

Pragmatism and Mistrust:

The Interaction of Dispute Resolution Mechanisms in Liberia

Janel B. Galvanek

Liberia
Case Study
Report

Executive Summary

This report is part of a wider comparative research project generously funded by the German Foundation for Peace Research and implemented by the Berghof Foundation. With the title *“Peaceful Coexistence? ‘Traditional’ and ‘Non-traditional’ Conflict Resolution Mechanisms”*, the project analyses the patterns of coexistence between ‘traditional’ (indigenous, local, community-based) and ‘non-traditional’ (imported, liberal, state-based, Western) approaches to conflict resolution based on field research in Colombia, Liberia and Northeast India. The main focus of the research project is whether the coexistence of traditional and non-traditional mechanisms of conflict resolution leads to tension and competition between these mechanisms, thereby potentially furthering conflict, or whether the coexistence leads to more (or better) conflict resolution options for the population, thereby promoting conflict settlement processes.

This report addresses findings generated from the Liberia case study that centred on the coexistence between the various conflict resolution systems present in Liberia, which include the traditional system of chiefs and elders, state-based mechanisms such as the formal justice system and the Peacebuilding Office, and various third-party initiatives, including the work of many different NGOs. Field research in Liberia was conducted in September 2015 in both Monrovia and various sites of Bong County. The traditional system of conflict resolution, while having undergone dramatic changes as a result of the war, remains substantially intact and highly legitimate in the eyes of the majority of Liberian citizens, who regularly approach the chiefs and elders in order to have disputes resolved. The formal system, including the courts and the Liberian National Police, while having made significant progress since the end of the war in 2003, nevertheless struggles to establish its legitimacy among the people, as it is considered corrupt, ineffective and much too expensive to be a viable choice for many Liberians. The various third-party actors in Liberia involved in resolving various types of conflicts include community leaders, community-based organizations, national and international NGOs, and autonomous governmental bodies, such as the Land Commission. The initiative and dedication of these third-party actors add to the

complexity of the many options that Liberians have at their disposal to have their conflicts resolved. They have also greatly increased the multiplicity of ways in which the mechanisms coexist and interact with each other and contribute considerably to the interactive dynamic observed between mechanisms.

While Liberia has been at peace for 13 years and is beginning a new phase of its post-conflict journey without the assistance of UN peacekeeping forces, it is nevertheless still experiencing significant conflict, which has the potential to derail the peace if left unattended. It is therefore highly beneficial that the many actors involved in the various mechanisms to resolve conflict understand the danger of leaving conflict unresolved, and acknowledge the importance of working together in order to resolve it. However, much of this cooperation is carried out on an ad-hoc and interpersonal level, having little formal institutionalization. Furthermore, while the coexistence of conflict resolution mechanisms can be characterized first and foremost by pragmatism, in the sense of working efficiently and with the common objective of bringing peace, much of the coexistence is also marked by mistrust, whereby the mechanisms do not trust or do not sufficiently value the work that the others are doing.

Hence, this study comes to the conclusion that the interaction and even cooperation of conflict resolution mechanisms in Liberia is happening on a massive scale, as a simple result of the needs on the ground, yet this cooperation could be significantly improved in order to make it more respectful and therefore more beneficial in the long run for communities and the overall peacebuilding process in the country. This report therefore provides specific recommendations to do so, which include formal institutionalization and documentation; an acceptance of the structures that already exist and the essential work they do for peace; specific suggestions for better collaboration between mechanisms; more support for official mediation and paralegal policies in the country; and increasing the capacity and knowledge of Liberian citizens regarding existing conflict resolution mechanisms.

About the Author

Janel B. Galvanek is a Senior Project Manager at the Berghof Foundation for the project “Building Federalism through Local Government Dialogue in Somalia” which brings together local citizens in the Middle Shabelle region to a series of *Shirarka*, the typical 7-day Somali form of dialogue, to discuss and come up with their own ideas for local governance and reconciliation within a decentralized, federal system. She is also a researcher for the project “Peaceful Coexistence? – ‘Traditional’ and ‘non-traditional’ conflict resolution mechanisms, which analyzes the characteristics and patterns of coexistence between state-based and/or non-traditional conflict resolution mechanisms on one hand and community-based, traditional conflict resolution mechanisms on the other, and examines the effect that such coexistence has on conflict settlement processes and outcomes. In the past, Janel has managed high-level dialogue projects involving the High Peace Council and Ulema Council of Afghanistan. For three years, she researched for the European Union-funded CORE project (Cultures of Governance and Conflict Resolution in Europe and India). Janel has also conducted research on the reintegration of child soldiers in Liberia. Her topics of interest include the interaction between state and non-state actors during conflict, engaging local actors in conflict transformation and the global phenomenon of child soldiers, with a regional focus on sub-Saharan Africa and South Asia. Janel holds a Master’s degree in Peace Research and Security Policy from Hamburg University and an MA in German Studies from Georgetown University in Washington, DC.

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1 Introduction

1.1 Rationale of Research

In many countries worldwide which are experiencing or have experienced violent conflict, extensive peacebuilding interventions are being carried out, very often with significant international support and guidance. Such peacebuilding interventions have often been based on the Western agenda of “liberal peace”,¹ focused primarily on strengthening the rule of law, building democratic governance, supporting civil society, protecting human rights and liberalizing the economy. Indeed, peacebuilding has become accepted as the “most comprehensive label for working towards sustainable and just peace” (Ropers 2013, 2) and is hardly questioned as the way forward for any society which has experienced violent conflict. But while well-intended, the policy agenda of liberal peace, supportive of intervention, is most often conducted in an exclusively top-down manner, funded by the international community and implemented by the political elite of a country. Such interventions have therefore been strongly criticized for being both ineffective and illegitimate in many contexts. In fact, international peacebuilding interventions have largely failed to produce the expected results both in terms of providing security and stability and furthering democratization (Chojnacki and Menzel 2011, Zürcher 2010).

Many of the (post-)conflict societies receiving these peacebuilding interventions are organized traditionally, according to clans, tribes or ethnicities, which have “their own conflict resolution mechanisms through which they manage and resolve conflict, maintain harmony within society, and establish and maintain security for their population” (Galvanek and Planta 2015, 2). This fact, coupled with the apparent shortcomings of the peacebuilding agenda, has led researchers and practitioners to look more toward traditional mechanisms as a potential way forward in the field of peacebuilding. While the importance of local actors in peacebuilding has been acknowledged for the last two decades, most apparent in the concept of “local ownership” (see Reich 2006, 5-6), the (mostly) successful Gacaca genocide tribunals in Rwanda proved to be a particular catalyst for the burgeoning interest in traditional systems within the framework of conflict resolution, justice and reconciliation. We are now witnessing a “renaissance of interest in indigenous, customary and traditional approaches to dispute resolution and reconciliation” (Mac Ginty and Richmond 2013, 777) which has resulted in a “rich scholarship embracing the use of traditional and alternative dispute resolution mechanisms in different cultural and religious contexts”, particularly in Sub-Saharan Africa and South-East Asia (Horne 2014, 19).

Within this scholarship, the understanding with regard to traditional justice is that such systems are more legitimate and participatory, and “therefore better at promoting reconciliation and development than programmes designed and administered by external actors” (ibid., 18). Yet there are inherent problems in simply assuming that traditional systems are “better” than the other alternatives. First, many traditional justice and conflict resolution systems are historically exclusive, sidelining the voices of women, youth and religious and ethnic minorities. Moreover, such systems are not homogeneous, even if they tend to be lumped together, regardless of location, structure or function. On the contrary, regional, cultural, structural and functional differences exist among traditional systems, thereby making the

¹ The theory of liberal peace is both based upon and reflected in the various international peacebuilding and statebuilding interventions that have been carried out throughout the last two decades in conflict, post-conflict and fragile states. These interventions focus primarily on supporting 5 themes: democratization, the rule of law, the liberalization of the market, human rights protection and civil society, although the statebuilding initiatives often overshadow the peacebuilding initiatives in terms of funding provided. For more information on the theory of liberal peace and criticisms thereof, please see Chandler 2010, Mac Ginty 2008, Paris 2004 or Mac Ginty 2011.

landscape of traditional approaches to justice and conflict resolution immensely complex and diverse. Furthermore, tradition is not a static concept, and traditional systems change and adapt over generations, particularly in the face of external influence and modernization. In many contexts traditional approaches to resolving conflict have been taken by external actors – either the state or international actors – and placed into the framework of Western concepts, becoming “‘conquered’ and usurped in the process”, which can change their inherent character (Boege 2011, 434) and can lead to them becoming “instruments of propagating state ideology” (Mutisi and Sansculotte-Greenidge 2012, 9). Therefore, it is essential that researchers and practitioners investigating traditional systems avoid both speaking of “traditional” as one fixed concept and romanticizing these traditional approaches by assuming that they are inherently better than non-traditional approaches.

The Berghof Foundation project entitled “Peaceful Coexistence? – ‘Traditional’ and ‘non-traditional’ conflict resolution mechanisms” goes beyond the analysis of traditional approaches to conflict resolution *individually*, and instead examines the coexistence of these mechanisms with non-traditional forms. Within this project, ‘non-traditional’ forms of conflict resolution refer to various state-based, imported, liberal or Western approaches, including, but not limited to, formal justice systems, non-governmental organization (NGO) initiatives based on liberal, rights-based principles and/or community initiatives that are not linked to any customary system. As each individual context will have its own diverse array of traditional forms of conflict resolution, so will it have a unique mix of non-traditional forms. This project therefore investigates not only the “principles, characteristics, and methods of traditional and non-traditional conflict resolution mechanisms, but also the different patterns of coexistence that exist between the two approaches” (Galvanek and Planta, 2015, 4). The research will analyze how traditional conflict resolution mechanisms coexist and interact with non-traditional mechanisms and what impacts the various forms of coexistence have on the process and outcomes of conflict settlement. The findings of the research will therefore examine the benefits of potential cooperation among mechanisms, while also assessing what impact, if any, this coexistence has on the ongoing peacebuilding processes in the selected cases.

In the framework of this project, ‘coexistence’ is understood as potentially entailing an “entire spectrum of relations, from positive interdependency to mutual deference to antagonism” (ibid., 5). Coexistence does not necessarily indicate cooperation. On the contrary, approaches to conflict resolution could potentially coexist in the same space without any interaction. One of the objectives of this project is to identify what this coexistence looks like in various contexts among various actors and to examine why such coexistence takes the form it does. Forms and patterns of peaceful coexistence may be based on the pragmatic choice of the actors involved, with the actors understanding the benefits of this coexistence, while antagonistic coexistence may be a result of various pressures of one mechanism upon another, for example within some unequal power dynamic. With this in mind, the project addresses three broad research questions:

- 1) How are traditional and non-traditional conflict resolution mechanisms constructed and how do they function in a particular context?
- 2) What forms and patterns of coexistence can be observed between the two approaches?
- 3) What effects do the forms of coexistence have on conflict settlement processes and outcomes?

Examining and understanding these aspects of coexistence between traditional and non-traditional forms of conflict resolution has the potential to bring about insights on how coexistence can best be structured, carried out and sustained in order to promote sustainable peace both in local communities and on the regional and national levels in (post-) conflict countries. Recommendations will be made to both national and international policy makers on how destructive or antagonistic interaction between

mechanisms can be mitigated, impediments can be avoided, and the necessary conditions for peaceful coexistence can be established and sustained.

1.2 Research Methodology

The research conducted for this case study report combines extensive desk research with empirical findings generated through field research carried out by the author herself in Liberia. The desk research phase focused on academic and journalistic literature specifically addressing the history of Liberia, the various aspects of the formal and informal justice systems in the country, past and current land issues and the extensive peacebuilding and statebuilding framework currently in place in the country. More generally, the desk research referenced comparative or similar approaches to and frameworks of traditional conflict resolution mechanisms worldwide, including their functions and limitations, examples of coexistence between traditional and non-traditional forms of governance and conflict resolution and hybrid forms of peacebuilding. Field research in Liberia was conducted for three weeks in September 2015 and was concentrated in Bong County (specifically Jorquelleh, Palala and Suakoko districts) and various urban sites in Monrovia. As the time spent in the field was limited, Bong County was chosen for the research due to both its rural setting and significant level of violence experienced during the war, but also due to its relative proximity to the capital and therefore accessibility. Monrovia was chosen as a location due to the presence of all national and international organizations and ministries, but also due to the relative ease with which a researcher can access urban and slum communities and citizens in order to collect information. Field research methodology included qualitative interviews, focus group discussions (FGD) and participatory observation. Key informant interviews were conducted with:

- ≡ representatives of national and international non-governmental and civil society organizations, particularly those who are involved in mediating civil disputes or working on the topics of legal education and/or customary systems of governance;
- ≡ representatives of the Government of Liberia at the national, county and district level;
- ≡ traditional actors, in particular paramount chiefs in Bong County and representatives in Monrovia of the National Council of Chiefs and Elders;
- ≡ urban community leaders and leaders of community initiatives active in civil dispute resolution.

Focus group discussions were carried out with urban community members (women and youth) in Monrovia and Gbarnga City. In total 37 interviews were carried out with 64 individuals (please see Annex I for a full list of interview partners). Furthermore, several events were attended in the field, including an event hosted by the Governance Commission, which focused on the training of the Liberian National Police and discussed in depth the perceptions that ordinary Liberians have of their national police force.² Furthermore, the weekly call-in radio program on legal education conducted by the Justice and Peace Commission (JPC)³ at Radio Gbarnga was attended and observed. Material data relevant to the research including literature produced by the interview partners, for instance for the documentation of cases, and case intake forms for dispute resolution forums were also gathered during the field research.

² The title of the event was “Security Sector Reform. The United Nations Training of the Liberia National Police: Effectiveness, Results and Future Implications.” The event was held at the Royal Grand Hotel in Sinkor, Monrovia on 3 September 2015.

³ See section 3c for more information about the JPC.



It is important to emphasize that this research focused on the coexistence and interaction of various mechanisms of conflict resolution primarily in civil disputes and petty crime, rather than in serious criminal matters, such as murder, assault or rape. Civil disputes and petty crime include minor theft and robbery; land, property, boundary and inheritance disputes; divorce, marital disputes, domestic violence⁴ and non-payment of child support; disorderly conduct, violations of town ordinances or rules governing secret societies; witchcraft;⁵ etc. This distinction between serious criminal and minor criminal/civil cases was essential to maintain during the field research for this report, as the conflict resolution process and the actors involved in each can be fundamentally different in the Liberian context. The traditional chiefs are expressly forbidden according to state policy to deal with cases of serious crime within their customary courts and are obligated to turn over such cases to the statutory system, even often against the wishes of the chief, the victim and perpetrator, and the community in general.⁶ Therefore, while the coexistence between the different mechanisms in serious criminal cases was expected to be somewhat limited according to policy, the certainly more interesting interaction is that between these various mechanisms for conflict resolution for which there is no such prescribed policy. According to Isser, Lubkemann and N'Tow (2009, 23), “cases may jump from the customary chain into the formal one – and vice versa – at nearly any point”, which implies that there is significant interaction

⁴ It is important here to mention that the great majority of cases involving domestic violence are handled and settled within the community, both urban and rural. For various reasons discussed throughout the report, there is great hesitation to take such cases to the police and the courts.

⁵ In Liberia the crime of witchcraft is taken very seriously among the population, but such cases are not handled by the formal justice system.

⁶ For a detailed and illuminating account of Liberians’ perceptions of this jurisdictional limitation, please see Deborah H. Isser, Stephen C. Lubkemann and Saah N'Tow, *Looking for Justice: Liberian Experiences with and Perceptions of Local Justice Options*, United States Institute of Peace, Washington, D.C., 2009, pp. 53-55 and 65-71.

– and with it a range of different characteristics – between the traditional and non-traditional approaches to handling such conflict.

1.3 Case Study Selection: Liberia

Liberia can be characterized as a country in which a “multiplicity of belief and thought systems” – including indigenous and Western values – coexist and intermingle (Olukoju 2006, 23, 109). This is a rather quaint and superficial perspective of the intermingling of settler and indigenous peoples that was at first strictly prohibited, then later oppressively regulated, and in the last half of the twentieth century transformed into a type of patronizing co-optation, with the elites adapting elements of indigenous culture to suit their purposes.⁷ Yet since the founding of Liberia, the traditional system, including its governance structures and value system, has survived a century and a half of domination, a brutal military dictatorship and 14 years of violent conflict. It has been fundamentally altered and irreversibly changed, but the traditional societies and actors nevertheless retain considerable influence and power among the citizenry, particularly in rural communities in Liberia. It was this troubled relationship between the indigenous peoples of the country and the government – ruled by the elite descendants of settlers – that essentially set the parameters for the dictatorship and war, and it is this relationship between the indigenous and the elite that continues to be controversial today.⁸ With this in mind, this investigation will look specifically at the conflict resolution mechanisms that are still in place within these traditional societies and how they coexist with the government and other non-traditional forms of conflict resolution.

