



COMPARATIVE STUDY OF TRANSITIONAL JUSTICE IN AFRICA

LIBERIA

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African Transitional Justice Research Project: Case Study on Transitional Justice in Liberia

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Introduction

In contrast to much of Africa, Liberia did not experience European model of colonialism. Instead, it consists of a mixed legacy of American attempts at colonialism in Africa, the imposition by repatriated slaves of oligarchic rule on native African political communities,. Thus, in the 19th century, the country experienced a range of turbulent crises: crisis of sovereignty; recurrent waves of violent attacks from natives—a direct response to settlers’ imposition of their own particular brand of nationalism. At the turn of the 20th century, Liberia also suffered a crisis of independence when the League of Nations contemplated Trusteeship as a response to Liberia’s complicity in practices of slavery and forced labor. The civil war of December 1989 and the resultant collapse of the state was further evidence of the country’s inability to engineer the required social and political processes of state and nation building. Taken together, since becoming Africa’s first republic in 1847, Liberia’s existence has been dominated and plagued by crises of political legitimacy, and over economic resources and land. In 2003, a Comprehensive Peace Agreement was signed in Accra, Ghana that called for the establishment for a truth and reconciliation commission for Liberia. The LTRC was conceived as a “mechanism that would facilitate genuine healing and reconciliation among Liberians.”¹ The CPA became the first Peace Agreement to expressly demand accountability.

To examine the notion of Transitional Justice within the Liberian context, this paper is divided into six parts. Part One of the paper examines the historical context of transitional justice in the republic. It outlines and analyzes Liberia’s hybrid political order, and pattern of governance, and explores a causal link with transitional justice. The paper draws specific attention to watershed moments in the country’s history including the Commission of Inquiry to Investigate Allegations of Forced Labor and Slavery by the League of Nations in 1930. Like contemporary TRCs, the Commission documented hearings and collected testimonies from native societies and issued a final report. This paper placed emphasis on the scale of violence perpetrated against native societies and also highlighted intergenerational transmission of these memories over time. It observed that unstructured oral tradition of native societies played a critical role in the transmission of these memories.

¹ Comprehensive Peace Agreement between the Government of Liberia, Liberians United for Reconciliation and Democracy (LURD), the Movement for Democracy in Liberia (MODEL), and Political Parties (Accra, Aug. 18, 2003), preamble http://www.usip.org/files/file/resources/collections/peace_agreements/liberia_08182003.pdf. (Hereafter “CPA.”)

Part Two discusses the emergence of autocracy in Liberia, characterised by strong man politics and the over-centralization of the state. In Part Three, the paper examines the first indigenous rule in Liberia, in juxtaposition with the pattern of governance of freed slaves or settlers. In this context, it analyzes identity politics and motivation behind ethnic purges, in connection with the decade of indigenous rule (1980-1989). Part Four discusses the civil war, excesses of tribal violence and the ensuing peace agreement.

Part Five examines the country's first serious attempt to break with the past by agreeing on a formal mechanism to investigate the underlying causes of the civil war and to address the root causes adequately. Though Liberia had thirteen earlier peace agreements, all failed to obtain peace because the perpetrators' formula for peace was largely skewed toward power sharing and profiteering from state resources. I note that the Accra Comprehensive Peace Agreement (CPA), Liberia's 14th Peace Accord was different because of the changing times – romanticism of the South African Truth and Reconciliation Commission and its perceived success, Economic Community of West African States leaning more toward democratization and accountability and aggressive posturing of the international justice system.

In Part Six, this paper examines the origin of Liberia's search for truth, justice and peace. It begins with the establishment of the process for the Liberia Truth and Reconciliation Commission (LTRC) and details the hiccups along the way. It also highlights the elaborate process of truth-seeking and the TRC's final report. While the process of truth-seeking and reporting is largely inseparable, the paper maintains a certain degree of separation but highlights the mutually reinforcing relationship between the two processes. Part Six also discusses post-TRC Liberia, dynamics between those who support the TRC and those against it. It also highlights the undercurrent of revisionist politics and its impact on the broader discourse of transitional justice. It explores the fault lines exposed and sometimes deepened by the TRC process, and concludes with Part 7's hypothesis that unaddressed national grievances carry the potential source for future conflict.

Liberia: History and Issues (1847-1980)

Evolving Discourse—State and Nation Building

Prior to the civil war (1989-2003), Liberia was perceived in generally positive terms as an example of Africa's ability at self-rule and self-determination. As Africa's first republic, it was seen as the beacon of hope for black people everywhere—a living proof of the black man's ability to conduct his own affairs, and a powerful response to institutionalized racism and colonialism.² In Africa, Liberia was perceived as Black Zion.³ In some measures, the conception of Liberia had religious dimension to it. Like Israel, after slavery, the country was considered the bastion of black people everywhere, especially those coming from the slavery diaspora. So when

² Stephen Ellis, *The Mask of Anarchy: The Destruction of Liberia and Religious Dimension of an African Civil War*, New York University Press, 2006, pp. xxi-xxxiii

³ Timothy Nevin, incomplete

Liberia imploded into violent civil war and emerged as a normative failed state, while this was a widely-held concept, it wasn't actually true, even though the popular discourse of the time wanted it to be. Although post-civil war re-evaluations showed it to be a false belief, it was always the case that the Liberian experiment was fake probably from the start, and the view that it was a Black Zion (one of many, I might add) came about because of some people's desire for it to be so, rather than the actual facts. Scholars pondered the hard questions about how the country could heal and rebuild after such massive collapse. This discourse inspired new interest in the old republic and drew global attention to the urgency of the need to rebuild. A few scholars pondered hard how to address Liberia's post-war dilemma.

Stephen Ellis, in the second edition of *The Mask of Anarchy* asserted that: "Liberia cannot be restored; it can only be reinvented. To restore implies the recreation of something that once existed, whereas Liberia has never in its history known anything approximating the current, technocratic, idea of good governance, not even in the 1950s when it was peaceful and had one of the world's fast growing economies.⁴" In his book, "The Evolution of Deadly Conflict in Liberia," Jeremy Levitt found a rationale for the destruction of the country in a historical pattern of 18 deadly conflicts. In his assessment of the underlying causes of the war, he observed that "the principal experiment to establish Liberia and impose it on the native community permanently shaped the socio-political order responsible for the institutionalization of ethno-political conflict in Liberia."⁵ In the study of Liberia past and present, these views provide deep insight into the formation of Liberia as a nation-state and problematize the foundation of Africa's first republic in attempting to unpack the far-reaching consequences of America's brand of colonialism and the settlers' oligarchic rule on Africa's first republic.

Conception of Liberia

Liberia was founded by the American Colonization Society (ACS), an American backed non-governmental organization (NGO). Its desire to champion the repatriation of freed slaves to Africa was driven by both political and humanitarian objectives. In 1822, the colony was established as an outpost for manumitted slaves seeking freedom and citizenship outside of America. The end of slavery in the early 19th century brought about unsurprisingly a staggering growth in the population of freed slaves, which in turn created a sudden sense of revulsion and fear in the ranks of the former masters. White American communities had to come to terms with the unsettling reality of co-existence with freed slaves, and found themselves faced with limited options but to culturally and socially assimilate those freed slaves, now their equals. In the sensibilities of white supremacists, the former invoked emotions of 'moral degradation' while

⁴ Stephen Ellis, *The Mask of Anarchy*, pp. xxi-xxxiii

⁵ Jeremy Levitt, *The Evolution of Deadly Conflict in Liberia: From Paternalism to State Collapse* (Carolina Academic Press, North Carolina, 2005). pp. xiii-xiv

latter invoked fear of slave retaliation.⁶ And looming concern came from reports about violent slave uprisings. The memory of the bloody revolt in Sainte Domingue (part of Haiti) in 1791 was, as Charles Johnson an American sociologist put it, “as fresh as an open wound.”⁷ In this world where the abolition of slavery was no longer an ideal to fight for but a reality to live with, the formation of a state created for the freed slaves in their own historical home and at the same time on a distant continent, presented two opportunities: to address a growing internal security crisis by ridding America of its problematic free slaves and to be seen to be doing the best that could be done to redress a (vast) historic injustice. That the process of repatriation would also spread the ideals of Western Civilization⁸ and fit into a specific paradigm inspired by American Protestant Christianity would be unexpected but welcome outcomes.

Colonialism

The evolution of the modern Liberian state has gone through three historical periods: Colonialism (1822 to 1839); Commonwealth (1839 to 1846); and Republican (1847 till now). Each of these periods had their own unique characteristics. For example, the colonial period functioned as a colony of the ACS from 1822 to 1839. It was not until July 26, 1847, that Liberia became a free and independent state. Governors of the colonial period were referred to as agents and were appointed by the ACS. The colonial government was divided into the same three branches as the US system they had left, but didn’t observe any particular degree of separation.⁹ These branches comprised the Colonial Council, Executive and Judiciary Branches. Eli Ayres was appointed as the first agent of the colony. His administration is reported to have initiated the first conflict between the settlers and native communities over the purpose of land. The settlers’ wanted land in order to expand into greater Liberia. Land to them was like any transaction that takes on a certain degree of ownership. Whereas in native tradition, custodianship of land was – and still is – considered the prerogative of ethnic based authority and not the right of an individual or group of people.¹⁰ The native worldview did not accommodate a group of people who didn’t follow the local customs or belong to the local governance system. For the settlers, however, purchase of land was a binding transaction and land purchased became property of the individual or colony. Refusal by the native to honour the commercial nature of the land sale was later forced and the deal consummated under the barrel of a gun.¹¹ Aloysius Toe, Liberia’s Human Rights Advocate and Reebok 2005 Human Rights Award winner laments: “Land

⁶ Amos Sawyer, *The Emergence of Autocracy in Liberia Tragedy and Challenges* (Institute for Contemporary studies, San Francisco, California)..pp. 1-11

⁷ Charles Johnson, *Bitter Canaan, The Story of the Negro Republic* (Transaction Press, New Jersey, 1987)

⁸ Amos Sawyer, *The Emergence of Autocracy in Liberia, Tragedy and Challenges* (Institute for Contemporary studies, San Francisco, California)..pp. 13-41

⁹ Jeremy Levitt, *Evolution of Deadly conflict in Liberia*

¹⁰ Joseph Saye Guannu, *The Political History of Liberia and the Civil War*, In *War to Peace Transition: Conflict Intervention and Peace Building in Liberia*, ed. Kenneth Omeje

¹¹ Liberia Truth and Reconciliation Commission Report; Levitt Evolution of Deadly Conflict in Liberia

distribution and ownership is a colonial legacy; land a source of power.”¹² Under the colonial period, this was the first fault line of conflict.

