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Post-war reintegration and reconciliation

Learning from Sierra Leone

Elke Grawert \ BICC

Policy recommendations

\ Support the early transformation from a 'truth and reconciliation' process after peace agreements towards the rule of law

The rule of law in Sierra Leone is still not firmly established after the war (1991–2002). While the Sierra Leone Special Court only treated the war crimes of top leaders, the Truth and Reconciliation Commission (TRC) strove for an amnesty of a large number of mid-range commanders, who had exposed their deeds in public and asked for forgiveness. As a lesson for peace processes elsewhere, international agencies should assist in transparent cooperation between TRCs and Special Courts and support post-war governments in designing the two institutions as building blocks for the establishment of the rule of law to ensure that impunity does not become entrenched in politics in the long term.

\ Make sure that perpetrators do not receive more support than victims

Sixteen years after the end of the war, only very few victims received compensation whereas ex-combatants were provided with vocational training and start-up capital. As a lesson for future engagement of international agencies after wars, any bias towards perpetrators should be avoided by providing all-encompassing support—for reparations and compensations of war victims equally with DDR programmes, reintegration of displaced people and returning refugees as well as reconstruction of the economy.

\ Consider non-interference in community reintegration, but facilitate inclusive reintegration for young people

In rural Sierra Leone, local chiefs organised collective agricultural work, which facilitated interaction and exchange between IDPs and refugees, victims, ex-combatants and perpetrators of war crimes. Combined with ceremonial reconciliation, this led to reintegration and community cohesion. No external intervention was needed. International agencies should learn for such post-war engagement to let local reconciliation and reconstruction happen where it works well and avoid interference. However, indiscriminate projects that bring the different groups of youth together are crucial and need support to foster reintegration.

\ Define an exit strategy for international assistance of (re-)integration

The general attitude and behaviour of large population groups in Sierra Leone are still shaped by aid dependence, often resulting in their refusal to take responsibility for community projects or start their own initiatives for the benefit of communities. As a lesson, humanitarian and development agencies should define a clear exit strategy, communicate it to the receiving groups from the outset and stick to the strategy without making exceptions. This also requires a clear strategy of transferring responsibility to domestic authorities and societal agencies..

Post-war reintegration and reconciliation: Learning from Sierra Leone

During the eleven years of civil war in Sierra Leone, more than two million people—more than half of the population—were displaced. Estimations about civilian deaths range between 50,000 and 70,000. After the official end of the war and the first post-war election in 2002, the new government established a range of transitional justice institutions. These were the Special Court for Sierra Leone, the Truth and Reconciliation Commission (TRC), disarmament, demobilisation and reintegration (DDR) programmes for ex-combatants, a reparations programme, a Human Rights Commission, and reformed security institutions.

UN Resolution 1315 gave the Special Court the power through sub-section 4 (40) to address serious crimes committed against civilians and UN peacekeepers during the war. The Special Court Statute empowered the Prosecutor to bring charges for war crimes, crimes against humanity and other serious violations of international humanitarian and Sierra Leonean law to the Special Court. The Court indicted 13 leaders of the Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC), the Civil Defence Forces (CDF) and the then Liberian President Charles Taylor. It brought ten persons to trial, convicted nine persons and sentenced them to prison terms of 15 to 52 years.

Support the early transformation from a 'truth and reconciliation' process after peace agreements towards the rule of law

In a separate but simultaneous process, the TRC was established as an externally funded government-led institution whose aim it was to establish restorative justice. The Commission submitted a thorough historical analysis of the causes and context of the civil war and its particular cruelties, which informed a multi-level reconciliation process between 2003 and 2004 (TRC, 2004). In Freetown and twelve provincial districts, the TRC collected 9,000 statements from victims of war. More than 450 perpetrators exposed their deeds in public and asked for forgiveness, some only ceremonially, though, whereas others would shirk the process posing as refugees eligible for

resettlement programmes (Kelsall, 2005). District Reconciliation Committees in partnership with the Inter-Religious Council of Sierra Leone took over the process of reconciliation after that.

