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Case Studies on Transitional Justice and Displacement

In the Presence of Absence

Truth-Telling and Displacement in Liberia

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Transitional Justice and Displacement Project

From 2010-2012, the International Center for Transitional Justice (ICTJ) and the Brookings-LSE Project on Internal Displacement collaborated on a research project to examine the relationship between transitional justice and displacement. The project examined the capacity of transitional justice measures to respond to the issue of displacement, to engage the justice claims of displaced persons, and to contribute to durable solutions. It also analyzed the links between transitional justice and other policy interventions, including those of humanitarian, development, and peacebuilding actors. Please see: www.ictj.org/our-work/research/transitional-justice-and-displacement and www.brookings.edu/idp.

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About ICTJ

ICTJ assists societies confronting massive human rights abuses to promote accountability, pursue truth, provide reparations, and build trustworthy institutions. Committed to the vindication of victims' rights and the promotion of gender justice, we provide expert technical advice, policy analysis, and comparative research on transitional justice measures, including criminal prosecutions, reparations initiatives, truth seeking, memorialization efforts, and institutional reform. For more information, visit www.ictj.org.

About the Brookings-LSE Project on Internal Displacement

The Brookings-LSE Project on Internal Displacement was created to promote a more effective response to the global problem of internal displacement and supports the work of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons. It conducts research, promotes the dissemination and application of the Guiding Principles on Internal Displacement, and works with governments, regional bodies, international organizations and civil society to create more effective policies and institutional arrangements for IDPs. For more information, visit: www.brookings.edu/idp.

The views expressed in this paper are the author's own and do not necessarily reflect the views of the International Center for Transitional Justice or the Brookings-LSE Project on Internal Displacement.

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Introduction

This paper seeks to highlight the role of the displaced, in particular those who were internally displaced persons (IDPs), in Liberia both during and after the brutal conflict that ran from 1989 to 2003. Displacement was a major tactic used by armed groups during the fighting; it is estimated that half the country suffered from displacement as a result of warfare. The paper, therefore, provides an overview of displacement during the fighting. The large numbers of people forced from their homes meant that the displaced played a central role in the agreements ending the conflict. However, while the role of refugees has been well documented, the role of IDPs has not—a gap that the paper aims to correct.

The paper then considers the treatment of displacement in the work of the Liberian Truth and Reconciliation Commission (TRC). It argues that despite the TRC's noteworthy and groundbreaking engagement with the diaspora community, no attempt was made to address internally displaced persons and their distinct needs. And while the TRC did give special consideration to the needs of women and children, their heightened vulnerability when displaced was ignored. Finally, the paper discusses the challenges the TRC faced in including issues pertaining to IDPs in its work. In its conclusion, the paper offers lessons learned from the transitional justice process in Liberia. The central conclusion is that displaced communities need to be engaged as early as possible in the peacebuilding process for a transitional justice program to be successful.

Background to the Liberian Conflict

On December 24, 1989, Charles Taylor led a small group of fighters to attack the border town of Butuo in Liberia from Côte d'Ivoire. His attack on this remote border town sparked a 13-year conflict, deemed one of the worst civil wars in modern history. The Liberian civil war claimed the lives of more than 250,000 people, and displaced an estimated 780,000 people externally¹ and 500,000 internally.² The then president of Liberia, Samuel Doe, responded quickly and brutally to Taylor's incursion, sending troops to Nimba County (the home of Butuo), where the government forces indiscriminately killed civilians. This brutal counterinsurgency campaign focused on punishing

members of the Gio and Mano tribes living in Nimba County under the pretext that they had supported the insurgency. In a country where ethnic tensions were already present, this campaign brought to the fore years of division that were to influence the rest of the conflict.

The 13-year conflict saw the rise and fall of many factions, formed largely along ethnic lines. Overall, a total of 21 armed groups are thought to have participated in the conflict. The main militias included: the National Patriotic Front of Liberia (NPFL); the United Liberation Movement for Democracy in Liberia (ULIMO K and J), which was an amalgam of the Movement for the Redemption of Muslims (MRM) and the Liberian United Defense Force (LUDF); and Liberians United for Reconciliation and Democracy (LURD); and the Movement for Democracy in Liberia (MODEL). These groups were composed of different factions of the national army, the regional force (of the Economic Community of West African States Monitoring Group, ECOMOG), and rebel groups. The chain of command for many of the irregular armies was often unclear, resulting in an anarchic environment in which hundreds of thousands of Liberians faced extreme forms of human rights abuses at the hands of often intoxicated and vicious fighters.