Commonwealth

The commonwealth period was characterised by the proliferation of colonies. These colonies, such as the Maryland Colonization Society, Mississippi Colonization among others spread Western Civilization. This was done against the notion that Africa had no religion recognizable to Western belief in God and the people were backward and locked in a primordial form of existence. More importantly, the common wealth period is the time all the colonies came together to promote a level of economic and military cooperation. No colony was strong enough to survive on its own, especially against the aggression of native society.¹³ The transition of Liberia to a Republican form of government was marked by a number of important developments. Settlers’ society consolidated while indigenous communities continue to live parallel to the nascent state of Liberia. Each of these separate communities were conscious about their heritage as a people and a unique way of life.

Nationhood and reaction to nationalism

Liberia has never had an inclusive general history taught in schools. Instead, what has been taught was largely the opinion and academic arguments of scholars about the country’s origin, it’s people and culture. Oral tradition has also played an integral part in the transmission of historical records. Nearly all accounts, whether written or oral are criticized for being lopsided and not representative of the dual heritage of the country.¹⁴ An account that is perceived to be inclusive with appreciable levels of permissible truth by the collective of Liberian is desirable. While both traditions of historical records are perceived to be distorted, some elements about Liberia, prior to and after the arrival of the settlers appear to be consistent. Prior to the arrival of the settlers there were, and still are, sixteen indigenous groups. These groups are categorized under three ethnolinguistic branches: Mende, Mel and Kwa. Each of these groups existed as a separate nation-state, guided by its own notions of nationhood. Some of these groups were organized into alliances, a sort of military pact for defence cooperation, while others were organized as confederacy for the purpose of trade and commerce. In Mende and Mel societies (North-Western Liberia), they were governed by patrilineal system in which the “principal judicial authority rested with the family or lineage of founding ancestors”¹⁵ —a centralized chieftaincy state in which there is a hierarchy.” In contrast to the Mende and Mel linguistic groups, the Kwa (South Eastern Liberia) use an uncentralized acephalous structure of complex

¹² Interview, Aloysius Toe, Saint Paul Bridge Community, 14 April 2017

¹³ Sinoe County named its capital city of Greenville in honor of Judge James Green; likewise, Grand Bassa named its Capital in honor of Thomas Buchanan, the first Governor of the Commonwealth of Liberia. Similarly, all principal streets in Monrovia are named in honor of the agents of the American Colonization Society. For more see, Joseph Saye Guannu, “Liberia History Up to 1847”

¹⁴ A proposal for writing a General and Comprehensive History of Liberia is being led by the Governance Commission (GC) of Liberia; in fulfilment of the one of the recommendation of Liberia’s Truth and Reconciliation Commission.

¹⁵ Jeremy Levitt, p. 21

organization in which political governance is only possible through a council of elders. Seniority is determined more by age than by lineage, even though there are some exceptions.¹⁶ For example, in Western Liberia, the Gola Kingdom was a notable 19th century tribal establishment. Warren D’Azevedo adroitly observed that the Gola hegemony invoked a sense of inalienable Gola-ness—a symbol of regional pride that exudes a sense of belonging and pan-tribal affiliation.¹⁷ Similarly, the Krus in south eastern Liberia, demonstrated a great sense of pride and abhorred being subjugated or captured into slavery.¹⁸ Samuel Toe, (no relations to Aloysius Toe) draws on Frantz Fanon’s *Wretched of the Earth*: ‘The colonized man liberates himself in and through violence.’ For Fanon, anti-colonial violence (and to an extent, post-colonial violence) wasn’t an irrational manifestation.”¹⁹

Constitution and declaration of independence

The constitution of Liberia was written by Professor Simon Greenleaf, Harvard Law School. The vision behind the process was aimed at undoing legal ties to the ACS and to demonstrate international standing as any sovereign state.²⁰ The declaration of independence by the constitution refused to acknowledge indigenous compatriots as co-equals. Accordingly, citizenship was granted to only those of settlers’ heritage whereas indigenous people were considered aliens or denied citizenship until 1904. However, much of this claim about territorial control was largely symbolic as the territorial boundaries of Liberia and state control, didn’t go far enough. For instance, France and Britain challenged Liberia’s claim of control over parts of the hinterland. Subsequently, in the process of consolidating the modern state through the territory of Liberia, the local or indigenous peoples were subjugated through brutal repression and oppression in the hands of the Liberia Frontier Force (LFF), an embryo of contemporary Armed Forces of Liberia (AFL). It performed the tasks of internal security, customs and others. In response to the imposition of settler rule over the hinterland, there were wars of resistance and these were also brutally suppressed. In addition, the modern state coexisted with traditional political communities, and secret societies such as the Poro and Sande.

¹⁶ Ibid

¹⁷ Warren D’Azevedo, Liberia Studies Journal

¹⁸ Levitt, pp.17-30

¹⁹ Interview via e-mail correspondences, Samuel Toe 5-25 April 2017, btw Liberia and United Kingdom

²⁰ For recognition of Liberia as Africa first republic, Great Britain was the first (1848), followed by France (1852), Lubeck (1855), Bremen (1855), Hamburg (1855), Belgium (1858), Denmark (1860), United States of America (1862), Italy (1862), Sweden and Norway (1863), Holand (1863), Haiti (1864) and Portugal (1865). Even though the United States provided much support toward establishment of the republic, it never recognized Liberia until after 15 years.

For declaration of independence, it conveyed the grievances of settlers endured in the United States during the period of slavery. In the study of Liberia's violent history and notion of justice, it is a statement that reads like victims' testimony in search of restitution.

*"In some parts of the country the [United States], we were debarred by law from the rights and privileges of men in other parts, public sentiments, more powerful than law, frowned us down. We were everywhere shut out from all civil office. We were excluded from all participation in the government. We were taxed without our consent. We were compelled to contribute to the resources of a country which gave us no protection. We were made a separate and distinct class and against us every avenue to improvement was effectively closed. Strangers from all lands of a color different from ours were preferred before us. We uttered our complaints, but they were unattended to, or only met by alleging the peculiar institutions of the country. All hope of a favorable change in our country was thus wholly extinguished in our bosoms, and we looked with anxiety abroad for some asylum from the deep degradation."*²¹

Similarly, the exclusivist nature of the constitution to recognize its indigenous population is captured in the national seal of the country:

The seal shows a sailing vessel approaching the coast, a palm tree, a plough and the spade on a shore, a dove on the wing with an open scroll in its claws and the sun just emerging from the waters. Above the emblem the national motto: THE LOVE OF LIBERTY BROUGHT US HERE, and beneath it, the words Republic of Liberia. The symbols of the seal are obvious: a peace-bringing bird, the dove, arrives with a message from overseas [United States of America], the granting of independence. The ship represents the arrival of the colonists, as does the national motto: THE LOVE OF LIBERTY BROUGHT US HERE. Also the spade and the plough refer to the colonists as they brought these tools with them. The palm tree may symbolize one of the desert island with no previous human habitation.²²

In addition to the land conflict that emerged during the common wealth period, the exclusive nature of the constitution compounded the problem over the establishment of Liberia as a nation state.

²¹ Joseph Saye Guannu, *Liberia History Up to 1847*, p.37

²² Aaron Sleh, Samuel Toe et Aaron Weah, *Impunity Under Attack, Evolution and Imperatives of the Liberia Truth and Reconciliation Commission*, p.201

League of Nation Inquiry

After independence, the need for economic advancement grew. The lack of state control over revenue generation and human capacity made the fundraising far more complicated than originally envisioned. Controlling labor was one such strategy measure considered by the government to raise revenue. In 1926, these incidences of forced labor practiced under conditions analogous to slavery were reported to the League of Nations. On 7 April 1930, the League of Nations' International Commission of Enquiry in Liberia was established. Commissioners comprised Hubert Christy, (League Representative, UK) Arthur Barclay (former President of Liberia) and Charles Johnson (US, academic). Like the contemporary Liberia truth commission, the Commission held public hearings and documented extensively native testimonies. The League of Nation Inquiry Report Findings in 1930 determining Liberia to be complicit in practices of slavery and forced labor led to the resignation of President Charles D. B. King and Vice President Allen Yancy. This affair proved to be a serious threat to Liberia's independence. The League threatened to take Liberia into trusteeship like other Africa countries, such as German South West Africa (Namibia) and Ruanda-Urundi (Rwanda and Burundi). Several countries including France and Germany severed diplomatic ties with Liberia and the country was isolated for after several years. The impact of the inquiry was consequential. It opened up the settlers' oligarchy to scrutiny and a new path of unification was explored. Liberia experienced its first universal suffrage and right to vote in 1945. High schools and vocational centers sprang up and opportunities for indigenous people improved. Despite such positive changes, however, the country experienced a rise in over-centralization of power and the emergence of autocracy. With an iron fist, Tubman ruled for 27 years, the longest serving ruler in all of Liberia's history. In spite of these massive changes, the violent memories of Fernando Po and other moments were transmitted one generation to the other. In the absence of an acceptable historical account, these unstructured transferred of violent memories were embraced and remembered.

Open Door Policy

After the League of Nation Inquiry, Liberia moved into a period of rest and benefited from measure of economy advancement. In 1944, when William Tubman was elected president the society had undergone some significant level of socio-economic transformation. A modern airport was constructed with support from the United States of America, during the latter stages of the Second World War when Liberia was supporting the efforts of the Allied Forces. In 1926, Liberia signed three agreements with Firestone. The agreement marked Liberia's entry into the global capitalist market. While the Firestone deal catapulted Liberia's economy to another level, the issue of extractive industries; no value added; shipping raw materials or resources abroad and finished products sold at high prices; the issue of the rentier state and corruption suggested the macroeconomic model was unsustainable.

Given the weak foundation of the state and little efforts at national building, the period of 1970s was rife with activist and campaign for social justice.

Era of Social Justice and Rights

The decade of the 1970s brought continental and global transformation and it had massive impact on Liberia. The wind of liberation, which began in the 1960s with the retreat of colonialism, was still sweeping across Africa. From Algeria to Nigeria, from Ghana to Kenya, radical nationalism was on the rise. And the neo-colonial style in which the settler elite insisted on running Liberia was inconsistent with the changing times.²³

Even though Liberian society had undergone some significant economic and social changes in the previous decades, practices of exploitation, abuse and injustice were widespread. The country functioned as a one-party state and issues of rights and social justice were stifled. With the death of Tubman in 1971 and the ushering in of his Vice-President William Tolbert, Liberian society appeared to be entering a new era. Tolbert was more reformist, leaning more toward cultural and economic integration than the elites of the True Whig Party that Tubman left behind, who were ultra-conservative and wanted the country to remain a one-party state. Frank Tolbert, the President's brother, was one such example.

