LIBERIA AND SIERRA LEONE:
A STUDY OF COMPARATIVE HUMAN RIGHTS
APPROACHES BY CIVIL SOCIETY ACTORS

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The social sciences, unlike the natural sciences, do not lend themselves to controlled experiments, least of all in politics, especially at the level of national comparisons. The neighboring West African states of Liberia and Sierra Leone have so much in common that an exception might be carved to this general principle. They both share the peculiar legacy of the Creole (called Krio in Sierra Leone) experience and a gradual expansion from small littoral settlements into hinterlands that were long inhabited—and divided—among heterogeneous native ethnic groups. Historically, they both had analogous administrative and social hierarchies and similar economies based primarily on the export of natural resources—rubber on the part of the former, diamonds on that of the latter—by foreign interests. More recently, they both have been convulsed by devastating civil conflicts that were themselves part of a regional conflagration. Consequently, the similarities and eventual differences in the experiences of the two countries, especially in recent years, may help in the elucidation of some useful lessons concerning the role of the human rights community in the quest for justice and other peace processes in the wake of mass violence and civil conflict.

In pursuit of its objective, this essay will briefly outline the histories of both countries in order to provide a factual framework that is the context for later discussion. It will then describe the prominent role played by civil society actors, inter alia non-governmental organizations (NGOs) and other members of the human rights community, played over the course of a decade in the rather torturous search for peace and, then, for justice. It will highlight the sharply different approaches that groups took in Sierra Leone and Liberia during the transitional phase back to constitutional government. It will identify and analyze the distinct advantages and shortcomings of the two approaches against the common elements shared by the respective polities then allows for the derivation of some general principles.

I. HISTORICAL CONTEXT

A. THE FOUNDATIONS OF TWO STATES

The modern republics of Sierra Leone and Liberia trace their origins to the challenge that “free persons of color” presented to late 18th and early 19th century British and American societies. In each case, the “solution” to what was perceived to be a “problem” was repatriation to Africa. Founded as a private initiative in 1789 by an eponymous company of British abolitionists and other philanthropists (it only became a Crown Colony in 1808), Sierra Leone was intended as a haven for freed black slaves, including some 1,200 who had supported the loyalist cause during the American War of Independence and had consequently been driven from the thirteen newly-independent United States. Several

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decades later, beginning in 1821, under the sponsorship of a motley coalition of American philanthropic, commercial, and even racist interests, freed black slaves from the United States were settled a little further to east, along what is now the Liberian coast. The original settlers of both colonies were soon joined by “re captives” whose involuntary voyage across the Atlantic Ocean had been interrupted by the anti-slavery patrols of the British and American navies.

While the freedmen-turned-colonizers of Liberia declared their independence and established a republic in 1847, both societies continued on the path of similar social evolutions. In both cases, relations between indigenous African peoples of Liberia and the descendants of the settlers—known as the “Krio” in Sierra Leone and “Americo-Liberians” in Liberia—were characterized by a peculiar version of the colonial *mission civilisatrice*. As the legendary dean of Liberian studies, J. Gus Liebenow, once observed, the typical Americo-Liberian settler’s “views of Africa and Africans were essentially those of nineteenth century whites in the United States. The bonds of culture were stronger than the bonds of race, and the settlers clung tenaciously to the subtle differences that set them apart from the tribal ‘savages’ in their midst.”

In Liberia, members of indigenous communities were denied electoral suffrage until 1946, when it was extended to a select few who owned a hut, paid taxes upon it, and were otherwise deemed by the American-Liberian authorities as “civilized.” The Code of Laws promulgated in 1956 invested neither tribal groups nor individual tribal members with title to the lands they and their ancestors had occupied from time immemorial. Rather, indigenous communities were granted the use of public land. When “a tribe shall become sufficiently advanced in civilization,” it could “petition the government for a division of tribal land into family holdings.”

B. THE LIBERIAN CIVIL WAR

In Liberia, the effectively colonial state of affairs persisted until April 12, 1980, when a military coup by seventeen low-ranking soldiers led by a quasi-literate master sergeant, Samuel Kanyon Doe, an ethnic Krahn from rural Grand Gedeh County, killed the last Americo-Liberian president, William Tolbert Jr., and overthrew the settler-descended oligarchy. While the *putsch* was initially greeted enthusiastically by the majority of the population that had been effectively excluded by the settler rule, the new regime turned increasingly brutal and proved even less popular than its predecessors. A failed 1985 attempt to overthrow the junta by an erstwhile member, Brigadier General Thomas Quiwonka, resulted in the rebel officer’s brutal murder. Doe then unleashed military units made up of his fellow Krahn tribesmen against Quiwonka’s Gio and Mano ethnic kinsmen, massacring more than three thousand civilians.

Despite his increasingly violent and oppressive rule as well as the centralization of power in the hands of his tribal kinsmen, Doe, like his Americo-Liberian predecessors Tolbert and William V.S. Tubman (president 1944-1971), benefited from America’s Cold War calculus which, more often than not, turned a blind eye to the abuses of despots willing to accommodate U.S. interests. In Liberia, those interests included a large diplomatic and intelligence communications relay station comprising two 500-acre antenna fields.

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2 Liberian Code of Laws, Ch. 11, § 60-61.
1600-acre Voice of America relay station, a U.S. Coast Guard maritime navigational tracking station (one of only six in the world at the time), and unlimited access for American military flights to the Robertsfield Airport—all for the extremely favorable rent of $100,000 per year.\(^3\) Between 1981 and 1985, U.S. economic and military assistance to Doe—famously saluted during a state visit to the White House by President Ronald Reagan as “Chairman Moe”—amounted to over $500 million.

The end of the Cold war, however, altered the variables in America’s strategic calculations: during Reagan’s second term, U.S. aid to Liberia plummeted from $53.6 million in 1986 to $19.5 million in 1989. Except for some $10 million in emergency food and other humanitarian assistance, no aid was appropriated in the first budget submitted by the George H.W. Bush administration. Against this backdrop, Charles Taylor, the U.S. educated son of an Americo-Liberian father and a Gola mother who had been trained in Libya after breaking out of a federal prison in Boston (where he was being held on an extradition request from Liberia for having allegedly embezzled from the government agency he was running), invaded rural Nimba County with a handful of insurgents on Christmas Eve 1989. Within the year, until they were halted by a military intervention by the Economic Community of West African States (ECOWAS), Taylor and his allies had gained military control over nearly 90 percent of Liberia’s national territory and had captured and killed the hapless Doe.

Only the deployment by ECOWAS of a military intervention force, dubbed ECOMOG (“ECOWAS Monitoring Group”), in August 1990 prevented Taylor’s takeover of Monrovia, the unintended result was to prolong the conflict since Taylor, denied the prize that was within his grasp, doggedly engaged the would-be peacekeepers as well as an ever-proliferating host of other armed factions for seven long years, during which the fighting engulfed all or parts of neighboring Sierra Leone, Guinea, and Côte d’Ivoire, and exacted a toll estimated to be as high as 250,000 Liberians out of a pre-war population of just over three million. Ironically, the end result was the same as if there had been no intervention: in an internationally monitored election on July 19, 1997, Taylor triumphed over his opponents, winning 75.3 percent of the vote against former international civil servant Ellen Johnson-Sirleaf, who ran a distant second with 9.5 percent, while a trio of veteran civil society activists—including Cletus Wortorson, Gabriel Baccus Mathews, and Togba Nah Tipoteh—trailed with humiliating 2.5, 2.5, and 1.6 percent levels of support, respectively. Despite Taylor’s reputation as brutal warlord, the across-the-board victory for him personally and for the National Patriotic Party that had formed out of his rebel movement in an election that was judged free and fair by the international community—including observers from the U.N., the European Union, the Organization of African Unity, and the Carter Center, among others—could best be explained by the fact that the electorate faced an uncertain security situation and made a rational choice for the candidate most likely to maximize the possibility for stability and, eventually, improved conditions.

These hopes, however, were quickly dashed by Taylor, whose authoritarianism combined with declining socio-economic conditions—by 2003, for example, the average Liberian was, by most indices, worse off than he had been before the start of the civil war over a decade before—led The Economist to award the country the rather dubious distinction of being “the worse place to live in 2003.” Not surprisingly, an anti-Taylor umbrella group supported by Guinea (whose territory had been repeatedly invaded by Taylor), the Liberian United for Reconciliation and Democracy (LURD),\(^4\) emerged and was soon joined by

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\(^4\) Guinea’s support of the LURD insurgency was the result of a bizarre—but for the region, not atypical—confluence of strategic calculations and highly personalized motives. LURD leader Sekou
another armed group, the Movement for Democracy in Liberia (MODEL), which was supported by Côte d’Ivoire, another of Liberia’s aggrieved neighbors.

As 2003 began, the military pressure of the LURD and MODEL insurgencies, coupled with the political and economic isolation resulting from UN sanctions imposed because of his role in fomenting Sierra Leone’s brutal civil war, had considerably weakened Taylor. By late May, with nearly two-thirds of Liberia loosely under rebel control, but with neither LURD nor MODEL yet sufficiently strong enough to take the capital by storm, Taylor finally agreed to sit down with his opponents at peace talks to be held in Accra under the auspices of ECOWAS. However, much to the embarrassment of African and other diplomats who had worked to set up the meeting, Taylor’s attendance at the parley was cut short by the June 4 publication by the UN-sponsored Special Court for Sierra Leone of the previously-sealed indictment of the Liberian president for war crimes and other serious violations of international humanitarian law during the brutal Sierra Leonean conflict that he had precipitated as a sideshow to his own fight. While Taylor hastily left the talks and fled back to Monrovia, the end game had clearly begun, especially after U.S. President George W. Bush declared in a speech on June 26, the eve of his first presidential trip to Africa, that “President Taylor needs to step down so that his country can be spared further bloodshed.” After protracted negotiations, a Nigerian-led West African peacekeeping force, acting under the authority of an apposite U.N. Security Council resolution, landed in Monrovia on August 4. On August 11, Taylor finally acquiesced and accepted an offer of asylum in Nigeria, resigning the Liberian presidency and handing power over to Vice President Moses Blah.

C. BACKGROUND TO ANOTHER CIVIL WAR: SIERRA LEONE

Sierra Leone received its independence as an independent within the British Commonwealth in 1961 under the leadership of Sir Milton Margai and the Sierra Leone People’s Party (SLPP). Although the proud scion of a Mende chiefly family from the former Protectorate, Sir Milton was also thoroughly at home in the Westernized world of Free-town’s “Kriodom.” Before venturing into politics, he had been the first native of the Protectorate to earn a bachelor’s degree from Fourah Bay College and the first to qualify as a physician. Sierra Leone inherited from its departing colonial rulers a Westminster-style parliamentary democracy that was the envy of region as well as a healthy foreign reserve account. The new country was admitted to the United Nations as its one-hundredth member state, an event that observers noted for its great symbolism since the country was founded as a haven for freed Africans and the world body was instrumental in bringing about decolonization of the African continent. One prominent American scholar of Africa, Thomas Patrick Melady, later United States ambassador to Burundi and Uganda as well as ambassador to the Holy See, was typical of his contemporaries in his enthusiastic optimism about the future of the new West African state:

Sierra Leone can emerge as a showcase of West Africa, progressive in its politics and forward-looking in its policies. Its prime minister, Sir Milton Margai, is strongly opposed to Communist infiltration. Building on a solid agricultural base, the economy has profited from diamond deposits and growing interest in its promising industries, which range from fish

Damante Conneh’s wife, Aisha, is Guinean president Lansana Conté’s influential “spiritual advisor.” (Personal conversation with then-Guinean prime minister Lamine Sidimé, Nov. 18, 2001.)

5 On the Sierra Leone conflict in general, see my article Lazarus Rising: Civil Society and Sierra Leone’s Return from the Grave, 7 Int’l J. Not-for-Profit L. 49 (2004); for details on the Special Court for Sierra Leone, see my article, A Viable Model of International Criminal Justice: The Special Court for Sierra Leone, 19 N.Y. Int’l L. Rev. (forthcoming 2006).
to oil. Sierra Leone is more than a symbol of freedom; it is an embodiment of the aspirations of Africa.\(^6\)

Tragically, the ensuing decades turned this promise on its head and made Sierra Leone the poster child for all that has gone wrong in Africa since the heady days of its liberation from colonialism—the veritable embodiment of the continent’s dysfunctional politics, environmental exploitation, economic misery, and fratricidal conflicts. Today, despite the wealth of both its human capital and its natural resources as well as the billions of dollars in international assistance it has received in recent years, Sierra Leone enjoys the dubious distinction enjoying apparent tenure in the absolute last place in the annual rankings of the United Nations Development Program (UNDP) Human Development Index (HDI), currently occupying the 177th place among 177 countries surveyed.\(^7\)

The slide began after the hotly contested general elections of 1967, which the SLPP, led by the deceased Sir Milton’s brother, Sir Albert Margai, who had transformed the ruling party from a national institution into one dominated by the southeastern Mende, narrowly lost to the opposition All Peoples’ Congress (APC), which was heavily backed by Temne tribesmen from the north as well as Krio urban dwellers. However, the new prime minister, Siaka Probyn Stevens, had barely been sworn in by the governor-general on March 21, 1967, when he was overthrown in a coup d’état. After a year in exile, Stevens was restored to power in 1968 when a popular uprising overthrew the erstwhile putchists. The experience, however, changed Stevens, who soon evinced signs of paranoia about conspiracies perceived to be swirling about him. In 1971, Stevens used a legally questionable legislative maneuver in order to amend the Sierra Leonean constitution, substituting the parliamentary democracy with a highly-centralized presidential republic.\(^8\)

Several years later, he held a farcical referendum to transform it into a one-party state with the APC as the only legal political organization.\(^9\)

Even worse than what Stevens did to Sierra Leone’s political system was what he did to the country economically. Having inherited a sound, if not necessarily rich, economy with a diversified base of diamonds and iron mining as well as agriculture—primarily coffee and cocoa production—that expanded between 1965 and 1973 at the respectable, if not spectacular, annual rate of 4 percent against an annual population growth rate of 1.9 percent, Stevens and his cronies gradually destroyed it all. The annual rate of growth dipped to an average of 0.7 percent between 1980 and 1987, before going into negative figures.\(^10\) Dwindling revenues from the government’s diamond monopolies and agricultural marketing boards, compounded by governmental corruption and profligate spending on non-essential “prestige projects,” only served to accelerate the sharp rate of economic decline.

