



Mending Broken Relations after Civil War: The 'Palava Hut' and the Prospects for Lasting Peace in Liberia

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SUMMARY

Nearly three years after the official launch of the National Palava Hut Program by Liberian President Ellen Johnson Sirleaf, this community-based and people-to-people approach to relational justice and reconciliation has yet to be implemented in ongoing peacebuilding processes in Liberia. This policy brief discusses the potentials and challenges of using the Palava Hut as a transitional justice measure, and proceeds to suggest a number of policy-relevant recommendations. Foremost among these recommendations is a call for closer and deeper engagements with Liberia's tribal governors.

Introduction¹

One of the major challenges confronting Liberia today, as it makes the transition from war to lasting peace, is how to overcome fragmentations within society resulting as an outcome of the fourteen-year civil war. If war-induced cleavages between perpetrators and their victims, between 'us' and 'them', are not addressed, it is unlikely that just

relations will be restored, and sustainable peace achieved.² As a result, the Comprehensive Peace Agreement ending the civil war called for a Truth and Reconciliation Commission (TRC) that will provide a forum to "address issues of impunity" and facilitate national reconciliation.³ While the TRC was instrumental in providing critical space for people to render testimonies about what happened during the war, "very little, if any, process of

¹ Funding for this research was provided by the Norwegian Ministry of Foreign Affairs through the Training for Peace in Africa Programme (TfP).

² Mani, Rama, *Beyond Retribution: Seeking Justice in the Shadows of War*, (Cambridge: Polity Press, 2002).

³ Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, Accra, August 18, 2003, Article XIII (1).

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reconciliation actually was carried out by the Commission”⁴, necessitating an alternative channel for reconciliation. This found expression in the final report of the TRC when it recommended the establishment of Palava Hut centres across Liberia with Committees that will serve as forum for justice and reconciliation and help “restore broken relationships at the community and national levels”.⁵ The TRC mandated the Independent National Commission on Human Rights (INCHR) to ensure the implementation of the process.

The salience of the Palava Hut is in evidence when one considers the fact that it is within indigenous frameworks, within the non-state justice framework, that the overwhelming majority of Liberians, particularly those in the countryside, seek and receive justice.⁶ People in communities outside the major cities usually have little recourse to the formal criminal justice system. More fundamentally, many Liberians perceive value in the Palava Hut because it has the restoration of justice and broken relationships or the rebuilding of trust and social cohesion among its core objectives. This notwithstanding, the Palava Hut, at least in the TRC-proposed format, comes with a number of fundamental challenges, suggesting that the National Palava Hut Programme is not likely to proceed along a smooth path.

This policy brief discusses the potential contribution of the Palava Hut process towards reconciliation and the restoration of justice in Liberia. To do so, the paper briefly discusses the Palava Hut and the philosophical assumptions that underpin it, and proceeds to highlight the potentials and challenges of the Palava Hut as a transitional justice measure.

The next section suggests policy-relevant recommendations for navigating the difficulties specified. The data that this policy brief draws on derives from in-depth interviews with 50 Liberian citizens, including justice professionals, academics, survivors and ex-combatants; a focus group with members of a Monrovia-based ‘Atai Shop’ ‘Intellectual’ Centre; and participant observation of a Palava Hut process within the Kissi community in Monrovia.

The Palava Hut and Relational Justice

The ‘palava hut’ is an indigenous reconciliatory and non-adversarial process of justice and conflict transformation used to resolve dispute relating to such issues as divorce, land, theft, and occasionally murder and rape by many ethnic groupings in rural Liberia⁷. Literally speaking, the Palava Hut is a gathering place, usually a *round* thatched hut symbolizing sustained relationship that is the essence of the process. The process derives its legitimacy from a host of indigenous norms and cultural practices and has the greatest viability in rural communities.

Palava Hut gatherings are usually convened and presided over by a respected Elder or a panel of Elders within the community or the town chief, playing a mediatory role. The process is based on consensus in most communities and usually seek for permanent resolution of disputes. The Palava Hut process has many dimensions that may include truth telling and acknowledgement of responsibility by the offender, forgiveness by the victim (and the Elder(s)) – sometimes after the imposition of specific

⁴ Interview with a Liberian Scholar, September, 2015.

⁵ Republic of Liberia, ‘Towards National Reconciliation and Dialogues: The Palava Hut or Peace Forums’, Report of the Truth and Reconciliation Commission, Volume Three, 2009, p. 2.

⁶ Isser, Deborah, Stephen Lubkemann and Saah N’Tow, *Looking for Justice: Liberian Experiences with and Perceptions of Local Justice Options*, Report Published by the United States Institute of Peace, No. 63, 2009;

Lubkemann, Stephen, Deborah Isser, and Peter Chapman, ‘Neither State Nor Custom – Just Naked Power: The Consequences of Ideals-Oriented Rule of Law Policy-Making in Liberia’, *The Journal of Legal Pluralism and Unofficial Law*, no 63, 2011.