Human Rights Violations During the Liberian Conflict

Over the course of the country's civil war, the Liberian social fabric was ripped apart, with direct and indirect effects on the population. Indiscriminate human rights abuses meant that no one within the borders of Liberia was safe. However, certain ethnic groups and nationalities were targeted for especially cruel treatment. According to a United Nations Development Programme (UNDP) report that mapped out the human rights violations during the conflict,³ these included: massacres; arbitrary killings; targeting of civilians; psychological torture; detention and labor violations, such as forced abduction, especially of children, young men, and women, and the use of women and female children as sexual slaves; economic and property violations; and massive forced displacement. The UNDP report concluded that all of the armed factions were responsible for committing human rights violations throughout the conflict. The final report of the Truth and Reconciliation Commission made similar allegations, backed by its collected testimonies.

Displacement in the Liberian Conflict

The report of the Liberian TRC's Diaspora Project, *A House with Two Rooms*, described displacement as the defining feature of the Liberian conflict. As mentioned above, an estimated 780,000 Liberians are thought to have been made refugees and 500,000 internally displaced by the time the conflict ended (out of a population of only 2.1 million when the war began and 3 million at its end).⁴ The TRC reported that forced displacement was the most frequent human rights violation, representing a third of all recorded violations.⁵ Staggeringly, half of Liberia's population was reported to be displaced in 1990. However, the distinction between IDPs and refugees was not fixed, and many Liberians oscillated between the two, making estimates difficult. A cyclical process of fleeing and hiding both within and outside of the nation's borders occurred as "peace accords were signed and broken."⁶ Camps for displaced persons were located around the country, and TRC witnesses reported that these were often used as recruitment centers for militias, frequently with children as the primary targets. The TRC final report suggests that forced displacement was used as a deliberate military strategy by rebel groups "as a technique to clear the area for [their] occupation."⁷

Amnesty International identified insecurity resulting from the conflict between the Liberian National Forces and LURD as a central vector for the large numbers of displaced persons toward the end of the war.⁸ The intense fighting between the two groups saw heavily populated towns and villages become subject to attacks, which included human rights abuses and looting, often when displaced persons were fleeing. An unknown but substantial number of Liberians were caught in the crossfire. Displacement normally saw large groups leaving villages, precipitated by the sound of heavy gunfire or government warnings or rumors of an imminent attack. In addition, the targeting of specific individuals, ethnic groups, and nationalities was common. For those uprooted—largely women and children, as men and boys were often forcibly conscripted into the various fighting forces—the likelihood of abuse increased tremendously during displacement. The TRC highlighted the particular vulnerability of women when displaced. Due to the “difficulties and threats to life” that are suffered when forced displacement occurs, it argued, women, and in particular the very young and elderly, “suffered disproportionately as compared to males.”⁹

For many Liberians who did not feel the national authorities could offer sufficient protection, the only recourse was to flee the country as refugees. Often the first to leave as a result of this insecurity were Liberian intellectuals, human rights defenders, journalists, political opponents, and former government workers—people who were the primary targets for abuse by all sides of the conflict. The subsequent organization and participation of refugees in the peace process, as compared to the poor and uncoordinated engagement of the IDP communities, can in part be attributed to this exodus of well-educated Liberians. When they did leave the country, Liberians largely sought refuge in neighboring countries, namely Sierra Leone, Ghana, Côte d’Ivoire, and Guinea. The ethnic and historical links between some Liberians and groups within these countries made, to some extent, for easier integration. In many cases, however, integration was not so easy due to the regional dimensions of the Liberian conflict.

The Accra Peace Process and the Involvement of Displaced Persons

On August 18, 2003, the Liberian government signed an agreement with two rebel movements, LURD and MODEL, which led to the installation of a transitional government and the end of the conflict. The agreement followed a two-and-a-half month negotiation period, brokered by the Economic Community of West African States (ECOWAS) with strong support from the government of Ghana. The Accra Peace Process brought together the Liberian government, political parties, warring factions, civil society groups, regional bodies (including the African Union and ECOWAS), and donor government representatives. The negotiations among the different factions occurred against a backdrop of continuing war, now raging on the streets of the capital, Monrovia. International focus on the peace talks and the continued conflict in Monrovia brought added pressure to install a government in Liberia that would take the country through the transition period.