Sierra Leone went from being the model for democratic governance and economic prosperity that it had been under Milton Margai to being the an example par excellence of Africa’s post-colonial “neopatrimonial” malaise whereby national resources were redistributed as “marks of personal favor to followers who respond with loyalty to the leader rather than to the institution that the leader represents.”\(^11\) Sierra Leone had degenerated, in terms William Reno first coined to describe the country, into a “shadow state,” that is, a

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\(^9\) See generally id at 145-146.
\(^11\) Paul Richards, Fighting for the Rain Forest: War, Youth and Resources in Sierra Leone 34 (2nd prtg. 2002).
system of personally rule founded on neither concepts of legitimacy nor even governmental institutions but on the control of markets and on the ruler’s ability to manipulate access to resources created by those markets so as to enhance his own power. In short, the “shadow state”—a patrimonial network working for private interests normally, but not necessarily, constructed behind the façade of formal statehood—was the very antithesis of civil society, understood as organizations outside government that function as constraints upon it and advocates of the common good.

In no sector was the “neo-patrimonial” corruption of the “shadow state” more evident than in the fabled alluvial diamond fields of Sierra Leone’s east. Before the APC took over, the diamond trade constituted one-third of national output and contributed over 70 percent of Sierra Leone’s foreign exchange reserves. By the mid-1980s, less than $100,000 worth of the precious minerals passed through legal, taxable channels. Most of the rest was appropriated by Stevens and a coterie of his closest associates, who also embezzled profits and other assets from various state enterprises. Having looted an estimated $500 million and leaving a balance of barely $196,000 in foreign reserves in the Bank of Sierra Leone on the day he left office, Stevens retired in 1985 after anointing the army chief, Major General Joseph Saidu Momoh, as his successor. Unfortunately for Sierra Leone, Momoh’s regime did no better than its predecessor, thus perpetuating the already vicious cycle of political, economic, and social malaise. As one former United States ambassador to Sierra Leone, John Hirsch, reported:

Unpaid civil servants desperate to keep their families fed ransacked their offices, stealing furniture typewriters, and light fixtures...One observer has noted that the government hit bottom when it stopped paying schoolteachers and the education system collapsed. Without their salaries, teachers sought fees from the parents to prepare their children for their exams. With only professional families able to pay these fees, many children ended up on the streets without either education or economic opportunity.

Bereft of the resources to provide its potential clients with jobs and educational opportunities, the ruling APC lost its base of support and began to unravel altogether at the very moment when contracting services and collapsing infrastructure left the Sierra Leone state itself most vulnerable to attack. The coup de grâce came in the form of a spillover from the civil war in neighboring Liberia. In March 1991, Foday Sankoh, a charismatic former Sierra Leonean army corporal who had been jailed for several years in the 1970s for his part in an alleged plot against the Stevens regime and who subsequently underwent military training with a small group of Sierra Leonean dissidents in Libya (where Liberian warlord Charles Taylor had also drilled his insurgents), invaded eastern Sierra Leone from Liberia. Sankoh, supported by Taylor, issued a call for anti-government uprising in the name of the heretofore unknown RUF. The rebels, initially little more than a few dozen disaffected rural youth whom Sankoh enticed to his cause with promises of free education and medical, ostensibly fought for a redress of the iniquities of a Sierra Leonian society in which the APC regime continued to exploit the country’s rich diamond resources for the benefit of its elite cadres while the living standards of the rest of the citi-

zenry declined. Despite the banner of justice, however, as they sent the government’s forces reeling and quickly seized control of most of the eastern part of the country, including the diamond fields, the RUF rebels themselves soon proved themselves to be an even worse plague. Before long, RUF terror tactics—including the amputation of the limbs of civilians as a terror tactic, the systematic rape of women and girls, and the abduction of young boys to swell their ranks—provided rich fodder for Robert Kaplan’s sensational article on “The Coming Chaos.”

In April 1992, a group of disgruntled soldiers on leave in Freetown from the warfront, led by a 27-year-old captain named Valentine Strasser, overthrew President Momoh and formed a military junta, the National Provisional Ruling Council (NPRC). The coup was actually popular at the time as most Sierra Leoneans had grown disgruntled with the APC’s corrupt and ineffectual rule. However, disaffection at the inexperienced ruler’s inability to end the war as well as his increasingly autocratic rule led to his overthrow, in January 1996, by his deputy, Brigadier Julius Maada Bio. Under increasing foreign and domestic pressure, the new Sierra Leonean leader, Bio, was forced to hold elections which were boycotted and sporadically disrupted by the RUF. Despite various glitches, the elections took place and were won, after two rounds, by the newly-revived SLPP, led by Ahmad Tejan Kabbah, a veteran UNDP official, who became the country’s first directly elected head of state.

Given the lackluster performance of its own army and the reluctance of the international community to intervene in the conflict, the Sierra Leonean government had hired a private military company from South Africa, Executive Outcomes, to lead its fight against the insurgents. Executive Outcomes was instrumental in halting the RUF offensives and, in fact, rolling the rebels back for the first time, driving them out of the Kono diamond mining areas and the Sierra Rutile mines, both assets of great importance to the government, not the least because of their revenue potential. Kabbah’s new government, with the support of the Executive Outcomes mercenaries and its newly organized “kamajor” (traditional tribal hunter) irregulars, pushed the RUF to the brink of defeat, literally driving Sankoh to the negotiating table.

In November 1996, a peace agreement was signed in Abidjan, Côte d’Ivoire, between the new government of President Kabbah and the RUF. The accord granted an amnesty for all acts committed prior to its signing and called for the transformation of the RUF into a political party. The agreement quickly unraveled, however, as violence resumed after only the briefest lull. When Sankoh was arrested on trumped up charges while visiting Nigeria in March 1997, allegedly at the urging of the Kabbah government, the accord collapsed altogether. Two months later, however, yet another group of disgruntled Sierra Leonean soldiers led by Major Johnny Paul Koroma drove President Kabbah into exile, replacing his government with an Armed Forces Revolutionary Council (AFRC) that invited the RUF to join it. The country fell into complete chaos as most of the judiciary system—judges, attorneys, police officers, and other law enforcement professionals, all of whom had previously been targeted by RUF rebels—fled the country before what it imagined to be the imminent entrance of the dreaded insurgents into government. The angry populace, fearful not only of the RUF but also of the continuing decline of the country as schools, banks, and commercial services ceased to function, launched a series of civil disobedience campaigns.

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19 Id art. 12-13.
The international reaction to the AFRC/RUF coup was swift and, for once, unequivocal. The overthrow of President Kabbah took place on the eve of the annual summit meeting of the heads of state and government of the Organization of African Unity (OAU) in Harare, Zimbabwe. Despite the fact that many of the leaders present at the meeting had themselves come to power through military coups and in contrast to the OAU’s usual practice of non-interference in the internal affairs of member states, the sixty-sixth session of the OAU Council of Ministers called for “the immediate restoration of constitutional order” in Sierra Leone and urged “all African countries and the international community at large to refrain from recognizing the new regime and lending support in any form whatsoever to the perpetrators of the coup d’état.” In particular, the African leaders, called upon “the leaders of [the regional Economic Community of West African States, ECOWAS] to assist the people of Sierra Leone to restore constitutional order to the country” and to “implement the Abidjan Agreement which continues to serve as a viable framework for peace, stability and reconciliation in Sierra Leone.” When, in October 1997, the UN Security Council unanimously adopted a resolution, imposing economic sanctions against the AFRC/RUF junta, the embargo was scrupulously enforced by a regional military contingent, the ECOWAS Ceasefire Monitoring Group (ECOMOG). Koroma quickly capitulated and promised to allow Kabbah to return to power by April 1998. However, when the junta was slow to cede power, ECOMOG forces under the command of a Nigerian general and supported by yet another mercenary outfit, the British-based firm Sandline International, which had been hired by the exiled President Kabbah, launched an offensive against the now-combined AFRC/RUF forces in February 1998, which restored Kabbah to power the following month.

The restoration, however, was tenuous, to government’s writ extending barely beyond the municipal boundaries of the capital. Increasing numbers of regional peacekeepers were required—by the end of the year nearly a quarter of the entire Nigerian army, some 20,000 men, were in Sierra Leone—to prop up the Kabbah government. The RUF military commander, Sam “Mosquito” Bockarie, backed by Major Koroma, now designated deputy commander of the RUF, threatened to make the country ungovernable if Sankoh, sentenced to death sentence for treason by the Kabbah government, was not freed and included in the government. In January 1999, rebel forces encircled the capital. During this phase, apocalyptic scenes—at one point, for example, 40,000 people sought refuge in Freetown’s National Stadium—were commonplace at every rumor. Using women and children as human shields, some RUF units managed to bypass ECOMOG forces and join comrades who had already infiltrated the city. Kabbah fled the country once more.

Eventually, after ferocious fighting, ECOMOG forces managed to reestablish control over the capital and its environs, but at the cost of some 7,000 dead civilians and two-thirds of the city leveled. Compounding the human tragedy, as the RUF units retreated, they abducted some three thousand civilians, many of whom were never seen again. As a consequence of the mayhem, about 600,000 of Sierra Leone’s estimated four million people sought refuge in neighboring countries, while two-thirds of those who remained were internally displaced. The Nigerians, worn out by the fighting which claimed an estimated 800 of their peacekeepers and was costing them about $1 million daily, announced their intention to withdraw and forced the two Sierra Leonean parties to enter into negotiations

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22 See generally Adekeye Adebajo, BUILDING PEACE IN WEST AFRICA: LIBERIA, SIERRA LEONE, AND GUINEA-BISSAU 87-93 (2002).
which resulted in the July 7, 1999, Lomé Peace Agreement,\textsuperscript{23} signed in the Togolese capital. The deal made Sankoh the “Chairman of the Board of the Commission for the Management of Strategic Resources, National Reconstruction and Development” and accorded him “the status of Vice-President answerable only to the President of Sierra Leone.”\textsuperscript{24} The accord also promised the rebel leader and his followers a “complete amnesty for any crimes committed...from March 1991 up to the date of the agreement.”\textsuperscript{25} The Lomé Agreement was initialed by the two parties as well as by an impressive array of international guarantors, including a special representative of the UN secretary-general, although the latter signed with the reservation that the amnesty provisions did not apply to “international crimes of genocide, crimes against humanity, war crimes, and other serious violations of international humanitarian law.”\textsuperscript{26}

The Lomé Agreement was ratified by the Sierra Leonean National Assembly and initially endorsed by a UN Security Council resolution.\textsuperscript{27} A second UN resolution also authorized the creation of the United Nations Mission in Sierra Leone (UNAMSIL) with 6,000 military personnel charged with assisting in the implementation of the peace agreement and facilitating humanitarian assistance.\textsuperscript{28} However, the accord, like its predecessors, quickly fell apart. In several incidents in late 1999 and early 2000, UN peacekeepers were themselves disarmed by RUF forces. In response, the Security Council increased UNAMSIL’s personnel to 11,100 and revised UNAMSIL’s mission to include protecting the government of President Kabbah.\textsuperscript{29} The situation only worsened, however. In early May, the RUF killed seven UN peacekeepers and captured fifty others. The number of peacekeepers taken prisoner soon increased to over 500 as the UN forces apparently surrendered to the rebels without firing a shot. British forces, operating independently of the UN command structures, then landed in Freetown, ostensibly to help evacuate foreign nationals, but in fact to shore up the Kabbah regime and rescue the beleaguered UN force.

The capture of Sankoh while he led an incursion in Freetown, however, saved the situation as the UN prisoners were released as the leaderless RUF forces began to disintegrate after their leader’s arrest. Meanwhile the Security Council authorized UNAMSIL to increase its strength to 13,000 military personnel\textsuperscript{30} (a limit that was later raised to

\textsuperscript{23} Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (Jul. 7, 1999); available at \url{http://www.usip.org/library/pa/sl/sierra_leone_07071999_toch.html} (last accessed May 25, 2005).

\textsuperscript{24} Id art. V.

\textsuperscript{25} Id art. IX.


17,500, making it the largest UN peacekeeping operation in the world\textsuperscript{31}). UN Resolution 1346, approved on March 30, 2001, also stretched UNAMSIL’s brief, already expanded from mere peacekeeping to protection of the government, even further, declaring that: “The main objectives of UNAMSIL in Sierra Leone remain to assist the efforts of the government of Sierra Leone to extend its authority, restore law and order and stabilize the situation progressively throughout the entire country, and to assist in the promotion of a political process which should lead to a renewed disarmament, demobilization and reintegration program and the holding, in due course, of free and fair elections.”\textsuperscript{32}

As the country was gradually pacified during 2001, UNAMSIL celebrated the success of its disarmament program with an arms destruction ceremony on January 17, 2002, at which the force commander, Kenyan General Daniel Opande, declared the civil war officially over. No one really knows the total number of casualties in the decade-long conflict. It was conservatively estimated that some 70,000 people lost their lives in the fighting, while hundreds of thousands of others suffered amputations or were otherwise maimed. Some 2.6 million Sierra Leoneans were either internally displaced or refugees in neighboring countries.