⁷ Pajibo, Ezekiel, ‘Traditional Justice Mechanisms: The Liberian Case’, Paper published by International IDEA, 2008; Republic of Liberia, 2009.

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punishment or fines, and reconciliation rituals that may include both the offender and the victim embracing each other or seating at the table to eat from the same plate.⁸ The Palava Hut is also thought of as a concept, and not a specific place. There exist a multitude of real representations of the Palava Hut among the differing ethnic configurations in Liberia.⁹ There is no homogeneous Palava Hut system practiced by all the ethnic groups in Liberian.

Although the Palava Hut may contain some element of punishment, the ultimate aim of punishment under this process is to restore and sustain just and peaceful relations within the community. Thus, the Palava Hut is, before anything else, a relational justice process. The focus on just relationship rests on the understanding that relational disharmonies can threaten community resilience and security by distorting the interlocking web of economic, political and social networks sustaining the community. The salience of the intra-communal relationships means that justice is thought to extend beyond the individual to include the entire community.¹⁰ Or, better still, that justice extends from the community to the individual. Since the individual is considered a part of the community, justice for the community will translate into justice for the individual.

Given the magnitude of atrocities committed during the civil war, and considering the centrality of justice and reconciliation under the Palava Hut, there can be no doubt that the process Hut has relevance for the ongoing transitional processes taking place in Liberia. There exist formidable obstacles at the same time, however.

Palava Hut as a Transitional Justice Measure

Transitional justice, according to the United Nations refers to “the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation”.¹¹ While these processes/mechanisms involve a gamut of prosecutorial and non-judicial measures ranging from trials, truth commissions, indigenous justice mechanisms, reparations, lustration, to memorials,¹² it is criminal prosecution and truth commissions that have tended to occupy the centre stage of most transitional justice initiatives, often to the neglect of indigenous processes. While the pursuit of criminal prosecution in the context of Liberia seems necessary in order to fulfil the demand for accountability, this will be extremely difficult, if not unrealistic as “no court system ... will be able to effectively prosecute the thousands of known perpetrators and alleged perpetrators, not including the unknown thousands whose identities are yet to be determined”.¹³ At the same time, however, granting blanket amnesty can be interpreted as a reward for impunity, which can itself heighten the risk of conflict recurrence.

Therefore, while the TRC process was necessary due to the expectation that it could serve as an avenue for healing the psychological wounds of victims and survivors, not much could be expected by way of reconciliation and relational justice. Among other problems, the nine-member Commission could not reconcile dissension among its members on a number of fundamental points to the extent that two of the Commissioners declined to endorse the final report of the TRC.¹⁴ More fundamentally, TRCs have a

⁸ Pajibo, 2009.

⁹ James-Allen, Paul, Aaron Weah, and Lizzie Goodfriend, ‘Beyond the Truth and Reconciliation Commission: Transitional Justice Options in Liberia’, Paper published by International Centre for Transitional Justice, May 2010; Nabudere, Dani, and Andreas Velthuisen, *Restorative Justice in Africa: From Trans-dimensional Knowledge to a culture of Harmony*, (Pretoria: Africa Institute of South Africa, 2013)

¹⁰ Interview with a Liberian Scholar, September, 2015.

¹¹ United Nation, *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*, New York, March 2010, p. 2.

¹² Waldorf, Lars, ‘Linking DDR and Transitional Justice’ in ANA Patel, Ana, Pablo de Greiff and Lars Waldorf, (Eds), *Disarming the Past: Transitional Justice and Ex-combatants*, (New York: ICTJ, 2009).

¹³ Republic of Liberia, 2009, P.1.

¹⁴ James-Allen, Paul, Aaron Weah, and Lizzie Goodfriend, May, 2010

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number of critical gaps that undermine their effectiveness in terms of delivering the goals of reconciliation, justice and peace.¹⁵ Aside from the charge that TRCs they may be culturally insensitive,¹⁶ they are often geographically removed from the site where reconciliation actually occurs. This limits participation and involvement in the process to just a few, while excluding the majority of survivors - including the submerged and 'inarticulate'. Moreover, as an *ad hoc* process, the impact of TRCs on the restoration of relationships can prove slight and ephemeral.

Potentials of the Palava Hut

The Palava Hut possesses a number of important attributes that enable it to overcome the challenges faced by TRCs, while accruing other benefits. Included among these are the following:

- Unlike the TRC, which is partly formal, the Palava Hut is a home-grown and context-specific mechanism rooted in local norms, values and culture, conducted in a language understood by all, thereby enabling direct and greater participation;
- The Palava Hut is highly decentralized, as it takes place on site within the community where actual reconciliation occurs;
- Palava Hut proceedings are presided over by trusted and respected Elders of integrity from within the community, implying that the process does not only enjoy high degree of legitimacy, but also that “[d]ecisions reached through Palava Hut are binding”¹⁷ and enduring;
- It saves time, it is comparatively cheaper financially, and therefore very accessible;
- Avoiding legal technicalities, the Palava Hut is perceived as less prone to corruption and official manipulation;

- Perceiving justice and peace as two sides of the same coin, the Palava Hut makes possible the concurrent pursuit of both imperatives;
- More importantly, it aims at restoring justice and broken relationships in communities.

