



*Weak formal legal systems are a key feature of most post-conflict states. In this context, a trade-off is often made in favour of broader restorative forms of justice, over more retributive actions, in order to support national reconciliation and guard against a relapse into conflict*



# Policy & Practice Brief

Knowledge for durable peace

## The road to reconciliation: A case study of Liberia's reconciliation roadmap

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*... truth commission-type mechanisms cannot be concerned simply with issues of justice, but are intricately involved in and reflective of broader processes of nation building<sup>2</sup>*

## Executive Summary

Years after the August 2003 signing of the Comprehensive Peace Agreement (CPA) which brought to an end Liberia's bloody civil war, there was realisation by the Government of Liberia that the reconciliation process had stalled. To correct this, and keep the country on the path of peace, the government embarked on a series of initiatives aimed at reigniting the reconciliation process. One of these was the 2013 Strategic Roadmap for National Healing, Peacebuilding and Reconciliation in Liberia (2013–30) which was developed by the government's Peacebuilding Office (PBO), located within the Ministry of Internal Affairs, with support from the United Nations Peacebuilding Commission (UN PBC). This roadmap provides the basis for all planned future interventions by the state and relevant stakeholders. It is framed within 12 thematic components, which are arranged in programmes and strategies under three categories: (i) accounting for the past, (ii) managing the present, and (iii) planning for the future. A year after the roadmap was launched, however, there has been little progress in its implementation. Challenges include inadequacy of leadership among those responsible for rolling it out, lack of general public support for the plan, financial constraints, and a disjuncture between what reconciliation means in theory and what Liberians want and need in practice. This Policy & Practice Brief (PPB) examines the various challenges affecting effective implementation of the roadmap and makes recommendations aimed at local and international actors involved in the operationalisation of the plan. It uses the Liberian reconciliation process as a case study to unpack what reconciliation means in theory, and how the process has been approached and implemented in practice.

## Background to Liberia's reconciliation process

Since the early 1980s, the Republic of Liberia has been troubled by persistent cycles of political instability, economic underdevelopment and extreme levels of human insecurity – which may be attributed to the particularly exclusive and extractive form of development that the country's political, economic and cultural institutions have adopted. Dating back to the origins of the state in 1847, the country's political elite, predominantly African American settlers – the majority of whom were freed slaves – marginalised the country's vast and diverse indigenous population, setting the tone for the nation's subsequent institutional and national development. This was mainly done by sowing the seeds for popular discontent, grievance and animosity, which largely came to fester along ethnic lines. Despite certain interventions aimed at achieving a more equitable, just and sustainable dispensation, the country was embroiled in a violent civil conflict which started in 1989 and extended over a 14-year period.<sup>3</sup> This violence claimed over 200 000 lives and reportedly displaced over a quarter of the country's nearly four million citizens.<sup>4</sup>

The signing of the CPA in August 2003 ended the fighting and ushered in a period of relative stability by laying the basis for a transitional government. Most importantly, it brought the country's armed conflict

to an end. The CPA provided for the establishment of a truth and reconciliation commission (TRC) in 2005. The TRC was given a broad mandate that essentially sought to establish the truth, through public dialogue, on the nature and causes of Liberia's turbulent civil wars from 1979 to 2003. The TRC was launched in 2006 and wound down in 2009 with the release of a report. Unfortunately, the process was fraught with operational challenges, and the report widely ignored by those in power. These challenges and inherent weaknesses resulted in minimal impact, and subsequently, inconsequential implementation of recommendations.

Significantly, also in August 2003, the UN Security Council authorised a Chapter VII mandate for the establishment of a 15 000-strong peacekeeping mission in the country – the United Nations Mission in Liberia (UNMIL) – through adoption of UN Security Council Resolution 1497.<sup>5</sup> The dual impact of the CPA and the presence of UNMIL significantly bolstered the country's relative peace, and steered the nation through two successive democratic elections and the steady development of its economy and institutions, which had been devastated during the war period.