Civil society organizations were represented in the peace process by the Association of Liberian Professional Organizations (ALPO), the Liberian Women's Initiative (LWI), the Mano River Women's Peace Network (MARWOPNET), the Inter-Religious Council for Liberia (IRCL), and the Liberian Bar Association. A few of these groups, including MARWOPNET, the IRCL, and the Liberian Bar Association, signed the agreement as witnesses. No single organization represented the large numbers of displaced persons either as IDPs or refugees, nor was the issue of displacement discussed as a key issue for the transition. Members of the Liberian Refugees Associations based in Ghana who appeared during the talks did so only briefly, and did not provide any substantive inputs to the discussions.

Liberian civil society participation in the peace talks in Accra was largely ceremonial, to ensure “democratic forms of decision making and respect for the needs of Liberian civil society during the negotiations, and acceptance of the peace agreement by the Liberian people after their conclusion.”¹⁰ The reality was that the peace negotiations, dominated by political wrangling and compromise, provided little space for serious engagement by civil society, and even less for groups representing displaced populations. The extent to which the civil society groups accredited to participate in the talks were representative of the Liberian population was questioned and, indeed, remains questionable. Many critics alleged that civil society participation was heavily influenced by relationships with the national government.

Civil society participation was at its strongest externally to the talks, as refugee groups and women's groups held daily vigils outside the closed doors of the negotiations. Refugee groups were bussed daily from the Bujumbura refugee camp in the outskirts of Accra to exert moral pressure on the parties to the negotiations to resolve the conflict. Women's representatives, many of whom had left children and other family members behind in Monrovia, recounted the daily horrors taking place in the capital. This led to a barricading of the talks' delegates in the negotiation rooms on one occasion and a refusal to move until the political deadlock was resolved. The actions of these civil society groups were unparalleled in bringing a human face to the negotiations and urging the parties to see beyond their personal political aspirations. They were also credited with contributing to the ultimate cessation of the conflict.

Civil society representation of IDPs was nonexistent, and hence it was not possible to ensure their participation in the negotiations. The environment of overwhelming fear and intimidation generated by the government against civil society organizations was an effective deterrent to the creation of such groups by internally displaced Liberians. IDP issues, when addressed, were tackled largely within the context of protection efforts within camps and by the establishment of national-level organizations, such as the Female Lawyers Association of Liberia (AFELL). These organizations addressed some of the issues concerning IDPs in addition to a number of other more prominent matters, including rule of law and peacebuilding issues. IDPs were not represented at any national-level forums, and what little IDP representation that did exist within the camps was discredited by allegations that representatives were selected on the basis of allegiance paid to the current government; they were therefore not able or indeed competent to form any sort of representation at the Accra peace talks. The Comprehensive Accra Peace Agreement did not make specific reference to the concerns of IDPs, and mention of IDP issues was only made in line with supporting their return to their communities

of origin, mostly with regard to their needs for basic services. At the time, however, IDPs were facing a host of concerns, including human rights and protection issues, housing issues, as well as reintegration into their areas of origin.

Part 9, Article XXX of the Peace Agreement stated:

- 1a. The NTGL [National Transitional Government of Liberia], with the assistance of the International Community, shall design and implement a plan for the voluntary return and reintegration of Liberian refugees and internally displaced persons, including non-combatants, in accordance with international conventions, norms and practices.
- b. Refugees or internally displaced persons, desirous of returning to their original Counties or permanent residences, shall be assisted to do so.
- c. The Parties commit themselves to peaceful co-existence amongst returnees and non-returnees in all Counties.

In addition, the Peace Agreement's call to address the basic needs of all Liberians arguably encompassed the needs of IDPs.

The Liberian Truth and Reconciliation Commission and Displacement

In order to address the effects of conflict and the extent of the human rights violations that had occurred, the Peace Agreement established two key national institutions: a Truth and Reconciliation Commission (TRC) and an Independent National Commission on Human Rights (INCHR). The TRC in particular would be instrumental in bringing a sense of reconciliation and unity to a country that had been torn apart by the long conflict.

