



PKSOI Perspective

Assessing Intelligence Capacity Building in Liberia 01 July 2009

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INTRODUCTION

Security Sector Reform (SSR) in Liberia has confronted major challenges in the intelligence arena. The intelligence community in Liberia has traditionally been populated by a collection of duplicative agencies with vague mandates and little to no oversight. Intelligence organizations have typically answered directly to the head of state, and have focused almost obsessively on preserving in power a succession of autocratic and repressive regimes. These agencies have operated with impunity outside of existing rule of law frameworks, frequently acting directly to remove perceived threats to the survival of the regime.

BACKGROUND

When the Liberian state failed altogether in the late 1980s, a collection of already delegitimized intelligence actors became completely dysfunctional. A succession of peace agreements in the 1990s made the various intelligence organizations a source of factional patronage, leading to sustained growth in the size of intelligence agencies as each faction inserted its own members into agency structures. The lack of any serious attempt to demobilize any of the intelligence organizations during the various peace processes contributed to bloated agency workforces that lacked legitimacy and functionality.

Following the election of Charles Taylor in 1997, Liberian intelligence organizations quickly became enforcers for Taylor's National Patriotic Front of Liberia (NPFL) faction. Former NPFL warlords assumed control of agency leadership and factional fighters were quickly inducted into agency workforces. Serving a criminal regime notorious for its violent methods, corruption and abuse of human rights, Liberian intelligence agencies became little more than a means for Taylor to guarantee his personal survival and to support personal aggrandizement for himself and a small circle of cronies. This environment, highly corrosive to both the legitimacy and functionality of intelligence sector actors, continued until the departure of Taylor in 2003 and the replacement of his regime with a transitional government.

The Comprehensive Peace Agreement (CPA) of 2003 does not mention intelligence agencies specifically. It does call for the "restructuring" of the Armed Forces of Liberia

(AFL), the Liberian National Police (LNP) and “other security services,” which could be interpreted to include national intelligence agencies. The Agreement established a “National Transitional Government of Liberia” (NTGL), and distributed control of Liberian public institutions, to include government intelligence agencies, among the signatory factions: Taylor’s “Government of Liberia” (GOL); “The Liberians United for Reconciliation and Democracy” (LURD); and “The Movement for Democracy in Liberia” (MODEL); and “Political Parties,” a coalition of smaller political parties and civil society groups that were signatories to the CPA. Each faction quickly moved to establish control of its respective agencies, installing factional leaders positions of authority and integrating former fighters into the agencies’ “rank and file.” As had been the case in past reorganizations, no efforts were made to demobilize existing agency workforces, leaving the new management to coexist uneasily with “legacy” agency employees.

From 2003 until January of 2006, the NTGL exercised a very limited role in administering Liberian intelligence agencies and functions. Constrained by the presence of UNMIL, the largest UN peacekeeping mission since the Korean War, operations by Liberian intelligence actors were narrowly circumscribed by more than 14,000 heavily armed UN peacekeeping troops and more than 1,200 UN police officers deployed throughout Liberia. The presence of UNMIL curbed the most egregious abuses of Liberian intelligence actors but did not address the underlying problems in Liberia’s intelligence community.

With the inauguration of President Ellen Johnson Sirleaf in January of 2006, and the seating of the newly elected Liberian legislature, Liberian intelligence actors for the first time in history answered to a legitimate, democratically elected government. President Johnson Sirleaf moved quickly to establish her authority over Liberian intelligence actors, appointing new leadership in consultation, as required by the Liberian Constitution, with the Liberian Senate. The Johnson Sirleaf Administration also brought with it a highly public commitment to observing human rights, supporting rule of law, and improving the accountability, operation, and effectiveness of Liberia’s security sector, as called for by the CPA. It quickly endorsed the agreement on SSR previously signed by the NTGL with the U.S. Embassy, which called for an ambitious transformation of the AFL in accordance with principles of SSR.

The Liberian Intelligence Community: Current Situation

Despite her commitment to reform and good governance, President Johnson Sirleaf has yet to address the underlying problems in Liberia’s intelligence community in a serious way. Disarmament, demobilization and reintegration (DDR) programs initiated and funded by the U.S. and the UN have not included the Liberian agencies with primary responsibility for intelligence activities. The Johnson Sirleaf Administration does not have the resources to meet the high costs of demobilizing these activities unaided. As a result, intelligence agencies continue to be bloated with civil war-era personnel who have neither the training

nor experience to provide functionality to the intelligence sector.

Intelligence agencies also suffer from the same lack of capacity that afflicts the rest of the Liberian public sector. Agency operating budgets are inadequate where they exist at all. Agencies lack even the most basic supplies and furniture, and are frequently without power or water. Agency employees are seldom paid even the minimal (around U.S. \$30 per month) salaries to which they are entitled, requiring them to maintain other employment or to barter goods and services directly to potential customers. Accounting and personnel systems are dysfunctional, making it extremely difficult simply to determine with any accuracy who is actually on the payroll.

Even more problematic, Liberian intelligence agencies lack an experiential foundation for the conduct of intelligence activities nested within rule of law and democratic governance. Impunity for intelligence sector actors and lack of accountability to lawful authorities have been features of the Liberian intelligence community for so long that they have become part of its institutional culture. Statutory frameworks for intelligence gathering and dissemination are inadequate where they exist at all (most date from the old Americo-Liberian regime in the 1950s). Most of the current workforce served with the intelligence services during times when human rights abuses were common practice. There are no institutionalized standards of conduct for intelligence activities, nor is there any separation between foreign intelligence activities and intelligence as a component of, and supporter to, domestic law enforcement.