A criminal justice body like the Special Court has punitive and retributive aims, whereas a truth and reconciliation body like the TRC has restorative and healing objectives. In a peace agreement, an amnesty clause for war leaders often is a precondition to bringing the warring parties to the negotiation table. Such a clause can open up an avenue for the public accountability of perpetrators through a truth and reconciliation process. The example of Sierra Leone shows the weakness of an approach where the two bodies operate simultaneously and in an uncoordinated and ad hoc fashion. The contradictory objectives of the two institutions inevitably led to conflicts and hence, public confusion. In fact, the Special Court denied the TRC access to the top perpetrators so that these were not included in the public hearings. This constrained the operations of the TRC whose role was to establish accountability for the atrocities that had been committed during the war. Moreover, the operation of the Special Court rendered the amnesty clause contained in the peace agreement invalid for the main perpetrators. The danger of this is that combatants in future wars are weary of peace agreements containing amnesty clauses as they do not trust them (TRC, 2004). Beyond this, the agenda of—in a nutshell—“seeking peace without justice”¹ is connected with the absence of a rule of law in contemporary Sierra Leone. The large-scale impunity for mid-range commanders and perpetrators has impeded the establishment of a rule of law and arguably the success of reconciliation in the divided Sierra Leonean society in the long run.

1 \ Justice Dr Binneh Kamara, Faculty of Law, Fourah Bay College University, in his opening speech for the stakeholder workshop “How can protracted displacement come to an end? (Re-)integration and reconciliation of war-affected Sierra Leoneans and Liberians in a long-term perspective,” conducted by Elke Grawert, BICC and Sylvanus Spencer, Department of History and African Studies, in the framework of the BMZ-funded research project “Protected rather than protracted” in July 2018.

Contemporary electoral violence: A historical legacy

Sierra Leone has successfully maintained peace since 2002, and the general level of violence has remained low. Only in the context of elections, peaks of violence have occurred, pitting the followers of the two major parties against each other. These parties gain most of their support in regional heartlands that correlate with tribal groups—the Sierra Leone People’s Party (SLPP) in the south and east and the All People’s Congress (APC) in the north and north-western regions. The APC is often linked to the 35 per cent Temne population and the SLPP to the 31 per cent Mende population. However, there are 16 ethnic groups scattered across Sierra Leone that do not have any fixed party affiliation; moreover, people of different ethnic groups frequently inter-marry (Martin, 2018). The population in the western region including the ethnically diverse capital Freetown does not have a fixed party affiliation. Hence, the ethnic link is only one among several factors that play a minor role in the regional divide.

The APC had ruled Sierra Leone in a single-party system for 25 years before the war. The TRC’s investigations revealed that poor governance in all branches of the government had been a significant factor contributing to the violence that led to civil war between 1991 and 2002. In hindsight, ethno-regional prejudices and biases in Sierra Leone threatened post-conflict reintegration and reconciliation still in the early 2000s, fuelled by the culture of impunity and blanket amnesty. The continued regional division of the country was reflected in the election results. The first election after the peace agreement ended with a landslide victory of the SLPP in 2002. The APC won the elections in 2007 and 2012, thus staying in power for eleven years during which the Sierra Leoneans perceived a significant marginalisation of the SLPP heartland. A growing number of swing constituencies in the western region voting for a change contributed to the victory of the SLPP in the election of 2018.

Whereas a moderate tone prevailed during the election campaign, the subsequent run-off campaign between the two presidential candidates was shaped by public rhetoric of regionalism and tribalism. Insults of the

respective other party increased, and each party mobilised young supporters to intimidate the followers of the other party. In several regions of Sierra Leone, violent attacks followed the announcement of the national election results in April 2018. Armed security forces were deployed during the second round of elections but rarely intervened (author’s interviews, Kenema, April 2018; Grawert, 2019). Of those who responded to a survey by the Institute for Governance Reform, 5.2 per cent claimed that they had experienced violence personally during the 2018 elections, and 9.6 per cent had seen or heard of someone else being harassed. Sixty-one persons suffered from beatings, stabbings and gunshots, mostly in the eastern region (Milton, 2018; Martin, 2018). The perpetrators were mainly youth mobilised by politicians of the two main parties to vandalise markets and attack houses of leading members of the other party. In several cases, motives of revenge prevailed. Spurred on youth responded to oaths taken publicly by individuals who had switched to the APC from SLPP, by claiming that they could burn the houses of these individuals or beat them in the assumed unlikely case that SLPP won the election (author’s interviews with inhabitants of the Eastern Region; Martin, 2018; Grawert, 2019).