Part 6, Article XIII of the Peace Agreement stated:

- A Truth and Reconciliation Commission shall be established to provide a forum that will address issues of impunity, as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation.
- In the spirit of national reconciliation, the Commission shall deal with the root causes of the crises in Liberia, including human rights violations.
- This Commission shall, among other things, recommend measures to be taken for the rehabilitation of victims of human rights violations.
- Membership of the Commission shall be drawn from a cross-section of Liberian society.
- The Parties request that the International Community provide the necessary financial and technical support for the operations of the Commission.¹¹

The TRC's mandate was to promote national peace, security, unity, and reconciliation. Central to its work was the determination of responsibility for egregious domestic crimes, gross human rights violations, and serious violations of humanitarian law.¹² The TRC was structured to include nine commissioners, one of whom would serve as the chair of the commission; an international technical assistance committee (ITAC) composed of two senior-level technical experts; a special magistrate with the responsibility to issue citations, summons, warrants, and commitments; and senior-level staff that made up the commission's secretariat and included an executive secretary.

The commissioners were selected through a public process with support from the UN, the ECOWAS office, key bilateral partners, and international and national NGOs. This process remains one of the most criticized aspects of the Liberian TRC. Despite international support, the choice of commissioners was nominally up to the Liberian people. The transitional government announced the selection of the nine commissioners following an 18-month period during which the TRC bill was drafted. The commissioners, when chosen, were deemed to be a cross representation of Liberian society, headed by a Liberian human rights lawyer and including representation from civil society, the religious community, and the Liberian diaspora.

Throughout this process, no attempt was made to reach out to internally displaced persons as a specific group with distinct needs. The TRC did not specifically represent internally displaced persons or their communities with regard to the commissioners chosen. Indeed, the TRC bill makes no reference to the displaced. The selection of the commissioners, along with the period of time the commission focused on, continued to provoke criticism well after the publication of the TRC's reports. A significant number of observers viewed the TRC as having a clear bias toward specific political groups and providing an incomplete account of the root causes of the Liberian conflict, the seeds of which some believed were planted even before the establishment of Liberia as a nation-state.

The Liberian TRC was, however, the first to include a country's diaspora in a truth and reconciliation process. The commission started its preparatory work between 2005 and 2006, recruiting and training 200 or so statement takers to commence the statement-taking exercises throughout the country and in the diaspora. In total, the TRC estimates that 20,000 statements were taken, of which 47 percent were from women.¹³ Among the diaspora, statements were taken from Liberian refugees in the United States and in neighboring West African countries. Volunteer statement takers gathered statements from residents of 11 U.S. cities, the United Kingdom, and the Buduburam refugee settlement in Ghana.¹⁴ The TRC reported that it was not able to take statements from Liberians located in Guinea and Sierra Leone. A total of 1,631 statements were gathered from the diaspora, 80 percent of which came from Ghana.¹⁵ Diaspora involvement also extended to report-writing and official public hearings. Public and in-camera hearings were held in all of Liberia's 15 counties, with special arrangements made for Liberians in the diaspora. Laura Young and Rosalyn Park, both of whom were part of the TRC Diaspora Project, argue that the commission sought the involvement of the diaspora for two reasons: first, the pivotal role the diaspora was deemed to play in the conflict, both directly and indirectly; and second, the commissioners' view that engaging the diaspora in the truth-telling process might be a stepping stone toward securing its financial support for reparations and development programs.¹⁶

The TRC in Liberia took some significant strides toward inclusivity when it made special arrangements to include Liberian refugees as a distinct category of witnesses.¹⁷ Susan Harris Rimmer compares the Liberian TRC's outreach to displaced persons, mainly refugees, to that of other commissions in Sierra Leone, Guatemala, Peru, and Timor-Leste, all of which investigated displacement as a human rights violation and examined its impact on the population.¹⁸ Harris Rimmer argues that, apart from Liberia, which stands out as a clear exception, these TRCs addressed displacement on an ad hoc basis and without a conscious strategy.¹⁹ The Liberian TRC's laudable and exceptional focus on refugees, however, did not extend to the internally displaced. Despite the reference to the accommodation of "vulnerable groups" by the commission in its final report, no specific reference or outreach was made to IDP communities.