As a post-conflict country, Liberia has been the recipient of long-running and extensive international peace-support and development assistance. United Nations (UN) peacekeeping troops remain active in Liberia through the United Nations Mission to Liberia (UNMIL), although undergoing significant downsizing, and there are profoundly divergent views about the potential of Liberia falling back into conflict when UNMIL forces leave the country. While some feel that a relapse of conflict is unthinkable and have faith that the country can stand on its own two feet, still others point to the extreme levels of poverty and lack of governmental accountability, which are both breeding grounds for violent conflict. Therefore, it is of great interest to examine how the coexistence of traditional and non-traditional conflict resolution mechanisms affects and influences the overall peacebuilding and reconciliation process in Liberia, almost 13 years after the war came to an end, and whether this coexistence is conducive to foster sustainable peace. Although many of the conflict cases or points of interaction between the various mechanisms under examination may not have anything to do with the meta-conflict, those same mechanisms, and most importantly the positive forms of coexistence that exist between them, could potentially be useful and beneficial when addressing larger-scale conflicts on the regional or national level. Autesserre (2010, 9-13) argues that the settlement of disputes at a local level ultimately supports the larger national peace agenda, because settling them at the local level prevents their escalation into national level conflicts. Such an examination could therefore be crucial to ensuring that Liberians at all

⁷ For instance, President Tolbert (1971-1980) often used the Kpelle language during public functions, which empowered indigenous citizens to embrace their culture (Dolo 2007, 22). Nevertheless, the same president made little substantial progress in addressing the political and economic disparity between the elites in Monrovia and the great majority of indigenous citizens, who make up over 95% of the population.

⁸ Dolo (2007, 11-12) argues that the indigenous-settler dichotomy is now outmoded due to the increased interethnic and demographic shifts. Settler descendants no longer have a “monopoly over the modernizing cultural patterns that they used previously as sources of their condescension towards indigenous people”. Nevertheless, the gap that was created by the settlers still exists today, even if it is now more of a gap simply between the “haves” and the “have nots”, and the descendants of the settlers are certainly part of the “haves”.

levels have the tools and capacity to resolve conflict where it first develops, rather than watching helplessly as it spirals out of control.

2 Setting the Scene: The Liberian Conflict Context

2.1 A History of Autocracy and Oppression

The history of Liberia is unique on the African continent – a history in which, according to Emmanuel T. Dolo, “ethnic bigotry is deeply rooted” (Dolo 2007, 3). Settled by freed former slaves from the United States in 1821, the land on which they settled was obtained by the American Colonization Society⁹ from the indigenous inhabitants through a “blend of bribery, deception and coercion” (Berkeley 2001, 29). The Liberian Republic was officially founded in 1847, making it Africa’s oldest republic – the only African state never to be colonized by the European powers. Surrounded by French and British colonies, the country managed to retain its independence throughout the remaining century of colonialism. However, in order to keep these colonial powers at bay, the Americo-Liberian settlers imposed a form of indirect rule over the indigenous population which greatly resembled colonialism itself (Ellis 2006, 42). Akpan (1973, 227, 232) argues that this “black imperialism” bore striking similarities to the methods used by the British and French in their African colonies and was “similarly imbued with feelings of cultural superiority over ... African subjects”.

The question of whether to subordinate and control the indigenous population, similar to the actions of the colonialist powers, or to develop an inclusive nation-state by extending citizenship to the indigenous communities, was indeed a question with which the Americo-Liberian settlers grappled for half a century. By the turn of the 20th century, the former option had gained ground, and by the 1920s, an administrative bureaucracy and a military force, the Liberian Frontier Force, had been established, both under the direct authority of the president, to control the indigenous communities within a centralized state (Sawyer 2005, 14). Thus practically from the very beginning of the republic up until a military coup overthrew the Americo-Liberian government in 1980, the indigenous population suffered from marginalization, oppression and severe exploitation, while the settlers monopolized political power and practically all opportunities for higher education. Dolo (2007, 5-6) argues that such a “separatist strategy”, in which the settlers positioned their culture and language as superior to the indigenous culture, while building the necessary social, cultural and economic structures to oppress and marginalize the indigenous population, set the two groups in permanent opposition to each other.

The long years of the Tubman administration (1944-1971) brought with them a mild improvement in policy reform in terms of suffrage and educational opportunities for indigenous peoples (Dolo 2007, 23). However, Tubman also created his own personal cult surrounding the presidency, by doling out money to establish a patronage system based on loyalty and the manipulation and co-optation of tribal chiefs. He established a fearful security network, abolished presidential term limits, and further increased the graft and repression by appropriating public funds (Sawyer 2005, 16; Berkeley 2001, 29-30). Although Tubman’s successor, William R. Tolbert, presided over a liberalization of civil liberties and generally created an environment that was more conducive to allowing indigenous peoples to voice their

⁹ The ACS was an organization made up mostly of white Americans with different motives – some philanthropic, but also some who sought a “mechanism for ridding the United States of slavery’s progeny” (Berkeley 2001, 28). The agent of the ACS became the authority in the coastal settlements of Liberia and the ACS board of managers was the source of laws until the settlers declared independence as a unitary sovereign state in 1847 (Sawyer 2005, 11-13).

grievances, it could be argued that the century-old systematic and structural oppression could not be dismantled through half-hearted policy reform. The necessary institutional mechanisms for citizens to resolve their grievances simply did not exist (Dolo 2007, 24), and any liberalizations that Tolbert undertook “merely heightened expectations that could not be satisfied” (Berkeley 2001, 30). The president thus tried in vain to control the ever-increasing voices of discontent – not just from indigenous communities, but also from the new generation of educated elite (Meredith 2006, 547) – but was killed in a coup d’état on April 12, 1980, thus ending Americo-Liberian domination. For the next 10 years, the country would be brutally ruled by Samuel Doe, an indigenous Liberian of ethnic Krahn origin from south-eastern Liberia.

Initially hailed as an opportunity for the indigenous Liberians to finally put an end to their oppression, with Doe promising to halt the domination of the elite over the indigenous and to distribute the nation’s wealth more equitably (Baughan 2008, 29; Berkeley 2001, 31), Doe and the members of his People’s Redemption Council (PRC) were “too anxious to wear the shoes of their predecessors, whom they criticized for actions that they would later become culprits to” (Dolo 2007, 7). Doe’s 10-year rule, specifically after the blatantly-rigged presidential elections in 1985 and the subsequent failed coup attempt to dislodge him from power, was marked by gross human rights abuses, the intimidation of academia, the growing power of a brutal military regime, increasing ethnic hegemony which favored Doe’s Krahn ethnic group, and the increasing ethnic bigotry and violence between the Krahn and the Mano and Gio ethnic groups of Nimba County.¹⁰ As the years went on, with no alternative vision for how the country should be ordered subsequent to the Americo-Liberian hegemony (Sawyer 2005, 18), the Doe government became increasingly corrupt and the Krahn-dominated military increasingly brutal. Furthermore, like many other African countries at the time, Liberia benefited from Cold War politics, in the sense of gaining economic resources and political protection in the framework of the super powers’ rivalry. Doe’s regime received \$500 million in economic and military aid from the United States during its first five years in power alone, in return for being a staunch American ally (Berkeley 2001, 65, 76). Such Cold War alliances were cultivated by the USA with no regard for the legitimacy of the regime in question, nor with any concern for the human rights abuses being carried out. However, the end of the Cold War, whose fallout effects were felt all over the African continent, brought a drastic shift in aid distribution for the Doe regime.¹¹ It was into these conditions of dictatorship, lawlessness and complete lack of accountability that Charles Taylor launched his revolt in 1989.

10 This ethnic violence between the Krahn on one side and the Mano and Gio on the other was more or less a direct result of the failed coup attempt in November 1985 by Thomas G. Quiwonkpa, the commanding general of the Armed Forces of Liberia (AFL), whose supporters came from the Gio and Mano ethnic groups from the border region of Nimba County. After the failed attempt in which hundreds of Mano and Gio were killed, Gio and Mano civilians in Nimba become targets for reprisals and revenge killings on a massive scale (Dolo 2007, 41-44; Berkeley 2001, 34-35). Thus began an ethnic conflict which would have violent repercussions throughout the 14 years of civil war. It is argued (Dolo 2007, 8; Berkeley 2001, 36; Shilue 2012) that the violent animosities between these ethnic groups were a consequence of the Doe regime and had not existed prior to Doe coming to power in 1980. While Dolo admits that it is unclear whether any latent tension existed between the groups because all 16 tribes of Liberia had a common rival until 1980 in the Americo-Liberians, Berkeley goes further to say that the tribes intermarried, traded and lived peacefully with each other.

11 Without protection from its traditional ally, the Liberian government struggled in early 1990 and was forced to seek assistance from the international financial institutions. However, unlike during the Cold war era, when aid was given to allies without any conditionality, the World Bank & IMF imposed economic conditions on their support in the form of a Structural Adjustment Policy (SAP), whose implementation and conditions ignited social, political and economic tension. For example, the devaluation of the national currency and simultaneously removing price controls led to a hike in prices, which dramatically increased poverty and led to frequent riots. Thus, Doe’s lack of foreign support left him with no option but an SAP rescue package, which effectively undermined his administration even further and gave Taylor and others more leverage to topple his government (Email correspondence with Jimmy Shilue, June 2106).

2.2 Civil War, 1989-2003

Taylor proved to be the ultimate master of exploiting ethnic animosity for personal and political gain, while ingeniously playing all stakeholders off of each other. With his small group of Libyan-trained rebels, the National Patriotic Front of Liberia (NPFL) launched its rebellion in Nimba County in December 1989 which spread rapidly throughout the country during the next half year. Young men, mostly from the Gio and Mano ethnic groups, joined Taylor's ranks in droves, hungry for revenge for the atrocities committed against them by the Doe regime (Berkeley 2001, 49). The young rebels of the NPFL quickly proved to be undisciplined, lawless and brutal. They thrived in the environment of anarchy and violence that Taylor encouraged, terrorizing the population and committing atrocities on a massive scale. A gang-style ideology was perpetuated from the very start, and in the absence of any proper ideology for the conflict, it was this gang mentality which gave cohesion to the group and established loyalty to its leader (Sawyer 2005, 25).

When the fighting eventually reached Monrovia, President Doe was captured, brutally tortured and killed in September 1990, his body paraded through the streets of the city. As the international community showed little interest in trying to stem the flow of violence in the country, the Economic Community of West African States (ECOWAS) chose to act and sent a peacekeeping force, the Economic Community of West African States Cease-fire Monitoring Group (ECOMOG) to defend the city and its new interim government against the NPFL. Taylor refused to play any role in the interim government and attacked the ECOMOG positions, drawing the peacekeeping force into the war as another faction (Meredith 2006, 560-561). This ultimately led to a situation in which Monrovia was controlled by ECOMOG, and the rest of Liberia, referred to as "Greater Liberia," was controlled by the NPFL.¹² Greater Liberia essentially became Taylor's personal fief, infamously exploited for its natural resources and allowing a base from which he could finance and steer the Revolutionary United Front (RUF) rebel group in Sierra Leone, successfully exporting Liberia's conflict abroad. As the war continued, it became a brutal competition among many different armed factions, none of which "articulated any clear ideological reasons for waging the war" or offered any coherent strategy to address Liberia's myriad problems or to relieve the suffering of the civilian population (Shilue and Fagen 2014, 9). Eventually the 1996 Abuja peace agreement – the fourteenth negotiated peace accord and the first which Taylor abided by – cleared the way for presidential elections. In July 1997 Taylor won a decisive victory, making it clear prior to the vote that if he were not elected to the presidency, he would resume the war. The Liberians opted to trade liberty for peace (Meredith 2006, 568; Sawyer 2005, 40).

Taylor's years as Liberia's president were marked by human rights abuses, widespread corruption, arm-smuggling, support for the savage RUF rebels in Sierra Leone and essentially by Taylor exploiting the country's resources and citizens. Although elected democratically, he became an international pariah, with the international community imposing both an arms embargo and trade sanctions on Liberia. Fighting flared up again three years later, with armed groups challenging Taylor's autocratic and violent rule. By 2003, Taylor had lost control over much of the country and had been publically indicted by the United Nations Special Court in Sierra Leone for war crimes, including the use of child soldiers. To the surprise of most Liberians and the international community, Taylor resigned as president and left Liberia in August, leaving the country in the hands of a transitional government of national unity, which

¹² It is important here to mention that "Greater Liberia" was ruled with such arbitrary brutality that the majority of the population felt it was best to leave. Sawyer (2005, 25) reports that by 1992, 40% of the population had sought refuge in the capital, 30% were living in refugee camps in neighboring countries, and only 30% remained in the towns and villages of Liberia. Moreover, in an opinion survey carried out by the International Committee of the Red Cross (ICRC) in 2009, 90% of those interviewed reported having been forced to leave their homes and live elsewhere during the conflict (ICRC 2009, 20).

would govern the country for two years and prepare for national elections in 2005. The United Nations Mission in Liberia (UNMIL) officially began on 1 October 2003.

2.3 The Way Forward and its Challenges

Since 2003, progress has clearly been made in Liberia, specifically in terms of establishing the rule of law and improving basic security for citizens. There are no armed actors active in the country, and with the exception of Cote d'Ivoire for a brief period in 2010-2011, all neighboring countries are peaceful and do not pose any security threats in terms of a spill-over of violence. Liberia has held two democratic presidential elections, in 2005 – the “first truly legitimate and relatively fair elections in national history” (Shilue and Fagen 2014, 19) – and in 2011, both of which were won by Ellen Johnson-Sirleaf, as well as elections for the Senate in 2014. Despite some minor election violence and the controversial boycott of the presidential run-off candidate in 2011, international observers declared the elections to be peaceful and transparent. Furthermore, the country has a free and lively press and in spite of the challenges of corruption and ineffective governance, the government allows freedom of expression, which encourages citizens to openly voice their grievances and dissatisfaction (Interview: Monrovia, 17.9.15). In terms of development indicators, the country has made some incremental progress on factors such as child mortality rates and Gross National Income (GNI) per capita. But much of the improvement in various socio-economic factors is far too little for the majority of the population to appreciate.¹³ According to the United National Development Programme (UNDP), Liberia's human development index value for 2014 is 0.430, which places the country into the “low human development category” and positions Liberia at 177 out of 188 countries and territories (UNDP 2015, 2). While the country may be at peace, for which Liberians are hugely thankful, the peace hasn't translated into tangible progress on a daily basis for the majority of Liberians. The Ebola epidemic in 2014-2015 took a devastating toll on the country's developmental progress, with the complete closure of schools and what amounted to an economic standstill during the months-long state of emergency.

Today, the country is Ebola-free and is looking ahead to the near-complete withdraw of the UNMIL peacekeeping forces in June 2016, which have been in the drawdown process for many years.¹⁴ However, significant concerns are being voiced regarding the readiness of the security forces to take over, particularly in light of their incomplete reform, high levels of mistrust among the population, and the low level of security personnel presence throughout the country.¹⁵ Such reservations were also voiced during interviews, particularly among urban citizens. Nevertheless, in spite of these concerns, there also seems to be a strong determination to handle the security situation on their own, as everyone now recognizes that UNMIL will indeed be leaving.

One of the major reforms currently taking place in Liberia is the ongoing decentralization process, which is proving to be complex and controversial. While there is little disagreement on the fact that

¹³ The child mortality rate, under-5 (per 1,000) decreased from 115.7 in 2006 to 72.9 in 2014, while the GNI per capita (Atlas method) increased from \$130 in 2006 to \$370 in 2014. Life expectancy also increased from 56.1 in 2006 to 60.8 in 2014, but the primary school completion rate actually decreased from 64.7% in 2006 to 58.8% in 2014. All figures taken from the World Bank, available at: <http://databank.worldbank.org/data/reports.aspx?source=2&country=LBR&series=&period=>

¹⁴ See Michael J.M. Keating, “UN Leaving Liberia: What's Next?”, World Policy Blog, September 27, 2013. Available at: <http://www.worldpolicy.org/blog/2013/09/27/un-leaving-liberia-whats-next>

¹⁵ See, for instance, “Liberia's U.S.\$104 Million Transition Plan for Life After Unmil” on AllAfrica, 10 April 2015, available here: <http://allafrica.com/stories/201504101015.html> or ZIF kompakt, Die UN-Mission in Liberia: Post-Konflikt und Post Ebola, 20 May 2015, Zentrum für Internationale Friedenseinsätze, available at: http://www.zif-berlin.org/fileadmin/uploads/analyse/dokumente/veroeffentlichungen/ZIF_kompakt_2015_UN_Mission_Liberia_Post-Konflikt_Post-Ebola.pdf

decentralization is sorely needed, there is a lack of political will and significant foot-dragging when it comes to implementing such decentralization. Nyei (2015, 49) argues that there was “consensus among politicians, civil society activists and Liberia’s development partners that long-term peace and stability depended on the reorganization of state institutions for effective and efficient service delivery, the reform of obsolete laws that do not address contemporary issues, and the adoption of a system of participatory governance through decentralisation and the empowerment of local self-governance institutions.” But in order to carry out such decentralization, which would reduce the powers of the central government, constitutional reform is needed, and it is this reform process which has been stalled in recent years. Although a Constitutional Reform Committee (CRC) was appointed by the president in 2012 and various public consultations were organized, the CRC has been criticized for not generating the kind of participation needed to sustain such a constitutional reform process, not providing enough information to the participants about the key issues in order to have an informed discussion, and not keeping the public properly informed about the process (ibid., 50-52).