While the country has made tremendous progress in building and sustaining peace in the years following the signing of the CPA, there are considerable challenges that the Government of Liberia still

seeks to address. A primary consideration in the government's approach to these challenges is the underlying acknowledgement that sustainable peace in Liberia cannot merely be based on the absence of war, but should be measured by how secure, safe and peaceful Liberians feel – referred to as 'positive peace' by John Galtung.<sup>6</sup> Liberia's post-war peacebuilding environment has been characterised by the establishment and development of comprehensive structures and institutional frameworks that involve a substantial range of local, regional and international actors who work to address the root causes of the country's underlying conflict. This holistic approach to the nation's overall development *vis-à-vis* the practice of peacebuilding has resulted in a steady bureaucratic expansion of actors and frameworks, and the subsequent need for policy-level alignment, coherence and synergy, to optimise the effects of practical implementation.

### Reconciliation in theory

Lederach posits that reconciliation's 'primary goal and key contribution is to seek innovative ways to create a time and place, within various levels of the affected population, to address, integrate, and embrace a shared future as a means of dealing with the past.'<sup>7</sup> Reconciliation is a multifaceted process that aims to address the issues of the past and move the country forward towards sustainable peace. It often involves elements of truth-telling, gives victims a voice and lets them speak for themselves, while allowing space for their pain to be acknowledged. It is a difficult process, which must find ways of allowing people to deal with issues without getting locked into a vicious cycle of mutual exclusiveness from the past.<sup>8</sup>

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An element of acknowledgement of wrongdoing is vital to the reconciliation process – the people, the nation and the world recognising the wrongdoings of the past.<sup>9</sup> The process of reconciliation in a

post-conflict country should create a space where there can be acknowledgement of the past and an envisioning of a collective future – both of which are necessary ingredients to reframe the present.<sup>10</sup> Reconciliation is a form of restorative justice which aims to repair the relationship between victim and perpetrator without seeking recourse through the formal criminal justice system. It does not advocate 'eye for an eye' notions of retributive justice, but focuses more on gathering truth, the acknowledgement of deeds and forgiveness, in the process promoting a reconciled relationship between victim and perpetrator and moving the country forward towards a peaceful future. There are often tensions that true justice is not achieved in reconciliation, and that victims seldom feel that justice has really been done. However, reconciliation is a choice that countries in transitional phases often take. In many cases, truth and forgiveness are more valued than achieving retribution.

### Reconciliation in practice: Unpacking the Liberian case

In 2010, Liberia asked to be placed on the agenda of the UN PBC to bolster the country's peacebuilding and post-conflict recovery efforts. This was to be achieved through benefitting from the advisory and technical support functions offered by the PBC, with particular regard to integrated strategy design, coordination and resource mobilisation. To better define the PBC's engagements in the country, the commission and the government adopted the Statement of Mutual Commitments, which outlined three agreed-on peacebuilding priorities. These priorities consequently informed the central nature of all peacebuilding efforts in the country. They are:

- i. strengthening the rule of law
- ii. supporting security sector reform
- iii. promoting national reconciliation.<sup>11</sup>

Peacebuilding in Liberia has thus come to be primarily defined in terms of the advancement of these three priorities, at both policy and implementation levels. The priorities have since been encapsulated within the Liberia Peacebuilding Programme (LPP). Liberia's PBO plays a central coordinating role in implementing the programme, focusing particularly on achieving the last of the three priorities.

Progress has been noticeable, especially at policy level, and with particular regard to strengthening the rule of law and supporting security sector

reform.<sup>12</sup> Developments in promoting national reconciliation have, however, been mixed, as evidenced by acknowledgements by key government stakeholders that a truly reflective and coherent strategy and coordination framework was needed. Thus, in July 2013, the PBO, in concert with a range of relevant stakeholders,<sup>13</sup> developed the Strategic Roadmap for National Healing, Peacebuilding and Reconciliation. Planned for implementation over an 18-year period, the roadmap is an ambitious policy framework that fundamentally seeks to foster a greater degree of coherence among national and international actors, institutions and structures, as well as to mobilise human resources, such that they may be optimally geared towards the promotion of national reconciliation.<sup>14</sup>

