn the region into an epicentre of lawlessness and instability'.¹¹² This level of instability has not (yet) occurred in Liberia or Sierra Leone. Naturally, post-war crime cannot only materialise in violence linked to the mentioned illicit economic activities. The rates of intentional homicide have generally dropped from 4.8 in 2008 to 3.2 in 2012 for Liberia and from 3.3. in 2008 to 1.9 in 2012 for Sierra Leone.¹¹³ The gradual improvement in crime and security also shows in population surveys for both countries.¹¹⁴ At the same time, particularly Liberia is known to have high rates of robbery,

burglary, and mob violence.¹¹⁵ The adequacy of crime statistics in Liberia and Sierra Leone can certainly be questioned. There is, however, little visible connection of criminal violence to illicit economies so far. Is this a lasting development or rather a snapshot at the time of persisting international attention and presence?

According to the first angle outlined in the introduction, avoiding renewed violence of a larger scale will depend on balancing the spoiler potential with the necessity for reforms while also transforming the economy for the benefit of the wider population. The other view focuses on addressing fragile statehood to prevent stressors from bringing about repeated violence. The vulnerability for crime is often seen in porous borders and a lack of regulation and effective law enforcement which are aspects that are commonly cited by agencies in Liberia and Sierra Leone as well. They often refer to weak capacities and insufficient resources as being the main challenges in fighting post-war crime. These deficiencies are real, but they mask an ultimate dilemma in tackling crime in cases such as Liberia and Sierra Leone: illicit activities are often tied to the very state that is supposed to build and defend the reformed framework of legality. The danger of seeing fragile statehood merely as a matter of low capacity or a lack of technical reforms has already been pointed out with regard to other contexts.¹¹⁶

Post-war transitions provide their own set of incentives when incomplete state-building and personalised power relationships come together in the way outlined above. This kind of precarious stability means that mostly increasing the level of state coercion and capacities is risky, because ‘the retention of state structures claiming but not possessing legitimate authority provoked rebellion and insurgency’.¹¹⁷ The more important aspect is increasing the trust in existing rules and institutions like programmes in community policing try to do. From a global perspective, the organisational level and profits of post-war crime in Liberia and Sierra Leone may be low. But its features can undermine and de-legitimise the state if impunity for higher level offences prevails while the lower echelons of illicit economies struggle to manoeuvre under the conditions of uncertainty.

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Notes

1. The term 'post-war crime' is usually not used in the literature; rather terms like the 'criminalization of the economy' are common (see e.g. Ballentine, *Economic Agendas in Civil Wars*, 2.).
2. Williams and Picarelli, "Combating Organized Crime," 134.
3. See e.g. Collier and Hoeffler, *Greed and Grievance in Civil War*; and Cederman et al., *Inequality, Grievances, and Civil War*.
4. Ballentine and Nitzschke, "Introduction," 1.
5. According to Shaw and Mangan (*Illicit Trafficking*, 7) illicit economies comprise transactions and commodities that are legally prohibited in production and/or trade unless they comply with respective regulations.
6. Grävingsholt et al., *Entwicklungszusammenarbeit und nichtstaatliche Gewaltakteure*, 67.
7. Ross, *Natural Resources*, 52.
8. World Bank, *Human Development Report 2011*.
9. OECD, *Think Global, Act Global*, 56.
10. See e.g. Miraglia et al., *Transnational Organised Crime*.
11. Of course, remnants of war economies and the related 'spoiler' potential can also be categorized as a stress factor in post-war transitions.
12. Miraglia et al., *Transnational Organised Crime*, 11, 12.
13. Shaw and Kemp, *Spotting the Spoilers*, 1.
14. See Enzo Nussio's article in this collection for a discussion of why ex-combatants are seen as being more likely to engage in crime. Nussio, *Ex-combatants and Violence in Colombia*.
15. Similarly, there can be different types of political violence without connections to illicit economies.
16. See e.g. Pugh and Cooper, *War Economies in a Regional Context*.
17. For a detailed discussion of this process see: Vorrath, *From War to Illicit Economies*
18. The research paper is based on field research in Liberia from November 10 to December 9, 2013, and in Sierra Leone from January 11 to February 9, 2014. Overall, the author conducted 48 semi-structured interviews in Liberia (in Monrovia and in/around Gbarnga/Bong County and Ganta/Nimba County) and 46 in Sierra Leone (in Freetown and in/around Koidu/Kono District) with officials at various levels (national to local), representatives of security agencies, the judiciary, local NGOs, associations and private security companies as well as business people, traditional authorities, journalists, social and community workers and people engaged in or linked to specific (illicit) economic activities. Interviews conducted during these trips are anonymized and cited by codes indicating the country (LIB = Liberia; SL = Sierra Leone), the sequence number of the interview, and the date of the interview.
19. Armed conflict in Liberia lasted from 1989 to 2003, with an interruption between 1996 and 1999 when Charles Taylor became elected president of Liberia. These two periods are often