Furthermore, the complex design of the decentralized state needs to be decided upon before it can be implemented – a design that stipulates what tasks the central government and the county governments will take on, and what the role of the traditional leaders will play within the decentralized state structure, particularly in terms of service delivery. This design has yet to be agreed upon (Interview: Monrovia, 3.9.15). And once the design has been decided, there is still the challenge of overcoming bureaucratic resistance to the process. There are those in the government who do not want to relinquish control and, according to some interviewees, do not want to see the issue of decentralization a success. So while there is no open political contestation about decentralization, there is clearly a lack of political will to institutionalize and enforce it (Interviews: Monrovia, 3.9.15 and 15.9.15). One can see this discord for instance in the limited progress of the government on decentralization. On the one hand, significant steps have been taken, such as a large citizen survey carried out by the Governance Commission to investigate the demand side of decentralization and to see which services matter to the people (Interview: Monrovia, 3.9.15) or the construction of youth centers under the Ministry of Youth and Sports throughout Liberia as part of the government’s decentralization platform (Interview: Gbarnga, 11.9.15). On the other hand, however, one sees the lack of interest that many government actors have in practicing a system of decentralized and participatory governance. For instance, one interviewee was puzzled as to why county and local government actors haven’t taken any steps toward practicing decentralization in order to “prepare the citizens for the bigger day when it is announced”, so that it “won’t be seen as a strange thing”. One example he gave was the event of the so-called “county sitting” during which delegates from each district are invited to the county headquarters in order to discuss the development plans for the county. In his experience, the sitting is far from a participatory discussion (as it should ideally be), but rather decisions have already been made by the county authorities and are simply read out to the delegates present:

“So the county sitting isn’t about making decisions, it is about them going to sit and listening to what the lawmakers and the county administration have decided to do in the county.” (Interview: Gbarnga, 10.9.15)

As we will see from this report, the concept and process of decentralization is highly relevant to the coexistence of the different mechanisms for conflict resolution that are present and active in Liberia. While the resolution of disputes is to a great extent already “decentralized” in the country (illustrated below), decentralization is, according to central government actors, first and foremost about “service delivery to the rural citizens” in order to find a durable solution to the conflict, which was rooted in poverty and exclusion (Interview: Monrovia, 16.9.15). But designing this decentralized state requires making decisions on the role that community and customary leaders will play in this system and directly

relates to the settler/urban-indigenous/rural divide that has plagued the country since its very beginnings. Unruh (2007, 82) argues that “recognizing and cooperating with customary law offers the advantage of obtaining a free good by [the Government of Liberia] – administrative capacity and function located pervasively in rural Liberia at no cost to the state”, yet the willingness of the central government to cede power and authority remains questionable. This recognition of opportunity combined with mistrust is evident in the perceptions of chiefs on decentralization: while they have high hopes for the process, they are greatly concerned about how it will exactly be designed and implemented (Interview: Gbarnga, 10.9.15).¹⁶

3 Mechanisms and Actors in Dispute Resolution Processes

The designations of “traditional” and “non-traditional” being used within this project to describe mechanisms of conflict resolution proved to be somewhat insufficient when applied to the context of Liberia in terms of choices that citizens have to resolve their conflicts. On the one hand, the customary system of conflict resolution and governance, encompassing primarily the hierarchy of chiefs (i.e. town chief, clan chief, paramount chief) as well as community elders fits quite neatly into the designation of ‘traditional’, which the project has identified as having the following characteristics:

- ≡ Considerable longevity
- ≡ Locally inspired
- ≡ Historical evolution within a society
- ≡ Custom-based/informal & process-oriented
- ≡ Non-state or pre-state: not enshrined in/controlled by state-procedures or preceding state establishment (Galvanek and Planta, 15)

On the other hand, the term ‘non-traditional’ encompasses a vast range of disparate initiatives. As the term ‘non-traditional’ was indeed intended in the framework of the project to comprise all mechanisms deemed modern, liberal, law-based, state-based, imported, exogenous, and/or internationally-sponsored/funded, it was to be expected that these mechanisms would encompass many options, certainly more than what is offered solely by the state. That being said, the sheer number of ‘non-traditional’ mechanisms that are active in Liberia in resolving disputes, including state-based institutions such as the formal justice system and the Peacebuilding Office at the Ministry of Internal Affairs, but also numerous NGO and community-based initiatives, demonstrates that the depth and breadth of such activities cannot realistically be captured in the simple term ‘non-traditional’. The description and analysis of these non-traditional mechanisms will therefore attempt to reflect their diversity.

But the fact that there are so many actors and institutions involved in dispute resolution doesn’t necessarily translate into Liberian citizens having, at any given time, a plethora of options to choose from whenever they have a dispute to resolve. Although this does apply in certain cases, in other cases it doesn’t. The reasons behind this are complex and various, including geographical and demographic factors such as where a community is located (too rural to access a police station or too urban to have a trusted chief) or the income and/or education level of the parties involved. It is also greatly influenced by

¹⁶ For more information about decentralization, please see the paragraph on the Local Government Act in this report’s section on the traditional justice system.

the level of trust and confidence that Liberians may have with the different mechanisms, which, as we will see, can be very low. But it is often at times also influenced by the type of coexistence (for instance, cooperation or lack thereof) between the mechanisms that would conceivably be available to them. This is one of the main elements that this research project was expected to uncover and this report will first of all shed light on the various options for dispute resolution that are potentially available and then examine what the interaction between these mechanisms actually means for communities.

3.1 The Traditional Justice System

Liberia's dual system of justice has its origins in the early years of the country during which a system of indirect rule turned tribal leaders into chiefs and established a system of indigenous courts in the interior. This system effectively turned indigenous leaders into instruments of the state, but also allowed the indigenous communities to keep their customs and laws (Lubkemann et. al. 2011, 200). The customary system was further specified by the Hinterland Regulations¹⁷ from 1948 that laid out the structure and responsibilities of the provincial, district and tribal government. Various rules of administration are outlined in the regulations, including election procedures, the specific duties of paramount, clan and town chiefs, and the exact commission that the chiefs receive, as well as the jurisdiction of the tribal courts and laws on procedures and punishments. Lubkemann et. al. refer to the Hinterland Regulations as an "archaic blueprint for nineteenth-century colonial-style rule" which institutionalized a state-sponsored traditional justice system – different than both the formal statutory system and the original system in use by the indigenous population (ibid., 200-201). There is a considerable amount of confusion about whether the Hinterland Regulations still apply today in Liberia. It continues to be one of the most referenced sources of customary law in Liberia, although it was effectively repealed by the Aboriginal Law in 1956 (UNMIL 2011, 17). Nevertheless, Charles Taylor's government found reason to revise the Hinterland Regulations in 2000, although Lubkemann et. al. (2011, 200) argue that the 2000 revision changed objectively nothing from the original 1948 version, and the customary court system established by the Regulations is identical to that in the Aboriginal Law.¹⁸

The customary system of conflict resolution that was indigenous to Liberia before the founding of the country has been instrumentalized and co-opted by the government to such an extent over the years that it may be impossible to know today how the original system functioned. This already adapted version of the system was then detrimentally affected by the war, not only due to massive population displacement and the death of many chiefs during the war, but also because the Taylor regime dissolved the entire chief system and installed its own (usually young and armed) "chiefs". The system has since been partly 'rebuilt', but many new chiefs have been brought in who don't have much experience in chieftaincy. In part, this had led to the chiefs not being as respected as they were prior to the war, especially on the part of the young people (Interviews: Monrovia, 17.9.15 and Palala, 10.9.15). Nevertheless, according to all interviewees, the traditional system and its chiefs are still highly respected and considered legitimate throughout Liberia.

"So the legitimacy around that, no one can beat that. No system can beat that. You can conduct as many studies as you want and you will find that the local indigenous people respect their chiefs,

¹⁷ Officially the "Rules and Regulations Governing the Hinterland of Liberia", available here: <http://landwise.resourceequity.org/record/409>

¹⁸ For a detailed analysis on the dual justice system, its complex history, and its implications for governance, see Lubkemann et.al. 2011, 199-204.

especially when it comes to conflict resolution. They respect them a lot.” (Interview: Monrovia, 3.9.15)

The 16 different tribes of Liberia have different languages and customs, but their customary systems for resolving disputes have similar characteristics and similar hierarchies. When it comes to dispute resolution the hierarchy begins with the family head, followed by the quarter chief, town chief, general town chief (sometimes also called sectional or zonal chief), clan chief, and lastly, at the top of the customary hierarchy, the paramount chief. The chiefs are positioned within the executive branch of the government, under the authority of the Ministry of Internal Affairs (MIA), and should be elected by their people. However, in spite of their elected status, they are placed under the control of the officials in the statutory hierarchy of the MIA, namely the district commissioners, county superintendents and ministers, who are all directly appointed by the president (UNMIL, 6). According to Article 56 of the Liberian Constitution the chiefs should be elected for periods of six years, but there hasn't been an election of the chiefs since 2006 due to problems with boundary harmonization (Interview: Monrovia, 16.9.15). One government official stated that today, chiefs can be appointed for patronage and loyalty by “political people or warlords” (Interview: Monrovia, 16.9.15), and data collected from a group of paramount and clan chiefs confirmed that many chiefs are not elected, but rather appointed based on nepotism, cronyism or special favors (UNMIL, 17). However, neither one of these statements was quantified in any way, and it is therefore impossible to gauge what percentage of chiefs this applies to. Nevertheless, a clarification of the boundaries¹⁹ and a popular election for chiefs' positions would help increase their legitimacy. That being said, a United States Institute of Peace (USIP) report found that although there is some question of the legitimacy of the persons occupying the chief positions, there is no indication that this implies that the institution of the customary system *itself* is in any way considered illegitimate (Isser et.al. 2009, 25). Rural Liberians overwhelmingly respect their traditional system, chiefs and elders.

The new Local Government Act, drafted in 2015 and with the objective of creating and establishing “democratic and political administrative structures in local governance” (RoL 2015, 2), is currently being reviewed by the president and will then be submitted to the legislature. This act officially establishes “sub-county local government” administrations, including chiefdoms, clans and general towns, and formally institutionalizes the duties and responsibilities for these local government bodies (GoL 2015, 10, 23-28) – duties and responsibilities that are arguably what the chiefs at these levels have already been doing. Therefore, the formal institutionalization is welcome in order to better clarify the role allocation among officials. The Act further stipulates that all local government officials, from county superintendents to general town chiefs will be elected for periods of four years (*ibid.*, 29), which is an improvement on the situation as it is today. The chain of command in terms of reporting is also clarified, with the paramount chief directly reporting to the district commissioner (*ibid.*, 63). Yet in spite of the welcome institutionalization of responsibilities and hierarchies, the Act does little to clarify the jurisdiction between the statutory and customary system in terms of conflicts. This is because the Local Government Act is a strictly administrative document in its nature, setting out rules and regulations for financial management, local governance and developmental planning, among other aspects, but not addressing the issues of the needed harmonization of the dual legal systems. The sole statement in the Act regarding jurisdiction is the statement under each chiefdom administration section which reads that one duty of the clerks in each administration is to “refer cases not settled through traditional mediation to the appropriate jurisdiction” in the higher levels of local government (*ibid.*, 24, 26, 28), but there is no

¹⁹ According to one chief interviewed, the problem with boundary harmonization stems from the confusion between the traditional boundaries and the political boundaries. While there is little dispute in terms of traditional boundaries, problems arise when decisions about boundaries are made from Monrovia without any effort to visit the land in question and talk to the elders in the area who are knowledgeable about the boundaries (FGD: Monrovia, 16.9.15).

further clarification about what or whom the ‘appropriate jurisdiction’ for particular cases should be. This differs quite dramatically from the Hinterland Regulations which set up clear jurisdictional instructions for both paramount chiefs’ and clan chiefs’ courts (Hinterland Regulations, 25-26). Thus while the Local Government Act is a welcome clarification of administrative roles and a necessary piece in the puzzle to ensure comprehensive decentralization, the Act does little to clear up the confusion surrounding the jurisdiction of the customary officials.

In the customary system when community members have a conflict or dispute, they are expected to follow the hierarchy of the system in order to have it resolved, and once the options for resolution at a certain level have been exhausted, only then should the dispute be carried to the next level. There is a clearly defined procedure of appeal within the customary system (ibid.).

“The customary system itself is designed in such a way that it really doesn't want conflict to happen, it is designed to avoid conflict, in that if you must sit down to talk about matters, then try to get some sort of resolution at the first instance.” (Interview: Monrovia, 3.9.15)

Generally, the only time case progression takes place is when someone isn’t happy with a decision. But in small-scale disputes, the parties are usually pleased. If a dispute has reached the level of the paramount chief and cannot be resolved, it then moves on to the district commissioners and county superintendents, which is rare when it comes to civil disputes. Conflicts that lie outside the scope of the traditional system are, as mentioned above, major crimes such as rape, murder and assault, but also disputes with sufficient gravity involving communities outside of the chiefdom, or security issues such as the entry of armed actors. Major crime cases are turned over to the formal system because it is obligatory to do so, while conflicts involving different communities and security are not within the scope of what the customary system can handle.²⁰ Furthermore, sometimes parties may not be interested in mediating their case, such as when people have lost money in a business deal and would rather take such a case directly to the formal system (Interview: Monrovia, 16.9.15).

Perceptions of the exact procedure of solving disputes within the customary system differ widely in the interviews carried out for this research. While some individuals highlighted the meditative aspect of the traditional system – guiding the process while the parties arrive at their own solution (Interviews: Palala, 10.9.15 and Gbarnga, 11.9.15) – others accused chiefs of using arbitration and deciding for themselves who is right and wrong in order to extract revenue (in the form of fees or gifts) from the disputants (Interview: Monrovia, 3.9.15). Most other descriptions of the process fell somewhere in the middle, which supports the argument presented in the USIP report that customary proceedings “resemble a form of nonbinding arbitration, with additional elements of mediation” (Isser et. al. 2009, 26). One paramount chief’s description of the process confirms this argument, when questioned about what happens during a case when the parties prove to be difficult to reconcile:

“Well, we will convince you that we can get you on a common ground to agree, we will bring you to the common ground.... So we will convince you, convince you, convince you until once.... You know, any guilty party will always be stubborn, they won't let you to tell them their wrongdoings.... But once we know that you are wrong, we will convince you, convince you until you can accept our decision.

²⁰ In pre-settler times, the customary system could arguably have dealt with all such cases (see Pajibo 2008), but in today’s context in which customary leaders have no mechanisms for arrest and enforcement, and are forbidden by law to handle cases of grave crime, many cases remain outside the scope of the customary system, to the dislike of some customary actors. The reforms of the justice system have indeed stripped the chiefs of many of their powers (Interviews: Monrovia, 3.9.15 and 15.9.15). According to Isser et.al. (2009, 54-55) the chiefs abide by the law but are not pleased with it. Much of this displeasure stems from the fact that while the chiefs are no longer allowed to handle cases of grave crime, the miserable state of the formal justice system limits justice being served. Therefore, avenues to achieve justice are being taken away from the citizens, but without offering any genuine alternative. But again, this is mainly regarding cases of crime, which lie outside of the scope of this project.

Then we will go back to the common table and solve everything and put it to the best way we can lay it to rest.... It is not easy, it takes time.” (Interview: 11.9.15)

What is described here is not mediation, but it is nevertheless trying to ensure that both parties are satisfied with the ruling. If there was no need for satisfaction, then there would be no need to “convince”. Satisfaction of both parties is essential in the customary system, not only because the enforcement of decisions would otherwise be problematic, but also, and more importantly, because the parties are expected to live in harmony with each other in the future, after the case has been resolved. This is particularly relevant when people live together in small communities with little, if any, social services provided by the government. The members of such communities are highly dependent on each other for their survival and well-being. Therefore, the chief will sit together with the disputants, “at their own pace, their own time, their own satisfaction and agreement....to ensure that parties don’t leave from the chief’s place with more problems or disharmony or discord” (Interview: Gbarnga, 10.9.15). The ultimate objective of the customary system – social reconciliation and the restoration of harmony – is widely agreed upon in the literature and in the interviews.²¹

The objective is “to bring people back to where they were before there was conflict. It’s not done halfway. It’s a holistic approach. You are healing the people and reuniting the circle that was broken by the conflict.” (Interview: Monrovia, 4.9.15)

“If you are a chief, you are not a court. You are there to settle. You are not there to make things big. You are not there to make the conflict big that the community will be on fire.” (Interview with paramount chief: Gbarnga, 11.9.2015)

One of the main methods of achieving this reconciliation and harmony is through addressing the root causes of the conflict, rather than just the features of the current dispute. Isser et al. (2009, 26) refer to this as searching for the truth, identifying the underlying issues and social factors that inform the dispute. One way this is done is through story-telling: recalling the history of the families of the disputants, how and when they migrated to the current place and how they have been friends, and in the case of land conflicts, explaining the history of the land (Interviews: Monrovia, 4.9.15 and Gbarnga, 7.9.15). It is also imperative that the chiefs and elders visit the physical place at which the conflict is occurring or where the conflict parties live, most particularly in the case of land conflicts. One cannot expect to solve a conflict from afar, without having visited the site (Interviews: Gbarnga, two separate on 11.9.2015; Palala, 10.9.2015, and FGD: Monrovia, 16.9.2015).