In 1973, the Movement for Justice in Africa (MOJA) and the Progressive People's Alliance (PAL) were established. These two social movements became the platform for social justice and basic human rights within the society. Also, Liberians who had gone for advanced studies outside of the country and had returned brought with them ideas of improving the country—economic empowerment, democracy and human rights. The University of Liberia became the staging ground for rallies, press conferences and agitation.

On 14 April 1979, Liberians gathered en masse to hold a peaceful demonstration against a steep rise in the price of the nation's staple food, rice. Although the demonstrators were unarmed and exercising their rights under the constitution to assemble and protest, the administration of resident William R. Tolbert allegedly ordered the police to 'shoot to kill,' with deaths estimated to be in the hundreds.²⁴

Rice Riot Commission

A Presidential Commission on National Reconstruction (CNR), headed by Nete Sie Brownell and 30 others, including Ellen Johnson Sirleaf, was constituted to investigate the incident. In June 1979, the CNR submitted a final report to President Tolbert, recommending that the police

²³Aaron Sleh, Samuel Toe and Aaron Weah: Impunity Under Attack, Evolution and Imperatives of the Liberia Truth and Reconciliation Commission (Civic Initiative, Monrovia, 2008)

²⁴ Liberia Truth and Reconciliation Commission Final Report, June 2009), p. 134

director and the finance and agriculture ministers be investigated and even tried. A meeting among the president's Cabinet and the Committees on the Executive of the Senate and House of Representatives was organized to discuss how to respond to the report. The majority wanted it released and implemented, but a minority opposed the idea. Tolbert aligned himself with the latter and did little towards implementation, instead making only the gesture of granting amnesty to those arrested and imprisoned for organizing the demonstration.²⁵ In the 1970s, President Ellen Johnson Sirleaf served as cabinet Minister under Tolbert and she also served as a commissioner to the 30 member panel of the Commission that investigated the Rice Riots. In her Memoir, *This Child Will be Great*, she reflects on the Commission's Recommendation:

What is tragic, I believe, is that had Tolbert instead implemented the major report recommendations of the Commission on National Reconstruction, things might well have turned out differently. Had the Government seized the opportunity to make major changes, it could have turned the whole thing around and avoided all the bloodshed to come²⁶

hence, the pattern of setting up commissions of enquiry to investigate violence incidences and recommendation not being implemented is not a new phenomenon to Liberia.

Period of Military Coups and Civil Wars

Americo-Liberians never exceed more than 5% of the Liberian population but controlled and dominated socio-economic and political life for more than a century. On April 12, 1980, a violent military coup brought an end to 133 years of the settler oligarchy. Orchestrated by seventeen lower ranking members of the Liberian military – all of them indigenous – the coup was led by Master Sergeant Samuel Doe. The Military Junta that arose from the coup accused the government of corruption and established a tribunal. On 22 April 1980, exactly 10 days after the coup, it found 13 officials of government guilty. All 13 were publicly executed. There were various reactions to such violent change. Many saw the military takeover as true independence for all Liberians and commemorated the action in different forms. Some people went into the streets celebrating while others sang to welcome the 'liberation.' The chorus to one song was: "native woman born soldier and congau [settler's] woman born rogue"; another was, "who owns papa's land?"²⁷

Before 1980, ethnic violence was not uncommon in pre-historic Liberia in regional flare-ups after the founding of the state, although violence was not perpetrated at the national level. The transition from settler to indigenous rule was initially received with hope in some quarters as an opportunity for historical clarification and a timely period to merge the two groups both culturally and politically into one. But the celebration was short-lived as the military regime

²⁵ Aaron Weah, Hopes and Uncertainty, Journey to End Impunity, International Journal of Transitional Justice

²⁶ Ellen Johnson Sirleaf, A Memoir of A Remarkable Life By Africa's First Woman President (New York, Harper, 2009)

²⁷ J. Gus Liebenow, *Liberia: The Quest for Democracy* (Bloomington: Indiana University Press, 1987)

quickly started to imitate the very system it had overthrown²⁸. Moving from what appeared to be a simple dichotomy of settler versus indigenous, the perception of politics and participation shifted within the indigenous ranks and became ethnicized. Doe was an ethnic Krahn, and during his rule, he was perceived to privilege ethnic Krahn over other tribal or ethnic groups. This pattern appeared to mirror the class system that the settlers had governed by. Demonstrations of frustration with the system by those outside Doe's tribe were often quelled by ethnic purges and other repressive tactics.²⁹ Despite mounting pressure from the Progressives (at the University of Liberia) and other critics to open up the space and in a desperate attempt to hold on to power, Doe confirmed the prejudices of his opponents and stocked his government and military with more ethnic Krahns, particularly those from the Gbobo and Konobo clan.³⁰

In prehistoric Liberia, prior to the coming of the settlers, conflict and deadly battles among tribal/ethnic groups was not uncommon. While there was some level of cooperation among tribes, the pre-settlement environment was observed to be unstable and volatile.³¹ The arrival of the settlers didn't eliminate these divisions, but circumstances meant they were de-emphasized, although mistrust between groups simmered. With the removal of the settler group from power, however, some of these ethnic tensions began to boil. In 1985, a coup attempt was staged to unseat Doe, but it was foiled. The coup was led by General Thomas Quiwonkpa, one of the seventeen indigenous soldiers who overthrew the settler oligarchy along with Doe in 1980. Quiwonkpa's failed coup against Doe was reportedly staged out of frustration, protesting the betrayal of the ideals and purpose of the 1980 military coup that had removed from power the settler oligarchy. When the coup failed, Quiwonkpa was arrested and killed. Doe and Quiwonkpa had previously been friends, and comrades-in-arms during the military takeover in April 1980.³² Quiwonkpa was an ethnic Gio. The failed coup triggered a widespread pattern of ethnic purges by Doe's Krahn-led AFL against ethnic Gios and Manos of Nimba County--the native land of the coup leader. Even though studies on the Liberia Civil War (including the Truth and Reconciliation Final Report) determined that the war was primarily organized in pursuit of power and wealth, in some instances ethnicity (and bad governance) were used as legitimate triggers in the early stages of the conflict. However, such patterns of ethnic-based killing that emerged in early 1990 ceased nine months into the conflict, especially after the assassination of President Doe. In some measure ethnicity and bad governance appeared to be part of the underlying causes but not the primary cause.

²⁸ Elwood D. Dunn, "The Civil War in Liberia," in *Civil Wars in Africa: Roots and Resolution*, edited by Taisier M. Ali and Robert O. Matthews (Montreal: McGill-Queen's University Press, 1999; Bill Berkeley, *The Graves Are Not Yet Full: Race, Tribe and Power in the Heart of Africa* (New York: Basic Books, 2001).

²⁹ Stephen Ellis, *The Mask of Anarchy, the Religious Dimension of An African Civil War*, 2nd ed. (Washington Square, NY: New York Univ Press, 2006) Bill Berkeley, *The Graves Are Not Yet Full: Race, Tribe and Power in the Heart of Africa* (New York, Basic Books, 2001)

³⁰ Stephen Ellis, *The Mask of Anarchy: The Destruction of Liberia and the Religious Dimension of an African Civil War*, 2nd ed. (Washington Square, NY: New York Univ. Press, 2006)

³¹ Levitt, 2005

³² Joseph Saye Guannu, in *War to Peace Transition: Conflict Prevention and Peace Building in Liberia*, edited by Kenneth Omeje (New York and Toronto, University Press of America, 2009).

A simmering tribal mix, disenchantment with the indigenous government, and disappointment with the failed ideals of the 1980 coup, all contributed to the context that gave rise to the implosion of Liberia on 24 December 1989, when Charles Taylor launched an insurgency against Doe. The history of tribal feud and intergroup rivalry were not perceived to be a major source of disruption in an indigenous led government. Hence, the impression that the Settler's were the only major 'enemy' to indigenous people proved misleading. Charles Taylor, a Liberian of both settler and indigenous parentage, had fled the country during Doe's presidency over allegations of corruption. Following a dramatic series of events, including a mysterious prison break in the United States, he returned to Liberia as rebel leader of the National Patriotic Front of Liberia (NPFL).³³ After the 1980 coup, Taylor forged a personal friendship with Thomas Quiwonkpa, and Taylor began dating Quiwonkpa's niece. In the sub-culture of Nimba society, to which Quiwonkpa belonged, prospects or intermarital relations earned a certain kind of privilege. To the Nimbaian, Taylor was considered a son. But Taylor had both indigenous and settlers' heritage; his father was Americo Liberia and his mother Gola. He was raised as Americo-Liberian. However, using his new Nimba connections, he mobilized Gio and Mano militia with grievances against Doe and ethnic Krahn as a strategy of recruitment. Mandingos, another Liberian ethnic group, were also targeted and killed by Taylor's newly found Gio allies for their perceived favorable proximity to Doe's government and their overwhelming Islamic persuasion.³⁴ Mandingoes were formerly medieval aristocrats of the Mali Empire who immigrated toward Liberia after its collapse.

On Christmas Eve 1989, a group of insurgents came into Liberia from Cote d'Ivoire and attacked the border town of Butuo in Nimba County. Fighting under the banner of the National Patriotic Front of Liberia (NPFL), initially the insurgents were mainly Gio and Manos tribesmen, some of them veterans of Quiwonkpa's foiled coup attempt. According to Charles Taylor the war was organized to removed Samuel Doe from power and to save the country from bad governance and misrule.³⁵ Despite those stated objectives, civilians quickly became targets, simply because of their tribal background. In the first phase of the civil war, Taylor's NPFL conducted summary executions of those belonging to Krahn, Sarpo or Mandingo tribal groups. Sarpos were also perceived to be sympathetic to Doe's government and to enjoy a certain proximity to power. In retaliation, Doe's government executed those of Gio and Mano background. This pattern of extra-judicial execution was observed to be widespread and systematic. A breakaway faction known as the Independent National Patriotic Front of Liberia (INPFL) was established within six

³³ The full account about how Charles Taylor escape from prison has never been revealed as there are conflicting accounts. On the one hand, there are accounts that he was secretly let out of prison by the CIA to stage a war against president Doe who had fallen out of favor with the Americans. On the other, it is reported that he maneuver his way out our od prison leveraging his personal connection among prison guards.

³⁴ Though the Liberian constitution recognized and stipulated that the state is secular, there was and continues to be an assumption that the nation was built on Christian principles, the result of which was a low tolerance for Islamic faith. Indeed, this assumption remains one of the foundational falsehoods on which the state has been erected

³⁵ Stephen Ellis, *Mask of Anarchy*

months of the advent of military hostilities, led by Prince Y. Johnson, formerly a Taylor ally, and a Gio. Both units made rapid advances and captured huge territories. At different turns in the conflict cycle, new warring factions emerged and in spite of stated military or political ideals, were often organized around ethnic or religious identity.