## Strategic Roadmap for National Healing, Peacebuilding and Reconciliation

The strategic roadmap provides the basis for all planned future intervention by the state, and other actors. It also outlines the essential character of reconciliation and its envisaged impact on Liberian society. This overall process is currently framed, contextualised and given meaning through 12 identified thematic components, framed into programmes and strategies under the following categories:

- i. accounting for the past
- ii. managing the present
- iii. planning for the future.<sup>15</sup>

While this is a step in the right direction, especially in terms of its core aim of fostering greater coherence, stakeholders must remain cognisant that reconciliation is a largely malleable and somewhat intangible concept.<sup>16</sup> Quantifying and qualifying indicators and benchmarks of success – along with designing projects with specific outputs, outcomes and impacts – is thus a particularly difficult exercise and would require a great margin of pragmatism on the part of all actors involved in the greater reconciliation process. Liberia's roadmap, to its credit, does explicitly acknowledge this issue and calls for consensus on the meaning of reconciliation in the country. The roadmap defines reconciliation as:

... a multidimensional process of overcoming social, political and religious cleavages; mending and transforming relationships; healing the physical and psychological wounds from the civil war, as well as confronting and addressing historical wrongs, including the root structural causes of conflict in Liberia.<sup>17</sup>

This broad definition is informed and given meaning by the experiences and past ills of the country's fractured polity and adheres to the notion, as expressed in the roadmap, that 'for any long-term change, there must be a conceptual vision, which provides a foundation for specific actions'.<sup>18</sup> The vision of reconciliation that the roadmap posits is based on, in summary, a society that collectively confronts state abuses and violations, reconciles its divisive history, upholds the rights and integrity of all individuals, and builds a new public culture characterised by inclusive governance, transparency, accountability, rule of law and dialogue.<sup>19</sup>

At a theoretical level, the ideas of reconciliation put forth in the roadmap encapsulate the central facets of reconciliation and the process of dealing with the past and moving the country forward. Furthermore, a core dimension of reconciliation is its specific focus on building a relationship between antagonists, and that the practice of reconciliation involves a relational component between the antagonists in terms of recognising past grievances and exploring future interdependence.<sup>20</sup> Thus, the 18-year roadmap puts forward a comprehensive vision for the advancement of the nation that moves forward by taking stock of the past and achieving sustainable peace which is fundamentally informed by the process of national reconciliation, and all the case-specific constituent components noted above. With reference to Lederach's conceptual understanding of reconciliation,<sup>21</sup> the roadmap seeks to establish a platform (at various levels and through different initiatives) that aims to enmesh antagonists within an overarching structure which allows for constructive engagement by acknowledging the past in order to explore and plan for a collective future.

What is of critical importance, however, is how well the roadmap will fare when subjected to the dynamic interplay that exists between policy and practice. It must be remembered that the roadmap, and associated government policy in terms of peacebuilding and reconciliation, is still a largely nascent endeavour.

## Challenges threatening the reconciliation process

Prior to the roadmap, reconciliation was contextualised and understood primarily through the work of the CPA-mandated TRC. Born from a compromise at the negotiation table,<sup>22</sup> following the conclusion of the civil war in 2003, the TRC was viewed as a critical instrument that straddled the restorative-retributive line in terms of addressing past

crimes and providing the country with opportunities to pursue much sought-after reconciliation, through attainment of justice. By early 2005, a TRC act had been drafted and was subsequently approved by the country's interim legislature in June of that year. The TRC was given a broad mandate that essentially sought to establish the truth, through public dialogue, on the nature and causes of Liberia's turbulent civil wars from 1979 to 2003.<sup>23</sup> Moreover, the TRC was mandated to make recommendations to the government following its investigations. It was hoped that once implemented, these would contribute to peace, justice and reconciliation in the country.