© Janel B. Galvanek - Paramount Chief John D. Walker, Kpaai Chiefdom, Bong County

²¹ Interviews: Monrovia, 3.9.15 and 4.9.15; Gbarnga, 10.9.15 and 11.9.2015; see also Isser et. al. 2009, 26-30.

When a conflict has been resolved, tradition requires that both families bring food, and come together to sit and eat and dance, in order to demonstrate that the grievances and animosity between the parties have been resolved. Today, it seems that the tradition is not so strictly adhered to and a couple bottles of Fanta will suit just as well (Interview: Monrovia, 14.9.15 and Suakoko, 11.9.15). Within the structure of the customary court system, it is not only the chief that plays a role, but also community elders who are present and play an active role in the court, as well as often a community chairlady and youth leader. Chiefs will often ask the women's leader or youth leader to attend to a dispute involving women and youth, respectively, and then have them report the outcome of the case back to him or her. The chief only gets involved when these leaders haven't been able to resolve the dispute (Interviews: Palala, 10.9.15, Suakoko, 11.9.15 and Gbarnga, 11.9.2015).

People greatly prefer the traditional system for assisting in dispute resolution due to purely practical reasons: the chief system is highly accessible and much more affordable than the formal system. Paying the various fees and bribes involved in the formal justice system are simply out of the question for most rural Liberians. That being said, the customary system is not completely cost free. Various "fees" or "gifts" can be involved in the process of dispute resolution in the customary system, although there are certainly no official regulations that govern this. Fees and gifts can depend on the individual chief, the tradition of that particular community, clan or region, the severity of the case, the time it takes to resolve the case, the level of satisfaction of the conflict parties, and many other possible factors. At the very least, bringing food to be cooked and shared with the chief and elders, and potentially the community, to mark the resolution of a larger conflict is expected from the conflict parties. Currently, there is some confusion about whether it is appropriate or not to have disputants to a conflict pay fees or present certain gifts to the chiefs during conflict resolution processes. Some NGO staff members advise the chiefs not to accept any gifts, as the acceptance of gifts might encourage a chief to take sides, which is not the approach that mediation should take (Interview: Monrovia, 16.9.2015). But historically in Liberia, all of the chiefs' needs were met by the community – his farm would be tended to by community members, food would be brought to him (Interview: Monrovia, 3.9.2015), and significant financial gain came from the role that he played as leader of the community and resolver of conflicts and tensions (Interview: Monrovia, 15.9.15). It is therefore understandable that providing for the chief – particularly if he has resolved a conflict – is a tradition in rural areas. Nevertheless, the chiefs today are officially on the government's payroll, which blurs the line between their official status as state officials or traditional authorities (Interview: Monrovia, 16.9.2015) and also calls into question the economic need to pay a fee or present a gift. However, the monthly salary that paramount chiefs are paid is meagre (less than \$100), and if a chief is forbidden from collecting fees or gifts from disputants, it is hard to imagine he or she could otherwise make ends meet.

Since the conclusion of the war in 2003, the traditional system in Liberia has undergone a rather dramatic transformation. First and foremost, the traditional chiefs and elders have been officially recognized in a way that they had never been before, in particular with the establishment of the National Council of Chiefs and Elders, an autonomous council which acts as a bridge between the government and the people, in order to, among other things, disseminate information and "reach places where the government cannot reach with its message" (FGD: Monrovia, 16.9.15). While there had been traditional councils in the past under other governments, the establishment of the current council is regarded by the council's members as unique due to both its autonomy²² and the amount of women members of the council (ibid.). When the bill which created the council was signed into law by President Johnson-Sirleaf

²² The council is autonomous in that it can "operate without the influence and intervention of the Ministry of Internal Affairs", according to the legislature of Liberia: <http://legislature.gov.lr/content/nat'l-traditional-council-gets-autonomous-status>

in 2012, it was hailed by traditional leaders as carrying a message of peace and reconciliation and hailed by the president herself as a demonstration of the government's commitment to decentralization.²³

Another remarkable transformation within the past decade is the role of women in the traditional system. Women are able to express themselves much more freely in traditional settings today than in the past, and it is not uncommon for women to be chiefs, even paramount chiefs. The female traditional leaders interviewed were quite outspoken (even in front of male chiefs) about this change in custom and particularly praised the role of the Carter Center²⁴ in this transformation. The women felt that they were respected by their male counterparts and worked well with them and were respected within Liberian society and by the government for their leadership roles (Interviews: Gbarnga, 11.9.15 and Monrovia, 17.9.15; FGD: Monrovia, 16.9.15;). Moreover, in every interview conducted in which the traditional system of conflict resolution was addressed, each interviewee mentioned the essential role that the women's leaders and women's groups play in the process.

Related to this female empowerment is also a general empowerment on the part of traditional leaders during the last decade in the sense that the leaders are more enlightened about governance processes of the central government and are therefore asking more questions and demanding more information than they have in the past, for instance related to budgets and concessions (Interview: Monrovia, 17.9.15). This may be primarily due to the significant international presence in the country and the work of various organizations that emphasize indigenous and women's rights, but could also be a consequence of the war in the sense that people, particularly rural non-elites, are striving for more control over their future and their country. Nevertheless, despite these positive shifts towards autonomy and empowerment, the perception remains that the traditional mechanisms that have been developed over the years (partly in the absence of a state) are under threat, mainly due to the heavily centralized push to governance. While the process of decentralization is underway, there are still many actors who are not committed to the process and who feel that giving credence to those traditional structures could undermine the statutory structures (Interview: Monrovia, 14.9.15).

3.2 State-based Systems and Initiatives

3.2.1 The Formal Justice System

It is impossible to overestimate the formidable challenges that the formal justice system and the Liberian National Police (LNP) face in Liberia today. Seen from a strictly technical perspective, the justice system suffers from inadequate facilities and equipment and from a severe lack of trained professionals. Considering the utterly dismal state of the justice system that the war left behind in terms of ruined physical infrastructure, the flight of human capital due to massive population displacement, as well as the complete breakdown of authority and accountability after over a decade of violence, progress to (re)build the system has been understandably slow. The 2006 International Crisis Group report on the formal justice system (three years after the war ended) paints a very bleak picture of underpaid and ill-equipped magistrates, unaccountable and absent circuit court judges, and illiterate justices of the peace who abused their power. The physical infrastructure of the justice system – including court houses and

²³ "President Sirleaf Signs Bills Creating National Council of Chiefs and Elders, Local Government Post on Fiscal and Financial Management", website of the Executive Mansion, Government of Liberia, August 22, 2012.

Available at: http://www.emansion.gov.lr/2press.php?news_id=2291&related=7&pg=sp

²⁴ For information about the Carter Center, see Section 3.3.1.

prisons – was at best decrepit and at worst simply non-existent, while comprehensive training was desperately needed by all individuals who had a role to play in the system (ICG 2006, 3-6, 17-19). Ten years later, the situation is visibly and remarkably different. Physical structures have been (re)built, training has been provided for police and judicial system actors on topics ranging from sexual and gender-based violence to corruption, and significant legal reform has been passed in parliament on topics such as inheritance, persistent non-child support and land. Human rights monitors are active in urban and rural settings to observe the treatment of prisoners, and the government has constituted several commissions to ensure citizen’s rights are addressed, including the Constitution Review Committee, the Governance Commission, and the Independent National Human Rights Commission. Nevertheless, despite this significant improvement in the years since the war came to end, progress has been sluggish and the justice system as well as the LNP are still considered extremely corrupt. In Transparency International’s Corruption Perceptions Index 2015, Liberia scored 37 out of 100 (with 100 being the least corrupt).²⁵ Again here, improvement has been dramatic in 10 years – Liberia is ranked 83 out of 187 countries in the 2015 Index, but was a miserable 150 out of 180 in the 2006 Index.²⁶ Clearly, significant progress is being made. But after almost 25 years of crisis, the country began its uphill climb to democratization and accountability from an astonishingly low level. And perhaps the more important question is whether this progress is recognizable to the average Liberian citizen and whether it allows citizens to feel confident in the justice they receive from the formal system.

The sobering fact is that the justice delivered through the formal court system is not affordable, timely or satisfactory for Liberian citizens. Due to the foreseen and unforeseen costs of using the court system in terms of lawyers’ fees, court fees, bribes, the loss of income on those days on which one is expected to attend court, and the potentially high costs of travelling to the court, the formal justice system remains far beyond what any average Liberian can afford. This perpetuates the impression that the formal justice is only for the wealthy. Articulating a very common perception among poor Liberians, one woman stated, “Once you don’t have the money, there is no justice for you” (FGD: Monrovia, 17.9.2015). Furthermore, there is often an overwhelming backlog of cases, which leads to cases not being tried and/or resolved in a timely manner. Not only does this leave citizens with the impression of nothing being done to resolve their cases, but this can also be particularly difficult for people who migrate to different areas in order to farm or to search out a different source of income, as they may no longer be in the area when their case is actually tried (Interview: Gbarnga, 7.9.15). In 2011 there were 2,118 cases on the 12 circuit court dockets. Only 44 trials (13%) were completed in this period, which means that on average each court completes only 4 cases per year.²⁷

These very serious limitations of the formal justice system in terms of availability, cost and complexity were addressed in practically every interview that was conducted during field research.²⁸ The court system was characterized as “very expensive, complex and slow” (Interview: Monrovia, 2.9.15), unavailable and “frustrating” (Interview: Gbarnga, 7.9.15), lacking materials and logistics and not being visible (Interview: Monrovia, 17.9.15), and as “a headache”, “time-consuming” and “expensive” (Interview: Monrovia, 4.9.15). One person commented that if you can’t spend the money for the court, you will go to jail and “your family will be behind suffering”. He felt that there were better things to spend money on, such as sending children to school (Interview: Palala, 10.9.15). The perception that the

²⁵ Information accessible here: <http://www.transparency.org/cpi2015> (last accessed 18.2.2016)

²⁶ Information available here: <http://www.infoplease.com/ipa/A0781359.html> (last accessed 18.2.2016)

²⁷ Cited in Carter Center, 2015. Figures taken from “UMNIL Legal and Judicial System Support Division Monitoring Unit Consolidated Analysis of Circuit Courts, 2011”.

²⁸ See also Isser et.al. (2009, 39-52) and Lubkemann et.al. (2011, 205-207) for more on the state of the formal justice system and citizens perceptions of it.

formal legal system is only for the wealthy is in and of itself detrimental, as it further weakens the legitimacy of the system and supports the negative assessment that ordinary citizens have about their ability to truly achieve justice through the system. However, even more detrimental is the fact that the government is seen to be doing nothing to change these perceptions (Interview: Monrovia, 14.9.15). In this sense, citizens see a justice system that is out of their reach, but also see a government that is indifferent to their plight.

Lastly, if the courts were to deliver timely and affordable results, many Liberians would still refrain from using the formal system, due to the principles and values via which it operates and the animosity that it creates between conflict parties. The formal justice system in Liberia is ordered according to the concepts of retributive justice and individual rights, with which many formally educated and urban Liberians are familiar and which would not be controversial in any Western court of law, as these concepts are anchored in a system of international and “universal” norms and values. However, the universality of these concepts is contested, and as seen in the previous section on customary systems of justice, are *not* the values upon which traditional systems of conflict resolution are most often built, namely restorative justice and social reconciliation. Therefore, the main objectives of the formal system in Liberia directly clash with the ideals and principles with which traditional citizens, mainly in rural areas but also in cities, are comfortable. Liberians complain, for instance, that the formal justice system approaches the problem too narrowly, without looking at the underlying root causes of a conflict or crime. This complaint reflects the Liberian assumption that any satisfactory justice must look at the root causes in order to ensure that the same action is not carried out again, but also to address the “acrimonious social relations” that were the ultimate “causal determinant” of the conflict or crime in the first place (Isser et. al., 47). This was described well by one interviewee who has taken part in various high-profile mediation initiatives on the request of the Liberian government and who stated that while the objective of the justice system is “to stop people from taking advantage of other people”, the system

“...does not go deep enough. When two people have a conflict, one pays a fine and that’s it. But...we have to go deeper and find out whether people are satisfied. Whether there will be a good relationship after that.” (Interview: Monrovia, 4.9.15)

The individuals who voiced these concerns in the interviews were not necessarily implying that the formal legal system should begin handling cases in a way that is focused more on restorative justice. It seemed to be rather a simple statement of the reality of the courts – the “court doesn’t care about the relationship after the court” (Interview: Gbarnga, 7.9.15) – and an implicit acceptance that such considerations are well outside of the tasks and responsibilities of the Liberian formal system, which is based on individual rights and punitive justice. Nevertheless, there was also a somber resignation of the fact that such values are not in line with what the majority of Liberians perceive as justice.

Furthermore, while the formal justice system determines guilt and innocence and therefore satisfies the requirement of (Western) justice, the court process itself often increases adversarialism, which is “diametrically opposed” to that which Liberians feel is necessary for justice, namely reconciliation among the conflict parties (Isser et. al., 46-47). The opinion that using the formal justice system to resolve a dispute increases animosity between the conflict parties was very often thematicized during interviews. For instance, taking a case to court brings with it the “likelihood of continued conflict in the community” (Interview: Monrovia, 2.9.15), while in terms of a relationship between a husband and wife, if the case goes to the formal system, “that relationship is finished” (Interview: Monrovia, 14.9.15). It was mentioned that taking a dispute to the police and courts was used only as a last resort, when people feel that they have no other option (Interview: Gbarnga, 5.9.15) because “going to the police station will always bring violence” (FGD: Monrovia, 17.9.15) and “we become enemies forever” (FGD: Monrovia, 16.9.15). Reporting someone to the police involves intimidation and potential problems with litigation

for that person, which “promote grievances among the people” (Interview: Monrovia, 2.9.15) and taking people to court can bring shame upon one’s family or community (Interview: Monrovia, 16.9.15). One youth in Gbarnga City summed up the situation nicely:

“... if he took me to court, the legacy, the mind I would have for him would be too hard, even if I am the one to win the case.... In our setting, once you take the issue to court – we know that is the legal way to solve issues – but for us, if you do that, forever that animosity will exist between us.” (FGD: Gbarnga, 9.9.15)

3.2.2 Liberian National Police

The Liberian National Police are intimately involved in the field of conflict and dispute resolution in Liberia in spite of the fact that they are overwhelmingly considered by Liberian citizens to be highly corrupt and inept at actually addressing conflict and crime in communities. Numerous reports and studies have addressed these issues, including a Human Rights Watch report from 2013 which exposes the police not only as corrupt, but also highly unprofessional, unaccountable and predatory. The report describes in detail how, instead of protecting citizens, the police regularly harass and threaten common citizens as a money-making scheme. This extortion disproportionately affects street vendors, motorcycle and taxi drivers, who are all vulnerable to such police abuse and are very often individuals who are already struggling financially. Any attempt to report such abuse is mostly ignored and/or met with retaliation by the police (HRW 2013, 27-45).

In terms of having the police handle a certain conflict, it is understood by all Liberians that one will be expected to pay bribes at every stage of the process: to register a case, to provide transport or fuel to pick up the culprit or conflict party, to be released from police custody (regardless of whether one is innocent or guilty), to ensure that a criminal is not released, and to withdraw a case from the police. The sad reality of this situation, and the various times “fees” are requested by the police, were mentioned time and again during interviews (Interviews: Monrovia, 3.9.15, 15.9.15, 17.9.15, and two on 2.9.15; FGD: Gbarnga, 9.9.15 and Monrovia, 17.9.15). One staff member of a community organization summed up the situation well when he said, “No matter what happens, you will have to pay something” (Interview: Monrovia, 2.9.15). Furthermore, beyond the fact that the police extort money from citizens and force people to turn over illegal fees, the police are also failing miserably in actually doing the expected job of addressing crime and conflict. During an event hosted by the Governance Commission in Monrovia in September 2015 on the topic of security sector reform in Liberia, a presentation was given during which the results of a survey carried out among Monrovia residents on the topic of police performance were outlined.²⁹ According to the presentation, citizens in Monrovia “strongly agreed” with the statement that the police do not react timely to reports of crime and they “strongly disagreed” with the statement that the police can deal effectively with crime in one’s neighborhood – most people would first call their neighbor and then the police.

Surprisingly, no one during the interviews seemed very dismayed by the fact that the police were corrupt and incapable of handling crime and conflict. This information was provided in a very matter-of-fact manner that reflects the resignation of Liberians to this fact and an understanding that, although this should be unacceptable to citizens, there is very little that the average Liberian can do to change it. This resignation may also in part be due to the recognition that the corrupt and predatory actions of the police

²⁹ Presentation by Dr. Yarsuo Weh-Dorliae, Commissioner at the Governance Commission, at the event “Security Sector Reform. The United Nations Training of the Liberia National Police: Effectiveness, Results and Future Implications”.

are a direct result of the lack of equipment and low salaries of police officers. HRW notes that “gaps in crucial logistics, such as fuel, vehicle maintenance, and basic supplies like pens and paper, encourage and exacerbate corrupt practices” (HRW, 46). Specifically, the lack of transport or fuel severely inhibits police capacity to respond to conflict and crime and compromises their ability to serve their communities. The UN Security Council report from August 2015 furthermore notes that there were “shortcomings with regard to police operational preparedness and response capability in addressing public disorder or crisis situations ... resulting in uncoordinated responses at the strategic, operational and tactical levels” (UNSC 2015, 9-10).