The peace was culminated with presidential and parliamentary elections held on May 14, 2002 (members of the security forces voted four days earlier). The polling was largely peaceful and, despite some irregularities observed, was largely free and fair. Over 2.3 million Sierra Leoneans (approximately 85 percent of the eligible population) registered to vote, a significant increase over the 1.5 million citizens who registered to vote in the elections of 1996. Of those registered, some 2.2 million actually cast their ballots to give incumbent president Ahmad Tejan Kabbah just over 70 percent of the vote. Kabbah’s SLPP won 83 of the 112 parliamentary seats up for grabs (12 other seats are allocated to the country’s paramount chiefs, a relic of the colonial system of indirect rule of the interior), compared with the 27 seats carried by the opposition APC, whose standard bearer, Ernest Koroma, received just slightly over 22 percent in the presidential poll. The RUF Party (RUF-P), the new political incarnation of the former insurgents, garnered barely 1.7 percent of the votes cast. The former leader of the AFRC, Johnny Paul Koroma, drew just 3 percent of the vote, although his People’s Liberation Party did gain two seats in parliament. All in all, for a country that had endured more than a decade of civil war, preceded by three decades of political upheaval and stagnation, the first peaceful elections since independence represented an act of hope. Two months later, on July 12, 2002, at the state opening of the new parliamentary assembly, Kabbah concluded: “All Sierra Leoneans, at home and abroad, suffered considerable loss. Some lost their cherished and loved ones, others their belongings, and still others, their dignity and honor. The bitter experience of armed conflict will linger in our memories for as long as we need to remind ourselves of the mistakes that we should never ever make again.”\textsuperscript{33}

II. CIVIL SOCIETY’S ROLE IN THE SEARCH FOR PEACE

A. CIVIL SOCIETY IN LIBERIA

The first stirrings of what would be recognizable as civil society can be traced to the activities of one remarkable Liberian, Albert Porte (1906-1986), a schoolteacher whose political career began in the 1920s when he distributed pamphlets that took the Americo-Liberian oligarchy and the True Whig Party government to task for the unconstitutional arrogation of power to the presidency. By the 1970s, Porte’s one-man crusade for accountability had taken aim at President Tolbert’s brother, Finance Minister Stephen Allen Tolbert, who was co-founder of the first Liberian-owned multimillion-dollar conglomerate, the Mesurado Group of Companies, with interests that included fishing, frozen food, detergent, animal feed, and commercial agriculture. In response to Finance Minister Tolbert’s use of public office to advance his business interests, Porte penned a scathing broadside, *Liberianization or Gobbling Business?* \(^{34}\) When Stephen Tolbert sued the strong-willed activist for alleged libel—before a court presided over by the plaintiff’s father-in-law, Supreme Court Justice James A.A. Pierre, no less—and won a ruinous $250,000 award, a spontaneous outpouring of public support for the defendant led to the creation of what was arguably the first real Liberian civil society organization, Citizens of Liberia in Defense of Albert Porte (COLIDAP).

While the lawsuit was never finalized—Stephen Tolbert died in an airplane accident in 1975—COLIDAP galvanized the reform movement then nascent among Liberia’s university teachers and students. A number of political movements were established during this period of ferment, including the Movement for Justice in Africa (MOJA) and the Progressive Alliance of Liberia (PAL). MOJA was founded in 1973 by an economics professor at the University of Liberia, Togba Nah Roberts, an ethnic Kru born Rudolph Nah Roberts (he later changed his name again to Togba Nah Tipotche). Armed with a pan-African platform of anti-colonialism, the MOJA advocated the nationalization of Liberia’s major businesses, including the large landholdings of the country’s ruling classes, and the punishment of corrupt government officials. In an effort to reach out to other constituencies, the MOJA, which drew its support primarily from the educated middle class, also established, primarily with support from German, Dutch, and Canadian funding agencies, non-profit business and agricultural cooperatives as well as other social services under the umbrella of its SUSUKU non-profit business affiliate. Among MOJA leaders were two political science professors: Amos Sawyer, the Americo-Liberian dean of the College of Social Sciences and Humanities, who later became head of one of the transition governments during the civil war, and Henry Boima Fahnbulleh, Jr., an ethnic Vai whose father had been an ambassador before President Tubman had charged him with treason.

The second group, the PAL, was organized in 1975 by a group of Liberian scholars and students then living in the United States. Led by Gabriel Baccus Mathews, who had quit his post as Liberian vice-consul in the U.S. to dedicate himself to political activism, the group called for rapid political reform, the adoption of socialism, and an activist pan-African foreign policy. Drawing its support within Liberia primarily from the urban poor, the PAL’s stated immediate objective was the establishment of a “Progressive People’s Party” (PPP), a group, since renamed the United People’s Party, still active in Liberian politics.

Like analogous civil society organizations in other parts of Africa at the time, the MOJA and the PAL, together with allied professional organizations, student groups, and other groups, focused on the goal of political reforms. Things came to a head in 1979, when the government proposed to increase the price of rice, one of the staples of the Liberian diet, from $22 per hundred-pound bag to $30, a sum that represented more than

one-third of the monthly income of an average family at the time. The price increase sparked a massive protest campaign, culminating in an April 14 demonstration organized by the PAL. Police fired on the demonstrators, killing at least several dozen and wounding hundreds. This incident marked the start of what Liberians came to call the “Year of Ferment,” during which the PAL agitated to get its Progressive People’s Party legally registered to contest the True Whig Party’s monopoly of power. The increasing tensions, exacerbated by Tolbert’s clumsy handling of the situation, hastened the fracturing of the long-dominant Americo-Liberian oligarchy, which collapsed altogether with Doe’s coup the following year.

Unfortunately, Doe’s increasingly despotic rule from 1980 to 1990 retarded the development of Liberian civil society by simultaneously co-opting its members and repressing its institutions. Shortly after seizing power, Doe’s People’s Redemption Council (PRC), recognizing that its uneducated members lacked the technical skills to manage a government, expanded its membership by inviting leading members of the PAL/PPP and the MOJA to join it. Ultimately four cabinet portfolios were allocated to the PAL/PPP, including the ministry of foreign affairs, which was given to its leader Baccus Mathews, while MOJA members received three. Others civic leaders co-opted by the putschists included Ellen Sirleaf Johnson, who was appointed president of the Liberian Bank for Development and Investment. As Arthur Kulah, who succeeded exiled Vice President Warner as Liberia’s United Methodist bishop, lamented:

Many of these technocrats were “bought” by the system and became lax in their commitment. Many of them joined the leaders who lived luxuriously. A good number of these Liberian professionals studied on the graduate and post-graduate level in the United States and in Europe. Having traveled abroad and after seeing what progress and development is, they might be expected to transfer these methods and policies for the benefit of the nation. Instead, these technocrats and professionals allowed themselves to be ruled by materialism and their leadership style dictated by greed, making themselves what Liberians call “gravy-seekers” .... A culture of lies, deception, and misinformation was developed.35

However, over time, Doe eased out his new partners, filling their positions with members of his own Krahn ethnic group. Though the Krahns constituted less than 5 percent of the Liberian population, they soon held one-third of the positions in the expanded central government (between 1980 and 1983, the number of people drawing government salaries rose from 18,000 to 60,000) as well as the command of all four infantry battalions of the Armed Forces of Liberia. Critics of the regime were dealt with harshly. Patrick Seyon, an ethnic Kru who was vice president of the University of Liberia, was arrested and flogged twice a day for two weeks in 1981 by Doe's agents. When, two years later, students at the university protested the arrest of their dean, Amos Sawyer, military units sealed off the school’s Monrovia campus and began a five-day spree of looting, rape, torture, and killing. Although Sawyer was ultimately released after three months in prison, he was kept effectively under house arrest until early 1985. Independent newspapers became subject to censorship and harassment, and outspoken journalists found themselves targeted or even killed; broadcaster Charles Gbenyon was bayoneted at the Executive Mansion in 1985 after he refused to surrender an audiocassette on which he had recorded the head of the National Election Commission admitting to having plans to rig the elections Doe was staging under pressure from his benefactors in the Reagan administration. Rufus M. Darpo, managing editor of the Sun Times, Isaac Bantu of the Daily Observer, 35 Arthur F. Kulah, LIBERIA WILL RISE AGAIN: REFLECTIONS ON THE LIBERIAN CIVIL CRISIS 73-74 (1999).
Arthur Massaquoi and Andrew Robinson of Foot Prints, and Thomas Nimely, then of the Sun Times and later a senator for Charles Taylor’s National Patriotic Party, all spent time in jail during this period. Borrowing a page from South Africa’s apartheid regime, Doe even introduced the penalty of “banning,” whereby a Liberian citizen who contradicted the head of state could be forbidden all forms of social, economic, and political contact with the rest of society, and anyone having contact with him or her would be subject to punishment. All this had the effect of wiping out the gains made by civil society in the 1970s.

Ironically, it was the terrible 1989-1997 civil war that gave Liberian civil society an opportunity to reemerge. During the summer of 1990, the encirclement of Doe in Monrovia by Taylor’s NPFL (as well as a smaller breakaway rebel group, the Independent NPFL, led by Prince Yormie Johnson), led Liberia’s nervous neighbors in the regional organization, the Economic Community of West African States (ECOWAS), to create a peacekeeping force, the ECOWAS Monitoring Group (ECOMOG), with the mandate to establish a ceasefire, after which Doe was supposed to resign to make room for an interim government that would organize elections within twelve months. On August 29, 1990, an assembly of Liberian politicians and civil society representatives meeting in the Gambian capital of Banjul elected Amos Sawyer as president of the interim government that ECOMOG would install. Despite Sawyer’s sterling credentials—including the authorship of the standard reference on Liberia’s pre-civil war political evolution—36—the democratic legitimacy of this Interim Government of National Unity (IGNU, quickly dubbed the “Imported Government of No Use” by disillusioned Liberians) was questionable since it was constituted, as one Liberian intellectual put it, “by a few dozen people who were invited and could afford to attend.”37

More ominously, Charles Taylor, who had not been represented in Banjul despite controlling most of Liberia’s national territory, quickly denounced the establishment of ECOMOG and pledged to resist the intervention. Taylor saw the peacekeepers as an attempt by his rivals to impose a resolution on the Liberian conflict that would rob him of the fruits of nearly certain victory just as his NPFL was on the verge of conquering Monrovia. Having already proclaimed himself provisional president on July 28, Taylor now established a “National Patriotic Reconstruction Assembly Government,” headquartered upcountry in Gbarnga, in opposition to Sawyer’s interim regime, and declared himself president of “Greater Liberia.”

While the writ of Sawyer’s IGNU and its successor, the Liberian National Transition Government (LNTG), established in 1994, never extended beyond the environs of Monrovia—and then only when the Nigerian commanders of ECOMOG chose to enforce it—the existence of a civil political authority, no matter how weak, created the space necessary for a rebirth of an increasingly dynamic civil society.

The first group to emerge—although its birth predated that of the IGNU by several months—was the Interfaith Mediation Committee (IFMC), a body created by the Liberian Council of Churches, an umbrella group of Catholic and Protestant leaders, and the National Muslim Council of Liberia.38 In a major breakthrough, the IFMC persuaded both Doe and Taylor to send representatives to talks it organized at the U.S. embassy in Freetown, Sierra Leone, in mid-June 1990. In order to rally public support for the negotiations, the IFMC organized two massive “peace marches” through Monrovia on June 14 and 26. While the talks collapsed over Doe’s refusal to quit the presidency—he was ultimately kidnapped from the ECOMOG compound and brutally killed by Prince Johnson in September—the IFMC’s proposals for an interim government were adopted by

ECOWAS as the basis for the creation of Sawyer’s IGNU. Also, during the nearly eight years of civil war, the IFMC established itself as a critic of the numerous peace accords negotiated or proposed—the conflict would see no fewer than half a dozen interim governments and a dozen or so peace “agreements”—most notably by organizing dramatic “stay-at-home” protests in March 1995 and February 1996, to protest deals that it criticized for “rewarding” the malfeasance of the warlords by giving them positions in government. And, perhaps, most significantly, the Christian-Muslim cooperation in the IFMC prevented the opening of a religious dimension in the already fractious conflict.

The Justice and Peace Commission (JPC), established under the auspices of the National Catholic Secretariat of Liberia during the conflict, was another notable “faith-based” civil society organization. Under the energetic leadership of human rights advocates such as Samuel Kofi Woods, James Verdier, and Frances Johnson Morris—the last a former chief justice of the Liberian Supreme Court—the JPC carried out the Herculean task of meticulously documenting the human rights abuses and other atrocities carried out by the ever-multiplying warring factions during the civil war. Regrettably, the sacking of the offices of the Catholic Secretariat during the 2003 battle for Monrovia destroyed the JPC’s precious collection of eyewitness reports and other documentation.

Another civil society organization born out of the civil war was the Liberian Women’s Initiative (LWI), a non-partisan movement of women transcending ethnic and socioeconomic divisions, which documented and brought to the attention of international NGOs the particular plight of women and children during the conflict. While women and children have always suffered in times of war, the Liberian civil war and its Sierra Leonean offshoot were characterized by the systematic use of rape as a terror tactic and the massive recruitment of child soldiers. Through effective media strategies, the LWI was successful in getting its concerns included in the agenda of various peace negotiations. Significantly, an LWI leader, Ruth Sando Fahnbulleh Perry, served as chair of the transitional Council of State from August 1996 until Charles Taylor’s inauguration as elected president on August 2, 1997, thus becoming the first female head of state in modern African history.