The West African peace-keeping force ECOMOG, the military wing of ECOWAS, was not perceived as impartial, rather, it was later understood to have organized proxy forces to reduce the military strength of Charles Taylor's NPFL.³⁶ By August 1990, the NPFL was in full control of all of Liberia, except Monrovia, while the Independent NPFL (INPFL) occupied the western outskirts of Monrovia, including Bushrod Island. In September, this group captured Samuel Doe at the Freeport of Monrovia on Bushrod Island, under the nose of ECOMOG, which had arrived in Monrovia on 24 August under the command of Ghanaian general, Arnold Quainoo. Although Doe was captured and killed, the war continued. This phase of the conflict provided evidence that contradicted Taylor's stated objective for the conflict; that the war was about the removal of Doe and return of democracy. These ideals were brushed aside in favour of the NPFL's and INPFL's apparent lust for power and wealth.

In 1992, the ULIMO warring faction was formed. It was perceived to be a military organisation largely comprised of ethnic Mandingos and Krahn, targets of reprisals because of their association with Doe since early 1990. Their stated mission was to retaliate and provide protection against ethnic purges perpetrated against them. After several years of aggressive military campaign against Taylor and his NPFL, the group started to disintegrate. Due to disagreements at the level of the leadership, which many attributed to rivalry between Krahn and Mandingo factions within the unit, the organization split into two separate units: ULIMO J under Roosevelt Johnson, an ethnic Krahn, and ULIMO K under Alhaji Kromah, an ethnic Mandingo respectively. In 1993, the Liberian Peace Council (LPC) was organized. It was founded by George Boley, an academic and formerly a cabinet Minister under Doe. The LPC was perceived as a proxy force for the Armed Forces of Liberia, AFL (the remnant of Doe's army), and the Krahn wing of ULIMO-J. The group made substantial gains against the NPFL in south-eastern Liberia, vying for control of commercial operations in timber and rubber. All warring factions in the civil war engaged directly in extraction of natural resources; systematic pillage and plunder fuelled the conflict and also made military operations sustainable. After intermittent periods of military aggression and cessation of hostilities, a Peace Agreement was signed 17 August 1996. The Abuja Agreement was supplemental to the principal agreement signed 19 August 1995 and key actors were Charles Taylor (NPFL), Alhaji Kromah (ULIMO-K), George Boley (LPC) and three prominent civilians including Wilton Sankawulo and Tamba Tailor. In the supplemental agreement, all parties to the previous agreement remained unchanged except Wilton Sankawulo, a prominent Liberia, who was replaced by Ruth Perry. In July 1997, Liberia held its first post-war elections and Charles Taylor emerged as the successful candidate.

³⁶ Ellis, *The Mask of Anarchy*, 2006

Liberians en masse – people, politicians and former military leaders – lived in expectation that the elections would usher in a new era of post-war reconstruction, but all hopes were dashed as the pattern of summary execution and purges of political opponents continued. The peace was short-lived as Taylor the warlord was no different from Taylor the president. After the elections, Charles Taylor made little effort at security sector reform and reconciliation. Instead, he co-opted members of his NPFL into the Armed Forces of Liberia and the Liberia National Police, and excluded members of other warring factions. He also called for the abrupt end of ECOMOG’s peace-keeping mission in Liberia. Later, he launched a crackdown on opposition leaders and executed several politicians.

In 1999, Liberia United for Reconciliation and Democracy (LURD) was organized. LURD was perceived to be supported by Guinea and some compromised Liberians (including former heads of warring factions) who fled Taylor’s post-elections purges. Like the armed aggression against Doe, LURD’s stated aim was to remove Taylor by any means necessary. Within three years of Taylor’s election, the invasion of LURD made international news and Liberians were once again at the same place they were in 1990. In support of LURD’s military campaign against Taylor, another warring faction, Movement for Democracy in Liberia (MODEL), was organized. Eventually, in light of his excesses in Liberia and his role in Sierra Leone’s violence, both the AU and ECOWAS, with tactical support from the US, pressured Taylor into resigning. He left to seek military asylum in Nigeria, finally ended the 13-year civil war. The end of the civil war in 2003 placed the death toll at 250,000. Reports also showed that over one third of the population involuntarily left the country. More importantly, independent studies³⁷ on Liberia determined that all warring factions systematically violated human rights and engaged in direct practices of pillage and plunder of state resources.

Peace Agreement and Transitional Justice

This section describes the process of Liberia’s search for lasting peace through an epic series of negotiations and subsequent agreements and statements – the Liberian Peace Accords. Through this process, a certain pattern emerged which actually established strong precedents against notions of justice and reconciliation. The formulae for the cessation of violent conflict ranged from of power-sharing to explicit use of amnesty to collective amnesia. Until the turn of the Millennium, the peace accords didn’t even seek to deter warlords from the use of force through measures of criminal accountability. This section provides an account of what transpired and the

³⁷ See Human Rights Watch on Liberia, Amnesty International and Stephen Ellis, *Mask of Anarchy*

various outcomes of peace accords until 2003 when Charles Taylor was indicted by the Special Court for Sierra Leone for his role in that country's civil war.³⁸

From the start of the civil war to the elections that brought Charles Taylor to power, Liberians went through a marathon round of peace conferences. These peace talks produced a total of thirteen different peace accords, all of them bearing the name of some West African town or city, except for the one accord which bears the name of the Swiss city of Geneva. "The list of accords is a veritable who's who of West African cities, tracing the many geographical stops on the tortuous road to peace."³⁹ These peace accords can be grouped into three categories: a) Pre-Cotonou, b) Cotonou and c) Post-Cotonou.⁴⁰

Pre-Cotonou Accords

This first series of eight major peace accords included seven sponsored by ECOWAS. The eighth, the Geneva Ceasefire Accord, was the responsibility of the larger international community. These accords are: 1. Bamako Ceasefire (28 November 1990); 2. Banjul Joint Statement (21 Dec 1990); 3. Lomé Agreement (13 February 1991); 4. Yamoussoukro I Accord (30 June 1991); 5. Yamoussoukro II Accord (29 July 1991); 6. Yamoussoukro III Accord (17 September 1991); 7. Yamoussoukro IV Accord (30 October 1991); 8. Geneva Ceasefire (17 July 1993).

The pre-Cotonou Accords as a group comprise an attempt by ECOWAS to implement a peace plan based on the prescriptions of civil society, and sensitive to some of its key concerns regarding the allocation of state power. The plan was essentially drafted by the Liberia's Inter-Faith Mediation Committee (FMC). Its basic formula brought together the aspirations of the civil population: that fighting should stop and that the guns must not rule. These aspirations contradicted the logic of the dominant belligerent group, the NPFL, and so it opposed and subverted the accords at every turn.

Most notable about the pre-Cotonou accords were their silence on the issues of justice and accountability for the violations and abuses that occurred during the conflict, although they at least refused to grant amnesty to any party in the conflict. The failure of the pre-Cotonou accords to address the question of gross and widespread violations contributed to the entrenchment of the impunity culture and left non-combatants open to more and more abuses at the hands of armed

³⁸ For more see Sleh, Toe, Weah, *Impunity Under Attack*—it provides an extensive coverage of Liberia Peace Process and with great details, it delivers a scholarly commentary on the dynamics of the Accra Comprehensive Peace Agreement. In this co-authored work, Aaron Sleh provided much of the intellectual leadership on the writing of this section. He'd followed closely different stages of the war and the many attempts at its resolution.

³⁹ *Ibid*, Aaron Sleh, Samuel Toe, Aaron Weah, *Impunity Under Attack*

⁴⁰ Charles Abiodun Alao, "Commentary on the Accords", *Conciliation Resources*, <http://www.c-r.org/accord/lib/accord1/alao.html> (accessed March 20, 2006).

actors. This first wave of peace agreements also established a precedent of collective amnesia, which played into ECOWAS' tradition of solidarity.⁴¹ ECOWAS was more interested in an outcome of a mediation process that was aligned with either power-sharing, transitional government or cessation of hostility. The notion of justice during armed conflict was for the most part undefined as the leadership of ECOWAS (Nigeria, then Ghana) were themselves products of a military coup or armed insurrection.⁴²

Cotonou Accord (25 July 1993)

The Cotonou Accord represented a strategic departure from a central tenet of the original ECOWAS Peace Plan, as inscribed in previous accords. Signed on 25 July 1993 by ULIMO, the NPFL and the Interim Government of National Unity (IGNU), it veered away from that precept which dictated that no warring faction representative would head the interim government which would lead Liberia to elections. At Cotonou, the peace mediators effectively handed power over to the warring parties on a silver platter. In its fourteenth article, the accord created the Liberia National Transitional Government (LNTG), to be headed by a five-member presidency, which would reach decisions by consensus. It stipulated that ULIMO, NPFL and IGNU would each appoint one member of the presidency, with the other two drawn from non-combatant spheres. This process gave the warring groups a numerical advantage. It called on the signatories to nominate three eminent persons each, specifying that these nine persons would choose two persons from among their number who would serve as the fourth and fifth members of the presidency. In the same Article 14, the accord declared that the parties “shall, in consultation with each other, determine the allocation of cabinet posts.” ECOWAS was handing power to the warring factions in exchange for the guns, setting the precedent for the power-for-guns formula which would become an enduring feature of all subsequent accords. And so collectively, the belligerents were able to obtain through diplomacy the power they could not obtain militarily.

On the positive side, the Cotonou Accord departed from the tradition of earlier peace agreements in terms of its attitude toward ECOMOG. In the first place, it called for the expansion of ECOMOG with troops from countries outside of West Africa. Here was a West African force being augmented with non-West African troops. These troops would later come from Uganda, Tanzania and Zambia.

Secondly, the accord provided for the deployment of a United Nations Observer Mission in Liberia (UNOMIL) to monitor and verify implementation of the military component of the peace agreement: specifically encampment, disarmament, demobilization and compliance with the ceasefire. This meant that for the first time since its arrival in Liberia, ECOMOG's work would be subject to monitoring by an official international body on the ground to which it was answerable.

⁴¹ Interview, Amb. Tunde Ajisomo, Special Representative of President of ECOWAS, ECOWAS Offices, 17 August 2017

⁴² Interview, Amb Tunde Ajisomo, 17 August 2017.

Thirdly and perhaps most importantly, the Cotonou Accord tended towards a subordination of ECOMOG to the UN Observer Mission. In Article 3, it provided for Joint Ceasefire Monitoring Committees (JCMCs). It declared that the JCMC responsible for each geographical area would comprise representatives from the warring parties in that area, as well as representatives from ECOMOG and UNOMIL. But it stated clearly that the UNOMIL representative would chair each such JCMC. Also, the accord provided for a Violation Committee to comprise, again, representatives from the Liberian parties, ECOMOG and UNOMIL. Again, it stated that this committee would be chaired by UNOMIL. ECOMOG was, therefore, to play second fiddle in monitoring and verifying the implementation of the military aspects of the peace agreement, a novelty up to that point of the peace process.