Yet, in spite of these shortcomings and the clear failings of the LNP, there is regular interaction with the police forces when it comes to dispute resolution in the communities. Considering the general absence of police forces in rural areas,³⁰ such interaction most often takes place in urban communities. This occurs for instance when the police themselves try to settle cases, even though this is beyond their duty as police officers. As Isser et. al. (2009, 24) document, the police “not only served as the gatekeepers in decisions about whether and where cases would be referred, but also quite often intervened directly to resolve the situation themselves”. In such situations, they sometimes extort money from the conflict parties in order to settle the case (FGD: Gbarnga, 9.9.2015). But perhaps this isn’t always negative. On the one hand, the police often act outside of their conventional capacity as police officers and take cases that they shouldn’t be handling in order to make some extra money. In many of those cases, the police do not prosecute or investigate the cases in the way they should and the culprit is released after 48 hours (Interview: Monrovia, 15.9.2015). On the other hand, trying to settle these cases themselves may also be an attempt to single out those cases which should not continue on to the courts and which can rather be handled unofficially. The research demonstrates that police have slowly begun assisting citizens to understand the difference between major crime, which should be reported to the police and referred to the courts, and minor crime and/or disputes, which can and should be settled whenever possible without the involvement of the courts. According to community members, only a few years ago the police were overwhelmed by the number of cases they were receiving, but at the same time they were making a significant amount of (unlawful) money from the cases. Once the police acknowledged that they couldn’t realistically process all of the cases, they began helping citizens understand the difference between major crime and minor crime, and encouraging people not to bypass the community leadership in resolving disputes (Interview: Monrovia, 15.9.15). This speaks for the importance and benefit of having a strong and reliable community leadership in place – to not only lighten the burden of the police, but also to create clearer guidelines for the community members in their search for justice.

Interaction with the police also occurs when a dispute or conflict takes place and the police are called or asked to intervene by one of the conflict parties. According to many interviewees, specifically urban Liberians have a tendency to immediately call the police when they have a dispute with someone. This is often done to “prove power” and because people “can’t control their anger”. Many people want to make sure that the person who has offended them is arrested and is taken to jail, regardless of what happens afterward. They then feel that the case has been resolved and justice has been served, and there is rarely any follow-up on the case (Interviews: Monrovia, 2.9.2015, 15.9.2015 and 17.9.2015; Gbarnga, 10.9.2015). However, in many such cases, people regret having overreacted and called the police, as

³⁰ 80% of Liberian police officers are serving in Montserrado County, the county of the capital city (UNSC 2015, 9) and many interviewees spoke of how rural communities were served by only a few police officers who were generally many miles away without any reliable transport. The paramount chief of Zota District in Bong County confirmed that there were only 2 police officers for the whole district and they do not have a vehicle (Interview, Gbarnga: 11.9.15). Isser et. al. (2009, 40) report that in the 176 villages surveyed in an Oxford study, the average walking time to police stations was 3.5 hours.

they do not want to create more animosity with their friend or neighbor with whom they had been fighting. In this case, they often approach their community leader and ask for the case to be withdrawn from the police (Interview: Monrovia, 15.9.2015 and FGD: Gbarnga, 9.9.2015), which is in most cases possible, but may require a “fee” to do so.

Since there is no official regulation for this interaction and cooperation between police, community leaders, chiefs and community justice initiatives, much of the interaction seems to boil down to personal relationships. If the police on duty are friendly with the person who is accompanying the complainant to withdraw a case, for instance a community leader, and respects and trusts them, there is rarely an issue with withdrawing the case (Interviews: Monrovia, 2.9.15 and Gbarnga, 11.9.15). Many of the individuals interviewed were primarily positive when talking about the interaction with the police – communication and consultation on cases happens on a weekly, if not daily, basis – and the relationship was described as collaborative and cordial, with the police appreciating the work that the other actors do (Interviews: Monrovia, 15.9.15, Suakoko, 11.9.15, Gbarnga, 10.9.15; FGDs: Gbarnga, 9.9.2 and Monrovia: 17.9.15). Of course, there are also cases of the police disrespecting the chiefs when they come to arrest someone in the community (Interview: Gbarnga, 10.5.15), but it was reported that in general, the relationship between the police and specifically the urban community leadership has improved dramatically in the last few years.

3.2.3 The Peacebuilding Office

Based within the Ministry for Internal Affairs, the Peacebuilding Office (PBO) was established in 2009 and served until 2015 as the UN Peacebuilding Fund (PBF) Secretariat in Liberia. This was the first time that the PBF placed a Secretariat within a government ministry rather than within a UN office. The reason for this was to allow the PBO to support the Government of Liberia in its peacebuilding activities, as well as to support the Joint Steering Committee (JSC),³¹ which manages the PBF for Liberia (Carravilla 2015, 5, 1). While no longer acting as the Secretariat for the Peacebuilding Fund, the PBO is still today responsible for monitoring and coordinating all of the peacebuilding grants that are awarded to different UN recipient agencies for support to government institutions and is tasked with ensuring that the Government of Liberia follows through on its Statement of Mutual Commitments (SMC) which was signed with the UN Peacebuilding Commission in late 2010 (Interview: Monrovia, 15.9.15).

The SMC outlined three priorities for the country: 1) strengthening the rule of law; 2) supporting security sector reform (SSR); and 3) promoting national reconciliation (UN GASC, 2015). Two of these priorities could be strongly categorized as basic statebuilding elements, rather than peacebuilding. Nonetheless, since these priorities were set, peacebuilding in Liberia has “come to be primarily defined in terms of the advancement of these three priorities” (Singh and Conolly 2014, 3). This blurring of statebuilding and peacebuilding was confirmed by one NGO staff member in Monrovia who lamented that the government prioritization was not focused primarily on elements of peacebuilding, but rather on “foundational things that can help build peace” such as police training, funding the justice ministry and SSR. Because the government’s definition of peacebuilding is so broad, the targeted effort to further reconciliation and peacebuilding were lost and instead, the government took the peacebuilding fund and “bought vehicles and logistics for public defenders” (Interview: Monrovia, 14.9.15).

Against this background, the “Strategic Roadmap for National Healing, Peacebuilding and Reconciliation in Liberia (2012-30)” was drafted, an extensive document that outlines the way forward

³¹ Each country that is a recipient of a Peacebuilding Fund has a Joint Steering Committee (JSC) that manages the Fund and decides of the allocation of the funding. The JSC is then supported by a Secretariat, which oversees implementation (Caravilla 2015, 1).

for the country in terms of achieving national reconciliation and offers a coherent strategy for the cooperation among the various actors and institutions involved in the process. According to the Roadmap³², the strategy was borne out of a recognition that while advancements had been made in Liberia in the areas of SSR and rule of law (the first two priorities of the SMC), progress on peacebuilding and reconciliation had stalled (MIA 2012, 2). The roadmap, with its twelve thematic components,³³ is therefore an attempt to institutionalize a coordination framework, specifically among government and civil society actors, and lists not only outcomes and outputs for each component, but also each component's 'lead implementers', 'implementers' and 'partners'.³⁴

The roadmap itself is a comprehensive and far-sighted, if ambitious, document. Its envisioned timeline of 18 years is a meaningful acknowledgement of the long-term dedication needed to achieve lasting peace and theoretically, the document has a clear vision of the complex and interlinked factors involved in a sustainable peacebuilding process. It was drafted with considerable input from – and collaboration with – civil society actors in the county and “contributes to justice and reinforces social cohesion at the community level” (Interview: Monrovia, 14.9.15). Yet in spite of these positive elements, the document comes up short in explaining exactly how its outcomes and goals should be achieved, and perhaps not unexpectedly, implementation has been challenging and slow. In 2014, the implementation of the roadmap was criticized in terms of a “lack of general public support..., financial constraints, and a disjuncture between what reconciliation means in theory and what Liberians need and want in practice” (Singh and Connolly 2014, 2). The following year, criticism of the implementation was still prevalent:

“They tried to initiate the Palava hut, they had their own model of doing it, but that has not kicked off properly. That is the only initiative they have tried to carry out. They launched a reconciliation roadmap and have a peace ambassador. But it has no impact.” (Interview: Monrovia, 2.9.15)

Along with its other tasks, the Liberian PBO is also responsible for carrying out its own projects, including one entitled “Strengthening Local and Traditional Mechanisms for Peace”, which links the work of community-based, early warning networks to County Peace Committees (CPCs), which have been established in every county in the country. The project builds on a network of civil society actors that are involved in early warning activities and form a group called the Early Warning Early Response (EWER) Working Group. Data is collected from communities with the help of 120 EWER focal persons, and reports are submitted by SMS to an internet platform called Liberia’s Early Warning and Response Network (LERN), where they are stored and processed.³⁵ Depending on the severity of the conflict report coming in, response activities can be planned. Response activities on the community level could be mediation and dialogue, while other cases may be referred to the security authorities, members of the civil society working groups, or the CPCs. The CPCs constitute elders, women, youth, local government

³² The Roadmap was authored by Dr. Sam Doe, who was seconded at UNDP, with the involvement and participation of several actors, including the Ministry of Internal Affairs (MIA), Ministry of Planning and Economic Affairs (now the Ministry of Finance and Development Planning), the Governance Commission, the Independent National Human Rights Commission, the Liberia Reconciliation Initiative, and representatives of various civil society organizations. The PBO represents the MIA as one of the five key stakeholders and is responsible for implementing the Roadmap (email correspondence with Jimmy Shilue, June 2015).

³³ The 12 thematic components are 1) community-based truth-telling, atonement and psychosocial recovery; 2) memorialization; 3) reparation; 4) diaspora and reconciliation; 5) political dialogue; 6) conflict prevention and mediation; 7) women’s recovery and empowerment; 8) children and youth recovery and empowerment; 9) social cohesion; 10) inclusive people’s history; 11) national vision and collective identity; and 12) transformative education system. Components 1-4 are categorized under the heading “Accounting for the Past”; components 5-9 under “Managing the Present”; and components 10-12 under “Planning for the Future”.

³⁴ Lead implementers include the MIA, the Governance Commission, the Ministry of Education, the Independent National Commission for Human Rights, the Liberia Reconciliation Initiative, the Ministry of Youth and Sports, and the Ministry of Gender and Development. Implementers and partners include these institutions as well as various civil society organizations and UN agencies.

³⁵ LERN: <http://lern.ushahidi.com/>

authorities, respectable citizens and opinion leaders of the county and generally make up anywhere between 12 and 20 individuals. Sometimes the chiefs or tribal governors are active members of the CPCs, but it isn't an objective of the CPCs to have the chiefs as members. The CPCs come together and meet on a regular basis in order to monitor disputes and resolve conflicts at a community level using informal processes, while looking at issues that the justice system cannot handle in a timely fashion. Currently, the PBO is in the process of decentralizing the peace committees down into the districts in order to have a total of 155 District Peace Committees.³⁶

Although the CPCs can potentially play an important role in providing a forum where influential people in the county can come together and discuss critical matters and there seems to be recognition of the fact that the CPCs can be helpful in reducing conflict (Interviews: 15.9.15. and 16.9.15), there is also a fair amount of criticism of the CPCs, particularly in terms of their legitimacy, their responsibilities and the scope of the conflicts in which they become involved. First and foremost, the choice of the people involved has been questioned in the sense that the government is essentially authorizing people to solve conflict in each county, which can lead to problems of recognition and legitimacy and a perception that these committees are being set up as parallel structures to the customary system (Interview: Monrovia, 2.9.15). There has been open resistance to the CPCs in some cases and they are regularly asked to explain their function and responsibilities. Furthermore, it is unclear to the public what types of conflict the CPCs actually take responsibility for resolving, or even if they should get involved in certain conflicts at all, particularly when the composition of the committee is a mix of men, women and youth, who traditionally tend to solve their conflicts whenever possible separately. Lastly, there is some confusion about whether the decisions of these committees have any binding power (Interview: Monrovia, 2.9.15). Here we see the great complexities of establishing another body for conflict resolution into a setting which may not be entirely at ease with such a body. While other countries may have had positive experiences with similar "infrastructures for peace"³⁷, the concept of the CPC seems to be externally-driven (or at least Monrovia-elite driven), which leads to controversy surrounding its legitimacy. Furthermore, there are varying opinions on whether the CPCs can act complementary to the mechanisms that already exist, and can in this sense indeed help reduce conflict, or whether it may have been more useful to strengthen and improve the mechanisms that already exist.

3.2.4 Other Governmental Institutions and Actors

There are also other, perhaps somewhat unexpected, governmental bodies and actors that become involved in dispute resolution or even arbitration, for instance the Ministry of Gender, Children and Social Protection. The Ministry's staff is trained in data collection and coordination in cases involving sexual and gender-based violence (UNSC 2015, 11) and becomes involved in cases of persistent non-child support and domestic violence. According to women interviewees, such cases in Monrovia are turned over to the Ministry of Gender if the community leadership is unable to solve them (FGD: Monrovia, 17.9.15). These women felt that the Ministry can be very helpful, although they admitted that men believe that the Ministry favors women. Therefore, men don't feel that they can receive justice at the Ministry because it is one-sided:

³⁶ All information from this paragraph comes from an interview conducted with a staff member of the Liberian PBO on 15.9.2015.

³⁷ Infrastructures for peace in post-conflict peacebuilding should be seen as a "systemic phenomenon" that can play several roles at the same time: a tool to "provide participation and collaboration between social actors", an "incubator for joint learning and a platform for empowerment". They can also provide a "framework for bringing together collective efforts to deal with challenges of peacebuilding and statebuilding" (Giessmann 2016, 12).

“They don’t want to work with the Gender Ministry. But we women, we find it comforting.”
(FGD: Monrovia, 17.9.15)

It is interesting here to note that some traditional leaders voiced highly skeptical views of the Ministry of Gender, calling it a “private organization” and implying that it was corrupt, although little further information was given on the matter (FGD: Monrovia, 16.9.15).

Other governmental actors that may become involved in solving disputes are the Ministry of Youth or county officials having responsibility for development projects. While officials at the Ministry of Youth prefer to allow the respective youth leaders or community leaders solve disputes among youth, they will get involved if they are specifically asked to do so or if the dispute has something to do with the official rules and regulations of registered youth groups (Interview: Gbarnga, 11.9.15). In terms of conflicts related to development projects, the county development superintendent is sometimes obliged to intervene, for instance in the case of implementing partners running into difficulties with the local population. In order to resolve such disputes or prevent them from happening in the first place, one development superintendent stated that better communication is the key. Furthermore, the local people should be the ones who choose what type of development initiative they want in their area, and the very first person who should be approached in any community is the town chief (Interview: Gbarnga, 9.9.15). If these guidelines are followed, using “rightful entry” (see section 5) and the consent of the local people, such conflict around developmental issues should become less prevalent.

3.3 Third Party Mechanisms for Conflict Resolution

3.3.1 The Work of NGOs

Since the end of the civil war in 2003, Liberia has had long-running and extensive international and national peace-support assistance. Such assistance means that there are numerous peacebuilding actors on the ground, involved in a plethora of initiatives, including human rights advocacy, peace education trainings and reconciliation dialogues. One topic that a significant number of NGOs – both national and international – and community-based organizations (CBOs) are involved in is dispute/conflict resolution. The various disputes in question range from large-scale violent conflict between different communities and ethnic groups as a result of what happened between these communities during the war, to inter-community conflict between different stakeholder groups (e.g. intergenerational dialogue between youth and elders), to small-scale women’s forums that are established within communities to allow a space (both physically and metaphorically) for women of the community to come together and discuss and resolve their disputes.

In light of this profusion of non-governmental, yet non-traditional, actors in dispute resolution in Liberia, the research question concerning the forms and patterns of coexistence between traditional and non-traditional conflict resolution mechanisms becomes a bit more complex. Indeed, the project’s methodology acknowledges that ‘non-traditional’ approaches to conflict resolution are associated with various concepts that can vary dramatically. Yet given the sheer numbers of NGOs and CBOs active in this field in Liberia, the investigation goes beyond looking at their interaction with both the traditional system of chiefs and elders and with the state-based system, but must also consider the interaction between the various NGO/CBO initiatives and the potential impact this interaction and cooperation has on the conflict settlement process and outcomes for communities.

One of the most prominent initiatives working in this field in Liberia is the *Access to Justice Program* by the Carter Center (TCC), which provides legal education and information to citizens in the seven

counties in which it works, while assisting the traditional leaders in these counties to strengthen their conflict resolution capacity. When the program began in 2006, it was born out of the recognition that there was an urgent need for rural citizens to be provided with legal education, which would hopefully ease the burden on the formal justice system (Interview: Monrovia, 4.9.2015) by providing more information to community members about how the formal system works and about alternatives to this system. This legal education project was then expanded to include a dispute resolution component, the Community Justice Advisor (CJA) project, which helps inform and guide people through the various options that they have to resolve their disputes.