The overwhelming victory of warlord Charles Taylor, the very man who launched the fratricidal civil war, in the general election of July 19, 1997, came as a shock to many observers, although it should have been anticipated. There was no doubt that the poll was “impartial and transparent,” as U.N. Secretary-General Kofi Annan reported to the Security Council. Some 85 percent of the more than 750,000 voters registered by the Independent Elections Commission cast ballots at 1,864 polling stations. The voting was one of the most closely scrutinized electoral contests in history. In addition to the military contingents deployed to provide security by ECOMOG and the United Nations Observer Mission in Liberia, the U.N. had 330 election observers in place, the European Union sixty-four, the Organization of African Unity thirty-five, and the Carter Center forty (including the former U.S. president and his wife). Non-governmental organizations deployed another 500 international and 1,300 local observers. In effect, there was one observer watching every 280 voters. The final results gave Taylor a landslide with 75.3 percent of the vote. Ellen Johnson-Sirleaf ran a distant second, with 9.5 percent. Former warlord Alhaji Kromah received 4 percent of the vote, while veteran civil society activists Cletus Wortorson, Gabriel Baccus Mathews, and Togba Nah Tipoteh trailed with humiliating 2.5, 2.5, and 1.6 percent levels of support, respectively.

After all they had been through, why had so many Liberians delivered their votes to one of the principal architects of their misery? Some perplexed—and clearly disappointed—foreign observers pointed to fears that had Taylor lost the elections, he might

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have returned to the warpath. However, the most significant factor contributing to Tay-
lor’s electoral sweep was his opponents. Augustine Toure, co-founder of the human rights
NGO Liberia Democracy Watch, has subsequently pointed out:

[An equally important but often overlooked explanation is the breakup of
the alliance of political parties comprising seven civilian-based political
parties which had been formed on the eve of the elections in a bid to
deny Taylor an electoral victory. The breakup of the Alliance—as the
coalition of parties was known in March 1997—virtually guaranteed Tay-
lor’s victory. The disintegration of the Alliance confirmed the worst fears
of Liberians: that the civilian politicians were egoistic, power-hungry,
disorganized, and disunited, and could not subsume their personal ambi-
tions to the common good. The disintegration of the Alliance thus dis-
suaded a significant portion of the Liberian population who had held
deep-seated suspicions of civilian populations from casting their votes for
members of the Alliance.30

Despite Amos Sawyer’s heroic efforts to put together a united civil society-based coali-
tion to oppose Taylor’s election, the various civilian politicians and civic leaders could not
put aside their personal rivalries. Some of them—like Gabriel Baccus Mathews and Togba
Nah Tipoteh—were still fighting old ideological battles from the pre-Doe era that were of
little interest to most voters, as their poor showings revealed. Furthermore, the disastrous
Alliance of Political Parties convention in March 1997 did little to reassure voters that
these parties were capable of ensuring stability, clearly the most important issue to the
majority of Liberians. In fact, Baccus Mathews and Tipoteh pulled their parties, the
United People’s Party and the Liberian People’s Party, respectively, from the Alliance
when they each failed to win its presidential nomination. In the end, out of the seven
parties in the Alliance, only two—the Liberian Action Party and the Liberian Unification
Party—kept faith with their pre-convention pledge to abide by the decision of the conven-
tion. Consequently, Toure concluded:

A united front of civilian politicians could have presented the Liberian
population with an alternative to the much discussed security threat posed
by Taylor in the event that he had lost the election. The fact that Taylor
won the majority of votes cast in Monrovia—generally regarded as the
stronghold of the civilian politicians and [other opponents of] as an war-
ring factions [like Taylor’s]—is reflective of the extent of the disillu-
sionment felt by the population.31

Even Taylor’s principal rival, Ellen Johnson-Sirleaf, had problems of credibility.
Voters with long memories recalled her backing of the brutal Doe when it suited her in-
terests and even her endorsement of Taylor early in the civil war. Also, having lived
abroad for more than a decade and having returned to Liberia only to contest the election,
she appeared detached from the sufferings of ordinary Liberians, who could only dream of
the salary and standard of living she enjoyed as a senior international civil servant and
successful private consultant.

In fact, the late Clarence Zamba Liberty, a professor at the University of Liberia who
had represented his country at the United Nations Educational, Scientific, and Cultural
Organization (UNESCO) before the civil war, pointed out that many reports misunder-

30 Augustine Toure, The Role of Civil Society in National Reconciliation and Peace-
31 Id.
stood the slogan that Liberians chanted at the time of the election to the horror of observers, including former U.S. President Jimmy Carter: “He killed my Ma / He killed my Pa / I’ll vote for him.” Zamba Liberty attributes to the refrain not only a pro-Taylor meaning but also an anti-establishment one. In his version, the chant was: “They say, ‘You killed my Ma’ / They say, ‘You killed my Pa’ / But I will still vote for you!”

In short, despite Taylor’s reputation as a brutal warlord whose aim had always been the capture of power in Monrovia, the across-the-board victory for him personally and for the NPP that had formed out of his rebel movement, in an election that, despite its difficulties, was judged free and fair by the international community, could perhaps be best explained by the fact that the electorate faced an uncertain security situation and made a reasoned choice for the candidate most likely to maximize the possibility for stability and, eventually, improved conditions.

Those hopes were soon dashed by Taylor, who had long viewed Monrovia, where civil society had flourished under the favorable GNU’s benign if ineffectual governance, as hostile territory. The new president’s disposition towards civil society leaders and institutions was not helped by the fact that many of these civic groups were funded by Western governments and NGOs, both of which were almost universally hostile to the former warlord. In the view of the Taylor regime, there was little to distinguish civil society from the political opposition, a confusion only compounded by the actions of the latter’s leaders.

Before long, freedom of the press remained alive only in the sense that journalists were allowed to write or broadcast what they wanted if they were willing to suffer the consequences. In 1999, the government pulled the short-wave frequency allocation from independent Star Radio. Although the station was allowed to continue broadcasting via an FM band, its reach was severely curtailed. In 2001, the government likewise refused to renew the short-wave license of Radio Veritas, a station owned by the Catholic Church. This left the state-owned Liberian Broadcasting System and the Liberia Communications Network, which is owned by Charles Taylor personally, as the country’s only truly national broadcasters.

Critics of the Taylor government were increasingly subjected to routine harassment, with the more articulate among them arrested, tortured, and imprisoned—as was the case with prominent human rights lawyer Tiawan Gongloe and Hassan Bility, editor of the independent Analyst newspaper, both of whom disappeared into custody in early 2002, the latter allegedly for communicating via e-mail with the LURD rebels. Abused but still defiant, both reemerged after Taylor’s departure, and Gongloe received Human Rights Watch’s highest honor, the Defender Award, for 2003.

At the same time, former Chief Justice Frances Johnson Morris, then director of the Catholic Justice and Peace Commission, was arrested after she presented a paper at a public forum in Monrovia questioning the validity of the “state of emergency” declared by President Taylor. She was detained at the central police prison among male inmates until international protests brought about her release. The official excuse that Liberian National Police Director Paul Mulbah gave to diplomats who protested the arrest was that it was a case of “mistaken identity.” In any event, Morris fared better than Henry Cooper, a ranking official of the opposition Unity Party who was taken into custody at the same time she was: his body was found riddled with bullet holes fifty miles north of Monrovia.

Meanwhile, five members of the National Human Rights Center of Liberia, an umbrella organization of nine non-governmental human rights organizations, were arrested

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on Good Friday 2002. Several weeks later, when they managed to get a court to order their release on the ground that the arrests without charges went against the Liberian constitution, they were immediately arrested again on charges of “criminal malevolence” and “resisting arrest.” The regime’s risible grounds for the “resisting arrest” charge was that the defendants had contested their previous illegal arrests!

Even as the Taylor government cracked down on political dissent, real or perceived, it was unable to improve the general situation in the country. In fact, by 2003 the average Liberian was, by most socio-economic indices, worse off than he had been at the start of the civil war. Life expectancy in July 1990, for example, had been 54 years for men and 58 for women; by August 2003, those same values for the 3.3 million Liberians were estimated to be 47.03 and 49.3, respectively. In its annual survey of the world, *The Economist* magazine awarded Taylor’s Liberia the dubious distinction of being “the worse place to live in 2003.” Not surprisingly, an anti-Taylor umbrella group, LURD, emerged in early 2000 and began the armed struggle that ultimately drove Taylor from power in 2003.

### B. CIVIL SOCIETY IN SIERRA LEONE

While most analyses of the long road to peace have focused on the international diplomatic maneuvers that first led the Sierra Leonean government and the RUF into the abortive Abidjan and Lomé peace agreements and, when these failed, to the international military interventions that ultimately pacified the countryside, these efforts were both preceded by and been facilitated by a series of civil society initiatives aimed at seeking a peaceful settlement to the conflict. These third sector efforts, originating in a diverse range of groups and individuals, went—like the entire Sierra Leonean civil war—unnoticed before the advent of the “CNN factor” and thereafter attracted little outside interest as more high profile actors came on the scene. However, despite the apparently limited degree of success they enjoyed, these local civil society efforts ought to not be undervalued. Notwithstanding the handicap under which they labored—most received almost no sustained support from abroad and had few resources at home—these organizations and individuals nonetheless first mobilized public opinion in Sierra Leone in favor of peace and democratization and then pushed successfully for the post-conflict accountability incarnate in the work of the TRC and the proceedings of the SCSL. In the long run, their participation will be essential if the present peace and security are to be consolidated in a way that would make Sierra Leone a true peacebuilding success.

Regrettably very little attention has been paid to one of the earliest civil society initiatives to seek an end to war and which is a good example of some of the grassroots approaches taken. Almost all of the early third sector efforts originated from below, in large part because the two decades of APC rule had resulted in the systematic co-optation—if not corruption—of the national leadership of most major societal institutions in the country. Using constitutional provisions that empowered him to directly appoint up to seven members to parliament (in addition members whose election he secured in the one-party state by nominating them as the APC’s candidates for specific constituencies), Siaka Stevens managed to co-opt most potential rivals, but at the cost of weakening Sierra Leonean society’s capacity for dialogue over political and economic differences. For example, the leadership of the Sierra Leone Labor Congress (SLLC), the country’s principal labor union, was closely tied to that of the governing APC, hence insuring relative calm in the labor market. This alliance was threatened in early 1980s when the SLLC was led by the committed trade unionist James Kabia. In 1983, the government secured Kabia’s dismissal and the appointment of the president’s brother-in-law, Ibrahim Langley, as the new head of the SLLC. That same year, the new SLLC leader sabotaged his members in negotiations with the government and was duly rewarded with an appointment to parliament. At the same time, the restlessness of the teachers’ union came to an end when its president was likewise seconded into the legislature. As Sierra Leonean scholars Earl Conteh-Morgan and Mac Dixon-Fyle observed, these appointments “served as perks or carrots
intended to neutralize the institutions by ‘buying out’ their leaders,” thus casting a pall over civil society that was only gradually removed after the overthrow of APC rule.

In December 1994, NPRC head of state Valentine Strasser proclaimed a unilateral four-week truce. Availing themselves of the lull in the conflict, officials of the Soro-Gbema chieftdom in Pujehun District, an area in southeastern Sierra Leone near the Liberian border that was a major staging area for the RUF during the early stages of the civil war, as well as other local leaders acting with NPRC sanction gathered the Mano River Bridge. Fifteen of the local leaders then walked across the bridge into what was clearly rebel-controlled territory, singing hymns and carrying banners bearing peace slogans. While parley between the government representatives and those of the RUF lasted after only six hours—in large part because of NPRC preconditions to more substantive discussions—a government radio announcement that threatened the rebels with bombing should they be recalcitrant did not contribute to allaying deeply-rooted suspicions. In fact, three members of the delegation—Musu Kpaka, Prince Massaquoi, and Alhaji Emurana Massaquoi—volunteered to remain with the rebels as guarantors of the truce. Although two subsequent meetings were held over the course of the next month, the talks ultimately failed and the three hostages remained RUF prisoners for over two years.

As it turned out this unpromising start, especially the heroism of the three volunteers who stayed with the RUF in order to give the failed talks a chance, led some sixty groups from the religious, civil society, and other non-governmental sectors—including the Council of Churches in Sierra Leone, the Sierra Leone Labor Congress, and the Sierra Leone Teachers’ Union—to band together in early 1995 to form the National Coordinating Committee for Peace (NCCP). During the brief period of its existence, the NCCP successfully organized a number of workshops and other educational forums with the goal of creating a groundswell of public opinion that would force the warring parties to the negotiating table. Unfortunately, its efforts to legitimize the RUF as an interlocutor in eventual national discussions—NCCP spokesman M’ban Kabu even put out a statement urging members of the press to adopt the more respectful designation of “fights” for members of the RUF rather than “rebels” or “bandits” as was then conventional—proved too much for the military junta in Freetown. Kabu, along with Philip Neville, the editor of the Standard Times which had printed his statement on its front page, were tossed in jail. After Kabu’s arrest, the NCCP fell apart, but many of its constituent organizations continued their work.