Though subordinating ECOMOG to UNOMIL, the Cotonou Accord however gave bite to the West African force. Or rather, it gave ECOMOG the authority to bite since the force had really started its biting from the first day in. Article 8 of the accord granted peace enforcement powers to ECOMOG, the ECOWAS equivalent of a UN Chapter 7 mandate. These powers changed the mandate of ECOMOG from a mere peacekeeping force to a peace enforcement force, thereby giving it broader latitude and greater authority.

Going back to the bad stuff, though, a very significant feature of the Cotonou Accord was that it granted general amnesty to all persons and parties involved in the Liberian civil war. In its nineteenth and final article, the accord declared:

“The Parties hereby agree that upon the execution of this Agreement there shall be a general amnesty granted to all persons and parties involved in the Liberian civil conflict in the course of actual military engagements. Accordingly, acts committed by the parties or by their forces while in actual combat or on authority of any of the parties in the course of actual combat are hereby granted amnesty. Similarly, the Parties agree that business transactions legally carried out by any of the Parties hereto with private business institutions in accordance with the laws of Liberia shall in like manner be covered by the amnesty herein granted.”⁴³

By this provision a constructive pattern of impunity was established. Initially, it started off with negotiations being silent about accountability or violations perpetrated during the course of the civil war. But with the explicit mention of amnesty in an ECOWAS Peace Agreement, the message was much clearer, that the peace process was not victim-centered, but rather, driven by warlords. For warlords, the key driver for these accords was power-sharing and in return they offered temporary stability. While amnesty in the accord enabled warlords to exercise greater leverage over the use of violence, the absence of accountability measures

⁴³ Sleh, Toe & Weah, *Impunity Under Attack*, p. 47

meant lack of deterrence to further violence. inclusion of amnesty in the peace agreement only helped to fuel the conflict, in addition to continuing the pillage and plunder of resources.

By the time of the Cotonou agreement, there was fatigue on the part of ECOWAS; Nigeria was not only a pariah state; internally, it suffered legitimacy crisis. The only option was appeasement and this is why Taylor and others were allowed to serve directly on the Council of State as opposed to previous policy of ECOWAS that no leader of an armed faction would be allowed on such body.

Post-Cotonou

After the Cotonou Accord, there were three more agreements. Each was simply a development upon a theme of Cotonou, meant to strengthen or amend it. The post-Cotonou accords emerged out of efforts to revive the peace initiative following the collapse of the Cotonou process. Cotonou had been crippled by crucial delays in the deployment of the expanded ECOMOG force, a factor which in turn delayed implementation of the military component of the peace agreement. Owing in part to the consequent slow movement on the military front of the implementation process, serious acrimony developed among the parties regarding interpretation of aspects of the accord.

There were a total of four accords signed under the post-Cotonou banner and these were: 1. Akosombo Agreement (12 September 1994); 2 The Accra Clarification (21 December 1994); 3. Abuja Accord (19 August 1995); Supplement to the Abuja Accord (17 August 1996).

Though there are correlations between Cotonou and Post-Cotonou, the latter also included major differences. On the one hand, the Abuja Accord represented the crowning moment of the principle of power-for-guns which began with Cotonou. Victims and survivors with any expectation of justice and redress realized that ECOWAS' intervention was limited to cessation of hostilities and power-sharing for warlords. The adequacy of ECOWAS' intervention was questioned as the regional body was perceived to be more aligned with warlords and less concerned with victims and their communities.

The Comprehensive Peace Agreement and Transitional Justice

Accra Accord 2003

The 1997 elections that brought Charles Taylor to power have been scrutinised widely in many different arenas. Some hold that the election was one of the most transparent in Liberia's history, while others maintain that it was a matter of collective decision-making to award Taylor with the presidency because he was the only warlord with the networks and resources to mobilize who, if dissatisfied with the outcome of the elections, would have returned to violence. The latter

reasoning goes a step further, assuming that placating Taylor with the presidency, the coveted prize, would have inspired him to champion an inclusive government. But after the elections, Taylor asserted an imperial presidency through a number of measures. He accelerated ECOMOG's departure deadline, asserting that Liberia was a sovereign nation and therefore could not co-exist with a regional body. Also, he refrained from restructuring the security forces and instead wooed senior ranking members of the NPGL into top security positions. He started to neutralise his opponents at every opportunity. Vocal human rights activists such as Aloysius Toe and Tiawon Gongloe were imprisoned. By 1999, nearly all of the opposition and former heads of warring factions had fled the country. A year later, Liberia United for Reconciliation Development (LURD) was formed.

By May 2003, the insurgents of LURD and Model (this group was not heard of until much later in 2003) were on the outskirts of Monrovia, preparing for a final assault on the city to oust Taylor from power. Realizing the humanitarian consequences of another battle for Monrovia, West African leaders convened the Accra Talks. The talks began on 4 June 2003 not in Accra but in Akosombo, a Ghanaian city that had witnessed the signing of a previous Liberian peace agreement nine years earlier. It brought together three belligerent parties, LURD, MODEL and Government of Liberia (GOL), as well as political parties and civil society representatives. In the early 1990s, Liberian civil society organizations were evolving. By the new millennium, such organizations began giving the country a new reputation for open and bold advocacy. The presence of CSOs in Accra contrasted with the discussions for all previous accords. Two issues dominated the talks: transition and accountability after the conflict. The outcome of the South African Truth and Reconciliation Commission resonated with Liberians' notions of justice, and Sierra Leone's own Lomé Agreement, which included accountability for war crimes, brought about renewed hope to the struggle for accountability.

On 4th June 2003, while Charles Taylor was attending the Accra Talks, an indictment by the Special Court for Sierra Leone was unsealed. The news of the indictment was shocking and humiliating for Taylor. In all previous talks, Taylor had loomed large. He was the figure who most needed to be appeased, and without whom the talks would stall and any meaningful outcome would be undermined. The removal of Taylor from the talks significantly recalibrated the formula for peace. More importantly, his indictment gave renewed hope to civil society activists and some political parties representatives. During the talks, the option of letting bygones be bygones became less and less feasible as delegates bowed to the pressure to include some form of post-conflict accounting. Civil society and some political parties opted for a war crimes court (WCT) while belligerents pushed for a Truth and Reconciliation Commission (TRC). The choice between a WCT and a TRC was much discussed among political party and civil society delegates. But each time it was brought to the table during discussions with the factions, the debate would get heated and acrimonious. It reached a point where the factions simply refused to even debate the issue. They argued that the WCT was purposely targeted at them, was anti-

peace, and was not in the interests of Liberia.⁴⁴ They insisted that those calling for WCT were simply “not serious” for peace, threatening to walk out of the talks if the WCT proposal was adopted by the conference. General Abdulsalami Abubakar, former head of State of Nigeria and chief mediator of the Accra Talks, facilitated a compromise between the choice for a War Crimes Court and Truth Commission, and the Mediators decided that a South Africa-style TRC was the desirable course of action for Liberia. With little knowledge about the South Africa process, many – crucially, including representatives of the warring factions – assumed it implied reconciliation and amnesty.

On 18 August 2003, Liberia signed its 14th Peace Accord, the Accra Comprehensive Peace Agreement between Liberian United for Reconciliation and Democracy, Movement for Democracy in Liberia (MODEL) and Government of Liberia (GOL), forming the National Transitional Government of Liberia (NTGL) to be led by a Chairman and providing for the establishment of a Truth and Reconciliation Commission to facilitate the process of dialogue to bring victims and perpetrators together. A notable civil action that compelled belligerents to sign the Accord was the Women Movement led by nobel laureate, Leymah Gbowie. Their strategy was rare but not uncommon to African spirituality. The Women threatened to stripe themselves naked and besieged the conference hall. The Women action were prompted by heighten hostilities on the ground in Liberia to which the belligerent appeared indifferent so long their demand to lead the transitional government was not met. But the threat by these women to stripe naked sent a much stronger message: in Liberia to see the naked body of an older woman meant you have also seen the naked body of your mother to which you will endure for the rest of your life a curse and permanent hardship.

Truth and Reconciliation Commission for Liberia

Unlike previous agreements, the Comprehensive Peace Agreement (CPA) operated in an environment that resembled something nearing trusteeship. The rationality here was, after the collapse of the Liberian state, all functionalities of the public sector and processes of decision making were dismantled or dysfunctional. Also, since Liberia was considered the epicentre of regional instability and a threat to itself and to international peace, a governance framework involving both Liberia and non-Liberian bureaucrats was established. The Result Focused Transitional Framework (RFTF), the formal institutional arrangement within which the international community governed Liberia, was created. The RFTF comprised the NTGL Chairman, representatives of the International Contact Group on Liberia (SRSG, US Ambassador, ECOWAS, AU, EU among others) and civil society groups. Amos Sawyer, Chairman of the Governance Commission and formerly Liberia’s first interim president, argued that Chairman Bryant of the NTGL was merely the ceremonial head of the RFTF while the ICGL was where real decisions about Liberia’s reconstruction was made. Sawyer made these

⁴⁴ Sleh, Toe and Weah, *Impunity Under Attack*

observation in an unpublished manuscript that merits greater scrutiny in order to understand the governance arrangements under which the TRC operated.⁴⁵

The CPA unfortunately gave the Chairman of the NTGL considerable leeway in constituting the TRC by its silence on certain key procedures of appointment. Generally, the unwritten understanding of the procedure was that both political parties and civil society organizations would make nominations to the posts. Beside the nominations, however, the accord was unclear on the final procedure that would see nominees into these posts. The Chairman was left therefore to exercise his executive prerogative in the final selection of TRC commissioners. While several commissions had been established previously worldwide, the Liberian TRC was perceived as no ordinary commission. Its work would have implications for generations, and it had the potential to take Liberia beyond conflict. Achieving this mammoth feat would require the confidence and support of the broad mass of Liberians.

The NTGL is known to have sent out correspondence to at least 31 civil society organizations requesting nominations for commissioners of the TRC.⁴⁶ The call drew 31 responses. The Tailor Union, for instance, replied with the nomination of Alhaji Yonda, while the Liberian National Muslim Council nominated Sheikh Kafumba Konneh. Some prominent civil society organizations, such as the Center for Democratic Empowerment (CEDE), confirmed that they did receive such request. Others deny ever receiving same. In addition to dissatisfaction by some civil society members over not receiving a request for nominations, others also expressed strong disapproval over the manner in which the NTGL went about the appointment of the TRC members, accusing it of marginalizing civil society in the process, having no criteria for nominees and no legal framework by which the commission would be both supported and bound.⁴⁷ Prominent among organizations opposed to the manner of government's final appointment were again the Center for Democratic Empowerment (CEDE), the Catholic Justice and Peace Commission (JPC), and the Foundation for International Dignity (FIND). They had hoped to play a more active role in the selection of commissioners than merely nominating names to a shortlist. During this period, the ICGL was less visible in the first attempt to establish the TRC. It was headed by the Special Representative of the Security General of UNMIL.