While TCC provides the technical and financial support to the CJA project, the project is implemented by TCC's partner, the Catholic Justice and Peace Commission (JPC).³⁸ 52 community justice advisors are assigned to ten rural communities each in which they carry out one civic or legal education event each month, including monthly follow-up visits to address any issues that have arisen in the community since the education event took place. The advisors also help citizens navigate the formal and informal systems, for instance by explaining what type of cases can be taken to which forum, demonstrating the costs and implications of using the formal court system, and also explaining laws on land acquisition (Interviews: Monrovia, 4.9.2015 and Gbarnga, 7.9.2015). One of the ways that the JPC reaches out to communities to provide legal education and advice is through their weekly call-in radio program entitled "People and the Law" on Radio Gbarnga. These radio programs have the ability to reach even the remotest of communities in counties of the country that do not have CJA coverage. Topics addressed during the radio show include the new law on child support, the role of the police in the criminal justice system, formal court proceedings, and laws on land acquisition and sale.

However, although the initial design of the project was for these CJAs to provide legal advice, their task has become much more involved in helping to settle small-scale conflicts themselves through mediation. In fact, one TCC staff member estimates that issues of conflict resolution make up 75-80% of the work that the CJAs do (Interview: Gbarnga, 8.9.2015). Specifically, the JPC offers "hands-on help to ordinary citizens by providing alternative dispute resolution (ADR), which brings together parties in conflict to defuse tensions and propose practical solutions to problems that they believe can be resolved without being taken to court" (IRIN 2012). This involves sitting with the two parties, coordinating the process and allowing the parties to "bring forth their own remedy" (Interview: Gbarnga, 7.9.2015). One JPC staff member referenced the different aspects of the CJA program work by referring to himself as both an "interpreter" (because he assists ordinary citizens in understanding better the laws which they need to live by) and as a "link between the voiceless and the authority", while also, in terms of dispute resolution, as someone who creates "a platform where both parties will understand where the trouble lies" (Interview: Gbarnga, 7.9.2015).

The second part of the Carter Center's *Access to Justice Program* is based on the premise that rural community dwellers much prefer to seek justice or resolution of their disputes through their local community leaders, rather than using the formal justice system. This premise was indeed confirmed in the great majority of conducted interviews. In this sense, it is not only advantageous, but also imperative to strengthen the local leaders' capacities to help resolve disputes and to administer the justice that the community dwellers seek, as it is "more effective to work with home-grown dispute resolution mechanisms accepted by communities than to create new ones" (Flomoku and Reeves 2012, 46). This is done by the Carter Center in several ways, including building and maintaining a trusting relationship

³⁸ The JPC is also involved in other projects outside the scope of the CJA program on topics such as human rights monitoring, advocacy, and civic education, for instance by monitoring the court system to ensure that cases are being conducted properly and visiting prisons to ensure that prisoners have been charged within the mandated time and not being held longer (Interview: Gbarnga, 5.9.15).

between the staff and the chiefs and community leaders, in order to facilitate a respectful dialogue on matters of dispute resolution. For instance, traditional leaders generally resolve disputes based on the cultural and traditional customs which they and the community recognize and trust. But some of these customs and mechanisms to resolve conflict are at variance with the law and the formal system. Therefore, over the years that this program has been running, TCC staff has developed a respectful rapport with the traditional leaders, enabling them to discuss these legal and indeed sometimes controversial issues together.³⁹ As described by one TCC staff member in Gbarnga, the approach to dealing with such a situation is not to be adversarial and inform the chief that what he or she has done is wrong, but rather to sit and talk with and mentor him or her, explaining in more detail the laws of the formal system and discussing together what alternative options are available to use in specific cases of dispute resolution. He continued, “We are not in the business of abusing or undermining people’s cultural values. [But] whatever you do, make sure it is transparent and fair” (Interview: Gbarnga, 10.9.2015).

A second, more formal way of building this capacity is offering training opportunities on ADR, rule of law and good governance to community leaders, including chiefs, women’s leaders and youth leaders. Over 1,000 traditional leaders have attended such workshops and peer learning sessions on the county or national level since January 2010 (Carter Center 2015, 3). The community justice advisors from the JPC are also invited to such trainings so that they can get to know the chiefs in their communities better. In this sense, the staff of TCC feel that through such training opportunities, they are “assisting the traditional leaders in dispute resolution” (Interview: Monrovia, 4.9.2015) because they are giving them more ideas and more options for how they can handle disputes in their community. This perception of the program as being a type of assistance to the chiefs was confirmed by several traditional leaders who specifically mentioned the fact that as a result of the trainings sponsored by the Carter Center, they have more ideas for how to do their job better (Interviews: Suakoko, 11.9.15; Gbarnga, 11.9.15 and FGD: Monrovia, 16.9.15).

The uniqueness of the Access to Justice program is that it gives great respect to the customary system and the actors involved in the system by utilizing a respectful approach of working together, while also giving support to the government by disseminating information about laws and making the government seem less foreign to the communities in the rural areas.

“..... they are trying to bridge the gap between the formal and the informal. We are not building a parallel structure, but what we are trying to do is fill in that void that has been created by the lack of legal education to the traditional structure and the inability of the formal structure to exercise its duty of responsibility. So that's the gap the CJAs try to fill.” (Interview: Monrovia, 4.9.2015)

The program encourages community people to get involved with the different justice systems available to them, making them aware of how the systems work and training them in ADR in order to be able to handle and solve their own conflicts (Interview: Gbarnga, 8.9.2015). The program also has a long-term vision of sustainability and conflict prevention. Communities should be able to take ownership over the ability to resolve their own disputes. The program strives for this long-term goal by training community members in mediation, thereby increasing communities’ options and strengthening their capacity for the peaceful resolution of disputes.

³⁹ Many of the more controversial issues are those surrounding the Rape Amendment Act, ‘Sex and Related Offenses Act’ (2006) and cases of sassywood and ‘trial by ordeal’, which are both outside the scope of this project. For more information about both of these and how they are perceived by the chiefs, please see Isser et. al. 2009.

“When Carter Center leaves, there will always be conflict and people should be able to resolve those conflicts....they should not wait for Carter Center to come and bring a mediation team....” (Interview: Monrovia, 17.9.15)

In general, the TCC program has a reputation in Liberia that is unmatched. It is spoken of very highly by its partners in both the customary system and in the government and cooperates with other NGOs in the field. In that sense it is an exemplary case of peaceful coexistence. It has also found an essential niche in Liberia in terms of its target groups and the sustainable outcomes of its programming, which has dramatically increased the positive interaction and cooperation between different mechanisms of conflict resolution in Liberia, specifically the state, customary officials and NGOs, which is critical to supporting long-term peace and reconciliation.

As mentioned above, almost all NGOs that were met with during the field research had experience with conflict and dispute resolution in some form, even if the mission and activities of the organization were not specifically focused on mediation or conflict resolution. This could be interpreted as recognition by NGOs and their staff members that conflict (whether community-based or larger) can be a serious hindrance and even a setback to the future peace and development of the country. With this in mind, organizations show a genuine willingness to become involved in helping to resolve a conflict in any way they can in order to prevent violence, which is also prevalent among many Liberians in general who have a “never again!” type of attitude. This attitude was best expressed by an NGO staff member who said that “the commitment from people not wanting to go back into where they came from helps them to avail themselves so that they arrive at solutions” (Interview: Monrovia, 17.9.2015). The (potential) outbreak of conflict is taken very seriously, and NGOs often step in when the scope of the conflict is beyond that which the community leaders can handle.

One example of an organization which has become thus involved in resolving disputes is the Community Justice Initiative (CJI) of the Citizen’s Bureau for Development and Productivity, located in Logan Town, a slum community of Monrovia. This initiative, supported by the Accountability Lab⁴⁰, works with the methodology of ADR in order to mediate various community conflicts including domestic disputes, witchcraft and disorderly conduct, carrying out these services at no cost. Urban settings generally lack a chieftaincy structure through which conflicts in rural settings are primarily resolved. Therefore, urban citizens can either approach their urban community leaders or go to the police when they have a dispute in the community. This can be disadvantageous for urban citizens, because as discussed in detail above, community members would often prefer not to take their cases to the police and are often required to pay a small fee when taking cases to the community leaders (see section C2). Therefore, the Citizen’s Bureau is filling an important gap in terms of urban justice. The initiative’s main objective is “helping community members solve their conflicts in a way that saves them time and money” (Interview: Monrovia, 2.9.2015) and goes well beyond the work of the police and courts by discussing and dealing with the root causes of the conflict and then resolving it through consensus. Specifically when it comes to witchcraft, the CJI helps to resolve conflict which would otherwise fester, as explained by one of the staff members:

“...the formal system has no way of handling the witchcraft belief in our society. It is not evidence-based, so it has no place in the court of law. But the fact that the people believe in witchcraft, this leads to serious conflict in the community. Because conflict exists, it becomes necessary to intervene.” (Interview: Monrovia, 2.9.2015)

40 <http://www.accountabilitylab.org/>

In this regard the CJI “seeks to supplement the capacity of the state” (Jackson 2015) which lightens the burden on the police and courts system, while simultaneously offering a platform for community members to solve their differences peacefully without the need of involving the formal system. It also combines a top-down aspect – collaborating with the courts in order to have them refer cases back to the community – with the bottom-up approach of training community members to act as mediators and resolve disputes sustainably (Glencorse 2014).



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www.citizensbureauiberia.strikingly.com

Several NGOs have undertaken large-scale, sustainable-dialogue projects carried out over several years between communities which were in major violent conflict with each other as a result of the war. Examples of such projects include one carried out by a national NGO in Lofa County between Mandingo and Loma ethnic communities. In light of the significantly high level of violence experienced between these two ethnic communities during the war and the resulting emotionally-charged atmosphere, such a project was both challenging and delicate. More than anything, such a project takes time. Because large intra-community conflicts are generally outside the scope of that which the traditional leaders can manage,⁴¹ an NGO is most often better-placed to address the issue. According to a staff member who was intimately involved in the dialogue process, it involved “lots of back and forth, back and forth with different stakeholders” in the communities in order to primarily allow people to speak and have their voices heard, listen to them, understand their viewpoints and the thorniest aspect of all – get them to listen and understand each other (Interview: Gbarnga, 8.9.2015). Such a sustainable-dialogue process requires patience and continuous funding, as well as an understanding that there will be numerous setbacks, which is well outside the scope of anything that has been attempted by the government in similar cases of long-standing and unresolved conflict. It is interesting here to note that the organization carrying out this dialogue comes from a background of providing humanitarian relief during the war and currently focuses on providing training and organizational development on issues such as gender, leadership, peacebuilding and advocacy (Interview: Gbarnga, 8.9.2015). Therefore, such dialogue and reconciliation processes are not necessarily part of its daily work. Nevertheless, due to the NGO’s prior work in the area and the recognition of an urgent need to intervene in order to prevent further bloodshed, it chose to respond to the communities’ requests to become involved (Interview: Gbarnga, 8.9.2015).

Even if certain NGO projects are designed and implemented with specific goals in mind that aren’t necessarily related to conflict or dispute resolution, these same projects sometimes take on a very heavy aspect of conflict resolution within the original framework of the project. For instance, another NGO’s reconciliation initiative was intended to help build a civil society forum through which the input from the

⁴¹ In this particular case, the chiefs in the communities had taken sides to the conflict and were supporting their respective communities (Interview: Gbarnga, 8.9.15).

communities would feed, thereby helping to strengthen the voice of civil society in the national reconciliation process. They did this by facilitating ‘reconciliation dialogues’ at the community level, using the roadmap of the PBO as the focal point for discussion. And although these dialogues were deemed a success according to an NGO staff member involved in the process, it wasn’t because the initiative succeeded at building the civil society forum as intended, but rather because many community disputes were resolved through the forum of the reconciliation dialogues. This was considered a positive, yet unintended consequence of the project, especially considering that the dialogue facilitators were not trained in conflict mitigation, but rather just dialogue facilitation. Nevertheless, community members continued to bring their disputes – including land issues, theft, and domestic violence – to this reconciliation forum, and the NGO facilitators became known as “peacemakers” within the communities (Interview: Monrovia, 2.9.2015). It seems in this case that the essential factor was that the community members felt that this forum was a secure, neutral, and open space for them to be able to discuss with other community members those issues about which they were concerned. Therefore, not all discussions revolved around the issue of reconciliation, as originally planned. Furthermore, any decisions taken during these dialogue forums were taken as a result of people talking to each other and using examples to encourage change – there was no pressure from any party to accept any results and people agreed on the outcome (Interview: Monrovia, 2.9.2015).

Another example of an NGO involved in conflict resolution work is the West Africa Network for Peacebuilding (WANEP), which is very involved in developing and maintaining an Early Warning and Early Response (EWER) system. Through their data collection system, peace and potential conflict are being monitored closely, to see which conflict issues are on the rise. Steering committees and teams have been built around this on a national framework involving both governmental agencies and civil society actors in order to determine what response is needed and which actor should best respond (Interview: Monrovia, 2.9.2015). But perhaps the more important question is whether the mechanisms put in place to address these conflict signs are actually working. It seems that on the national level the response mechanisms have been too slow, due to the political nature of ECOWAS, while at the local level there has been more success. But developing such an EWER network is incredibly challenging, specifically in terms of sufficient information flow and adequate intervention possibilities (Interview: Monrovia, 2.9.2015). The success of such a network is highly dependent on having the right community-based actors on board who have direct access to the conflict site.

From the interviews conducted with NGO staff members, it was apparent that all NGO actors active in the fields of peacebuilding and conflict resolution in Liberia are willing to step in and assist communities resolve their conflict when the need arises. In this respect, there is a firm recognition on the part of these actors that unresolved disputes and conflict should not be given the space to fester and grow and lead to violence, but rather should be faced head on with whatever means are available. In these cases, such organizations are well placed to act, as they most often have international funding and are respected and trusted by most Liberians. Nevertheless, as explained below, due to competition between NGOs, the level of coordination between them is remarkably low, which could limit their potential to resolve conflict.

3.3.2 Urban Community Actors and Structures

In Liberia today, approximately 47% of the population lives in urban centers (LISGIS 2009). As a result of the war, with its massive displacement of rural populations, destruction of homes and loss of family

members, with the civilian population seeking out either a refuge from war or livelihood opportunities in the cities, the population of Monrovia alone is 1.2 million out of a national population of 4.4 million.⁴² Shilue and Fagen (2014, 21) argue that displacement “fundamentally changed the economic basis of Liberia’s existence” and continues to “strain public services, create insecurity and fuel urbanization”. Very often when urbanization occurs – whether as a result of population displacement due to violence or the economic motives of the citizens – the traditional structures that people were familiar with in the rural areas are left behind. In urban centers, a community leadership structure normally exists, although the extent of its authority and legitimacy among the community members can vary dramatically between communities. While some community leaders are respected and looked up to, others are considered corrupt. Each community generally has a community chairman, a community chairlady and a youth leader, who are all sometimes elected by the entire community, but can also be appointed by the community elders. Although the community leaders are ostensibly an extension of the government, under the supervision of the Ministry of Internal Affairs, the actual link between the MIA and the community leaders is weak and unregulated. The community leaders carry out their tasks on a strictly voluntary basis and do not receive any compensation for their work (Interview: Monrovia, 15.9.2015 and FGDs: Gbarnga, 9.9.15 and Monrovia, 17.9.15).

The work that community leaders are involved in is “mainly about solving problems”, specifically conflict resolution, crisis management and community policing⁴³ (Interview: Monrovia, 15.9.15). One example of efficient crisis management was the handling of the Ebola outbreak in 2014-15 on the part of communities. As has been noted by Ashoka Mukpo in a special report on the Ebola crisis, a “critical element” of the success against the disease was the activism of the individual communities themselves (both rural and urban), not just through the active case finders⁴⁴ who were designated in each community, but also through “other measures independently taken by communities to safeguard themselves against the spread of the disease” (Mukpo 2015, 24). For instance, one community leadership created its own set of rules for the community to follow during the crisis including regulations on hygiene and on strangers allowed into the community (FGD: Monrovia, 17.9.2015). The community activism and involvement in combatting Ebola was even acknowledged by the Liberian President when she admitted that the government’s heavy-handed response at the beginning of the Ebola outbreak was a mistake: “Now I know that people’s ownership, community participation, works better in a case like this” (Gladstone 2015).

⁴² United Nations Data Retrieval System: <http://data.un.org/CountryProfile.aspx?crName=liberia>

⁴³ The issue of community policing was only addressed superficially during the field research, and only investigated inside one specific community in Monrovia. Therefore, it is impossible to draw any real conclusions about the scope of community policing in Monrovia as a whole. However, considering the evidence and research concerning the inability of the Liberian National Police (LNP) to effectively address crime in both urban and rural settings (see Human Rights Watch 2103 and Isser et. al. 2009) some conclusions can be drawn about the perceived need of communities to have some sort of community policing. As stated by one woman in said community: “There is no security. We are our own security” (FGD: Monrovia, 17.9.2015). The impression from interviews in the community and from various informal discussions with other citizens in Monrovia is that community policing is seen as a positive development and has enhanced the security of urban citizens. The members of the “community watch groups” are trusted members of the community and respected for doing a dangerous job. Specifically in the framework of this research project, it is also interesting to note that the members of the community watch group are recruited by the community leadership with the consensus of the police (Interview: Monrovia, 15.9.2015), which demonstrates some level of collaboration between the community leadership structure and the LNP, as well as an acknowledgment on the part of the police that they cannot provide security to all communities. The extent to which this collaboration is formalized, as well as the characteristics that it takes on, remain at this time unknown. This issue is also very lightly touched upon in the Human Rights Watch report (2013, 26), which states that a vigilante group is being paid to provide security “because the police are doing nothing”.