Intelligence operations have always been, and continue to be, highly compartmentalized and obsessively secretive, with no tradition of or mechanisms for transparency, even to elected government officials. Different intelligence agencies do not share information, and coordination across agency lines is almost non-existent, a legacy of times when Liberian heads of state mistrusted their own security services and routinely used them to watch each other. Divisions of responsibility among the various intelligence actors are confused and ill-defined, leading to duplication of effort and sustained “turf battles” over jurisdiction, access to the Liberian leadership, and funding priorities.

A Brief Liberian Intelligence Community “Order of Battle”

The primary intelligence agencies currently operating in Liberia are the National Security Agency (NSA) and the Ministry of National Security (MNS). Both operate as intelligence bodies, the NSA as an independent executive branch agency and the MNS as a cabinet ministry. The Director of the NSA and the Minister of National Security are both political appointees, nominated by the President and requiring confirmation by the Liberian Senate.

Established in 1974, the NSA has a very broad intelligence charter, similar to that of the Director of National Intelligence in the U.S. It was organized originally as a successor to

the National Bureau of Investigation (NBI), the Liberian equivalent of the U.S. FBI. As a result, in addition to its intelligence responsibilities, the agency has subpoena and law enforcement powers within Liberia that are normally associated with the criminal justice sector. This conflating of national security with domestic law enforcement has created an ambiguity in the actual mission of the NSA which has yet to be resolved. The confusion increased significantly with the re-establishment of the NBI in 1998.

The Ministry of National Security dates from 1979, and has a charter to manage national intelligence actors and efforts that is almost identical to that of the NSA. The MNS is also charged specifically with oversight of state security services, especially where those services are involved with the protection of the President, giving it an operational role different from that of the NSA. In practice, both institutions evolved during the civil war into mechanisms for protecting the President and for ensuring the survival of his regime, using whatever means necessary. Neither institution has been the subject of any significant reform effort since the end of the civil war.

Other agencies with specific intelligence charters in the past included the Defense Intelligence Service (DIS) and the Armed Forces of Liberia (AFL) G2 (Army Intelligence). The DIS, a parallel organization to the U.S. Defense Intelligence Agency, still exists on paper but is largely moribund and has no functional role to speak of in the current Liberian executive branch. The AFL G2 was not reconstituted by the American SSR program, which provided for no service headquarters or general staff functions for the reconstituted AFL.

Intelligence activities in the law enforcement and civil justice sector are the purview of several justice sector agencies. The previously mentioned NBI is formally charged with supporting law enforcement activities and conducting investigations of criminal activities within Liberia. In that role, it is the primary agency with responsibility for intelligence in support of operational law enforcement, criminal investigations, and prosecutions. The Liberian National Police (LNP) has a parallel function for Liberian police forces, as does the Liberian Drug Enforcement Agency (DEA), the Bureau of Immigration and Naturalization (BIN) and the Special Security Services (SSS). There are no functional mechanisms for sharing information across these agencies, nor is there adequate deconfliction of roles and missions where law enforcement intelligence is concerned. All of the agencies share past histories of corruption, human rights abuses, and lack of accountability and transparency, with the SSS being especially notorious. In none of these agencies was the workforce demobilized following the civil war, and none of them has been the recipient of SSR activities on any significant scale.

Potential Intelligence Capacity Building Partners

The two major partners in Liberian SSR are the U.S. government (via the U.S. Embassy and Country Team) and the United Nations via the UN Mission in Liberia

(UNMIL). Each partner includes or represents key players with equities in the intelligence field. Generally speaking, an unofficial division of labor has developed with the U.S. underwriting and directing SSR in the defense and military sectors, while UNMIL focuses on police and law enforcement.

Within the U.S. Embassy, the key players for intelligence equities are the Defense Attaché and the Regional Security Officer (RSO). The Defense Attaché is responsible for the intelligence aspects of SSR where the defense sector and the military are concerned. The RSO handles liaison with host nation justice and law enforcement actors, and has limited law enforcement responsibilities in his own right. As such, he is the primary point of contact for intelligence issues involving law enforcement and the justice sector.

While Liberia has an Office of Defense Cooperation headed by a U.S. military Security Assistance Officer (SAO), legislated restrictions on the involvement of U.S. Security Assistance programs with foreign national intelligence activities preclude the SAO from engaging effectively in the intelligence aspects of SSR. On the justice and law enforcement side, the Department of State Bureau of International Justice and Law Enforcement and the Department of Justice Criminal Division can provide officers with functional experience with intelligence in a law enforcement context, but neither agency has done so in the case of Liberia.

UNMIL has developed a significant Liberian SSR program and has also developed a robust intelligence (the official UN term is “information”) collection and analysis capability in Liberia, but has yet to pursue an effective fusion of the two. The SSR program focuses on justice and law enforcement through the Legal and Judicial System Support Division (LJSSD) and the activities of UNMIL’s UN Police Forces (UNPOL). These programs have not yet focused on the intelligence aspects of SSR in any meaningful way, but they could certainly provide a foundation for intelligence SSR in the law enforcement and justice context.

The Joint Military Activities Center (JMAC) provides an information fusion cell that is an analogue to a multisource intelligence collection, analysis and dissemination center. The JMAC deals with intelligence issues on a daily basis, and maintains communications with all of the key intelligence partners in the Liberian executive branch. The JMAC has not, as yet, developed a capacity building or reform component to its basic mission, and it is unclear whether that would be an appropriate role for the JMAC to undertake.

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