

Research Brief

Transitional Justice and DDR: The Case of Liberia

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Research Project**Transitional Justice and DDR**

This project examines the relationship between disarmament, demobilization, and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at the ICTJ.

In 2003, a Comprehensive Peace Agreement (CPA) negotiated in Accra, Ghana, brought to a close the brutal, fourteen-year war in Liberia. The CPA included agreements on the cantonment, disarmament, rehabilitation, and reintegration of combatants; security sector reform (SSR); and human rights issues, including the establishment of a truth and reconciliation commission (TRC).

All of the armed factions were involved in human rights violations during the war. The range of atrocities perpetrated against the people of Liberia included the massive killing of civilians, widespread rape and sexual violence, forcible recruitment of children as soldiers, extortion, desecration of the cultural heritage of the country, looting of the national economy, and the destruction of property. According to some reports, an estimated 250,000 to 270,000 people died, 850,000 sought refuge in neighboring countries, and 500,000 were displaced within the country as a direct result of the war. One 2004 study found that between 60 percent and 70 percent of the population suffered some form of sexual violence during the conflict.

There was no formal relationship between disarmament, demobilization, rehabilitation, and reintegration (DDRR) processes and transitional justice initiatives in Liberia. DDRR was near completion by the time the TRC began operations. This sequencing of the DDRR program prior to the TRC allowed for a more secure environment for pursuing transitional justice.

Background

In 1989, the National Patriotic Front of Liberia, the armed group led by Charles Taylor, started a civil war in Liberia against the regime of President Samuel K. Doe. From 1989–2003, ten armed groups were involved in fighting that spilled into Sierra Leone and had repercussions throughout West Africa. The first phase of the war, known in Liberia as the “Taylor” war, ended with the election of Charles Taylor as President of Liberia in July 1997. Continued fighting with armed groups opposed to Taylor returned the country to war in July 1999.

The second phase of the war lasted until August 2003. During the negotiations in Accra in June, news broke of the indictment of President Taylor by the Special Court for Sierra Leone for his role in that country's civil war. Taylor quickly returned to Liberia, and representatives of Liberia's government and the two rebel groups stayed in Ghana, reaching an agreement on a ceasefire without him. Under pressure from regional and international governments, Taylor abandoned the presidency in August 2003 and fled to Nigeria to avoid extradition. A week later the CPA was signed.

A National Transitional Government of Liberia ruled the country for a period of two years. With the support of the international community, the transitional government organized the elections of October 2005, bringing Ellen Johnson-Sirleaf to power as the first democratically elected female president in Africa.

In 2006, Charles Taylor was taken into custody to stand trial in The Hague. He was charged with eleven crimes against humanity and war crimes involving murder, mutilation, rape, terror against civilians, enslavement, pillage, and the use of child soldiers.

Accountability for mass atrocities committed during the war was one of the most challenging issues negotiated by the parties to the conflict.

DDR

In 2003, the CPA negotiations led to a request to the United Nations to deploy a peacekeeping force to Liberia to support the National Transitional Government of Liberia and assist in the implementation of the CPA. Accordingly, the United Nations Mission in Liberia (UNMIL) was established in September 2003. The UNMIL mandate includes the development and implementation of a DDRR strategy for ex-combatants in coordination with a National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR). The DDRR program was completed on October 31, 2004, with 101,496 combatants and their "associates" disarmed and demobilized. Serious attempts were made to involve women in the process, including criteria for entry that allowed for group disarmament. UNMIL reports that 22,370 women were disarmed and demobilized. Additionally, since many, if not the majority, of fighters in the Liberia conflict were child combatants, UNICEF played a significant role in ensuring that the issue of child combatants was part of the planning of the DDRR program. UNMIL states that 10,972 children were disarmed and demobilized in total (8,532 boys and 2,440 girls).

Benefits for the ex-combatants who participated in the DDRR program included medical screening and treatment. Upon discharge, the demobilized combatants received the first half of a total Transitional Safety Allowance of US\$300, a one-month food ration from the World Food Programme, and transportation back to their community of choice. The second half of the allowance was provided in the rehabilitation and reintegration phase of the program. Approximately 90,000 ex-combatants also participated in the rehabilitation and reintegration phase, which offered training opportunities in

formal education, vocational training, and apprenticeship. According to NCDDRR sources, however, about US\$71 million was raised for the programs, out of which roughly US\$70 million has been spent.

The DDRR program in Liberia is generally considered a success. According to a survey of ex-combatants undertaken by UNDP in March 2006, ex-combatants who formally disarmed, registered, and completed reintegration training experienced an overall 8 percent increase in their socio-economic situation. About 94 percent of the ex-fighters in this survey indicated that they have not had problems being accepted into their communities.

In 2007, however, UNMIL, USAID, and others conducted an evaluation of the DDRR process in Liberia. According to a statement in the Fifteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia, many Liberians informed the mission that “the reintegration programme has failed to provide sustainable alternative livelihoods for ex-combatants. The majority of ex-combatants are still unemployed, and thousands have regrouped for the purpose of illegally exploiting natural resources in diamond and gold mining areas, as well as on rubber plantations.”

Transitional Justice

Accountability for mass atrocities committed during the war was one of the most challenging issues negotiated by the parties to the conflict during the Accra talks in 2003. Given the extreme violence that characterized the conflict, some Liberians demanded the establishment of a war crimes tribunal. The negotiations in Accra instead resulted in an agreement to establish a TRC.

The TRC was launched in June 2006 with a mandate to investigate “gross human rights violations and violations of international humanitarian law as well as abuses that occurred, including massacres, sexual violations, murder, extra-judicial killings and economic crimes, such as the exploitation of natural or public resources to perpetuate armed conflicts, during the period January 1979 to October 14, 2003.” In the past three years, the TRC has taken more than 20,000 statements from Liberians in Liberia and abroad. Additionally, seven months of public hearings have taken place. A first report of the TRC was released in January 2009 recommending prosecutions for those responsible for gross human rights violations, a reparations program for victims, and amnesty for children.

Important institutional reform initiatives with accountability aims were implemented alongside a DDRR process. For example, as a result of judicial reform, legislation was passed making rape a crime. The SSR process administered by UNMIL and the United States involved vetting members of the security forces. While not approached as a transitional justice measure, the vetting exercises provided, at the least, a non-judicial

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means of excluding most perpetrators of the most appalling human rights crimes from positions of authority.

Conclusion

In 2003, Liberia was a collapsed state. The country did not have the capacity to pursue transitional justice measures concomitantly with the DDDR process. Efforts to address past human rights crimes were, and continue to be, hindered by the fear that the pursuit of justice would derail the peace process. In a situation like Liberia's, with a failed state and a peace agreement based on a negotiated settlement, the best relationship that can be obtained between DDR programs and transitional justice measures is one of sequencing. By implementing the DDDR program separately and prior to the implementation of the TRC and any other transitional justice measures, the fragile peace and security that emerged after the signing of the CPA was sustained.

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