From its launch in 2006 to the publication of its contentious report in 2009, the TRC faced considerable operational challenges, with particular regard to staffing, the timely development of a comprehensive workplan and budget, incoherent policy and programme planning, infighting among its commissioners, an inadequately capacitated secretariat, difficulties in managing external partnerships, and a deteriorating relationship with civil society.<sup>24</sup> This is not to say, however, that the TRC did not make significant inroads in contributing to peace and reconciliation in the country. In fact, the 2009 report broke new ground in terms of offering the first publicly available and extensive account of human rights violations, and provided significant insights into, among other things, many of the critical socio-economic, political and cultural factors that gave rise to – and exacerbated – the country's history of civil conflict.<sup>25</sup>

Unfortunately, what has since transpired is cause for concern, particularly regarding what lessons can be derived and applied to a projection of how well the reconciliation roadmap may fare over time. By understanding the country's broader reconciliation project as one arranged in distinct sequential phases that may be framed in terms of the disjuncture between the finalisation of the TRC report and launching of the reconciliation roadmap, key lessons could be inferred from the former and applied to the latter. This could be done specifically in terms of implementation *vis-à-vis* strengthening public support, reducing political bottlenecks and increasing operational efficiency. It can also be achieved through examining the processes that were followed when forming the TRC Commission and its operations, as well as considering reported rivalry between commissioners and inadequacy of the methodology applied to the process, all of which are key issues that plagued the commission and reduced its effectiveness.

In the period following the end of the commission's work and the release of the TRC report, the document was largely deemed contentious and was the target of a critical backlash, particularly from those in positions of power. The central reason for this was that the report put forward a number of recommendations that directly threatened the country's political establishment – particularly the recommendation which called for the establishment of an extraordinary tribunal and domestic criminal court to prosecute close to 200 individuals – some of whom were in power at the time – for gross human rights violations and egregious domestic crimes.<sup>26</sup> Unsurprisingly, this hit a central nerve with the political establishment. This recommendation underscored the reality of the country's post-CPA political dispensation by drawing renewed attention to the fact that the TRC itself was defined within the context of a peace agreement between those seeking direct criminal prosecutions and those attempting to dodge accountability – some of whom became political office-bearers in the post-CPA period.<sup>27</sup> The non-implementation of the report left Liberia with huge potential for either impunity (perpetrators who acknowledged crimes receiving no punishment or amnesty whatsoever) or self-seeking justice (from victims who came to know their victimisers as a result of TRC processes).

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The validity of the report is further called into question when considering the general lack of evidentiary data to support certain claims, the lack of adequate references to substantiate inferences that are drawn, inconsistency between sections, contradictory recommendations, and the lack of any meaningful elaboration on how reparations, in particular, may be provided for victims of the civil conflict.<sup>28</sup> Most significantly, however, have been the challenges stemming from litigation surrounding the constitutionality of the report – particularly that the TRC arrived at certain recommendations

‘without respecting the fundamental principles of due process, particularly the presumption of innocence’.<sup>29</sup>

Cumulatively, these challenges and inherent weaknesses have resulted in the report having minimal impact, with inconsequential implementation of recommendations having taken place by mid-2014. Based on the fact that certain political office-bearers remain in power in the face of recommended disbarment and criminal investigation by the country’s then primary state-sanctioned reconciliation mechanism, it could be argued that the report had the paradoxical effect of eroding public confidence in the justice system, and – by extension – faith in the state itself. Considering the 14 years of open civil conflict and general history of exclusive politics and extractive institutional development, there is need to restore the social contract in order to move the country towards reconciliation and long-term peace.<sup>30</sup>

### The policy and practice disjuncture

The reconciliation process in the country highlights a significant disjuncture between policy and practice. Despite the significant work of dedicated civil servants, NGOs and other national and international bodies, progress in the post-CPA period has been largely confined to the development of policies, normative frameworks and prescriptions on paper – at the expense of any considerable practical, state-sanctioned implementation. Notable thematic components of the roadmap – for example, the *Palava* hut process of addressing past wrongs – are largely emerging initiatives, which are currently in their pre-implementation or very early implementation phases where officers are still developing terms of reference, methodologies and setting up procurement processes.