At about the same time that the NCCP was being organized, the Sierra Leone Association of University Women (SLAUW) proposed that the country’s various women’s groups meet regularly to exchange information and, as appropriate, collaborate toward common objectives. The meetings—which began with representatives of groups such as the Young Women’s Christian Association (YWCA), the Women’s Association for National Development (WAND), the National Organization for Women (NOW), and the Women’s Wing of the Sierra Leone Labor Congress, as well as SLAUW, and gradually expanded to include members of Freetown’s women traders’ associations and religiously-based women’s groups as well as newly-minted groups such as the National Displaced Women’s Organization—led to the establishment of the Sierra Leone Women’s Forum (SLWF). Out of these networking meetings, a new group, the Sierra Leone Women’s Movement for Peace (SLWMP) was formed and became a member of the Forum. The SLWMP’s founders operated on the premise that women were natural peacemakers with unique skills that they could bring to bear to resolve the civil conflict. Led by its president, physician Fatmatta Boie-Kamara, the SLWMP led a “peace march” of women professionals, students, traders, and even soldiers, singing and dancing through the streets of Freetown in January 1995. While the demonstration did not directly impact on the course

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of events in the war, it was a major milestone in Sierra Leonean politics, representing the first time that women’s groups, long a fixture on the nation’s social landscape, had taken a political stance.

Women’s groups took an active part, alongside other civil society organizations as well as trade unionists, journalists, tribal chieftains, and academics in the National Consultative Conference that met in August 1995 at the Bintumani Conference Center on Freetown’s Aberdeen peninsula under the aegis of Sierra Leonean diplomat James Jonah, who had just finished his term as UN under-secretary-general for political affairs and been appointed by the NPRC junta as chairman of the Interim National Electoral Commission. While many wanted general elections by the end of the year, Jonah persuaded the majority of the assembly—eventually known as “Bintumani I” to distinguish it from a subsequent national consultation, “Bintumani II”—that elections should be delayed until March 1996, in order to raise funds from international donors to finance the poll as well as to prepare voter rolls. However, the SLWF’s position paper, which stipulated that only another conference could authorize further postponement of the poll, was accepted as the consensus of the assembly.

In the period leading up to the election, the various components of the Forum worked to educate voters, especially women, about democracy and governance. They also called upon candidates to address women’s concerns, including access to education, healthcare, and business opportunities, as well as the need to reform provisions of family and inheritance laws that still reflected the biases of a patriarchal culture. When the RUF increased its campaign of violence and intimidation as the voting neared, the SLWMP organized branches in all accessible parts of the country to intensify democracy promotion activities. After the election of Ahmad Tejan Kabbah in March 1996, the role of the women’s groups decreased. The Forum had only an extremely limited role in the drafting of the Abidjan Accord, while the SLWMP dissolved in acrimonious disputes between its members over the justice (or injustice) of the agreement. The chaos following the May 1997 AFRC/RUF coup effectively ended the independent role of the women’s movement since thereafter the activities of the surviving groups were indistinguishable from those of other civil society organizations.

With Muslims making up approximately sixty percent of Sierra Leone’s estimated pre-war population of 4.5 million people and Christians—primarily Roman Catholics, Anglicans, and Methodists—making up another twenty percent, it comes as no surprise that organized religious groups and their social agencies have always played significant roles in Sierra Leonean society. With the slide of the Sierra Leonean state into neopatrimonialism under the corrupt rule of Stevens and Momoh, these groups assumed and even more prominent place in the country’s educational, sanitary, socio-economic, and cultural affairs—a trend that was only accelerated by the war.

Inspired by the example of the Interfaith Mediation Committee (later the Inter-Religious Council) of Liberia, which had been attempted to mediate that neighboring country’s civil war and whose existence contributed significantly to the prevention of the opening of a religious dimension in that conflict, as well as intensifying attacks on religious leaders and institutions within Sierra Leone, the country’s religious leaders formed the Inter-Religious Council of Sierra Leone (IRCSL) in early 1997. Muslim groups that joined the IRCSL included the Supreme Islamic Council, the Sierra Leone Muslim Congress, the Federation of Muslim Women Associations in Sierra Leone, the Council of Imams, and the Sierra Leone Islamic Missionary Union. Constituent Christian members of the IRCSL included the three Roman Catholic dioceses in Sierra Leone (the Archdiocese of Freetown and Bo, and the Dioceses of Kenema and Makeni), the Pentecostal Churches Council, and the Council of Churches in Sierra Leone, which represented eighteen Protestant denominations. The leaders of many of these religious groups

45 See Pham, supra note 17.
had been active in the Abidjan peace talks in 1996 and saw the formation of the new umbrella group as the natural institutional continuation of their cooperation in using religious influence to facilitate a peaceful resolution of the conflict.

The IRCSL had barely held its first formal meeting with President Kabbah on May 23, 1997, when, two days later, a coup d’État mounted by junior officers acting in conjunction with the RUF sent the government as well as thousands of Sierra Leoneans fleeing for refuge in neighboring Guinea. During the eight-month reign of the AFRC/RUF junta, the IRCSL worked to sustain a campaign of protest and civil disobedience against the regime, both targeting its innate illegitimacy and denouncing its human rights abuses. This stance brought the Council into repeated conflict with the junta. On Sunday, August 17, for example, the IRCSL had planned an evening inter-religious worship service in Freetown’s National Stadium. That morning, however, IRCSL co-chairman Alimamy Koroma, who was also secretary-general of the Council of Churches, was arrested by AFRC security services and ordered to cancel the service. While the IRCSL was unsuccessful in its efforts to persuade the putchists to voluntarily return the country to civilian rule—that took a military intervention—most observers credit its presence when all other institutions in Sierra Leonean had either collapsed or fled with preventing even worse.

Immediately after the offensive was defeated, Ugandan diplomat Francis Okelo, then serving in Sierra Leone as the special envoy of the UN secretary-general, invited the IRCSL to try to open a dialogue between President Kabbah and RUF leader Foday Sankoh, then a prisoner of the government. The new IRCSL co-chair Moses Kanu who, like his predecessor, was also secretary-general of the Council of Churches in Sierra Leone, took up the challenged and, after several meetings with Kabbah, led a delegation that was allowed to meet with Sankoh in a military installation near Freetown in March 1999. Sankoh affirmed that he was willing to negotiate a peaceful end to the war on the basis of the Abidjan Accord. To demonstrate his good will, the IRCSL asked Sankoh to order his forces to release some of the children it had recently abducted. For his part, the rebel leader asked for token humanitarian assistance for his fighters in the field. A few days later, the Roman Catholic bishop of Makeni, George Biguzzi, an Italian missionary who holds U.S. citizenship, met rebel forces near Waterloo and handed over twenty bags of rice and two of sugar donated by the government. In return the RUF released to him 23 hostages, including twenty children ranging in age from 5 to 17 years of age. The precedent being set, the IRCSL became the vehicle for a progressive series of confidence-building measures.

After wide consultations with traditional chieftains, members of parliament, and representatives of civil society groups, as well as Liberian President Charles Taylor, still the RUF’s major patron, the IRCSL again met separately with Kabbah and Sankoh, convincing the president that the only hope for successful negotiations would be a neutral venue. Over the objections of his cabinet, Kabbah released Sankoh and allowed him to travel to Lomé, Togo, where President Gnassingbé Eyadéma held the rotating ECOWAS chairmanship. On May 18, a ceasefire between the government and the rebels was signed by Kabbah and Sankoh. One week later, formal peace negotiations began which led to the July 7 signing of the Lomé accord. During the nearly two months of difficult talks, the IRCSL played a significant behind-the-scenes role, facilitating communications between the parties during the periodic impasses. Its role was recognized by the parties which gave the IRCSL the leading role in the Council of Elders and Religious Leaders that was supposed to set up to mediate eventual disputes arising from the peace agreement, although the Council was never established due to the collapse of the accord.46

46 See Peace Agreement, supra note 24, art. VIII.
III. THE POST-CONFLICT ROLE OF THE THIRD SECTOR

A. SIERRA LEONEAN CIVIL SOCIETY’S ROLE IN ACCOUNTABILITY

The Lomé Peace Agreement stipulated that a Truth and Reconciliation Commission would be established “to address impunity, break the cycle of violence, provide a forum for both the victims and perpetrators of human rights violations to tell their story, get a clear picture of the past in order to facilitate genuine healing and reconciliation.”\(^{47}\) Although the Sierra Leonean parliament ratified the peace accord on July 15, 1999, it was not until February 22, 2000, that it adopted legislation establishing the commission to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the Conflict in 1991 to the signing of the Lome Peace Agreement; to address impunity, to respond to the needs of the victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered.\(^{48}\)

The renewed fighting in early 2000, however, not only stalled the actual establishment of the TRC, but revived the debate over the amnesty provisions of the Lomé accord and forced both the Sierra Leonean government and the sponsors of the peace agreement to rethink their options, opening the way to a different approach, albeit one which does not necessarily preclude the work of the TRC.\(^{49}\)

On August 9, 2000, Ambassador Ibrahim M. Kamara, the permanent representative of Sierra Leone to the United Nations, delivered to the president of the Security Council a letter, dated June 12, 2000, from Ahmad Tejan Kabbah in which the Sierra Leonean president requested that the international body “initiate a process whereby the United Nations would resolve on setting up a special court for Sierra Leone” to “try and bring to credible justice those members of the Revolutionary United Front (RUF) and their accomplices responsible for committing crimes against the people of Sierra Leone and for the taking of United Nations peacekeepers as hostages.”\(^{50}\) Citing both the precedents of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) and the gaps in Sierra Leonean law that failed to encompass some crimes against humanity and other human rights abuses, as well as the collapse of the judicial system in Sierra Leone wrought by the conflict, Kabbah invited the Security Council to send a fact-finding mission to assess the situation and enclosed a suggested framework for the eventual tribunal. Solomon Berewa, at that time attorney-general and minister of justice in Kabbah’s cabinet, explained his government’s changed prise de position in terms of force majeur at the time of the Lomé Peace Agreement:

1. After the atrocities of 6 January 1999, what every Sierra Leonean wanted most was peace and reconciliation. If, as we had hoped, we had achieved sustainable peace as a result of the Lomé Agreement,

\(^{47}\) Id., art. XXVI.


Sierra Leoneans would have grudgingly settled for this and gone about mendig their shattered lives.

2. We needed a Peace Agreement with the RUF, which alone would have enabled the international community to come here as they have now done and to do things they are now doing.

3. We needed to have an agreement with the RUF on having a permanent cessation of hostilities. The need for a Peace Agreement at the time became obvious from the panicky reaction of Sierra Leoneans to a threat issued in Lomé by Corporal Foday Sankoh that he would call off the talks. I had to make a radio broadcast from Lomé to assure the Sierra Leone public that there was every probability that the Peace Agreement would be concluded...

4. Most importantly, the RUF would have refused to sign the Agreement if the Government of Sierra Leone had insisted on including in it a provision for judicial action against the RUF and had excluded the amnesty provision from the Agreement.51

In response to Kabbah’s request, the Security Council adopted Resolution 1315 on August 14, authorizing the Secretary-General to negotiate an agreement with the government of Sierra Leone to create a special tribunal to try “crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law.”52 Consequently, a team led by Assistant Secretary-General for Legal Affairs Ralph Zacklin visited Freetown from September 18 to 20. On October 4, Secretary-General Kofi Annan presented the Security Council with a report containing proposals for setting up the court, including a draft agreement between the UN and the Sierra Leonean government and a draft statute for the tribunal.53 Thereafter, although some of those slated for trial by the eventual court were already in custody, various events diverted the world’s attention and prevented any action on the proposals until the end of 2001 when, in a letter dated December 26, Annan informed the Security Council that he was authorizing the commencement of operations for the Special Court for Sierra Leone (SCSL), beginning with the dispatch of a planning mission to the West African country.54 During a twelve-day tour of the war-torn country in January 2002, the new UN delegation was joined by Under-Secretary-General for Legal Affairs Hans Corell who, on behalf of the United Nations, signed an agreement with the government of Sierra Leone,

represented by Solomon Berewa, on January 16, formally establishing the SCSL.\textsuperscript{55} The agreement was essentially the one contained in the Secretary-General's October 2000 report, albeit with several notable amendments, including the abandonment of two trial chambers in favor of one. Annan communicated the agreement, along with the Statute of the Special Court, to the Security Council on March 6.\textsuperscript{56} Meanwhile, the implementing legislation for the tribunal was passed by the Sierra Leonean parliament on March 19, and signed into law by President Kabbah on March 29.

While copious references were made to the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda during the discussions leading to the establishment of the SCSL, there are notable differences between the bodies.\textsuperscript{57} The former two tribunals are subsidiary organs of the United Nations, having been established by resolutions of the Security Council.\textsuperscript{58} The SCSL, while endorsed by Resolution 1315, was, according to Corell, “is different from earlier \textit{ad hoc} courts in the sense that it is not being imposed upon a state. It is being established on the basis of an agreement between the United Nations and Sierra Leone—at the request of the Government of Sierra Leone.”\textsuperscript{59} As a consequence of the government’s accord with its establishment, the SCSL would differ from the earlier tribunals in that it would sit within Sierra Leone, whose government would, according to the Statute, appoint one of the three judges in the trial chamber and two of the five judges of the appellate chamber as well as the deputy prosecutor.\textsuperscript{60} The UN Secretary-General was empowered to appoint the other judges and the prosecutor.\textsuperscript{61}

Civil society’s contribution to and collaboration with both the TRC and the SCSL has been significant. The Truth and Reconciliation Act of 2000 mandated a transparent selection process for the selection of the seven members of the Commission, four of whom were to be Sierra Leonean citizens while three would be non-citizens.\textsuperscript{62} While the search for the three international commissioners was entrusted to the UN High Commissioner for Human Rights, that for the national commissioners involved wide consultation. In response to public notices in February 2001, some sixty-five nominations were received, of whom twenty were included in a shortlist considered by a selection committee constituted by representatives of President Kabbah, the RUF leadership, the governmental National Commission for Democracy and Human Rights, the non-governmental National Forum for Human Rights (NFHR), and the Inter-Religious Council. The same selection committee was also consulted by the UN High Commissioner with regard to the international appointments.

\textsuperscript{55} Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone; \textit{available at} http://www.sc-sl.org/scls-agreement.html (last accessed May 25, 2005).