⁴⁴ In collaboration with the Ministry of Health and Social Welfare and under the supervision of the World Health Organization (WHO).

In terms of conflict resolution, the community leaders spend much of their voluntary time handling disputes between community members, by either adjudicating or mediating disputes⁴⁵ and dealing with the police and their involvement in certain cases. Conflicts that they are confronted with include relationship disputes (between men and women), loan and debt conflicts, violence among community children and youth, mob justice and misdemeanor crimes, such as theft and burglary. The process of handling these various conflicts, and importantly the stakeholders who are involved in resolving the case, differ dramatically depending on the type and severity of the conflict and the attitude of both parties. For instance a case involving a domestic dispute could be mediated by the community chairlady if both parties are willing, but for instance if the man is not willing to resolve the dispute in this forum, other community elders or even the parents of the parties can be brought in to discuss the case (FGD: Monrovia, 17.9.2015). In the context of such disputes, the leadership will often carry-out some sort of fact-finding exercises (speaking with immediate and extended family members, asking questions) prior to the resolution of a case (FGD: Monrovia, 17.9.2015). In terms of burglary, if the culprits are apprehended in the community on a first-time offense, the situation can be handled simply by the return of the stolen items to their rightful owners and an acknowledgment of wrongdoing (Interview: Monrovia, 15.9.2015). Once a case has been resolved and closed, everyone that is present will drink something (non-alcoholic) together (Interview: Monrovia, 15.9.15.) which mirrors the traditional ritual of eating the Kola nut or sharing a meal together. Other responsibilities of the community leadership can be playing the role of a legal advisor and counselor to community members who are often not acquainted with the law or the formal justice system (Interview: Monrovia, 15.9.15.) or intervening in potential cases of mob justice, in order to calm the agitators (FGD: Gbarnga, 9.9.15).

An interesting observation in this context was that all community members interviewed gave very similar thresholds for the type of conflict that could not be solved at the community level and which needed to be turned over to the police. In a domestic dispute, this threshold is apparently whenever it becomes particularly violent: “When she’s bleeding, they will call for that man first and arrest him and put him in jail.... Because there is blood involved” (FGD: Monrovia, 17.9.2015).⁴⁶ Particularly the women in Monrovia were adamant about the fact that the community leadership as well as community members in general should do their best to resolve a conflict before it becomes violent, so that there is no need to take the case to the police. In a case of theft or burglary, this threshold is very simply the second time an offense is committed (Interview: Monrovia, 15.9.15. and FGD: Monrovia, 17.9.15).

“I only have one chance to talk to him as a person....The second one I don't have no business in it. No business.... If you are caught with someone's property, and maybe we retrieve it and you apologize, we deem it necessary to forgive you. That's a chance for you, forever. Second time, no chance... you have to enter police custody - even if it is for three days, I will facilitate it. To make sure that you be penalized by the police.” (Interview: Monrovia, 15.9.2015)

⁴⁵ In discussions revolving around how exactly conflicts are resolved, elements of mediation processes or ADR were mentioned, for instance, “consensus”, “bring people together”, “harmonizing between people”, “approve a resolution that everybody will be happy” but various words associated more with adjudication were also mentioned: “judge”, “fine” “evidence”, “witness”, “investigation”, and “testify” (FGDs: Gbarnga, 9.9.15 and Monrovia, 17.9.2015; Interview: Monrovia, 15.9.15). Due to the high level of independence within which the community leadership carries out its work, and the lack of specific rules and regulations that are given to them in terms of how they are to carry out their jobs, one can conclude that the leadership, specifically the chairmen, have a great deal of freedom to solve disputes as they deem necessary – either with mediation, adjudication, or a combination of both.

⁴⁶ Interestingly, a paramount chief gave a very similar threshold – when there is a “threat to violence” for when the customary system has to turn conflict case over “to the law” (Interview: Palala, 10.9.15)

3.4 Choosing between Mechanisms for Conflict Resolution

One important factor under investigation in this research was whether Liberians have sufficient options at their disposal in order to adequately solve their disputes, and whether they are free to choose among them. Clearly, perspectives on this can only be subjective – what is ‘sufficient’ for one citizen may be highly insufficient for another. Furthermore, as we have already discussed in depth in this report, solving disputes ‘adequately’ has fundamentally different connotations when comparing the formal and informal systems of justice. In light of this, it is interesting to see how generally positive those interviewed were about the options available for conflict resolution, but also to see why (limited) dissent on this topic exists. Also of great interest was the near unanimous perception among Bong County residents – including civil society representatives, customary authorities, and common citizens – that their options were sufficient, while those individuals who were reflecting on this topic from a country-wide perspective were a bit more critical. Specifically, those that were positive stressed the fact that on a very basic, community level, there are always respected people to turn to when one has a dispute, including family members and the elders in the community.

“They got many different ways to solve conflict. we got our elders, they live with us, they mess around with us. So if there is a problem that I can't solve, we go to them. They will intervene and resolve it; we consider them to be wise people.” (Interview: Gbarnga, 9.9.15)

There are further options beyond the basic level including zone leaders, traditional leaders, one’s religious community and authorities, as well as the various NGOs that are available to give information and raise awareness. Lastly, when those options for whatever reason fail, people can also approach the police and the courts. Thus there are multiple layers of conflict resolution mechanisms that people make use of (Interviews: Gbarnga, 7.9.15, 9.9.15, two separate on 11.9.15, Monrovia: 2.9.15, 4.9.15, 16.9.15).

Comments implying that people in Liberia are not aware of their options were mainly referring to the formal system, which many people are unfamiliar with, rather than the customary and community system, with which people are very familiar. These comments specifically referred to the level of ignorance that certain communities have about how the formal system of justice works (Interviews: Gbarnga, 5.9.15 and 8.9.15). This could be due to the remoteness of a community, which leads to less opportunities for the distribution of information, but could also be due to the intentional actions of the traditional leaders to limit information about the formal system (Interview: Monrovia, 17.9.15). Among all interviews, only two persons felt that the citizens of Liberia do not have sufficient options for solving conflict. One person commented that although many options already exist, the people of Liberia, specifically the youth, need more ideas about how to resolve conflict peacefully. In his opinion, the youth are still too quick to use violence, and only through building the capacity of the youth in such a way as to ensure that they choose the path of peace over violence could mean that their options are “sufficient” (Interview: Gbarnga, 11.9.15). The other person felt that options were not sufficient because not all communities in the country had access to a “human rights monitor, or a women’s dispute resolution center or a peace committee” (Interview: Monrovia: 15.9.15). In other words, from this perspective, if a community does not have access to governmentally-sponsored conflict resolution mechanisms, than its options are not sufficient.

It was generally understood that more options at people’s disposal to resolve their disputes did not lead to confusion of any kind, but they rather help people to resolve their conflicts better – specifically in the sense of resolving them *on their own*, using the tools and strategies that they have been informed about, rather than going someplace to have them resolved (Interviews: Gbarnga, 7.9.15 and 9.9.15; Palala, 10.9.15).

“Once the people are informed about the several alternatives and the instruments given to them, they can help better to solve their problems. People want to solve their own community conflict; they just need a little support to do that.” (Interview: Gbarnga, 7.9.15)

It was also emphasized during interviews that people can generally choose among their options, and they understand the implications of their choice. This depends first and foremost on individuals and communities having the proper information about their options, in order to understand and make educated choices (Interviews: Gbarnga, 5.9.15 and Monrovia, 2.9.15).

“If you give them the right information, they can choose for themselves and not be manipulated by anyone.” (Interview: Gbarnga, 5.9.15)

But having more options for the resolution of conflict does not necessarily translate into *better access* to these options. Theoretically, a person can take a conflict to the police if his customary options have proven to be unsatisfactory. But practically, he may not be able to afford the costs that are involved in the formal process. So there remains a large disconnect between the options that people have on paper, and the options that they can realistically pursue. One NGO staff member emphasized this point as he spoke about the work his organization was carrying out. For him, it is essential not just to let “the community know that the options are there but for them to have access and ... [feel] the impact of having that access” (Interview: Monrovia, 17.9.15).

Another aspect which should be analyzed carefully is the concept of “forum shopping”, which entails conflict parties probing various options for solving a dispute, in search of the most favorable outcome. The concept of forum shopping in Liberia has been criticized as an “opportunistic” method through which “litigants choose the formal system primarily if they believe it will give them an unfair advantage over their opponent” (Isser et.al., 2009: 3). While there is certainly some truth to this statement, forum shopping may not always be an attempt to outmaneuver the other party. Instead, it is common practice in countries which have dual legal systems. Specifically in terms of land rights problems in post-conflict settings, Unruh (2009: 58) argues that forum shopping is simply when individuals and communities choose which legal field to go to with their dispute. In Liberia, it could be argued that while some individuals will opportunistically search for the ‘best deal’, the concept of forum shopping is generally positive because it allows people to weigh their options and decide what is best for them. This weighing of options may not have as its main objective where he or she will get the best outcome, but can take many other factors into consideration as well, such as what option will cost the least money and which option has the best potential to definitively and peacefully resolve the conflict. To perceive forum shopping solely as opportunistic misses the other factors that play a large role in selecting the conflict resolution mechanism to pursue, which can be significantly more holistic than just the final result. Furthermore, as one NGO staff member poignantly stated, “It’s better to shop around forums than to resort to violence” (Interview: Gbarnga, 11.9.15).

It is here that this research can only begin to comprehend and describe the uniqueness of each individual case of conflict. There is no exact blueprint that people follow when they have disputes – each case is different dependent on context; specifically the location, who is involved in the conflict, and the nature of the conflict. Only through understanding each individual context can one understand why people prioritize certain options over others (Interviews: Monrovia, 4.9.15 and 14.9.15). While educated guesses could objectively be made in terms of what mechanism will be chosen based on a conflict party’s geographical location, their income level, the scope of the conflict, the actors involved, and the knowledge of how the formal and customary systems work in certain settings, what cannot be predicted is the individual and unique factors of each case – such as the personal relations between conflict stakeholders.

That being said, there is an evident willingness on the part of most conflict parties to have their disputes solved at the lowest level possible: “Whatever *can* be solved in the community, *should* be solved there” (Interview: Gbarnga, 10.9.15). There are various reasons for this. Some Liberians would simply prefer not to have their private affairs taken to the police or courts. Others dislike the type of ‘justice’ that is available through the formal system. Still others are beginning to understand that solving conflicts within the community, without involving the formal system, is more sustainable, and there is no need to involve the formal system in every dispute (Interview: Monrovia, 2.9.15). Several interviewees stated that when conflict parties “*really want to*” make peace or resolve their conflicts, they will approach their traditional and/or community leaders (Interview: Monrovia, 4.9.15 and FGD: Monrovia, 17.9.15).

“People are willing to hammer things out on a local level.” (Interview: Gbarnga, 5.9.15)

But while people often prefer to use the conflict resolution mechanism with which they are most familiar, or which is ‘closest’ to them both physically and socially, many of those interviewed feel that these community resources and capacities were not being fully utilized. While it is positive to have long-term objectives, for instance how the formal justice system should be structured and implemented and how it should provide justice for all citizens, it is also essential to recognize that this objective is truly long-term, and most Liberian citizens currently utilize community and/or customary structures in their search for justice. Therefore, these structures merit not only being acknowledged, but also targeted for cooperation and collaboration, as the statutory systems for conflict resolution could learn much from their experience and legitimacy, which could have long-term benefits for the communities in terms of the resolution of conflict.

“The resources at the community level for dealing with those kind of issues is quite high, and sometimes we overlook them and instead of listening to them and encouraging them to strike a kind of balance that will be long-lasting to them, we think we can take peace to them.” (Interview: Gbarnga, 8.9.15)

“And that is the challenge that we have in Liberia. Do we follow what works or do we just go along because we want to get some money from some foreign government that requires that you follow the new method that came up in Cambridge? Or do you go back and find out what works in those people’s society?” (Interview: Monrovia, 4.9.15)

4 Land Conflicts and their Resolution

4.1 Overview of Land and Property Conflicts in Liberia

Conflict over land in Liberia is multi-dimensional, and cannot be categorized as strictly ethnic-based conflict (as a result of the return of refugees reclaiming their land and/or property) or due to concessions to multinational corporations. Liberia's land conflict can instead be traced to the dualistic system of land tenure that still prevails in the country today and causes significant confusion (one system based on customary law and one based on statutory law) and is significantly compounded by a weak regulatory framework and poor documentation. Historically, land in the interior of Liberia was owned collectively, with use rights (not ownership rights) being granted by customary law on an individual basis, mainly to families (USAID 2010, 6; Wiley 2007, 169-172). Early laws of the Republic of Liberia respected and recognized customary ownership with respect to the interior. The 1956 Aborigines Law, however, designated state ownership of all lands not otherwise privately titled or deeded. Statutory law thus recognized absolute ownership of land, while the tenure of customary land was limited to the right to use the land that effectively belonged to the state and was therefore significantly weaker (see Kaba and Madan 2014, 3 and USAID 2010, 6). While this duality of systems is not particularly unique, especially in Africa, in Liberia the "purposeful separation of the two systems... has led to their non-integration, discrimination when they do come into contact, and has prevented the evolution of positive and mutually beneficial ways of interacting" (Unruh 2007, 82). This has in some cases aggravated the historically tense relations between the Americo-Liberians and the indigenous population (ibid., 71).

The complexity of and confusion around the dualistic system of land ownership was compounded by the war and most specifically by the return of refugees and internally displaced persons thereafter. In particular, the return of refugees from the Muslim Mandingo ethnic group from Guinea to communities in mainly Lofa, Bong and Nimba counties led to large-scale conflict involving the Mandingo people and those (mainly Mano, Gio and Loma) people who had taken over the land during the years of civil crisis. Historically, the Mandingo people have been in Liberia for generations, but are not considered indigenous to the country, as they arrived from Guinea during the 1800s. Indigenous Liberians gave the Mandingo use rights over land in order to settle, and while the indigenous considered the land communal and didn't contemplate procuring deeds for the land, over the generations the Mandingo secured statutory deeds for the land they had been granted. As Muslim traders, they were treated favorably by the settler elite in Monrovia, particularly in comparison to indigenous Liberians, for instance by being exempted from mandatory communal labor in road construction. As a result, while the older generations welcomed the Mandingo traders and built mutually-beneficial forms of collaboration with them, the younger generations saw much of the privilege and success of the Mandingo as detrimental to their own chances of success (Shilue 2012). Such animosity greatly increased as Doe in the 1980s sought out alliances with the Mandingo during his rule at the expense of other ethnic groups. When the Mandingo in turn fled during the war to Guinea, Liberians of indigenous ethnicity took over their deeded land and property. When they returned after the end of the war – with the deeds for the land in question – the indigenous communities on the land often refused to leave, considering the land and property as rightfully theirs. From their perspective, the Mandingo had historically only been granted customary use rights, rather than ownership (Interviews: Gbarnga, 8.9.15 and Monrovia, 17.9.15; USAID 2010, 9). Such disputes then took on a discourse of autochthony, whereby certain ethnic groups declared that they have the most original and therefore legitimate claims to the land in question (Shilue 2012). There are some people who do not even recognize the Mandingo as legitimate Liberians who should have the right to own land (Unruh 2007, 76). Thus ethnic conflict over land as a result of the war, while to a great

extent resolved, continues to reverberate particularly in the center of the country, where some Mandingo have not been able to recover their land lost in the conflict (Shilue and Fagen, 20).

The delicate issue of land disputes between ethnic groups is ongoing in Liberia today, although ethnicity itself has rarely been the underlying cause of land disputes (Moore 2010, 4). More central to the conflict was arguably the role that the youth played in terms of their perceived discrimination and lack of access to land within the customary system (Unruh 2007, 73), which was the case across ethnic groups.⁴⁷ Since the end of the war, there has been a significant effort on the part of various actors to address the conflicts arising from returning refugees, and considerable progress has been made. Particularly in Bong County many interviewees praised the fact that the county has had little ethnic conflict on the scale that one has observed in Lofa and Nimba counties. While Bong County is ethnically diverse and there had been serious and violent ethnic disputes over land, most of the war-related conflicts have been solved and the people of Bong County are well informed about the process and procedures for owning land (Interviews: Monrovia, 4.9.15; Gbarnga, 7.9.15 and 11.9.15).

That being said, land conflict is nevertheless on the rise nationally, and pressure on land is increasing. With the notable exception of concessions (discussed below), much of this conflict surrounding land is relatively small-scale, often among family members or neighbors, and is resolved mostly peacefully. Nevertheless, the potential that the issue of land has for creating animosity and endangering the peace in Liberia should not be understated. A 2008 survey carried out by Afrobarometer found that 62 percent of Liberians ranked land ownership and distribution as the most important cause of violent conflict in the country. Interviews reflected this view as well: one NGO staff member emphasized that every county in the country is experiencing serious land conflict, while residents of one specific urban center stated that conflict in town is mainly land related (Interviews: Gbarnga, 8.9.15 and 9.9.15). In its final report in 2009, the Liberian Truth and Reconciliation Commission identified historical disputes over land acquisition, distribution and accessibility as one of the root causes of the conflict⁴⁸, recommending the recognition of communal and tribal property rights as well as just compensation for owners of land, including communally, whose land was forcefully taken away for concession (TRC 2009, 16, 404).