The lack of implementation of reconciliation processes in Liberia underscores the significant challenges faced by post-conflict states in developing and aligning coherent and locally-owned peacebuilding processes to achieve tangible, measurable and manageable progress. In an environment where institutions are devastated, human and financial resources severely limited and political office-bearers divided along pre-war conflict cleavages, it is not surprising (albeit somewhat ironic) that effective reconciliation – which is what is most needed to achieve sustainable peace and development – remains one of the most difficult, if not elusive, aims to achieve. This illustrates the fact that in such post-conflict environments, competing priorities may often

marginalise critical peacebuilding processes if not carefully designed with respect to a host of local dynamics, and articulated in a manner that fully captures its inherent, long-term value.

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### Recommendations: The way forward for the reconciliation roadmap

This PPB recommends three key processes that the roadmap should utilise to close the gap between reconciliation in policy and practice. These recommendations are aimed at Liberian stakeholders and external actors involved in the country’s process, especially those who are directly implementing the roadmap.

#### ***Ensure a critical mass of public support and political buy-in for the reconciliation process***

The roadmap should, from the outset, seek to ensure a critical mass of public support and political buy-in for all phases of implementation, and strategically leverage this to achieve tangible progress on the ground. Further, comparative analysis is warranted to ensure that the roll-out – and ultimate impact – of the roadmap is not hindered by challenges similar to those faced by the TRC in the aftermath of its report.

#### ***Strengthen legitimacy and validity of structures and initiatives***

The roadmap should also bolster the legitimacy and validity of structures and initiatives that fall within its mandate if it is to achieve meaningful, long-term national reconciliation. This approach may encounter short-term opposition by a few, but be supported by the state at large. The roadmap should pay attention to the operational difficulties encountered by the TRC, with specific reference to the development of concise, clear and realistic workplans and budgets. These should be coherently

compartmentalised according to the roadmap's thematic components and integrated into a broader, manageable and accountable structure which underscores that, cumulatively, each initiative within the roadmap is more than just a sum of its parts. This is a particularly important exercise given the extensive scope of the proposed 18-year national reconciliation programme.

### ***Prioritise coherence and coordination throughout programme design***

It must be remembered that the roadmap primarily serves to enhance coherence and coordination among the country's peacebuilding and reconciliation actors, institutions, mechanisms and structures. Coherent, manageable and realistic programme design which can be qualified is of utmost importance if the roadmap is to achieve its primary mandate and not add to the fundamental challenges it seeks to address. The roadmap differs significantly from the work of the TRC in terms of the basic structure and mandate of the two respective initiatives. Nevertheless, lessons may be drawn from the negative ramifications of poor, or otherwise incoherent, programme design of the TRC. Moreover, it must not be forgotten that while the roadmap is illustrative of the country's current phase of state-sanctioned reconciliation, it officially serves as a tool to streamline activities in the country's somewhat uncoordinated peacebuilding sector.

### **Conclusion**

The gap between the theory of reconciliation and its implementation is significant in the Liberian context. Since the signing of the CPA, the country has struggled to deal with the past, and the failure of the TRC report to garner any support has resulted in a stalled reconciliation process. It is within this context that Liberia's reconciliation roadmap must aim to clearly articulate a message of renewed hope in the reconciliation process and the value of reconciliation for the country's population, as well as for strategic regional and international actors. With the impending phasing out of UNMIL,<sup>31</sup> it is vital to have renewed faith in the security and justice apparatuses of the state to alleviate concerns that there could potentially be a security vacuum. The reconciliation roadmap needs to seek critical support and buy-in for its processes from the international community, the government and citizens. It needs to establish coordinating mechanisms between peacebuilding actors in the country, and create a long-term plan for sustainable peace in Liberia. Key to this is ensuring that the country is able to attract foreign direct investment

to support and enhance development. Achieving reconciliation in a post-conflict country is no easy task. However, acknowledging concerns, dealing with issues of the past and allowing the country to move forward are all crucial to ensuring sustainable peace and development in Liberia, as in any post-conflict country.