referred to as the first and second Liberian civil wars. In Sierra Leone, armed conflict started in March 1991 and basically continued until early 2002.

20. Liberia and Sierra Leone are on the OECD's list of fragile states and economies in 2015 and have both been on every such list since 2007. According to the same report they also have about the same level of fragility, see OECD, *States of Fragility 2015*, 32, 33 and 44.
21. Andersen, "Outsiders Inside the State," 137.
22. Ellis, *Mask of Anarchy*, 154–56.
23. Reno, *Warlord Politics and African States*, 123.
24. *Ibid.*, 91.
25. Reno, *Warlord Politics and African States*, 79.
26. *Ibid.*, 98.
27. Ellis, *Mask of Anarchy*, 89, 90.
28. *Ibid.*, 89, 90.
29. Waugh, *Charles Taylor and Liberia*, 165.
30. Reno, *Warlord Politics and African States*, 96.
31. William H. Twaddell, "Testimony to Africa Sub-committee of the U.S. House of Representatives," 1996, *The Inquirer*, Monrovia 5, no. 55 (August 13, 1996), cited in Ellis, *Mask of Anarchy*, 90, 91.
32. Byman et al., *Trends in Outside Support*, 76; and Ellis, *Mask of Anarchy*, 71.
33. Waugh, *Charles Taylor and Liberia*, 188.
34. Gberie, *War and Peace*, 18.
35. Ellis, *Mask of Anarchy*, 104.
36. Williams and Picarelli, "Combating Organized Crime," 125.
37. United States District Court, *Sealed Indictment*.
38. Reno, "Liberia: The LURDs," 71.
39. Ellis, *Mask of Anarchy*, 101, 102, and 107.
40. UN investigations showed that RUF income from diamonds at the time was between 25 million and 125 million USD annually (UNSC, *Report Panel of Experts 2000*, 17).
41. Utas, "Bigmanity and Network Governance," 5.
42. Cockayne, "Crime, Corruption and Violent Economies," 202.
43. UN Resolution 1509 (2003), 4.
44. These are 'rough diamonds used by rebel movements to finance wars against legitimate governments' according to the Kimberley Process; see: <http://www.kimberleyprocess.com/> (accessed August 11, 2014).
45. Cited in UNSC, *Midterm Report Panel of Experts 2014*, 18.
46. Fanthorpe and Gabelle, *Political Economy*, 22.
47. Interviews LIB-33_28-11-13; LIB-3_13-11-2013; SL-24_28-1-14.
48. UNSC, *Final Report Panel of Experts 2013*, 33.
49. UNSC, *Midterm Report Panel of Experts 2014*, 19.
50. UNSC, *Final Report Panel of Experts 2013*, 12; and UNSC, *Midterm report Panel of Experts 2014*, 18.
51. Abdullah and Muana, "The Revolutionary United Front," 179.
52. Engwicht, *After Blood Diamonds*, 12.
53. Interviews SL-44_6-2-14; SL-24_28-1-14; SL-49_3-2-14; Interview LIB-3_13-11-2013.
54. Government Printing Department of Sierra Leone, *Mines and Minerals Act*, 116.
55. Interviews SL-30_30-1-14; SC, SL-20_27-1-14.
56. Interview SL-20_27-1-14.
57. Interview SL-1_15-1-14.
58. Department of State, *Fraud Warning*.
59. Interview SL-49_3-2-14.
60. Interview LIB-38_2-12-13.
61. Global Witness et al., *Signing Their Lives Away*, 2.
62. Hettinger and James, *African Economic Outlook*, 9.
63. Special Independent Investigating Body, *Private Use Permits*, 8.
64. Walker and Burchert, *Getting Smart and Scaling Up*, 178.
65. Mano Daily and AFP, "S. Leone Anti-graft Agency."