Inclusion of Women, Children, and Other Vulnerable Groups in the Liberian TRC

Special considerations that were given to women and children are articulated in the TRC's final report. The commission addressed its concern for the participation of women in the process, and laid out the specific guidelines it followed. Nine sections of the TRC Act were focused on women's realities and how they should be incorporated into the TRC process. Articles IV and VI explicitly required the commission to adopt mechanisms and procedures to address the experiences of women, children, and vulnerable groups; pay particular attention to gender-based violations; employ specialists in women's rights; protect women's safety; and not endanger women's social reintegration or psychological recovery. To support this effort to reach out to Liberian women, a gender committee was established, which included representatives from local and international NGOs, the Ministry of Gender, and UN agencies. Children were also given particular consideration through special training for TRC staff on child protection issues, thematic hearings for children, and engagement with UN agencies and NGOs. In particular, the United Nations Children's Fund (UNICEF) and the National Child Protection Network, which is comprised of approximately 80 child protection NGOs, were charged with adequately taking on board the special needs of Liberian children in the context of the truth-telling process. Nearly 1,000 confidential statements were also collected from children.

Although there was a strong emphasis on the needs of women and children, their heightened vulnerabilities as a result of their displacement were never considered by the TRC, even though the concerns of IDPs were well-known. During Amnesty International's consultations with sections of Liberian society, for example, IDP representatives on truth, justice, and reparations for Liberia's victims "revealed their expectations that the Government should take steps to redress past violations. While many thought the TRC was an important beginning point largely they expressed the importance of prosecuting the suspected perpetrators of war crimes and crimes against humanity."²⁰

Meanwhile, the country struggled in its peacebuilding efforts. A Security Council letter in March 2005²¹ detailed that despite some gains towards peace, significant problems remained. The fragile peace process was maintained, but several incidents of lawlessness and violent unrest occurred. Large numbers of ex-combatants, still awaiting rehabilitation and reintegration opportunities, had become increasingly volatile. Protests occurred in January and February 2005 in Monrovia, Buchanan, and Gbarnga, and alarming incidents of mob violence took place in Pleebo and Harper in Maryland County from January 16–23. Throughout this period and up until April 2006, when the return

process for IDPs was officially declared over, a large number of IDPs remained in camps, where they were largely dependent on humanitarian aid. The protracted conflict had destroyed most of the infrastructure and institutions of the country, and for Liberian IDPs this was compounded by the specific vulnerabilities that being displaced can entail for different parts of the population, with women and children being the most vulnerable. These concerns remain today.

Public Hearings

The TRC's public hearings, which started in Monrovia in early 2008, were central to the work of the commission and were meant to allow victims and perpetrators to voice their experiences. The aim of the hearings was to establish a unifying national narrative—a “Liberian national experience” of the conflict. Under the banner of “confronting our difficult past for a better future,” the hearings in Monrovia lasted for a year, with four additional months of hearings reserved for Liberia's remaining 14 counties. These public hearings would have most certainly included those who had been, or continued to be, internally displaced. However, in the absence of a concerted effort to include and identify IDPs, it was not possible to establish how many IDPs participated. Overall, the many challenges faced by the Liberian TRC would come to impact these hearings, including the media's obsession with the commission's internal politics and infighting among the commissioners.

The TRC made a special effort to include the Liberian diaspora in its hearings, demonstrating its commitment from the beginning to ensure the inclusion of Liberian refugees in all aspects of the truth and reconciliation process. A central aim of the diaspora hearings, as stated by the TRC, was to allow members of this group to express their experiences and make recommendations directly to the commission. In addition, Liberians in the United States were able to hear from victims and expert witnesses first hand. The desire to include the diaspora led to a series of special sessions in the United States and United Kingdom in the presence of a number of the commissioners, who traveled to oversee them. The hearings and the surrounding processes were designed to be as close as possible to those set up in Liberia, and they brought significant information to light; Young and Park note that in the United States participants related details of those killed and abducted, and in some cases provided the names of the victims.²²

The hearings in Liberia included special sessions. These involved the participation of experts on a number of thematic areas, including on the roles and experiences of women and children during the conflict and on economic crimes. Discussions on the impact of the conflict on women and children included some references to the effect of displacement on both groups.²³ In the case of children, the TRC acknowledged the grave effects of displacement, including the loss of family structures and heightened vulnerability to different forms of abuse. Curiously, though, while the TRC final report acknowledged that an estimated 80 percent²⁴ of IDPs were women and children, it failed to expand on the implications this had for the work of the commission or indeed on the types of redress to be made available for this group.