On 18 January 2004, shortly after the request for nominations, with no further intervention by civil society and the greater Liberian public, and in full exercise of his executive prerogative,

⁴⁵ Amos Sawyer, *The Liberia Truth and Reconciliation Processes: Flawed Institutions, Conflicting Incentives, and Contingent Outcomes*, (unpublished manuscript, 2012). Pp.10-12

⁴⁶ Sleh, Toe and Weah, *Impunity Under Attack*

⁴⁷ Interview, Aloysius Toe, (Human Rights Activist and one of the co-founder of the Transitional Justice Working Group), St Paul Community, 14 April 2017; Interview, Ezekiel Pajibo, co-founder of the Transitional Justice Working Group and pioneer of the Liberia TRC process, Liberia Law Society Offices, 1 May 2017 and Nathaniel Kwabo, formerly, Executive Director of the Liberia Truth and Reconciliation Commission. Liberia Law Society Offices, 1 May 2017. .

Chairman Gyude Bryant appointed the first truth commission.⁴⁸ This led some observers to think that the “hasty” appointment of the TRC Commissioners was a public relations gimmick calculated to win donor goodwill.⁴⁹ The Commission was established without a mandate, nor did they have full knowledge of what they were about to do. Civil society was dissatisfied by the poor level of consultation and unpreparedness, and launched an advocacy campaign against the process.

In response to this opportunity to establish a truth and reconciliation commission for Liberia, the Transitional Justice Working Group (TJWG) was formed as a consortium of civil society organizations, with the objective of pursuing matters related to TJ, including judicial and security sector reform, and truth and reconciliation. The coalition was organized in November 2003 by a coordinating committee comprising the Center for Democratic Empowerment (CEDE), Foundation for International Dignity (FIND), Foundation for Human Rights and Democracy (FOHRD) and National Human Rights Center of Liberia (NHRCL). It led extensive consultation in surrounding counties that were accessible at the time. The Monrovia Consultative Meeting supported by the UNMIL and other members of the ICGL contributed immensely to directing the TJ agenda.

Drafting of TRC Act

Based on consultation carried out in a few counties, CSOs were able to gather the perspectives and aspirations of ordinary Liberians about what they would want to see as an outcome in the TRC process. The Monrovia Consultative Meeting that brought together high-level stakeholders including US Ambassador, parliamentarians, legal scholars, and CSOs, addressed contentious issues of justice, impunity among other things. Prior to the drafting process, UNMIL Human Rights and Protection Section presented CSOs with a sample of what the Liberia TRC act should look like. With much shock, reviews of the Act revealed that it was actually the Sierra Leone TRC instrument that was being doctored for sale to the Liberia process. Some key words such as Sierra Leone remained in the document intact. Incensed, and apparently still reeling from the throes of the Accra transitional justice compromised; TRC instead of WCT and conscious about the motivations of the neotrusteeship environment, CSOs asserted greater control of national ownership, rejected UNMIL proposed Act and hijacked (my emphasis) the drafting process.⁵⁰

The drafting process was largely guided by the outcomes of the Monrovia Consultative Meeting. One of the outcomes recommended that ECOWAS and the UNMIL Human Rights and Protection Section sold act as chair and co-chair of the selection panel respectively. The panel was mandated to select nominees and recruit through competitive and transparency process

⁴⁸ Commissioners appointed included: Ambassador Gerald Coleman, Sheikh Kafumba Konneh, Madam Claudia Gloria Smallwood, Nathan Garbie, Leymah Gbowee, Mary Sombo, Alhaji H. Yonda, Murphy Kanneh and Rev Burgess Carr.

⁴⁹ Interview, Aloysius Toe, 14 April 2017

⁵⁰ Ibid

Commissioners of the TRC and submit to Chairman Bryant for approval. By implication, it meant the Commissioners that were earlier appointed were dissolved and that they would have to re-apply and participate in an open and transparent process. Other issues put forward before the drafting committee were justice and reconciliation, but no specific guidance was provided for how such critical issues would be framed. Reflections on tenure and composition were recommended. It was suggested that the TRC set-up be international in character for it would inspire donor confidence and increase credibility both nationally and internationally. The majority of CSOs rejected the idea of an international commission in character but later reached a compromise.

Membership and Composition: The draft act called for the establishment of a commission of nine persons of high moral standing. The chairperson and vice chairperson were to be elected by the members themselves. It required that members of the TRC “shall be persons in good health, of credibility, high integrity and honour; not known or perceived as human rights violators or members of groups involved in human rights violations.” Gender parity and regional balance were required such that no less than four members would be women and the nine members span Liberia’s regional spectrum. The Act further provided for an international technical advisory committee (ITAC) of three persons -- two to be nominated by ECOWAS, one by the UN High Commissioner for Human Rights and all three to be appointed by the head of state of Liberia. The ITAC was the compromise reached during the drafting when there were suggestions for the Liberian process to be an international TRC as in the case of Sierra Leone. The ITAC members were, in fact, TRC commissioners in everything but name, with one exception. Said the act, they “shall be entitled to full rights and privileges as Commissioners, except that [they] shall not vote during...meetings”. The ITAC members were required to be “individuals of international distinction and repute.”

The Six Critical Functions: Under the draft act, the TRC provisions were ambitious but six categories of functions encapsulate its core mandate: “(1) investigate cases of gross human rights violations and economic crimes; (2) provide a forum to address issues of impunity; (3) investigate antecedents of crises which gave rise to and impacted on violent conflicts in Liberia; (4) conduct critical review of Liberia’s historical past, with a view to establishing and giving recognition to historical truths in order to address falsehoods and misconceptions of past, relating to the nation’s socio-economic and political development; (5) establish mechanisms and procedures to address experiences of vulnerable groups; (6) compile a report of the activities and findings of the commission.”⁵¹ The TRC was mandated to investigate incidences that occurred between 1979 and 2003. By beginning the period under investigation in 1979, a caveat was inserted to probe incidents preceding the start date should be there reason to go deeper into Liberia’s history.

⁵¹ Liberia Truth and Reconciliation Commission Act, Republic of Liberia (June 2009)

Prosecution and other powers: The TRC was given far-reaching powers including the power to recommend for prosecution, lustration and amnesty under conditions prescribed by the TRC Act so long as crimes committed were not in breach of international humanitarian law or war crimes. The TRC Act was also empowered to name and publicize individuals that were found culpable. Regarding remunerations, the Act determined that each commissioner should be paid an amount commensurate with that of the Justices of the Supreme Court of Liberia. Compared to other TRCs including Sierra Leone, the Liberia TRC had sweeping powers and authority.

Economic Crimes: The draft Act was among one of the first truth commission globally to include economic crimes within its mandate. Economic crimes were considered among the key drivers in the history of land dispossession and various deadly conflicts between tribes and settlers. For activists, its inclusion was perceived as a revenue for the poor.

TJ Choices

Liberia's transitional justice policy choices were shaped by several critical factors. The Accra Comprehensive Peace Agreement occurred at a time when civil society movements in Liberia had matured and several of its prominent members had endured the force of Taylor's brutality. After the Peace Agreement in Accra, when civil society returned to Monrovia, there was a feeling that the warlords had won yet another peace agreement. So the drafting of the Act provided a rare opportunity to bring measures of justice and accountability. Secondly, the transitional justice discourse was new to West Africa yet it gained immediate traction because it was perceived to be relevant and coming at the appropriate time when discussion about justice and criminal accountability was welcomed. While Taylor's arrest and detention were also welcomed, he was answering for his role in the Sierra Leone conflict and not Liberia. In the imagination of ordinary Liberia, Charles Taylor loomed large and was perceived to be above any criminal justice system. But his enforced exile to Nigeria and subsequent arrest and incarceration emboldened CSOs and convinced ordinary Liberia that justice was not elusive after all. Lastly, the Accra agreement was exhaustive and included a wide range of measures comprising Security Sector Reform, Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) and appointment of warlords to lucrative position in government. Much of this sounded like business as usual. Like previous peace agreement, Accra was different but it appeared to be favourable to warlords especially provisions such as DDRR. In the LTRC Act, reparations for war victims and criminal accountability were considered appropriate responses to doubts about DDRR and security sector reform.

After the peace talks, the warlords continue with business as usual while the CSOs tried to ensure processes provided for by the TRC were properly established and that the general public was aware and participated.

LTRC Act at the Legislature

The draft TRC law was introduced to the floor of the transitional legislature between January and February 2005. During the debates which ensued, a certain representative Toe charged that by limiting its period of coverage to 1979–2003, thus ignoring crimes from before 1979, the TRC was intending to put on trial “only native people”. Some of the crimes highlighted by lawmakers that seemed to back up this view were the execution in the 1960s of five paramount chiefs for refusal to pay taxes, and the Fernando Po forced labour crisis. To overcome this hurdle, the draft was amended to allow for cases before 1979 to be investigated by the TRC. Despite the excesses of recent violence, some Liberians saw the TRC as a real opportunity to address the underlying causes of the country’s civil war, going back to the establishment of the nation state, 1822-1847 and thereafter. Others observed that the emphasis on the civil war was uneven especially since the civil war was a symptom of a larger problem and not the root causes.

When the Act was finally put to a vote, the ballot ended in a tie. Acting Speaker George Koukou broke the tie by voting in favour of the Act. Thus, the National Transitional Legislative Assembly approve the TRC Act on 9 June 2005. The approved act was next sent to Chairman Gyude Bryant. If Bryant had vetoed the Act, it would not have become law unless a two-third majority of the Legislature voted for it in a second round of balloting to overturn the Chairman’s veto. Considering there was a tie in the previous vote, a two-thirds majority did not seem likely in the second round. The TRC Act may thus have been squashed if Bryant had not approved. As it turned out, he signed the bill into law on 10 June 2005, one day after the Legislature approved it. It was printed into handbills by the Ministry of Foreign Affairs on 22 June 2005 and circulated to the public. By Liberian law, the date of printing into handbills is the date a law enters into force.