### **Endnotes**

- 1 The idea and framework of this PPB came from discussions held during the Liberia Peacebuilding Reconciliation Forum hosted in Monrovia, Liberia between 23 and 25 April 2014, under the auspices of the Ministry of Internal Affairs, office of the Minister of Planning and Economic Affairs, Governance Commission, Independent National Commission on Human Rights, Liberia Peace Initiative and National Civil Society Council of Liberia, with support from the African Centre for the Constructive Resolution of Disputes (ACCORD).
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- 3 This denotes the full period from the beginning of the country's first civil war to the end of its second.
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- 5 United Nations Security Council. 2003. Resolution 1497 (2003), S/RES1497, 1 August. *Coalition for the International Criminal Court*. Available from: <<http://www.iccnw.org/documents/SCRes1497.pdf>> [Accessed 17 June 2014].
- 6 Johan Galtung termed 'negative peace', a situation where there is an absence of violence and war, and 'positive peace' as a situation where open conflicts, as well as the threat of conflict is absent; the causes of conflict have been removed from the situation; and there are aims to address the underlying root causes of conflict and create the conditions for a just social order. In Galtung, J. 1985. Twenty-five years of peace research: Ten challenges and some responses', in *Journal of Peace Research*, 22 (2).
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- 11 Ministry of Internal Affairs, Ministry of Planning and Economic Affairs, Governance Commission, Independent National Commission on Human Rights, Liberia Peace Initiative and Civil Society Organisations, supported by United Nations Liberia. 2013. *Towards a reconciled, peaceful and prosperous Liberia, strategic roadmap for national healing, peacebuilding and reconciliation*. Available from: <<http://www.lern.usahidi.com/media/uploads/page/3/Reconciliation%20Roadmap%20Draft%203-W.pdf>> [Accessed 17 June 2014].
- 12 Ibid.

- 13 These stakeholders include the Ministry of Planning and Economic Affairs, Governance Commission, Independent National Commission on Human Rights, Liberia Peace Initiative and relevant civil society organisations.
- 14 Ministry of Internal Affairs, et al. op. cit. p. 2.
- 15 The framework puts forward the following as key components of the country's national reconciliation programme: the *Palava* hut process of addressing past wrongs; memorialisation, reparation, diaspora and reconciliation; political dialogue; conflict prevention and mediation; women's recovery and empowerment; children and youth recovery and empowerment; psycho-social recovery and empowerment of persons with disabilities; inclusive people's history and collective identity; transformative education system; and constitutional law reforms.
- 16 Long. op. cit. p. 4.
- 17 Ministry of Internal Affairs, et al. op. cit. p. 15.
- 18 Ibid. p. 15.
- 19 Ibid. p. 15.
- 20 Lederach. op. cit. pp. 34–35.
- 21 Lederach. op. cit. p. 26.
- 22 James-Allen, P. 2010. *Beyond the truth and reconciliation commission: Transitional justice options in Liberia*. International Centre for Transitional Justice. Available from: <<http://www.ictj.org/sites/default/files/ICTJ-Liberia-Beyond-TRC-2010-English.pdf>> [Accessed 17 June 2014].
- 23 For the findings and determinations of the report, refer to Republic of Liberia. 2008. Truth and Reconciliation Commission Volume 1: Findings and recommendations. *Truth and Reconciliation Commission of Liberia*. Available from: <[http://trcofliberia.org/resources/reports/final/volume-one\\_layout-1.pdf](http://trcofliberia.org/resources/reports/final/volume-one_layout-1.pdf)> [Accessed 17 June 2014].
- 24 James-Allen. op. cit. pp. 7–12.
- 25 Ibid. p. 13.
- 26 Ibid. p. 14–16. See also: Republic of Liberia. No date. *Truth and Reconciliation Commission. Consolidated final report (II)*, pp. 270–272. Available from: <<http://trcofliberia.org/reports/final-report>> [Accessed 17 June 2014].
- 27 Thomas, J. 2003. An analysis of post-Taylor politics. *Review of African Political Economy*, 30 (8), p. 644.
- 28 James-Allen, op. cit. pp. 14–17.
- 29 Ibid. p. 17.
- 30 As noted by Lederach, this has the consequence of effecting a breakdown of centralised authority and, in some instances, state infrastructure. In Lederach. op. cit. p. 13.
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