\textsuperscript{56} Statute of the Special Court for Sierra Leone; \textit{available at} http://www.sc-sl.org/scl-statute.html (last accessed May 25, 2005).


\textsuperscript{59} \textit{Quoted in Sierra Leone News} (Jan. 16, 2002); \textit{available at} http://www.sierra-leone.org/slnews0102.html (last accessed May 25, 2005).

\textsuperscript{60} Statute, \textit{supra} note 57, art. 12, 15.

\textsuperscript{61} \textit{Id.}

\textsuperscript{62} Truth and Reconciliation Commission Act, \textit{supra} note 41, art. 2.
In August 2001, the NFHR, a coalition of twenty-seven local human rights organizations operating with assistance from the Open Society Institute and in cooperation with the Human Rights Office of UNAMSIL, mounted a national sensitization campaign aimed at informing paramount chiefs and other traditional rulers about the work of the TRC. One-day workshops were held in Bo, Kenema, and Freetown, to encourage the chieftains, who continue to play a significant role in the social and political lives of Sierra Leoneans, especially those outside the major urban centers, to facilitate the voluntary giving and documentation of testimonies in their respective chiefdoms and to assure the protection of victims, perpetrators, and other witnesses during the eventual process. An observer at these seminars found particularly fascinating the fact that the traditional leaders highlighted some of the traditional methods for conflict resolution, including offering sacrifices and performing purification and cleansing ceremonies for both perpetrators and victims. There are instances where these acts are done on community property, such as the “washing” of bush and the pouring of libation for the appeasement of the spirits and ancestors. Many communities in Sierra Leone believe that all offenses committed always have the potential of angering the spirits and forefathers who community members believe continue to play a role in their daily lives. Likewise of interest was the discussion that some crimes committed during the civil conflict, such as amputation, were unknown to their communities, making it difficult to identify traditional methods of reconciling the perpetrators. For these abuses, the eventual TRC was looked upon as a possible response. A similar outreach was made to religious leaders with a meeting, convened under UNAMSIL sponsorship, in November 2001.

As a result of these meetings and other consultations, it was decided that the TRC’s work would be carried out in two phases: a preparatory phase lasting three months from the formal inauguration of the commission, scheduled for July 5, 2002, and an operational phase that was to last twelve months. In anticipation of this enterprise, the UN High Commissioner for Human Rights created an interim secretariat for the TRC in late March 2002 with an eye towards jump-starting the process. This interim secretariat, under the direction of Yasmin Jusu-Sheriff, a Freetown barrister and longtime advocate for women, established headquarters in Freetown that doubled as the provincial office for the Western Area while provincial offices for the Northern, Southern, and Eastern Provinces were opened, respectively, in Makeni, Bo, and Kenema. Other areas particularly affected by the conflict—including Kailahun, Kambia, and Kono—also had offices opened.

In accord with the authorizing legislation, seven commissioners—four Sierra Leoneans and three international members—were appointed: the Right Reverend Joseph Christian Humper, Bishop of the United Methodist Church of Sierra Leone and President of the IRCSL; Justice Laura Marcus-Jones, former judge of the High Court of Sierra Leone; Dr. John Kamara, a veterinary surgeon and former Principal of Njala University College; Sylvanus Torto, a teaching fellow at the Institute of Public Administration and Management of the University of Sierra Leone; Yasmin Louise Sooka, Director of the Foundation for Human Rights in South Africa and a former member of the South African Truth and Reconciliation Commission; Ajaaratou Satang Jow, a former education minister in The Gambia; and Dr. William Schabas, Director of the Irish Centre for Human Rights at the National University of Ireland. Bishop Humper was designated as Chairman of the TRC with Justice Marcus-Jones as his deputy. In his inaugural address, Bishop Humper outlined his expectations for the commissioners’ work:

All over the country, the scars of the conflict are refusing to heal. The indomitable spirit of our people is enabling them come to grips with the physical reconstruction that is required to rebuild their lives. The social and psychological reconstruction has been less successful. The question many people are asking is, why? Why were we visited with the conflict? Why were civilians the objects of attack rather than opposing armed forces? Why were our women and children made objects of pleasure and
abuse in the course of the war? Why were our buildings and other infra-
structure deliberately and systematically targeted? What happened to our
loved ones who are yet to return home even now that the war has ended?
People need answers to these questions. Even if the loved ones were
killed in the course of the war, the families and relatives need to know,
so that at the least, they can give them a decent burial. These are no
mean expectations. But our people are entitled to these explanations and
more. It is only by grappling with these issues that we can chart an ac-
ceptable road map for the future and say, “Never Again.”

Despite the bold commitment, the TRC faced severe funding difficulties. Just one
month before the operational phase of the commission was to begin, the body had re-
ceived just over $1.1 million of the $1,580,739 that the international community had
pledged to it. The principal donors were the United States, the United Kingdom, and
the European Union, with smaller amounts contributed by the Denmark, Norway, and
Sweden. A report by the International Crisis Group (ICG) cited funding competition with
the Special Court as part of the difficulty: “Money is not diverted per se away from the
TRC and to the Special Court, but as one Western diplomat told ICG, the Special Court,
although established well after the TRC, is far ahead in approaching donors and request-
ing funding.”

The lack of means notwithstanding, the TRC began deploying statement takers across
Sierra Leone on December 4, 2002. These workers collected stories from all citizens who
wished to come forward, regardless of their affiliation (or lack thereof) during the conflict.
This testimony became the basis for the public hearings that began on April 14, 2003, and
was to facilitate the creation of an official history of the war. At the official start of the
statement taking at Bomaru, Chairman Humper noted that:

It is in the desire to construct this new Sierra Leone that the authors of
the Truth and Reconciliation Commission Act charged I and my col-
leagues: create an impartial historical record of the violations and abuses
of human rights and international humanitarian law related to the armed
conflict; to investigate and report on the causes, nature and extent of the
violations and abuses to the fullest degree possible including the antece-
dents; to investigate the context in which the violations and abuses oc-
curred; to investigate whether the violations and abuses were the result
of deliberate planning, policy or authorisation by any government, group
or individual, and the role of both internal and external factors to the
conflict.

This is an historic occasion not just because: it marks the start of our
statement taking programme; and not just because; this was the place
where it is accepted that the conflict began; and not just because; We and
all these other dignitaries have come here to start this process but be-
cause for the first time in our history our people will be able to approach
an official structure that has the mandate to listen and record the stories

63 Joseph Humper, *Address on the Occasion of the Inauguration of the Truth and Reconciliation Com-
mission* (Jul. 5, 2002); available at [www.sierra-leone.org/josephhumper070502.html](http://www.sierra-
64 Briefing by TRC Commissioner William Schabas (Sept. 11, 2002); available at [http://www.sierra-
of all who were affected and all who participated in the conflict in order to acknowledge and record the wrongdoing that has been done. This marks the beginning for our nation of a difficult journey, that of looking inwards not because we want to apportion blame or act in vengeance, but because we want to acknowledge the experiences of those who suffered and to take account of those who participated in the atrocities so that we can learn from what happened it and make sure that we can prevent it from happening again.\footnote{Joseph Humper, \textit{Address at the Commence of the Official Statement Taking by the Commission} (Dec. 4, 2002); available at \url{www.sierra-leone.org/trc-humper120402.html} (last accessed May 25, 2005).}

During the two-week pilot phase of the statement-taking process, some seventy statement takers, worker under three regional coordinators, took a total of 1,371 statements, containing information on approximately three thousand victims, including more than one thousand killings and two hundred sexual assaults. Approximately one-third of those who gave testimony were women On the basis of a review of these initial statements, subsequent statement taking was organized to remedy groups and areas where statements had not been collected. By the end of 2003, more than eight thousand statements had been taken, a preliminary analysis of which showed that approximately ten percent involved child perpetrators.\footnote{See \textit{Priscilla Hayner, The Sierra Leone Truth and Reconciliation Commission: Reviewing the First Year 3} (2004).}

Meanwhile, public hearings began in Freetown on April 14, 2003, with President Kabbah and members of the diplomatic corps in attendance. This hearing was broadcast live on national radio. Subsequently, on those days that the commission held hearings, a half-hour program summarizing the day’s proceedings—all of which were recorded with both video and audio tapes—would be presented on national television and radio in the evening. These broadcasts were thus widely followed by the population. Because of time limitations, only a small number (approximately three hundred) of the over eight thousand individuals who gave statements to the TRC were invited to testify in the public hearings that the commission held in Freetown and other locations throughout the country. By and large, the hearings were organized thematically around issues including women, youth, mineral resources, corruption, and the role of international actors in the conflict.

Borrowing heavily from the example of the South African Truth and Reconciliation Commission,\footnote{See generally \textit{Lyn S. Graybill, Truth and Reconciliation in South Africa: Miracle or Model?} (2002).} the hearings where women testified about sexual abuse—as well as those where minors were involved—were closed. In fact, the TRC showed particular sensitivity to gender issues, arranging for the women’s hearings to be conducted by the three female commissioners with only female staff members present. Likewise, the video recording of the proceedings hid the identities of the women testifying.

Unlike the South African commission headed by Anglican Archbishop Desmond Tutu, which was criticized by some for its almost religious nature, the Sierra Leonean TRC placed less emphasis on personal repentance, forgiveness, and reconciliation. When victims named their abusers, the TRC made some efforts to locate the accused and to facilitate some sort of dialogue between victim and perpetrator, if the victim so desired. In a few instances, mainly outside the capital, the TRC commissioners held “reconciliation ceremonies” at the conclusion of their hearings which featured traditional rites adapted to “cleanse” the crimes away. However, the “reconciliation” element of the TRC was been more or less delegated to the Inter-Religious Council.
The final public hearing of the TRC was held on August 5, 2003, with President Ahmad Tejan Kabbah appearing before the commission to give more than two hours of testimony.\footnote{Statement of President Kabbah before the Truth and Reconciliation Commission (Aug. 5, 2003); available at www.sierra-leone.org/kabbaho080503.html (last accessed May 25, 2003).} Missing several deadlines, the TRC finally submitted its final report—some 1,500 pages plus 3,500 pages of transcripts—on October 5, 2004. While it will take some time to digest the four volumes, its very existence is a tribute to the perseverance over the years of human rights advocates and other third sector exponents in Sierra Leone, including the TRC commissioners and their long-suffering senior consultant, Ozonia Ojielo, a human rights lawyer and civil society activist from Nigeria, who almost single-handedly ensured that the process remained on track even after the Commission ran out of funding in 2003.

While institutionally the role of civil society groups in the other post-conflict accountability mechanism, the Special Court, is almost non-existent, civil society nonetheless has a considerable stake in its success, a sentiment that has been appreciated by the SCSL. In fact, although it is too soon to make definitive judgments—the first trials are still underway—indications are that the SCSL will provide a model for other post-conflict justice mechanisms, standing in contrast to the experience of the International Criminal Court for Rwanda, which has often been at odds with the Rwandan government and been received apathetically by the populace. In fact, it could be said that its activity has made the SCSL itself something of a de facto civil society institution within Sierra Leone.

Shortly after their appointments, prosecutor David Crane, an American who served most recently as the senior Inspector General of the U.S. Department of Defense, and registrar Robin Vincent, a career British civil servant, undertook extensive efforts to reach out to Sierra Leonean civil society groups and the population in general. On September 27, 2002, Crane traveled to the Kono region, one of the centers of the conflict, to hold the first in a series of “town hall” meetings to explain the SCSL’s mandate and receive input from citizens who participated in the encounters. In December, shortly after the tribunal was formally inaugurated, Crane, together with Vincent, met with students at Fourah Bay College to encourage their involvement with the university’s Human Rights Clinic. Subsequently, the SCSL has become perhaps the first international tribunal to create its own non-governmental organization, the “Accountability Now Clubs,” a student-based program supported by the Special Court’s outreach budget. The main objective of the clubs is to promote understanding among students and their communities of the tribunal as well as to study broader justice-related issues, including the rule of law, human rights, good governance, and accountability. The clubs will exist after the SCSL has concluded its work, and they represent an important part of the Court’s legacy.

Together with the Sierra Leonean branch of No Peace Without Justice, the international NGO made up of parliamentarians, mayors, and other local leaders promoting accountability for violations of international humanitarian law, the SCSL held “Train the Trainers” seminars to prepare 1,500 Sierra Leonean community leaders and activists to inform their constituencies about the work of the tribunal. The office of the Registrar has also organized regular meetings with representatives of civil society organizations and other stakeholders in the process to formally brief them on the progress of the SCSL’s work and to receive feedback.

In response to criticism it has received about access to the proceedings, the SCSL’s Press and Public Affairs Office has produced weekly summaries of the proceedings that have been aired on local radio stations as well as the government-owned Sierra Leone Broadcasting System. When the trials started earlier this year, the press office also began producing weekly video summaries that it has been sending on tour around with mobile video units. These screenings have become something of a routine in many localities,
giving rise in turn to a further strengthening of civil society through sense of participation and ownership in a judicial system after years marred by lawlessness or fatalism.

While the SCSL will, in end, probably prosecute less than one dozen individuals, it real impact on Sierra Leone, especially the civil society sector, will probably be well beyond the tribunal’s statutory mandate in its capacity building contribution to the country as well as its revitalization of the war-torn populace’s sense of the rule of law. From the Appeals Chamber to the custodial staff of the courthouse, Sierra Leoneans are involved in every aspect of the tribunal’s work. The Sierra Leonean personnel—who, overall, account for half of the SCSL’s staff—have acquired significant skills that they will undoubtedly carry over, not only to eventual local prosecutions of lesser offenders, but to civic life in general. For example, unlike other international tribunals, members of the local bar have worked on all defense teams before the Special Court due to a requirement that at least one member of each team have experience in Sierra Leonean law. These attorneys have, in turn, acquired considerable experience in international and criminal law.