Recommendations for Reparations in the TRC Report

In its final report, the Liberian TRC made specific reference to the issue of reparations, reserving the right to make “individual and community reparations to any persons, groups, entities or communities,

and to establish Reparations Trust Fund(s) as deemed appropriate.”²⁵ The commission recognized the need for different forms of reparations for the victims of the conflict and called on the government of Liberia, with support from the international community, to put into effect its recommendations. This included reparation in the form of community development projects and programs including schools, health services, and other community infrastructure. The TRC also highlighted the need for educational facilities and better access to education for victims of the conflict, including both primary and secondary education. The “vulnerable groups” highlighted for special consideration were mainly women and children. The commission recommended that a reparation program for the empowerment of women affected by the civil war be extended to those most adversely impacted by the conflict. It also recommended redress in the form of livelihood programs, including soft microcredit economic programs, small enterprise and marketing programs, and education on small business management for sustainability.²⁶

The TRC report did not specifically call for any reparations to be made available to Liberians as redress for their displacement experiences. But because internal displacement was so widespread during the conflict, former IDPs would certainly be among those to benefit from the implementation of the commission’s recommendations. However, while it did set up an Independent Human Rights Commission, the Liberian government has much work to do to in implementing the TRC’s recommendations. According to the recent UNDP Millennium Development Goals (MDG) report on Liberia, the country is still a long way from achieving the goals set for 2015. Factors that led to Liberia’s protracted conflict continue to hold the country back. In the absence of concerted efforts to implement the TRC’s reparations recommendations and tackle the problems that led the country into conflict in the past, those who were internally displaced during the war continue to face considerable hardships in rebuilding their lives.

Conclusion: Challenges and Lessons Learned

From its inception, the Liberian TRC faced immense challenges. These ranged from financial difficulties to technical limitations, from infighting among commissioners to questions about the commission’s credibility as representative of the Liberian people and its ability to accurately address the root causes of the crisis. Specific challenges also impacted the inclusion of IDPs and their concerns within the work of the commission:

1. The combination of a lack of organized national or local structures to adequately represent the needs of the internally displaced and a precarious political and security situation as the country emerged from conflict did not facilitate an environment conducive to IDP participation. That said, the many different international and national actors involved in the peacebuilding process missed the opportunity to see that the needs of the displaced were represented effectively in the truth-telling effort.
2. The protracted nature of the Liberian conflict meant that it was very difficult to single out IDPs for special treatment as part of the truth and reconciliation process. Indeed, many Liberians may have oscillated between statuses as IDPs, refugees, and returnees as the conflict

ebbed and flowed. With half of the population of Liberia estimated to have been displaced, the task of dealing with the consequences of displacement is huge. The TRC mandate started in 1989, the beginning of the first civil war. This meant that had the commission concertedly addressed displacement, it would have had to take on board not only the needs of the estimated 500,000 IDPs at the end of the most recent conflict and the returning refugees, but also the many others displaced by previous bouts of violence dating back to 1989.

3. The impacts of displacement, including the loss and destruction of property and its physical and psychological effects, continued to affect many Liberians in addition to those registered as IDPs during the lifespan of the TRC. The commission recommended that all lands taken by the government be paid for or returned. It also requested that the Land Reform Commission focus on resolving land disputes, specifying that property acquired fraudulently should be forfeited as a public good. However, providing redress for the large number of citizens confronted with the loss or destruction of property would have been a monumental task and beyond the capacities of the TRC.
4. By the time the TRC started fully functioning in 2007, the IDP population in Liberia had largely returned to their homes or settled elsewhere.²⁷ The resulting lack of visibility of this group became more problematic once humanitarian assistance had ceased and people were free to move around the country, not necessarily remaining where they had been relocated. Reaching out to IDP groups therefore became even more complicated.

Despite these challenges, the wide extent of displacement during the conflict in Liberia makes it surprising that the TRC did not see the need to focus more on this aspect of the conflict. With adequate public information strategies, capacity support to civil society groups, and training for TRC staff, it is clear that much more input could have been offered by former and current IDPs to the truth and reconciliation process.