In the aftermath of the electoral violence, Sierra Leonean law scholars held that the blanket amnesty after the truth and reconciliation process had not addressed impunity, war crimes, criminals and transitional justice adequately with the consequence that today, it seems that politicians believe that they have a license to mobilise others to commit violent acts during elections. Whereas these law scholars deplore that perpetrators of electoral and criminal violent acts are not prosecuted and attribute this to the failure to institutionalise the rule of law after the war, the level of reconciliation by the TRC is also questionable in light of recurrent electoral violence. Reconciliation may be required between victims and perpetrators of recent violent acts that had re-occurred in the context of elections. The church-based justice and peace commission and an international donor-funded NGO,

Fambultok, have conducted reconciliation activities in communities in those parts of Sierra Leone that were most affected by war atrocities. However, after the election of 2018, district government authorities claimed that they would take over the work of Fambultok, and it was obvious in interviews with the National Commission for Social Action (NaCSA) that its local branches would not pursue a post-election violence reconciliation process but rather saw their responsibility in doing donor-funded social work (author's interviews in Kailahun and Freetown in May 2018). The unsolved dilemma between a truth and reconciliation process and the demand to punish the mid-range commanders after the war is likely to have contributed to rising crime, violent attacks and acts of revenge that occurred in particular in the context of national elections in Sierra Leone in 2012 and 2018.²

What can be learnt from Sierra Leone is that a TRC can be effective in restoring relations within society after a war in a reconciliation process that includes victims and perpetrators—indicated by the fact that the country has not relapsed into large-scale violence since 2002. Setting up a Special Court for the trial of top leaders responsible for crimes against humanity simultaneously, however, requires transparency and close coordination of the operations of the two institutions, which was missing in Sierra Leone. There were two outcomes: One, the punishment of a few top perpetrators of war crimes. Two, the creation of a state of vaguely ongoing transitional justice that does not clearly identify in which cases perpetrators—such as those inciting electoral violence committed by youth—are to be held accountable and brought to trial. The lesson is that international agencies should support a determined approach that establishes the institutions needed to guarantee the rule of law already in peace agreements. As far as possible, the

agreement should contain a roadmap that indicates how to move from amnesty through a truth and reconciliation process to public accountability of perpetrators while simultaneously, institutions upholding the rule of law are being built. International agencies should support the elected government after a peace agreement in pursuing such a roadmap that gradually leads to justice while not jeopardising peace. This might prevent other post-war societies from experiencing a recurrent re-surfacing of a deep divide in society that requires ever new reconciliation processes as in Sierra Leone.

Perpetrators should not receive more support than victims

Many returnees from displacement had to cope with adverse conditions when rebuilding their lives whereas ex-combatants received training and seed capital for reintegration within United Nations-funded disarmament, demobilisation and reintegration (DDR) programmes (Sesay & Suma, 2009).³ The DDR process ran in parallel to the work of the Special Court and the TRC instead of being part of a well-coordinated transitional justice approach leading to the establishment of the rule of law. A separate institution, the National Commission for Social Action (NaCSA), coordinated and implemented the reparations programme and administered the Special Fund for War Victims, largely funded by international donors. NaCSA focused on the care for amputees and other war-wounded persons, victims of sexual violence, children and war widows as well as some 'indirect beneficiaries', such as wives and children of the eligible victims. Upon the recommendations of the TRC, the Government of Sierra Leone provided these groups with reparation benefits in health, pensions, education, skills training and micro-credit schemes. Most of these programmes have faded out because

² \ Assessment of academics and practitioners from non-governmental organisations (NGOs) during the stakeholder workshop in Freetown in July 2018; statement by the Coordinator of the Justice and Peace Commission, Fatorma A. Combey, Kenema in May 2018.

³ \ These were funded and organised by the United Nations Development Programme (UNDP), the United Nations Mission in Sierra Leone (UNAMSIL), the United Nations Children Emergency Fund (UNICEF), the World Bank, the World Food Programme (WFP), the ceasefire monitoring group of the Economic Community of West African States (ECOMOG) and other partners.

donors withdrew after some years. Some of the amputees still stay in separate enclosed areas, such as in Kenema; others live, like many other groups of poor people, in the streets of Freetown and other towns as beggars.

Most of the war victims who were not categorised in these special groups did not receive any compensation for the loss of family members and property. Many people who had been displaced and returned felt that the way the government and the international agencies dealt with perpetrators was too lenient, offering them undue preferential treatment compared with the victims (Ottendörfer, 2014).⁴ NaCSA is known as one of the most corrupt authorities in the country; allegedly it had drained off much of the 80 per cent international funding for personal enrichment.

As a lesson for future engagement after wars, a bias towards ex-combatants should be avoided by all means. For this purpose, international assistance after a war requires close coordination and encompassing support of all the processes—reparations and compensations for victims, reintegration of displaced people as well as ex-combatants, reconstruction of the economy and development programmes.