B. LIBERIA’S NOVEL TWIST

As 2003 began, the military pressure of the LURD and MODEL insurgencies, coupled with the political and economic isolation of U.N. sanctions imposed because of his role in the Sierra Leonean conflict, had considerably weakened Taylor’s hold on the reins of power. By late May, with nearly two-thirds of Liberia loosely under rebel control, but with neither LURD nor MODEL yet strong enough to take the capital by storm, Taylor finally agreed to sit down with his opponents at peace talks to be held in Accra under the auspices of ECOWAS. However, much to the embarrassment of the African diplomats who had worked to set up the meeting, Taylor’s attendance was cut short on June 4, when the prosecutor of the U.N.-sponsored Special Court for Sierra Leone, David M. Crane, published the previously sealed indictment of the Liberian president for war crimes and other serious violations of international humanitarian law during the 1991-2002 Sierra Leonean civil war that Taylor had helped precipitate. Although Taylor hastily left the talks and fled back to Monrovia, the end game had clearly begun, especially after U.S. President George W. Bush declared in a speech on June 26, the eve of his own trip to Africa, that “President Taylor needs to step down so that his country can be spared further bloodshed.” After protracted negotiations, a Nigerian-led West African peacekeeping force, acting under the authority of an apposite U.N. Security Council resolution, landed in Monrovia on August 4. On August 11, Taylor finally acquiesced and accepted a Nigerian offer of asylum, resigning the Liberian presidency and handing power over to Vice President Moses Blah.

In the multi-party talks that ensued after Taylor’s departure, representatives of civil society adopted a new approach. Whereas previously, despite the sometimes ambiguous lines of demarcation between civil society and civilian political groups, civic leaders had sought to cast themselves as advocates somehow above the fray of partisan politics, this time they sought not only inclusion in the Accra peace talks but a formal role in the transitional government being negotiated. The argument was that with most of Liberia’s professional political class tainted or worse, leaders from civil society needed to step in and participate directly in governance. The result was a four-way power-sharing arrangement that parceled out positions in the cabinet and the rest of the NTGL between the remnants of Taylor’s National Patriotic Party (NPP) government, the LURD and MODEL rebels, and representatives of civil society. 71

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71 Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia
In the cabinet picked to work alongside NTGL chairman Gyude Bryant, the NPP retained five ministries (post and telecommunications, health and social welfare, national defense, planning and economic affairs, and internal affairs), while five each were allocated to the members of LURD (finance, justice, labor, transport, and state) and MODEL (agriculture, commerce, public works, foreign affairs, and land, mines and energy). The remaining six ministries—national security, education, gender and development, information, rural development, and youth and sports—were entrusted to representatives of civil society organizations.

The seventy-six seats in the unicameral National Transitional Legislative Assembly (NTLA) that was created by the Accra agreement were likewise divided up by participants in the negotiations. Supporters of the outgoing NPP government, LURD, and MODEL were each given twelve seats. Each of the eighteen registered civilian political parties, except for the NPP, was allocated one seat each. Seven seats were reserved for representatives to be designated by civil society groups. Less than a quarter of the parliamentary seats—fifteen—were to be filled by election, with one representative chosen from each of Liberia’s counties.

The existing judiciary was declared vacated by the accord, which stipulated that new members would be appointed to the Supreme Court by the chairman of the NTGL, subject to confirmation by the NTLA.

Finally, the agreement parceled out Liberia’s publicly owned corporations and autonomous government agencies and commissions. The outgoing NPP regime received five companies: the Liberia Broadcasting System, the Liberia Electricity Corporation, the Liberia Petroleum Refining Corporation, and the Liberia Water and Sewer Corporation. LURD was likewise allocated five companies: the Liberia Free Zone Authority, the Liberia Telecommunications Corporation, the Liberia Produce Marketing Corporation, and the National Ports Authority. MODEL was given the Agriculture Corporative Development Bank, the Forestry Development Authority, Roberts International Airport, and the National Social Security and Welfare Corporation. The lion’s share, however, went to civil society organizations, whose representatives were installed at the head of the Agriculture Industrial Training Board, the Liberia Domestic Airport Authority, the Liberia Mining Corporation, Liberia National Lotteries, the Liberia Rubber Development Unit, the Liberia National Oil Company, the Monrovia Transit Authority, the National Housing and Savings Bank, the National Housing Authority, and the National Insurance Corporation.

Likewise, twenty-two autonomous government agencies and commissions were parceled out. The outgoing NPP government retained control of the Bureau of the Budget and the National Security Agency. LURD assumed control of the General Service Agency and the National Investment Commission. MODEL took over the Bureau of Maritime Affairs and the Liberia Refugee and Resettlement Commission. Civil society representatives were entrusted with management of no fewer than sixteen agencies: the Bureau of Immigration and Naturalization, the Bureau of General Auditing, the Bureau of State Enterprises, the Center for National Documents and Records, the Civil Service Agency, the John F. Kennedy Memorial Medical Center, the Independent National Human Rights Commission, the Liberia National Police Force, the Truth and Reconciliation Commission, the National Bureau of Investigation, the National Fire Services, the National Food Assistance Agency, the Contracts and Monopoly Commission, the National Elections Commission, and the Governance Reform Commission.

Needless to say, the formalization of the role of civil society organizations qua organizations in the transitional government did not come without controversy. While there is a
certain logical segue to having representatives of civic groups assume responsibility for such agencies as the Truth and Reconciliation Commission and the National Human Rights Commission, which are less involved in the day-to-day business of direct public administration, as well as aid agencies such as the National Food Assistance Agency, the rationale for civil society-run banks, lotteries, and rubber plantations—to say nothing of government ministries—is less apparent. Worse, as the text of the Accra agreement did not designate which specific groups or individuals among civil society should assume which charges, the conference was the scene of rather unseemly squabbles as civil society leaders, who presented themselves as “non-political,” “non-governmental,” and “representative,” vied with one another for very political government positions. With their leaders having entered the fray, the ability of civil society organizations to credibly remain “above politics” as impartial monitors of the implementation of the peace accords is questionable at best. And even if these civic leaders—presumably of great integrity—remain personally unimpeachable during their government service in the transitional period, it is still likely that the inevitable disappointments that will result, when the agencies they manage fail to deliver basic services, will redound negatively to Liberia’s civil society organizations and negatively impact their ability to exert positive pressure in the lead-up to the scheduled elections. In any event, the results of this new role for civil society representatives, governing rather than monitoring the governors, will be interesting to watch.

IV. LESSONS AND PROSPECTS

While it is easy to isolate the specific impact of Sierra Leone’s civil society sector on the resolution of the country’s conflict, it nonetheless remains that that, notwithstanding a lack of sustained outside support and its own internal organizational difficulties, the West African nation’s third sector contributed constructively to its eventual democratization and pacification, indeed to its very salvation. At a time when the NPRC military regime viewed peace proponents as rebel sympathizers worthy of suspicion, it was civil society’s voice that rendered negotiated peace an acceptable option in public discourse. Civil society groups participating in the National Consultative Conferences (Bintumani I and II) help facilitate the holding of elections whereby the military handed power back to civilians in 1996. Likewise, the Labor Congress’s campaign of non-cooperation with the AFRC/RUF junta after the May 1995 coup—advising its public sector members to stay at home, citing the state of insecurity and the non-payment of their salaries—helped erode the regime’s claims to de facto control of the country and strengthened the hand of President Kabbah’s government-in-exile. The participation of civil society not only facilitated, but, to a certain extent, legitimized the tact adopted during the negotiations leading up to the Abidjan and Lomé peace accords. Since 2000, civil society groups have been an integral part of Sierra Leone’s post-conflict transformation, engaging in advocacy, training, and capacity-building collaboration with both the Special Court for Sierra Leone and the Truth and Reconciliation Commission.

Despite this not insignificant record of achievement, Sierra Leone’s civil society faces a number of challenges both from post-war conditions within the country and from persistent weaknesses on the part of third sector organizations. While the international intervention has addressed the country’s immediate security concerns, its long-term security is intrinsically linked to development: the civil conflict arose, after all, out of a context of political failure, economic malaise, and social alienation. Nonetheless, Sierra Leonean civil society actors made tremendous progress by remaining essentially outside the structures of power and challenging the status quo.

At the time the NTGL took over in October 2003, Liberia had essentially dropped off the world economic map. In fact, the United Nations Development Program did not even
include the country in its Human Development Report 2003.\footnote{Cf. United Nations Development Program, Human Development Report 2003: Millennium Development Goals: A Compact among Nations to End Human Poverty (2002).} The country’s GDP for 2002 was a miserable $561.8 million, or $169.20 per capita—a figure that, even without adjusting for inflation, represented just 45.9 percent of the GDP before the civil war. More than three-quarters of the population subsist on less than $1 per day. Of course, these dire figures only tell part of the story. Over the seven years of what is generally considered full-fledged civil war in Liberia—from Charles Taylor’s Christmas Eve 1989 invasion to his inauguration as president on August 2, 1997—it is commonly estimated that between 150,000 and 200,000 individuals lost their lives. As the Liberian civil conflict turned into a regional conflagration, 70,000 Sierra Leoneans, at least 10,000 Ivorians, and several thousand Guineans likewise lost their lives. Several million persons, further, were displaced at one point or other—including most of the populations of Liberia and Sierra Leone, as well as significant numbers of Guineans and Ivorians. Some of those people remain refugees more than a decade later, and the conflict in Côte d’Ivoire is still heated. In this context, the scope for civil society action in Liberia—and, indeed, the subregion—is virtually limitless.

It would be facile enough to simply conclude that almost any action would represent progress. However, despite some disagreements among civic leaders regarding the order of priority, there is widespread consensus on the three principal tasks that, with the armed conflict arrested, civil society needs to undertake: peace-building, national reconciliation, and building up a stable democratic polity. In contrast to their Sierra Leonean counterparts, Liberia’s third sector opted to contribute to the post-conflict rebuilding of their country from within governmental and other power structures. From that institutional stance, it hoped to be better positioned to address the challenges facing Liberian society.

Peace-building—or, at least, attempts at it—has long been the strongest aspect of Liberian civil society and the hallmark of its most consistent pillars, religious leaders. From its very beginnings, Liberia has been noted for the influence of its religious community, which not only supplied a disproportionate number of the country’s political leaders but also was instrumental in establishing education and social institutions. While for many years the close ties between church and state, characterized by the links between religious leaders and the country’s political power structure and their relationship with the Americo-Liberian national ideology, compromised the independent witness of the various Christian denominations, more recently the Liberian religious community, both Christian and Muslim, has been on the forefront of the struggle for peace. Even such a stalwart political survivor as Monrovia’s Roman Catholic archbishop, Michael Kpakala Francis, who has been an intimate of the country’s ruler \textit{du jour} since the comparatively halcyon era of William Tolbert, and who has been much criticized for his prolonged absences abroad during times of crisis, has turned into a strong peace advocate, receiving the 1999 Robert F. Kennedy Human Rights Award for his outspoken sermons and pastoral letters.

The Interfaith Council of Liberia (IFCL) has picked up where its predecessor, the IFMC, which successfully kept religion from becoming another source of division during the 1989-1997 conflict, left off and has worked unceasingly to root out incipient religious tensions before they become sources of conflict. The IFCL played an important role in community mediation in Lofa and Nimba Counties following attacks in 1999 and 2000 on the predominantly Muslim Mandingo (or Malinké) community; the attacks came about as a result of the identification of its ethnic kin with the opponents of the Taylor regime, who later coalesced into the LURD insurgency. Likewise the IFCL helped defused the situation when several Catholic missions and other Christian institutions were targeted by unknown assailants during the renewed conflict in 2001 and 2002. Recognizing the regional dynamic of the conflict, the IFCL has reached out to establish cooperative initia-
itives with nascent counterpart organizations in the two other countries of the Mano River Union, Sierra Leone and Guinea.

One of the most salient features of the recent conflicts in West Africa was the widespread use of child soldiers. Though child combatants have been used in conflicts in various parts of the world, a disproportionate number of cases have been in Africa. Estimates vary considerably, but international NGOs in the subregion widely use as a benchmark the estimate that between one-third and one-half of all combatants were in the age range of 8-14 years. With the cessation—at least for now—of the armed conflict in Liberia, many of these ex-combatants have drifted to Monrovia and other cities, drawn by both the attraction of urban life and the fear of retribution or at least of being ostracized in the towns and villages where many committed unspeakable atrocities during the fighting. The high concentrations of these young, unskilled, and socially maladjusted former child soldiers not only present new law enforcement challenges to Liberia, but also constitutes a potential risk to peace and stability across the subregion. Just as former child soldiers of the Sierra Leonean Revolutionary United Front drifted to Liberia to serve with irregular units loyal to the Taylor regime after peace came to their country in 2002, likewise Liberia’s own former fighters could, unless they are successfully reintegrated into society, prove a plague to other neighboring countries, especially Côte d’Ivoire, which is experiencing its own civil conflict, and Guinea, where the anticipated death of the ailing president-for-life, Lansana Conté, is expected to unleash ethnic tensions that the aging autocrat has kept repressed. Regrettably, the rehabilitation and reintegration of ex-combatants, especially children and teenagers, is one aspect of peace-building that, in contrast to the attention lavished on it in Sierra Leone, has been relatively neglected in Liberia by international NGOs as well as local civil society organizations.