Other problems affected the overall efficiency of the TRC, however, detracting from its ability to address critical issues. They included:

5. The questionable credibility of the commissioners was a recurring issue, as a number of those serving were accused of involvement in the conflict.²⁸ Added to this were the difficult dynamics among the commissioners themselves.
6. The limited capacity of the TRC substantially delayed its proper functioning, including finalizing an adequate work plan and budget. These initial problems dealt a serious blow to the image of the commission, both within Liberia and with the international community. Capacity-building was provided in the form of the international technical assistance committee, but this also had its own problems as two senior technical advisors were unable to work together.²⁹
7. The general lack of confidence in the Liberian TRC, especially among the international community, affected many aspects of the commission's work. In particular, it impacted the availability of competent international experts willing to work with the commission and the availability of adequate funding.

8. On June 30, 2009, the TRC published an “unedited” version of its final report. Given the dissension over the establishment and running of the TRC itself, it was not a surprise that the report provoked a strong and controversial public reaction. Several counter press conferences were held by former warring factions and prominent politicians listed for prosecution.³⁰ It did not help that the “unedited” version was presented by the two of the eight commissioners who chose to distance themselves from the report. Nevertheless, civil society—in particular the Transitional Justice Working Group (TJWG)—mobilized in support of the TRC report. Liberian President Ellen Johnson-Sirleaf, despite being implicated in the report, also came out strongly in support of it. She noted in an address to the nation that “while one may not agree with all the findings and recommendations resulting from the report, there is no doubt that it dissects and analyses our problems and makes meaningful recommendations for the healing, reconciliation, restoration of peace, prosperity and progress of our nation.”³¹ Nevertheless, legal challenges argued the report was unconstitutional. In January 2011, the Liberian Supreme Court held that the recommendations for banning individuals from public office were unconstitutional.³² The debate surrounding the recommendations has largely focused on those relating to amnesty and prosecution. Subsequently, efforts to implement the recommendations by the TRC have not fared well and little movement has been seen on such issues as dual citizenship.

Many lessons can be learned from the truth-telling process and its relationship to displacement in Liberia. They include:

1. The need to involve displaced communities early in the peacebuilding process. This would require concerted efforts by national and international actors to put in place the relevant support needed to ensure the meaningful participation of IDP groups.
2. The need to address displacement adequately as a human rights violation that has far-reaching economic and social consequences and requires effective responses, including the involvement of displaced persons in transitional justice processes.
3. The need for early and committed engagement by national and international actors to put in place the relevant displacement expertise to support and guide the truth and reconciliation process, so that it can better address IDP and refugee needs.
4. The need for far-reaching and comprehensive public information programs to encourage the participation of IDP groups, including clarity on the value of participation in such processes.

Notes

- ¹ UN High Commissioner for Refugees, “2005 UNHCR Statistical Yearbook: Liberia,” <http://www.unhcr.org/4641be64d.html>, 401 (see “D: Refugees and Asylum Seekers from Liberia”).
- ² “Liberia: At a Glance,” Internal Displacement Monitoring Centre website, last modified December 31, 2011, [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/78D50A458CC54720802570A7004B5690?opendocument&count=10000](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/78D50A458CC54720802570A7004B5690?opendocument&count=10000).
- ³ UNDP Liberia, “Mapping the Human Rights Violations Project” (unpublished report), 2006.
- ⁴ World Bank, *World dataBank*, <http://databank.worldbank.org/ddp/home.do>, “population, total” for Liberia in 1989.
- ⁵ Kristen Cibelli, Amelia Hoover, and Jule Krüger, “Descriptive Statistics from Statements to the Liberian Truth and Reconciliation Commission” (Benetech Human Rights Program for the Truth and Reconciliation Commission of Liberia, June 2009).
- ⁶ Truth and Reconciliation Commission of Liberia, *A House with Two Rooms: Final Report of the Truth and Reconciliation Commission of Liberia Diaspora Project* (Saint Paul, MN: DRI Press, 2009), 305.
- ⁷ *Ibid*, 131.
- ⁸ Amnesty International, *Liberia: Civilians Face Human Rights Abuses at Home and Across Borders*, AFR 34/020/2002, September 30, 2002.
- ⁹ Republic of Liberia Truth and Reconciliation Commission, *Final Report*, vol. 2, *Consolidated Final Report* (Truth and Reconciliation Commission of Liberia, 2009), 273.
- ¹⁰ “A Short History of the Conflict in Liberia and the Involvement of NGOs in the Peace Process,” World Movement for Democracy, accessed April 2012, <http://www.wmd.org/resources/whats-being-done/ngo-participation-peace-negotiations/history-conflict-liberia>.
- ¹¹ The issue of establishing other transitional justice mechanisms, such as a special court like that established in Sierra Leone, was also briefly discussed at the peace talks. While Liberia’s warring factions initially pushed for a special court to indict Charles Taylor, this was quickly dropped with the realization that a court would not necessarily restrict its activities to one individual or faction. A TRC was put forward as a more suitable mechanism at the time of the talks. The preference for a truth commission was later confirmed in discussions with civil society groups, many of whom felt that the peace process was too fragile at the time to talk about a special court or a similar judicial mechanism.
- ¹² Republic of Liberia Truth and Reconciliation Commission, *Final Report*, vol. 1, *Preliminary Findings and Determinations* (Truth and Reconciliation Commission of Liberia, 2009).
- ¹³ *Ibid*, 32.