With so many faction representatives in the Legislature, one wonders how the TRC Act passed through parliament, considering that it was pushing for prosecution of belligerents for their violations throughout the years of conflict.⁵²

A Civil Society Coup d’etat

When the act was passed it was both a cause of celebration and confusion. How did such a law with sweeping powers—to subpoena, name and shame, impose political sanction and most importantly, to prosecute warlords within the Legislature get passed? Several factors played out. One, the Accra Agreement made provision for civil society representatives to be appointed to legislative seats with the National Legislature. Two, the Legislature was largely made out of belligerents or their representatives and civilians. During CSOs lobbying, the civil society bloc naturally became champions. Thirdly, after the precedence of thirteen different peace agreements

⁵² In September 2004-2007, I worked at the Center for Democratic Empowerment (CEDE), one of the pioneers of the Transitional Justice Working Group. I later became coordinator of the TJWG through I’d access to legislative session, participated in advocacy over passage of the Act and held interviews. With key stakeholders.

granting amnesty or collective amnesia to warlords, the perpetrators of egregious crimes had no reasons to believe that there would be prosecution.⁵³

In December 2006, Conmany Wesseh, Civil Society Representative to the Legislature and victim of Charles Taylor's brutality granted me and two other colleagues an interview. We were finalizing an ambitious book project, *Impunity Under Attack*, and we wanted to know how an Act with such powers was passed into law. Wesseh was very involved as his role had direct oversight on the Accra Peace Agreement. He puts the passage of the Act to three reasons:

“Firstly, the number of legislators who were perceived as direct perpetrators was not significant, even though a lot of the legislators were representing warring factors. Also, perceived violators in the house were either ashamed or afraid to stand up and declare their outright opposition to the Act. Secondly, debates in Legislature steered clear of threatening individuals, focusing instead on the other aspects of the Act. I was personally instrumental in ensuring this, in his capacity as Chairman of the House Committee on the Peace Process. A third reason is that I held one-on-one meetings to allay the fears and concerns of individual legislators who approached me personally to express their concerns about issues in the Act. These three factors working together helped to squeeze the Act through the Legislature.”⁵⁴

Wesseh was a member of the *Progressive* (Movement for Justice in Africa, (MOJA) that heralded the process of social change at the University of Liberia. This generation of activist pride themselves as the pioneer of social change in Liberia even though over the last 30 years, some of them have held different position in government and have been indifferent toward justice. He became a student leader but later when into exile during Samuel's Doe regime.

The passage of the TRC Act into law with sweeping powers is a story about civil society frustration over the compromise reached in Accra between the choice for war crimes court and truth commission. It is also a story that the history of peace agreements granting amnesty to warlords had run its course. The Act captured the aspiration of the moment when Liberian society, after Charles Taylor's forced departure, grew impatient with the practices of injustice and felt emboldened to hold the perpetrator accountable. In formulating the TRC process, CSOs saw an opportunity to dismantle the culture of impunity. To effect this change, CSOs hijacked the process, rejected UNMIL prescriptions for a TRC and in turn drafted an instrument and dressed it up with notorious powers. To secure its passage in the corridors of the legislature, CSOs employed the rhetoric of amnesty and told perpetrators that the Act was more about amnesty than anything else. Deceived by the amnesty rhetoric, the Act passed into law 10 June 2005 was not only notorious for the powers given it, the process that drove it can be described as a non-violent coup d'état against the perpetrators of violence.

⁵³ Amos Sawyer, 2013 (unpublished manuscript, p.22

⁵⁴ Sleh, Toe and Weah, *Impunity Under Attack*, pp.153-154

TRC at Work

In Liberia's first post-war elections, President Ellen Johnson Sirleaf emerged victorious over Liberia's soccer legend, George Weah. As Africa's first female head of state, she inherited the Truth and Reconciliation Commission and inaugurated the body in February 2006. After the inauguration, the TRC had a difficult start-up phase. Resource mobilization was slowed and key staff were not hired until much later in the process. The scope of work envisioned was ambitious whereas the resources and technical assistance required to accomplish the task were not often available. For those available, there were often challenges. To facilitate a joint fundraising effort, the ICGL in collaboration with the Commission established a TRC Working Group.⁵⁵ Despite the Johnson Sirleaf-led government's modest budget, \$1.4 million was to be contributed annually for at least three years. With the TRC's overall budget estimated at \$7million, the government of Liberia provided the largest financial assistance toward the process.

In November 2006, the Commission launched its statement-taking exercise. Almost simultaneously, the Commission outsourced to an American-based NGO known as Minnesota Advocates the job of supporting Liberia's diaspora hearings in the USA. The Commission envisioned a broad-based platform for victims and survivors everywhere to be on board and tell their story. In Liberia, 22,000 statements were collected from victims, survivors, witnesses and perpetrators. In the diaspora a few thousand were collected. Based on the information gathered during the statement-taking process, cases for public hearing were determined.

Public Hearings

Public hearings started January 2008 and operated for more than a year. Public hearings were organized under several different categories including victims, women and children and institutional hearings. The victims' hearings began in Monrovia and later moved to the countryside, where the majority of the population resided. By taking public hearings to the doorsteps of victims and communities where mass atrocities had occurred, the process accomplished two things: it conquered the long-standing notion that Monrovia is Liberia and increased political participation within rural Liberia.⁵⁶ Outside of Monrovia, the Commission stayed two weeks in each county. For a country where the state has been virtually absent from the hinterland except to capture forced labor or exact taxation without reciprocal services, the symbolism of the TRC going down to villages and towns to listen to stories of victimization and horror was overwhelming.⁵⁷

Report and Reactions

The Liberia Truth and Reconciliation Commission (TRC) released its final report in December 2009 after more than three years of operations. The report offered valuable insights into Liberia's

⁵⁵ Paul James Allen, Aaron Weah and Lizzie Goodfriend, *Beyond the Truth and Reconciliation Commission, Transitional Justice Options for Liberia*, (ICTJ, Monrovia, 2010)

⁵⁶ Aaron Weah, Hope and Uncertainty, Liberia's Journey to End Impunity, (International Journal of Transitional Justice, 2012), pp.6-9

⁵⁷ Between 2007-2011, I worked for the International center for Transitional Justice (ICTJ) as Program Associate and provided technical support to the TRC. I visited a few of the hearings outside of Monrovia.

turbulent history, including the gross human rights violations committed during the country's 14-year conflict. Between 1989 and 2003, Liberia's brutal conflict resulted in more than 250,000 deaths and the displacement of one third of the population. The report's recommendations covered a range of issues critical to Liberia's post-conflict recovery efforts, which included the need for criminal accountability, reparations, memorialization, and institutional reform.

The TRC proffered a total of 207 recommendations but much is unknown about the others because of the controversy of the others. In 2009 when the report was released, the society was preoccupied with justice and criminal accountability. Also, in all Liberia's history, the TRC stands out as the first commission of enquiry to recommend prosecution for Liberia's political elites. Central to this controversy are recommendations for the establishment of an extraordinary tribunal and domestic criminal court to prosecute 124 and 58 individuals respectively for gross violations of human rights, violations of international humanitarian law, and egregious domestic crimes. It also recommends a reprieve from prosecution for 38 individuals who cooperated with the TRC but admitted to committing heinous crimes. The commission further recommends that 49 individuals, including President Ellen Johnson Sirleaf, be lustrated, or ceremonially purified, and banned from public office for 30 years. Other recommendations included post-conflict memorialization and a Reparations Trust Fund. Regarding memorialization, the Commission recommended a memorial be erected at every mass grave or site of massacre. For the Reparation Trust Fund, it recommended that public buildings built by tax-payers money but being used for private institutions should be returned to the government, sold and the proceeds used to fund the trust fund. Memorialization was envisioned to facilitate community rehabilitation, through lessons of "never again", atonement and healing after a period of unspoken horror. The reparations component, though not specific in terms of its administration was designed as collective measure to cover a variety of victims, particularly the most vulnerable category.

None of the TRC's 207 recommendations have been implemented. Much of this lack of progress is attributed to political will and Liberia's political elite's dissatisfaction with the report, which named and shamed them. The most controversial of the recommendations was the lustration of Ellen Johnson Sirleaf. In Johnson Sirleaf's testimony before the TRC, she confessed to raising funds in the sum of US\$10,000 and giving them Charles Taylor.

Current Context: Sub national dynamics

Since the end of the conflict, unofficial narratives of the war have begun to emerge. These accounts whether complimentary or contradictory are co-existing with the only official narrative, the Liberia TRC Final Report. From Central Liberia to the Western region, ethnic narratives and community-based memorials are on the rise. Some of these new narratives are *The Land of My Father's Birth*, *Memoire of the Civil War* (Nvasake Konneh); *The House on Sugar Beach: In Search of a Lost African Childhood* (Helene Cooper), and *In the Cause of the People the Struggle Continues* (Dew Mayson). Konneh writes about the civil war and reflects on the persecution of Mandingos—one of Liberia's 16 ethnno-linguistic groups—because of their

ethnic and religious identities while Cooper reflects on her childhood as an Americo-Liberian elite (settler identity) and disruption caused by the bloody 1980 military uprising. Unlike the others, Mayson reflects on his role in 1970s social movements and highlights his contribution to social change in contrast to the LTRC recommendation that he be lustrated from politics. Meanwhile, Prince Johnson, former faction leader of the defunct Independent National Patriotic Front of Liberia (INPFL) – the faction that executed the former president – has asserted his position as an ethnic hero through the construction of a monument, in response to the LTRC label for him as one of Liberia’s most notorious perpetrators. The April 22 Memorial Group has emerged in honor of the memories of the 13 persons killed the 1980 bloody military takeover. William Tolbert, son to President Tolbert, who is a member, feels that Liberian society is indifferent toward the execution of 13 government members and appears to be more focused on the violence of 1990 or portions of the 1980s. He said there is a feeling that “the thirteen Americo-Liberians killed on 22 April 1980 by firing squad got what they deserved”⁵⁸ In large parts, these narratives contradicts with the spirit of the Truth and Reconciliation Commission. Instead, they don’t only represent fragmented sense of nationalism but contradictory narrative of the nation’s establishment and root causes of the war. In some measure, it reinforces the dissonance between indigenous people and settlers.

The Act that established the TRC called on the Independent National Commission of Human Rights (INCHL) to monitor implementation. The TRC had recommended that the Palava Hut System, a traditional mechanism to resolve disputes, be used at the sub-national level to facilitate a truth telling, atonement and national reconciliation. In 2015, the INCHRL launched an ethnographic study to understand the relevance of the Palava Hut system across Liberia and to have its application standardized. the Palava Hut is a localised forum used for dispute resolution. It is perceived as a relic of Liberia’s patrimonial order and predates the establishment of the modern state. Yet the practice is relevant and enjoys considerable levels of legitimacy from tribal and ethnic groups. All of Liberia’s 17 linguistic groups (including Americo-Liberian) are known to have some form of structured Palava Hut practice (Ethnographic Study, Independent Human Rights Commission Liberia, 2016).⁵⁹ Even though the Commission has rolled out a few pilot cases in Lofa County, little elsewhere is known about how victims and communities are engaging with this process of recalling the past to bring about atonement and reconciliation. Likewise, the INCHRL erected a monument on the Duport Road, a site of two horrific massacres. The leading toward the design and erection of the memorial tomb didn’t include the community. Consequently, youth of the community, most of them born during and after the conflict (1990-2003) with little or no knowledge about what the monument means, use the space for unpleasant forms of socialization..