Relevance of community cohesion and inclusive youth programmes

An evaluation of the demobilisation and disarmament process of 70,000 ex-combatants in Sierra Leone showed that it was successful. However, there were flaws in its outreach to children and youth who worked for armed groups in ancillary jobs and in its low commitment to the reintegration process. The agencies' priority in spending most of the available funds on demobilisation and disarmament was the main reason for that as the success of demobilisation and disarmament could be more easily made visible than success in the reintegration of ex-combatants.

Moreover, the Government of Sierra Leone prioritised reducing the threats from non-state armed groups over reintegrating youth. This attitude reaffirms the long history of Sierra Leonean governments neglecting its youth and explains the government's bias (Abdullah, 1998; Sesay & Suma, 2009). In fact, the reintegration of ex-combatants succeeded or failed depending on the extent to which the receiving community had suffered from atrocities and the degree of involvement of the returning ex-combatants in committing abuses during the war. Those who had witnessed lesser atrocities were more ready to reintegrate ex-combatants.

When the war ended, members of nearly every armed group, refugees from the neighbouring countries and displaced people who had fled to other parts of Sierra Leone returned gradually to eastern Sierra Leone, where the war began in 1991. As the forest had encroached on much of the fields, local chiefs organised collective bush clearing and agricultural activities to produce food. The collective work in teams of returnees mixed from all groups facilitated interaction and exchange, even between ex-combatants and people who had lost family members to actions of armed groups. Combined with ceremonial reconciliation procedures, these joint activities contributed to the reintegration of all these groups in the community (author's interviews with a variety of village inhabitants in Kailahun district, May 2018). No external intervention was needed. However, those who were deeply traumatised or had committed atrocities that made it impossible for them to face the local inhabitants ever again remained in other places within Sierra Leone or across the border.

The lesson for international agencies engaged in post-war societies elsewhere is to avoid interference where local reconciliation and reconstruction works well. At the same time, they should focus on indiscriminate programmes that bring the different

4 \ This was confirmed by interviews the author conducted with Sierra Leoneans who had been displaced during war and returned and with ex-combatants from all non-state armed groups between April and July 2018.

groups of youth together in joint activities—and not exclusively distinguish between ex-combatants, victims and returnees. An inclusive focus on the reintegration of youth—those who had carried arms, did ancillary jobs in the war economy, who had been displaced and were victimised—should be at the core of future reintegration programmes. They all need skills training, employment or an opportunity to receive seed capital to set up a business and social recognition within a community.

Need for an exit strategy

Aid agencies identified widows, amputees, disabled people, orphans, sexually abused people, etc. as particularly vulnerable groups and provided some with individual reparations. Locally integrating Liberian refugees received support for many years. The different treatment created high expectations among the beneficiaries and greed and perceptions of injustice among others. Over the years, the general attitude and behaviour of large population groups has furthermore been shaped by aid dependence, often resulting in a common refusal to take on responsibility for community projects and starting independent initiatives for the benefit of communities.

The lesson for humanitarian and development agencies from Sierra Leone is that in post-war situations elsewhere, they should define a clear exit strategy, communicate it to the receiving groups from the outset and stick to the strategy without making exceptions. This also requires a clear strategy of transferring responsibility to domestic authorities or agencies, which also includes gradually taking over the funding themselves.

In conclusion, the impunity of junior commanders of armed groups has had damaging effects on the realm of politics and democratic voting, as remnants of the cruel behaviour during a war remain alive and appear to be justifiable in parts of society. The outcome of the

truth and reconciliation process that ran in parallel to the prosecution of top war criminals by the Sierra Leone Special Court has impeded the establishment of the rule of law in the country. If the rule of law were in place, citizens could bring perpetrators to justice and would no longer have to revert to mutual revenge acts incited by politicians who get away with it without a court trial. The rule of law and a clear division of powers that make it possible to hold politicians accountable for their actions in front of an independent judiciary still need to be strengthened to avoid this pattern of an assumed license to commit violence from re-emerging again. As a lesson for other post-war countries, international agencies should take on a long-term perspective and link special courts and TRCs with the establishment of institutions ensuring the rule of law. As concerns support for reintegration, humanitarian and development agencies should avoid generating separate target groups but focus on indiscriminate programmes that bring the youth together in education, training, employment and business start-up programmes. A bias towards compensating perpetrators while most victims do not receive similar assistance should be overcome through an inclusive reintegration process after a war. Where communities manage reintegration on their own, international agencies do not need to interfere at all. All foreign-funded programmes should have a clearly communicated exit strategy from the outset to protect post-war communities from aid dependency.

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