Key Challenges to the Palava Hut Process

In spite of these positive attributes, the Palava Hut comes with a number of challenges that may impede its efficacy as a transitional process. Included among them are the following:

- First, the Palava Hut has evolved as a tool for conflict transformation in relational rural communities, and not non-relational urban communities. It is, therefore, not clear how the *National Palava Hut Programme* can be operationalized or implemented in urban non-relational communities such as Monrovia. For instance, the question of who qualifies to preside over Palava Hut forums in urban areas remains unanswered;
- Second, the Palava Hut, in its current form, focuses on humdrum disputes relating, for example, to land, marriage, and petty theft. One can, therefore, not tell with certainty how it can work to redress war-related atrocities;
- Third, the Palava Hut is conceived and practiced in a variety of forms by different ethnic groupings in Liberia - albeit with close similarities. The absence of a homogeneous Palava Hut process makes it difficult to specify definitive remedies (including sanctions and compensations) that are applicable across board. Moreover it is unclear which Palava Hut will apply in cross-ethnic crimes;
- Fourth, the Palava Hut can serve as a source of human rights violation, particularly in

¹⁵ Mani, Rama, 'Rebuilding an Inclusive Political Community After War', Security Dialogue vol. 36, no. 4, December 2005.

¹⁶ Waldorf, 2009.

¹⁷ Republic of Liberia, 2009, p. 2.

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communities where trial by ordeal is still practised; and

- Fifth, the Palava Hut is rather patriarchal in nature, as it is male dominated and usually excludes the voices of women and the youth.

Conclusion

The TRC of Liberia in its final report specified the names of, at least, 7600 persons, mostly ex-combatants, who were to avail themselves to the National Palava Hut programme in order to help restore justice and broken relationships in post-war Liberia. In October 2013, President Sirleaf Johson of Liberia formally launched the Palava Hut to set the process in motion. Since then, however, not much has been accomplished in terms of actual implementation. Although the Palava Hut has the potential to function as a useful mechanism of transitional justice, it has a number of critical challenges as highlighted above.

Recommendations: Going Forward

The following recommendations, deriving from the responses provided by interviewees to specific questions relating to the issues highlighted above, are suggested as potential starting point in going forward:

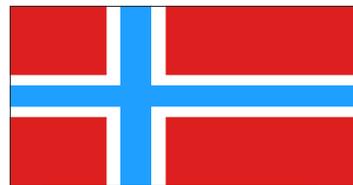
- To operationalize the Palava Hut in non-relational urban communities, the tribal Governor courts existing in cities like Monrovia could serve as structures around which the National Palava Hut can be built. Most tribal governors based in urban communities convene Palava Hut forums. These can serve as important platforms for dialogue by bringing together war-affected persons and groups to interacted and iron out their differences. These courts enjoy high levels of social legitimacy and serve as the starting point for the National Palava Hut Programme, particularly if their services are complemented by the expertise of psychologists, sociologist or anthropologist
- serving as facilitators. This, however, demands a Tribal Governors system that is free of political manipulation;
- With regards to the potential use of the Palava Hut as a transitional justice mechanism, as a channel for addressing war-related crimes, the Palava Hut and the criminal justice system should be coupled in a way that enable them to complement each other – by channelling such crimes as rape and murder to the formal court of law, while lesser crimes are settled through the Palava Hut;
- Regarding inter-ethnic disputes and their resolution in the absence of a homogenous Palava Hut system, the INCHR requires a thorough understanding of the historical connections and procedures for settling disputes among the ethnic groups in Liberia – for instance, although the Kissis and Loma are two separate ethnic groups, they have a long standing historical relationship where a Kissi is seen as the uncle to a Loma, and a Loma, the nephew of a Kissi. These groups have recognized procedures for settling dispute between uncles and nephews in the Palava Hut;
- The INCHR needs to work closely with local authorities, including chiefs, to end aspects of the Palava Hut that run counter to the promotion of fundamental human rights.
- Democratizing decision making around the Palava Hut by incorporating gender perspectives and including the voices of the youth will be critical if the National Palava Hut Programme is to be successful at delivering the goals of reconciliation, justice and peace.

About the Author

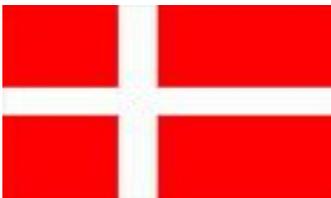
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