Hand in hand with peace-building is the challenge of national reconciliation. Historically, the principal divide in Liberian national life has been between the descendants of the Americo-Liberian settlers—never more than 10 percent of the population—and the members of ethnic communities that had dwelled in the country from time immemorial. This fissure was diagnosed with great clarity nearly four decades ago in an economic study whose conclusions were unambiguous, but whose recommendations, tragically enough, still await implementation:

Despite its historic association with the United States, its rich resource base relative to population, and generous external assistance by foreign governments, Liberia must be placed among the least developed countries in Africa. In 1962, less than 10 percent of the population was literate, the quality of its educational establishment was low, the traditional divisions between tribal Liberians and the Americo-Liberian descendants of the colonial settlers remained in force, and traditional governmental procedures had not been appreciably revised to serve development needs.

In 1962 there was nothing that could reasonably be called developmental planning. Neither effective plan nor personnel existed.... Its most tenacious problems are institutional and require policies to reform traditional social and political organizations, to abolish forced recruitment of labor, to reform traditional land tenure arrangements, to reform the traditional administration of the tribal hinterlands in ways which provide incentives

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for tribal persons to enlarge their production for sale, and to allow them access to higher education and political expression.  

Samuel Doe only exacerbated this problem by manipulating divisions between the various indigenous communities. Doe’s Krahn-dominated Armed Forces of Liberia targeted Manos and Gios, who then flocked to the standard of Charles Taylor’s NPFL, which in turn targeted Krahs and Mandingos, who, once Taylor succeeded to the presidency, filled the ranks of the two insurgent movements, LURD and MODEL, that ultimately brought him down. While most Liberians are sick of the vicious cycle of conflict, much needs to be done to overcome the inter-ethnic animosities that still persist in the countryside as a result of this history.

Under the provisions of the peace agreement hammered out in 2003, elections are scheduled in Liberia for October 15, 2005. Already, the practicality of this timetable has been called into question, not least because of the near-total destruction of the Liberian state during the long conflict. The Center for National Documents and Records Agency, the principal archival bureau of the Liberian state, was destroyed during the first battle for Monrovia in 1990, and nothing even approximating it has been constituted in the ensuing years. A national census—the last one was carried out in 1984—would seem to be the condition sine qua non for conducting general elections.

Beyond the mechanics of the poll, there is the question—unaddressed except by a few academics—of whether it is even desirable to elect a government to carry on under the existing constitutional arrangements, or whether a more substantial overhaul needs to take place. The present structure, essentially unchanged since the 19th century and the long paternalistic dominance of the Americo-Liberian True Whig Party, favors a powerful presidency that dominates all aspects of Liberian political life. Whether this is still adequate to the necessities of governance in the 21st century is, at the very least, debatable. Recently, several Liberian scholars have made proposals for a more decentralized government with greater power devolved to local authorities and have even proposed that the voting be postponed until permanent constitutional arrangements are discussed by a national conference.

Beyond the question of elections and whatever emphasis is placed on “democratization,” establishing a democratically elected government—while, undoubtedly, a major achievement—will not by itself be enough to build a free society out of the failed wreck of the Liberian state. Rather, a stable, free society presupposes not only a democratic polity, but also a culture of liberty and a free economy. These three are inherently interdependent: none can endure for long without the other two. The dependence of the economy on the basic rule of law and functional organs of government is relatively straightforward. Peruvian economist Hernando de Soto has, in recent years, clearly demonstrated that the principal obstacle to development in many countries is the lack of access to clear legal property titles and, consequently, to credit markets. A government of laws insures this for the economy. Likewise, as Johns Hopkins University professor Francis Fukuyama, among others, has shown, the economy also depends on certain moral and cultural variables, including social trust and cohesion. This culture in turn requires the conditions

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established by a market-based economy and a democratic regime in order to ensure the freedom from want and fear. And, of course, a stable democratic government requires material prosperity—or at least the reasonable opportunity to pursue it—and a culture that respects individual rights and encourages personal responsibility and tolerance for others.

Regrettably, to date Liberia’s civil society leaders and organizations have paid almost exclusive attention to the political aspects of a free society, giving occasional lip service to its social requirements while relegating economic considerations to the realm of fuzzy priorities when not neglecting them entirely. This does not bode well for the future. If the new Liberia that Liberians have been hoping for, and in which the international community has invested considerably, is to succeed, then the current transition must make civic education for all Liberians a priority—not just the “usual suspects,” those Western-educated civil society “representatives” who make up the majority of the denizens of Monrovia’s circuit of “leadership workshops” and other internationally sponsored symposia. A grassroots approach to communities and individuals needs to be undertaken to inform Liberians about the cognitive and existential aspects of democratic values and practice.

In the end, however, the greatest challenge facing civil society in Liberia may be Liberian civil society leaders and organizations themselves. While the original intent of many of the latter in entering the Accra negotiation process may well have been to act as advocates for and custodians of popular interests amid the convened warlords and politicians, the ensuing jostling for positions in the NTGL and competition for control of state agencies and enterprises fundamentally altered their role in Liberian society. One cannot be both a political “insider” and a non-political watchdog over the actions of the government. There is a basic conflict of interest that somehow seemed to have escaped the civil society representatives who put themselves forward for political office while still averring to be non-partisan advocates. While debate that swirls around these contradictions will in the long run be healthy for Liberia’s political culture, in the short term it negatively impacts the strength that civil society would otherwise be able to bring to bear during the transition.

Finally, there is the concern that those leaders and organizations who have managed to preserve their independence vis-à-vis the political institutions of the NTGL—and precious few of these exist outside the religious community—are overly dependent on foreign assistance. While in the present circumstances it is understandable that funding and other resources from outside donors are necessary for the very existence of civil society, the dependence comes at considerable cost to the democratic and representative nature as well as the accountability of civic leaders and groups. Reliance on foreign donors lessens the need of leaders to respond to concerns and priorities of the “masses” they ostensibly represent. Many, it seems, are more adept at addressing the needs of foreign stakeholders than at cultivating national constituencies. (Of course, things cut both ways. As Mary B. Anderson has acknowledged, “The ways outsiders enter and assume important roles in these circumstances correspondingly pose the most complex moral, as well as practical, challenges aid workers face.”78) In fact, aside from the churches and mosques, whose attendees can be counted by observers during services, outside observers have found verifying memberships of many Liberian civil society organizations a singularly unrewarding task. Unchecked over time, this tendency undermines civil society’s democratizing potential, as unrepresentative or unaccountable groups lose the popular legitimacy that, ultimately, is their only coin of the realm.

As Liberia emerges from its dark years of civil conflict, reconstruction will need to be not only material but institutional. It will require the strengthening—if not the wholesale overhaul—of the institutions of civil society that, if not destroyed during the years of fighting, are compromised either by involvement with discredited regimes, past and present, or by what is perceived as self-absorbed pursuit of the individual interests of their

self-appointed leaders. Only with civil society reinforced can a culture—and a truly national identity—be developed that can give hope to peace-building and national reconciliation. Amos Sawyer recently pointedly argued:

No degree of external support can help Liberia in the long-run if Liberians are not the driving force in peace-building but are simply the beneficiaries of peace-building programs driven by others. And no peace-building approach can yield sustainable outcomes if it does not empower Liberians by strengthening their individual and collective capacity to do things for themselves, to rely on their own resources, and then seek assistance from others.79

That path of self-reliance, whether in West Africa or elsewhere, is undoubtedly the more difficult choice. However, as future civil society actors contemplate it, they will have the advantage of drawing upon, despite all its limitations, the comparison of the experiences of Liberia and Sierra Leone, two countries whose similarities and differences render them both readily comparable and rather illuminating for all engaged the struggle of human rights in the wake of traumatic upheaval of state collapse.

May 25, 2005

POSTSCRIPT

While it still to soon to draw any of the definitive conclusions of the type that the introduction underscored as the advantage of this comparative approach, nonetheless the months since the original writing of this article will long be remembered as arguably the most momentous period in the histories of Liberia and Sierra Leone. In the former country, Ellen Johnson-Sirleaf’s January 16, 2006, inauguration as the 24th president of Liberia, coming after national elections in October 2005 and a presidential run-off in November in which she won 59.4 percent of the vote against soccer superstar George Manneh “Oppong” Weah is historically significant for a number of reasons. The election was arguably the freest, fairest, and most democratic poll since the nation’s independence in 1847. As the first woman elected head of state in Africa, Johnson-Sirleaf represents a remarkable breakthrough in what historically has been a predominantly patriarchal society where women have largely been relegated to the periphery of political life (the new president campaigned explicitly on her gender, and many of her supporters sported T-shirts that proclaimed “All the men have failed Liberia; let’s try a woman this time”). The generally smooth transition back to constitutional government also fulfilled one of the key objectives of the August 2003 Comprehensive Peace Agreement (CPA), which ended the country’s second civil war in a decade and began post-war transition and peace-building processes in which the United Nations, the United States and other governments, as well as non-governmental organizations were heavily invested.

With some more-or-less minor exceptions—none of which were of the magnitude that would have altered the final results—the election process was well-run, especially when one considers the rather daunting infrastructure challenges to the poll. The U.S. alone contributed over $10 million to the effort, most of it dispersed through civil society organizations involved in democratization efforts, including IFES (technical assistance for

polling), the International Republican Institute (training for political parties), and the National Democratic Institute for International Affairs (civic education). More than 6,000 Liberians, including some 3,500 from local civil society organizations, were accredited to monitor the voting. About 1.35 million people registered to vote in April and May 2005. Of these, approximately 1.012 million (74.9 percent) voted in the October elections, and over 825,716 (61.2 percent) participated in the November run-off.

Ironically, Liberia’s democratically-elected president assumed power under Liberia’s 1984 constitution, a ramshackle adaptation of the country’s seriously flawed 19th-century constitution with adjustments to suit the exigencies of then-ruling dictator, Samuel Doe. Under this charter, the president, elected for a renewable six-year-term—Johnson-Sirleaf has pledged not to seek a second term—holds broad powers that ensure a very centralized regime. The unreformed Liberian constitution provides for precisely the “winner-take-all” system that has been the bane of many post-colonial African polities, with competing factions given little incentive to accept anything short of “total victory”—and with a history of breaking down, with tragic consequences.

Given the multitude of challenges facing post-war Liberia, it would have perhaps been preferable for the Comprehensive Peace Agreement to have postponed elections while including within the brief of the transitional government and the United Nations Mission in Liberia (UNMIL) the mandate to help Liberians undertake a process of constitutional choice regarding governmental institutions and other structures—to say nothing of the other conditions that a democratic polity presupposes. But, given that the international community had committed itself to staging a vote last year and that Liberia’s politicians and people had come to expect it, the electoral process had to go forward. Now, however, the new administration needs to reach out to civil society groups and other stakeholders and begin that process of constitutional dialogue. Carried out successfully, it would be a powerful precedent in the region.

Another powerful precedent was set on April 3, 2006, when former Liberian president Charles Taylor made his first appearance before the Special Court for Sierra Leone. After initially refusing to acknowledge the tribunal’s jurisdiction, Taylor entered a plea of “not guilty” on the amended indictment charging him with eleven counts of crimes against humanity, war crimes, and other serious violations of international humanitarian law for his role in fomenting and directing the Sierra Leonean civil conflict.

A July 28, 2005, communiqué of the heads of state of the Mano River Union countries (Guinea, Sierra Leone, and Liberia) had recommended deferring any decision on the Taylor dossier until after a new Liberian president was in office. President Johnson-Sirleaf’s pronouncements after her election showed that she was clearly sensitive to the potentially destabilizing effects extraditing the former Liberian leader for trial, whether before the Special Court for Sierra Leone or before some other tribunal for offenses committed in Liberia. Furthermore, there were considerable political pressures at home urging her that priority should be reconstruction with justice a “secondary” matter that could be deferred. Meanwhile, Taylor’s host since 2003, Nigerian president Olusegun Obasanjo had said all along that he would only hand the deposed leader over at the request of an elected Liberian head of state—hence the burden was placed on Johnson-Sirleaf.

Things came to a head in early February at a hearing of the House Subcommittee on Africa, Global Human Rights, and International Operations at which this author also testified. David Crane, the former chief prosecutor of the Special Court for Sierra Leone, publicly called for tying any future financial and political support for Liberia to Taylor being handed over for trial. The following month, in welcoming Johnson-Sirleaf to Capitol Hill to address a joint session of Congress, the vice chairman of the subcommittee, Congressman Ed Royce, pointedly noted: “Taylor remains a threat to the region and an affront to justice. Many have been waiting for President Johnson-Sirleaf to call President Obasanjo on his commitment. We’re still waiting.”

Similar messages were delivered to the “Iron Lady” when she visited the United Nations in New York before coming to Washington: a broad consensus had developed that
progress on the Taylor dossier had to be the precondition *sine qua non* for the development aid that Johnson-Sirleaf came seeking for Liberia’s post-war rebuilding because donors now realized that, without accountability to break the recurrent cycle of violence, their money would have been essentially wasted when tensions ignited again. Feeling the pressure, Johnson-Sirleaf finally conceded in her March 16 address to Congress: “Liberia has little option but to see that justice is done in accordance with the requirements of the United Nations and the broad international community.” Her government subsequently confirmed that Liberia had formally asked Nigeria to extradite Taylor to stand trial in Sierra Leone.

After a farcical attempt to abscond from his Nigerian exile, Taylor was taken into custody and delivered to the Special Court on March 29. While the international community still needs to address details concerning funding for the Taylor trial as well as the venue of the proceedings and his eventual incarceration, the former Liberian leader’s presence in the custody of the tribunal in the capital of Sierra Leone brought many things full circle and represented a significant milestone for international justice, the international community, and, above all, the long-suffering peoples of Liberia and Sierra Leone, countries whose existence was originally intended as beacons of freedom and right in a dark world of slavery and injustice.

*April 25, 2006*