- ¹⁴ Laura A. Young and Rosalyn Park, “Engaging Diasporas in Truth Commissions: Lessons from the Liberia Truth and Reconciliation Commission Diaspora Project,” *International Journal of Transitional Justice* 3, no. 3 (November 2009): 341–361.
- ¹⁵ Ibid.
- ¹⁶ Ibid.
- ¹⁷ Truth and Reconciliation Commission of Liberia, *A House with Two Rooms*.
- ¹⁸ Susan Harris Rimmer, “Reconceiving Refugees and Internally Displaced persons as Transitional Justice Actors” (Research Paper No. 187, New Issues in Refugee Research, Policy Development and Evaluation Service, UN High Commissioner on Refugees, April 2010).
- ¹⁹ Ibid.
- ²⁰ Amnesty International, *Liberia: Time for Truth, Justice and Reparation for Liberia’s Victims*, AFR 34/001/2007, February 15, 2007.
- ²¹ United Nations Security Council, *Letter dated 16 March 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council*, UN Doc. S/2005/176, March 17, 2005.
- ²² Young and Park, “Engaging Diasporas in Truth Commissions.”
- ²³ Republic of Liberia Truth and Reconciliation Commission, *Final Report*, vol. 3, *Appendices: Title II: Children, the Conflict and the TRC Children Agenda* (Truth and Reconciliation Commission of Liberia, 2009).
- ²⁴ Human Rights Watch, “Liberia: A Human Rights Disaster: Violations of the Laws of War by All Parties to the Conflict,” October 26, 1990, <http://www.hrw.org/sites/default/files/reports/liberia1990.pdf>, 8.
- ²⁵ Republic of Liberia Truth and Reconciliation Commission, *Final Report*, vol. 1, *Preliminary Findings and Determinations*, 59.
- ²⁶ Truth and Reconciliation Commission of Liberia, “Liberians Demand War Crimes Prosecutions,” press release, May 22, 2009, http://trcofliberia.org/press_releases/1.
- ²⁷ “Between November 2004 and April 2007, an inter-agency operation assisted some 326,990 IDPs to return to their places of origin. The vast majority of these (321,634) had returned by the end of March 2006, and the camps were formally declared closed and assistance discontinued in April 2006. An inter-agency assessment in April-May 2006 found approximately 28,000 individuals still residing in the former camps.” Neil Wright and Enda Savage, “Real Time Evaluation of UNHCR’s IDP Operation in Liberia,” UNHCR Policy Development and Evaluation Service and IDP Advisory Team, U.N. Doc. PDES/2007/02 - RTE 2, July 24, 2007, 7.
- ²⁸ Paul James-Allen, Aaron Weah, and Lizzie Goodfriend, *Beyond the Truth and Reconciliation Commission: Transitional Justice Options in Liberia* (New York: International Center for Transitional Justice, May 2010).
- ²⁹ Ibid.
- ³⁰ Ibid.
- ³¹ President Ellen Johnson Sirleaf, “Annual message to the Fifth Session of the 52nd National Legislature of the Republic of Liberia, on the Occasion of the 162nd Independence Anniversary of the Republic of Liberia,” Monrovia, January 25, 2010 (available at http://www.emansion.gov.lr/doc/2010_ANNUAL_MESSAGE_Final_as_completed_on_4_February_2010.pdf).
- ³² “Truth Commission: Liberia,” United States Institute of Peace, accessed April 2012, <http://www.usip.org/publications/truth-commission-liberia>.