⁵⁸ Interview, William R. Tobert, III, Liberia’s Peace Ambassador, Liberia Peace Building Office, 14 August 2016

⁵⁹ Aaron Weah and John Chris Louise Building Conflict Resilience Capacities Through Social Cohesion and Conflict Transformation Strategies in Liberia, (forthcoming Publication, Liberia Anthology, USAID, Embassy of Sweden and University of Liberia, 2017)

The Liberia TJ experience can be divided up in two separate phases: the process involving the passage of the Act and inquiry; and the reporting and release of the final report. The former opened up the space for a national conversation to which the society participated overwhelmingly. It emboldened people to talk about their past even without much guarantee that recommendations would be implemented.⁶⁰ Liberia is today 14 years after conflict, the longest stretch of peace and stability the country has known since it imploded into violent civil conflict. Much of this stability is attributed to the Accra Comprehensive Peace Accord and the TRC Report which essentially named and shamed perpetrators who until then had enjoyed protection through the culture of impunity. Even though prosecution of crimes perpetrated during the Liberia conflict on Liberian soil is still critical, the recent arrest and detention of perpetrators in America and Europe are positive signs that the wheels of justice are turning.

National TJ Dynamics

The Liberia National Vision (2030) was promulgated in December 2012 and it conceives of the Road Map for National Healing, Peace Building and Reconciliation as an outgrowth of its socio-economic strategy. The Vision is grounded in the assumption that, though the future carries many possibilities, the preferred future can be claimed through appropriate economic rationality, structural and social planning, whereas the Road Map is a post-TRC instrument designed to promote restorative justice. It is comprised of 12 thematic areas, all of them drawn from the LTRC Final Report.⁶¹ The National Vision is defined as “a non-partisan process by which Liberians will build a consensus on the future of the country or the formulation of a shared vision through a participatory process and a development framework consistent with the long-term vision.” As an exploratory project, foundational studies (termed “retrospective analysis”) were conducted on the Liberia society including emphases on: a) demography; b) the Liberian economy; c) environment, land use and natural resource management; d) social structures; and e) governance. Findings from the retrospective analysis were designed to address the following questions: Where do we come from as a people? Where are we now? Where may we go? Where do we want to go? How do we get there? In an effort to kick start implementation of the national vision, the Governance Commission (GC) in collaboration with the University of Liberia (UL) convened a history conference and brought together anthropologists, historians, political scientists, journalists, educationalists, and others to discuss the process of writing a comprehensive and general history of Liberia.⁶² A key outcome of the conference was to develop a five-volume history over the period of five years. Specific Periodization discussed and agreed were: a) Liberia before 1822—Indigenous People of Liberia Before the Settlement; b) 1822 to

⁶⁰ Between 2007 to 2011, I worked as ICTJ Program Associate as a result of which, I engaged directly with victims group and communities affected by the civil. In these engagement, testimonies about the TRC open process of statement taking and public hearing were cited as important healing processes.

⁶¹ “Toward a Reconciled, Peaceful and Prosperous Liberia: A Strategic Road Map for National Healing, Peace Building and Reconciliation June 2012-July 2030 by Ministry of Internal Affairs, Ministry of Planning and Economic Affairs, Governance Commission, Independent National Commission on Human Rights, Liberia Reconciliation Initiative and Civil Society Representatives”

⁶² Proposal for the Establishment of A Liberia National History Project, Governance Commission 2013

1847—From Colony to Independence; c) 1847-1904—Early Independence Era; d) 1905 to 1980—Popular Struggle and State Consolidation; e) 1980-Present—Between Revolution and Reform. In order to properly ground the process of history-writing, the conference was preoccupied with a singular question: what kind of history do we want to write—revisionist or a pure historical record that follows the evidence? The revisionist approach was criticized for its tendency to distort facts and produce narratives that are soothing whereas comprehensive history writing is concerned with new truth and writing an inclusive history in light of new evidence. It was noted that discovery of new truth was prudent but could challenge the notions of reconciliation and justice which could otherwise problematize the ideals of state and nation building.⁶³

Though much progress was made toward writing Liberia's history, it is difficult to measure impact here as this aspect of the TRC recommendation was never fully implemented, along with all the other Commission recommendations. Measuring the impact of the TJ recommendations will be dependent on the particular choice and how adequate the measure is in light of the violent legacy that it is seeking to address. Intervention on reparation for example will require a transparent approach and combination measures, since nearly all Liberians perceive themselves as victims directly or indirectly. The role of the international community, especially ECOWAS and the African Union, that played significant roles in the negotiation of Liberia's peace process and are thus moral guarantors of Liberia's peace have a critical role to play. It is also critical for ECOWAS and AU to consider Liberia's TRC report as an essential component of their conflict prevention mechanism.

Liberia is 14 years post-conflict and preparing to hold its third presidential and legislative elections during this period. Elections are scheduled for October 2017 and it's predicted or at least hoped to be Liberia's defining transition to self-governance as the United Nations Mission in Liberia (UNMIL), which transferred security responsibilities to government in June 2016, wraps up its peace keeping operations. The elections will also mark the transfer of power from one sitting political administration to another for the first time since 1944. From a pariah state, the country is on the rebound with a burgeoning economy growing at 7% per annum and the steady rise of its national budget to US\$600million. Despite the impact of the Ebola epidemic, basic amenities and services such as electricity, water and roads are being restored. But in contrast to economic development, national grievances from the war remain unaddressed and a violent legacy continues to loom over the country.

On the question of Liberia's relapse to violent conflict, a number of studies have been conducted. All of these studies are unanimous about national grievances that remained unaddressed and

⁶³ Liberia History Organizing Conference, Governance Commission and University of Liberia, 13-16 May 2013. See also Proposal for the Establishment of A Liberian National History Project, 2013.

which, if not addressed, could be the basis for future conflict.⁶⁴ In Ellen Johnson Sirleaf's last state of the nation address, 23 January 2017, she made a similar observation: "two areas that have posed major challenge to our administration are corruption and reconciliation."⁶⁵ To assess the risk of relapse to violent conflict, the United Nations in Liberia ahead of its final drawdown commissioned the Social Cohesion and Reconciliation Index for Liberia. (SCORE). The SCORE is a robust diagnostic and predictive tool used to examine inter-group relations, potential for conflict transformation and civic behaviour. It also assesses governance and human security indicators. For the Liberia SCORE Index, five outcomes were targeted: a) Coexistence and Civic Trust, b) Violent Tendencies, c) Political Tribalism, d) Readiness For UNMIL Departure and e) Development Orientation. The results of the survey are mixed and data show that five counties, Sinoe, River Cess, Nimba, Lofa and Grand Cape Mount are particularly vulnerable across the five areas of interest that were studied. Two additional counties (Bong and Margibi) reflecting lower risk were also considered while Grand Gedeh, previously used as pilot case to test out the model of county plans was integrated in the broader plan. Put together, the total of 8 counties reconciliation plans was developed. The process was financed by UNMIL while Search for Common Ground provided the technical leadership in the assembling of these plans. In addition to the county reconciliation plans, county conflict histories were also commissioned. The central ideas behind the writing of county conflict histories, is intended to purge hegemonic narrative with the view of promoting inclusive history, one is that is edifying and reflecting of the mosaic of sub national diversity. The plans are envisioned as supplemental frameworks of the TRC and National Road Map. drawdown plan ahead of its 31 March 2018 departure from Liberia. On 23 March 2018, these plans were presented by 8 counties delegates to President George Weah, Farid Zarif, formerly Special Representative of the Secretary General and Amina Mohammed, Deputy Secretary General of United Nations. President Weah received the county plans and acknowledged the victimization caused by the war, especially children and elderly who suffered the brunt of it all while Amina expressed profound thanks for a successful peacekeeping mission in Liberia..

Postscript: Politics and Reinvention

Bitter Canaan, written by Charles Johnson, an African American sociologist and formerly a Commissioner of the League of Nation Enquiry into Liberia's practices of slavery and forced labor provides one of the best sociological accounts of Liberia. His work Bitter Canaan amounts to a repudiation of Settler's Mission to establish Canaan Land for blacks everywhere. In his account, he provides an incisive observation about politics and Liberians obsession with it:

⁶⁴ State of Peace, Reconciliation and Conflict in Liberia; Catholic Relief Services, Catholic Justice and Peace Commission, and Catholic Bishop Conference of Liberia; (October 2016); Social Cohesion and Reconciliation Index for Liberia (SCORE, Liberia Index)

⁶⁵ Annual Message to the Sixth Session to the 53rd Legislature of the Republic of Liberia, by her Excellency, Ellen Johnson Sirleaf, President Republic of Liberia, Capitol Hill, Monrovia, Liberia, 23 January 2017

The original constitutional provision limiting the Liberian president's term of office to two years permitted no period of recovery from the stress of one election before another was on. The term was extended to four years and during administration of President Arthur Barclay, but it had continued long enough to give a 'set' to both political and social habits. The dependence of so large a part of the population on government made the field of politics a natural and almost exclusive source of interest.

In Merran Fraenkel's *Tribe and Class* (1964), she studied Monrovia as the microcosm of the larger society and the emergence of Liberia's new elites. The rise of these new elites were essentially indigenous people reinventing themselves as *civilized* (criteria measure established by Settler's oligarchic) by taking on religious identity such as Methodist, Baptist or others and adopting a the way of Americo-Libeiria. For the most part it involves patronizing the elites and ingratiating oneself onto the ruling establishment. By doing this, you set yourself on a path to becoming an elite yourself and eventually earning a top level government job.

In Karen Landgren's address on the eve of her departure as Special Representative of the Secretary of the United Nations Mission in Liberia, she observed that: Liberia's elite class may have changed, but the ground rules have not.

Taken together, these observations are accurate reading of the politics and sociology of Liberia. It explains Liberian obsession with politics and how it has become second nature for all who aspires to become an elite. In the transition from ACS to Settlers, paternalism was inherited as an acceptable practice. It is therefore no wonder why today elites employ the rhetoric of justice but actually means collective amnesia for the ethos of elite politics in Liberia is incongruous to notion of accountability. On the other, perpetrators are constantly reinventing themselves; some of them will indulge into self-rehabilitation proclaiming a 'born again' status to Christianity and expect the society to pardon them for unspeakable horrors. Some victims who carried scars of the war but are considering political life are prepared to allow by gone to be because elite practice is indifferent to accountability and don't co-exist with justice. Thus, the legacy of paternalism is incongruous to the notion of justice and criminal accountability. In parallel, they only justice Liberians have known have been the transmission of the violent memories since it foundation to generations after generations.