66. Some of these were also linked to the so called 'Timbergate' affair. This scandal was triggered by an Al-Jazeera undercover story allegedly implicating two associates of Vice-President Sam Sumana, who accepted bribes in return for the promise that the vice president would back an illegal logging project (see: Reuters, "Sierra Leone Charges Two").
67. EC, *Cross-border Flows*, 59.
68. Interviews SL-26_29-1-14; SL-33_3-2-14.
69. Conteh, "Chiefs, NGOs and Alternative Conflict Resolution," 7.
70. Global Witness, *Logging Company*.
71. Interviews SL-27_29-1-14; SL-29_30-1-14; SL-47_8-2-14.
72. Carrier and Klantschnig, *Africa and War on Drugs*, 35.
73. Walker and Burchert, *Getting Smart and Scaling Up*, 176; Interview LIB-38_2-12-13.
74. UNODC, *Drug Trafficking*, 3.
75. Numbers have to be taken with a pinch of salt, but for 2010 UNODC estimated that 10% of European seizures – meaning 18 tons of pure cocaine worth about \$1.25 billion – might have passed through West Africa, see UNODC, *Transnational Organized Crime*, 17.
76. Gberie, *State Officials*, 14.
77. Walker and Burchert, *Getting Smart and Scaling Up*, 175.
78. Status in February 2014: Interview SL-45_7-2-14.
79. Gberie, *State Officials*, 14, 15.
80. Interviews LIB-3_13-11-2013; LIB-51_5-12-13.
81. UNSC, *Midterm report Panel of Experts 2014*, 21.
82. Interview LIB-26_26-11-13.
83. Gberie, *State Officials*, 22.
84. UNODC, *Transnational Organized Crime*, 4; and Shaw, *Leadership Required*, 3.
85. United States Attorney, 'Sierra Leone Man Pleads Guilty'.
86. Interviews SL-6_17-1-14; SL-5_17-1-14; SL-13_23-1-14; SL-1_15-1-14.
87. Interviews SL-29_30-1-14; SL-15_24-1-14; SL-12_23-1-14; UNSC, *Midterm report Panel of Experts 2014*, 21.
88. Interview LIB-11_19-11-13.
89. Interview LIB-20_22-11-13.
90. Walker and Burchert, *Getting Smart and Scaling Up*, 176.
91. Interviews LIB-24_25-11-13; SL-47_8-2-14; SL-6_17-1-14; SL-17_24-1-14.
92. UNSC, *Midterm report Panel of Experts 2014*, 21; Interviews LIB-11_19-11-13; LIB-51_5-12-13; LIB-6_15-11-2013.
93. Human Rights Watch, *No Money, No Justice*, 21.
94. Interview SL-45_7-2-14.
95. Weapons are also still circulating in the region according to UNODC, see UNODC, *Transnational Organized Crime*, S. 33.
96. Christensen, "Big Man Business," 64, 65.
97. Interviews SL-45_7-2-14; SL-31_30-1-14; LIB-11_19-11-13; LIB-19_22-11-13.
98. Gberie, *State Officials*, 22.
99. Interview SL-1_15-1-14.
100. Interview LIB-50_5-12-13.
101. Interview SL-43_6-2-14.
102. Interview SL-45_7-2-14.
103. Ellis and Shaw, "Does Organized Crime Exist?"
104. Maconachie et al., *Challenge of Fragility and Security in West Africa*, 24.
105. Interview SL-30_30-1-14; Engwicht, *After Blood Diamonds*.
106. SL-26_29-1-14.
107. Interview SL-47_8-2-14.
108. Interview LIB-37_2-12-13.
109. Engwicht, "Illegale Märkte," 163, 196.
110. Maconachie et al., *Challenge of Fragility and Security in West Africa*, 9–23.
111. See Kurtenbach and Rettberg, "War Economies and Postwar Crime."

112. Antonio Maria Costa, Executive Director, UNODC, In UNODC, *Drug Trafficking*, 1.
113. See Intentional homicide count and rate per 100,000 population, by country/territory (2000–2012), In UNODC, *Homicide Statistics 2013*.
114. UNODC, *Global Study on Homicide*, 85–87.
115. See e.g. OSAC, *Liberia 2016 Crime & Safety Report*, 2.
116. Menkhous, “State Failure and Ungoverned Space,” 173.
117. Williams and Picarelli, *Combating Organized Crime*, 124.

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