Typical land disputes include the double sale of land, boundary disputes and land encroachment, which are commonplace in both rural and urban areas. Conflicts can arise, for instance, when tenants have been living at a property for many years but do not have a deed and someone purchases the land without their knowledge, or when families have disputes over inheritance. Many conflicts dealing with land are either between neighbors or family members (Interviews: Gbarnga, 10.9.15 and 11.9.15) and have at the root of the problem a deeper familial or societal conflict whose dynamics are simply recreated within the land conflict (NRC 2011, 18). According to one interviewee, these conflicts are increasing and are being sustained by the quest many Liberians have for owning property or land, and the ease with which people can sell land that they don't actually own. Many Liberians in the diaspora have also come to the realization that the urban property which their families owned before the civil crisis is valuable. If and when they attempt to return to the property or sell it, the land has been occupied by people who may or may not have deeds. Many properties even have two legal deeds, in which case the person with the earliest date is considered the legal owner of the property (Interview: Monrovia, 16.9.15). Therefore, it is perhaps no surprise that the same survey found that violent land disputes were much more prevalent in urban than rural areas (Afrobarometer 2009, 2-4).

⁴⁷ NRC reports that the majority of disputes that the organization mediated in Liberia were intra-tribal disputes, within one ethnic group, rather than inter-tribal (NRC 2011, 14).

⁴⁸ Other root causes include poverty; the over-centralization of governance and the dominance of the Americo-Liberian oligarchy over the indigenous peoples; the lack of mechanisms for dispute resolution; the duality of the Liberian political, social and legal systems; a political and social system founded on the privilege and patronage; and others (TRC 2009, 16-17).

Furthermore, large land concessions have compounded the problems with the dualistic land tenure system and have denied Liberians access to their ancestral land. Concessions in Liberia to multinational companies have been highly controversial over the years⁴⁹ and since the end of the war have been hardly less so. Upon her election to the presidency, the first act Ellen Johnson-Sirleaf carried out in 2006 was a cancellation of all timber concessions that had been signed with the Government of Liberia during the two years of the transitional government (Unruh 2007, 75). One of the many problems with concessions is the lack of clarity on the specific rights granted to the concession holders. For instance, while a company may obtain a concession for the exploitation of one particular resource (i.e. timber), the concession essentially grants broader rights of exploiting the land for whatever purpose the company deems necessary or productive. A further concern is the fact that often, only a fraction of the concession land is being used for production, leaving the remainder of the land idle, yet still claimed by the company. Such a situation prohibits the land for being used for other purposes, including for local food needs (ibid., 73-74). Moreover, concessions are often granted without sufficient and respectful consultation with the communities who will be directly affected by the development of the land, which can lead to animosity and violence (Interviews: Gbarnga, 7.9.15 and 10.9.15). For instance, in one recent case a large palm-oil producer signed Memorandums of Understanding with rural communities during the height of the Ebola crisis in 2014. The state of emergency and the situation of panic in the country at that time allowed the company to strong-arm community members into signing without the oversight of NGOs, who usually ensure informed consent on the part of the affected communities, but who could not access the region at the time (Watt 2015). In spite of these seriously troubling concerns surrounding the granting and administering of concessions, Liberia has nevertheless one of the highest concession rates in Africa which, according to one survey from 2012, constitute 25% of the country's overall land (Kaba and Madan 2014, 5).

Adding to the already volatile state of affairs has been the weak regulatory framework for land. The ambiguity between customary and statutory land tenure combined with outdated and unclear land laws has led to both great confusion about lawful land ownership and use rights and has allowed plenty of opportunity for fraudulent land deals (Interview: Monrovia, 2.9.15; Unruh 2007, 78; USAID 2010, 9). The fact that no national land registry exists and therefore no systematic record system or archives where one can check the particulars of a piece of land has significantly complicated the matter (Unruh 2007, 69; USAID, 9; Interview: Monrovia, 16.9.15). Furthermore, governance bodies and land administration institutions have historically been weak and woefully under-resourced, with no capacity to handle such complicated affairs, leading to a lack of clarity over who the ultimate decision maker is when it comes to land policy (IRIN 2013; NRC 2011, 9; USAID 2010, 9; Interview: Gbarnga, 11.9.15). This "failure of land governance" (Interview: Gbarnga, 11.9.15) has also ensured that, until recently, no institutional mechanism existed that could address land disputes (P4DP 2015, 52; Unruh 2007, 78). The establishment of the Land Commission in 2009 (see below) was a welcome acknowledgement of the problems and a meaningful attempt to alleviate the situation. The proposed Land Rights Act, however, would have much more of an impact, as it sets customary land on an equal footing with private land, allowing the ownership of customary land to be established by oral testimonies of communities and the "proven longstanding relationship of possession and protection" between the communities and the land. No written documentation is therefore needed to prove communal ownership (RoL 2014, 16-17). However, the Act has yet to be passed by parliament almost two years after its final draft date, even though the delay in passing this law risks the resurgence of social conflict in the country (Butty, 2015). Thus the situation remains

⁴⁹ Refer, for instance, to the first concession in 1926 with the American company Firestone Tire and Rubber Company, which leased one million acres of land for a period of 99 years and employed forced indigenous labor (see Ellis 1999, 44-45) or the various concessions, in particular timber, granted during the Presidency of Charles Taylor and which partially, but significantly, funded the war (see Adebajo 2002, 113).

fragile and the task of land reform remains colossal: many Liberians do not have access to or have been disposed of their ancestral land, and conflict over land and property is only increasing.

4.2 Customary Resolution of Land Conflicts and Its Limitations

Where available, the customary system is typically the point of first instance for the resolution of any land or property conflict. For the many reasons discussed above, many Liberians are hesitant to use the formal judiciary system in order to resolve any type of dispute, including land disputes. But in many cases, there is little interest in using the formal system, as the chiefs are expected and trusted to resolve such disputes among community members, and dialogues initiated by traditional leaders are a “very effective means of mediating land and property disputes” (P4DP 2015, 53). This may not, of course, apply across the board in every community in Liberia, as the dynamics between customary authorities and community members is widely disparate and context-specific; nevertheless, other studies have come to very similar conclusions.⁵⁰ While it is known that the customary system played a “large and positive role in the reintegration and resettlement of dislocates after the war”, there still remains a “lack of confidence among small holders regarding forms of customary courts and their ability to adjudicate land issues fairly” (Unruh 2007, 71). Therefore, if the conflict parties find “no confidence” in the chief, they may be hesitant to address him or her with their problem and the conflict will most likely persist (Interview: Gbarnga, 7.9.15).

According to one paramount chief, the customary method of solving a land dispute doesn’t differ dramatically from the resolution of other types of conflict, although the features he described resembled arbitration much more than mediation: listening to the two parties, having a type of “hearing” with questions and answers, visiting the site of the land dispute, doing an investigation, visiting the town chief and the elders in the area in order to get an explanation, deciding “who is right and who is wrong”, and then ultimately passing a ruling (Interview: 11.9.15).

“So we go there, we set up a committee. Then the elder people in that county, they will go with us and sort out the boundary. Then we lay a demarcation between them. Don’t go on this side, don’t go on this side. Then they will understand us.” (Interview with a paramount chief: 10.9.15)

Because the customary system has a built-in appeal system, even in cases in which the chief him or herself becomes an integral part of the conflict, for instance in disputes between whole communities, the case will simply continue up the customary hierarchy until the next chief in line is considered neutral and therefore qualified to hear the case. If the paramount chief is unable to resolve the dispute, he or she could pass it along to the County Peace Committee, before it goes to the courts (two separate interviews: Gbarnga, 7.9.15). The judiciary system is thus seen as a last arbiter of disputes when a conflict party is not satisfied with the ruling of the traditional court or community authorities (P4DP 2015, 54).

However, the capability of chiefs to solve land disputes is limited under certain conditions, specifically when a double-sale of land has taken place. In this case a crime has occurred and the matter is referred to the formal judicial system. Cases involving statutory deeds and titles also typically end up in the courts, to the distinct disadvantage of the party without the appropriate documents. In the eyes of

⁵⁰ A study conducted by Norwegian Refugee Council (NRC) on land conflicts in Grand Gedeh, Lofa and Nimba Counties found similar results as the present research project: In terms of solving various types of land conflict, including those caused by the war or boundary conflicts, respondents overwhelmingly preferred to take their cases to traditional or community authorities (family, elders, section chief, paramount chief) rather than to the statutory authorities (local court, magistrate’ court, police). See tables 6, 10, and 14 in Alexandra Hartman, *Comparative Analysis of Land Conflicts in Liberia: Grand Gedeh, Lofa and Nimba Counties*, Norwegian Refugee Council, 2010. See also Isser et. al. 2009.

the formal system, having evidence of a statutory title strengthens the claim to the land tremendously. This had led to title-holders seeking out the formal justice system in order to resolve land conflicts because they know the land will most likely be rewarded in full to them, while parties without authentic documents desperately seek out other mechanisms for resolution (Interview: Gbarnga, 7.9.15), including the customary system.

A further instance of conflict which the customary system is typically incapable of resolving on its own is conflict surrounding concessions. In such cases, the chiefs are generally representing the interests of their communities – communities which often feel that they have been excluded from the decision-making processes between the company and the government and have been insufficiently consulted about the future of their communal land. Therefore, the chiefs cannot act as a neutral mediator but are rather endeavoring to make the voices of their communities heard. In such conflicts, it is rather the government that steps in and attempts to resolve the dispute, although the neutrality of the government is highly questioned in such cases and is perceived as being more aligned with the interests of the company (Interviews: Gbarnga, 7.9.15 and 10.9.15 and Palala, 10.9.15; P4DP 2015, 51-52).

4.3 NGO Initiatives

Since the war ended, there have been a number of NGOs that have been directly involved in the resolution of land conflicts, including the Development Education Network-Liberia (DEN-L), TetraTech, Platform for Dialogue and Peace (P4DP), Center for Justice and Peace Studies, Parley-Liberia and Norwegian Refugee Council (NRC), just to name a few. Many of these organizations were intimately involved with conflicts related to the returning refugee populations, specifically in Lofa, Nimba and Bong counties, and several continue to address the issue of land disputes (also non-war related) with their programming. As with non-land related conflicts, third parties will continue to step in and offer their assistance in dispute resolution until the justice system is better equipped to do so, or, particularly in the case of land, until a clear regulatory framework for land ownership is in place which also has dispute resolution mechanisms at its disposal. Research carried out by P4DP found that both NGOs and community-based organizations have played a “pivotal role” in land disputes by creating “the corridor for peaceful negotiations” and establishing the necessary structures for mediation that have proven helpful in resolving land conflicts both among community members and between multinational corporations and communities (P4DP 2015, 55). Such organizations have also had a significantly high level of cooperation in the framework of their projects with each other, as well as with customary authorities and governmental and judicial officials.

One notable project in this regard was USAID’s Land Conflict Resolution Project (LCRP), which supported the Land Commission in strengthening its processes of dispute resolution through the Land Coordination Centers (LCCs) and also worked together with the Government of Liberia and international partners, including TetraTech, a US-based consultancy and technical services company. The project was designed as a three-year pilot project to work within the timeframe of the Land Commission. It conducted in five counties a widespread public awareness campaign about land rights and options for land dispute resolution, established dispute resolution entities at the local level, and trained and certified individuals in alternative dispute resolution (ADR) and collaborative dispute resolution (CDR).⁵¹ These trained mediators were chosen after carefully conducted interviews in the community and based upon their status and responsibilities in the community as well as their perceived ability to assist communities in

⁵¹ <http://www.tetrattech.com/en/projects/land-conflict-resolution-project-liberia>

solving conflict (Interview: Monrovia, 16.9.15). Some of these individuals then became practitioners for the LCCs at county level (see below). The project also aimed to “build pathways between customary and statutory land dispute methodologies” (USAID 2012, 3) and to explore more generally the possibilities that mediation offers as a sustainable way to resolve land conflict. Because mediation proved promising as a methodology, an official policy on mediation was drafted, on which many different civil society organizations collaborated. The policy is envisioned as being linked to the formal judicial process, and would allow mediation to be offered to conflict parties prior to the case entering the court system (Interview: Monrovia, 16.9.15).

Another example is the Information, Counselling and Legal Assistance (ICLA) project of the Norwegian Refugee Council which offered for many years, as one pillar of its work, its own mediation services for cases of land conflict, essentially pioneering the methodology of ADR that the Land Commission would then adopt as its own method of mediating land conflicts. After an initial slow start, the mediation services proved to very popular with the communities in the counties which it served. According to one former staff member, NRC’s mediation services were sought-out not only because they were cost-free, but also because they were highly accessible even in remote areas. The project was highly operational and was able to adequately cover all districts of the five counties in which it was active (Interview: Gbarnga, 11.9.15). The ICLA project was able to capitalize on the lack of trust on the part of the citizens that affects both the customary and statutory system, and while engaging and cooperating with both of the systems, offered its mediation as an alternative to both (Syn and ICLA 2012, 48; Interview: Gbarnga, 11.9.15). Such mediation processes are much more intelligible than formal judiciary processes, which allow disputants to have more control over the process (Interview: Gbarnga, 11.9.15). However, as Unruh (2009, 62) points out, without the legal backing of the state to monitor the outcomes of such processes, the “mediation efforts depend on the goodwill of the disputants and the ability of the mediation process to cultivate, purchase or otherwise encourage, coax and coerce such goodwill.” Nevertheless, the project could point to an overall successful rate of conflict resolution: throughout eight years, it registered over 5,400 cases, of which just over 4,000 were resolved, meaning either a signed Memorandum of Understanding between the conflict parties, a formal demarcation, or the production of an official deed (Interview: Gbarnga, 11.9.15).

As an endeavor to make their work more sustainable in the long term, the second pillar of NRC’s work was building the capacity of others – individuals, communities, and institutions – to resolve land disputes without the assistance of NRC. They did this by carrying out training on land and property acquisition in both the customary and statutory systems of land tenure as well as training on mediation skills. Such mediation training aimed to give “chiefs and local government officials sufficient mediation skills ... to facilitate their own basic mediations and also has the effect of generally creating a more permissive environment for mediation activities” (NRC 2011, 27). The third pillar of the ICLA project then aimed at “systemic solutions to insecure tenure” through working with the relevant institutions involved in the governance and administration of land, such as the Land Commission (NRC 2011, 13). For instance, the NRC provided material support to such institutions and carried out research that informed its advocacy focused on improving the access to and quality of dispute resolution services in Liberia (Interview: Gbarnga, 11.9.15).

There are countless other NGOs and CBOs that are or were involved in some way with assisting in the resolution of land disputes, for instance some organizations carry out mediation and dispute resolution trainings, while others carried out projects between returning refugees from the Mandingo community and those ethnic groups who remained in the country during the war. From the information gathered, land conflicts between ethnic groups were resolved in quite a variety of ways, including through long-term sustainable dialogue initiatives, working with the government in order to organize and implement a compensation scheme for those who had to leave their property, and in one case, building an entirely

new street in an urban area in order to decrease the tension that had developed around the main commercial street which was contested.⁵² This ensured that no one was forced to leave their property unwillingly, and as the street was created parallel to the main street, this solution satisfied all parties and actually led to job creation (Interviews: Gbarnga: 8.9.15 and Monrovia, 14.9.15 and 17.9.15).

4.4 Land Commission

The Land Commission was founded as an independent body of the Liberian government in 2009 and was mandated to “propose, advocate and coordinate reforms of land policy” as well as, among other things, to promote security of tenure in land and effective land administration.⁵³ In order to achieve these ambitious goals, it was given an extensive list of duties and functions, which may explain to a certain extent some of the confusion that was encountered during interviews about how exactly the Land Commission operated. The Commission was mandated to investigate and recommend remedies for the inadequacies in land policy, taking into careful consideration matters such as the dichotomy between statutory and customary land rights, land administration and land use planning, investors’ access to land, and the fair resolution of disputes over land. At the heart of the matter was the understanding that the Land Commission was to “settle the question of customary land rights” while setting policy for tenure security and effective land administration (USAID 2010 1, 4).

The Land Commission also educated the public about the complicated process of acquiring land or securing a title for customary land in Liberia, a process which was generally unknown in more rural areas, as people in the interior owned land communally. Furthermore, the process is complex and time-consuming and “in practice has proved to be beyond the ability of many rural Liberians” (NRC 2011, 10). Syn (2012, 49) argues that “the secret of how to acquire land was hidden from the country people” and although this awareness is growing, many people are only now beginning to understand that they can go through the process of getting a deed (Interviews: Gbarnga, 7.9.15 and 11.9.15).

Another, perhaps more visible, activity of the Land Commission was to offer free mediation services to parties in a land conflict in the form of ADR, implemented by the Land Coordination Centers (LCCs) in several counties. Such mediation would then be carried out with the agreement of both conflict parties, after Party A sought out the Land Commission for its services. Mediation involved documentation of the case, meetings with both parties individually and together, and the facilitation of a dialogue by trained and neutral ADR practitioners mentioned above (Interview: Gbarnga, 11.9.15).

“...then we will get in touch with Party B. ...we explain the process to him, that we are not the courts, we are not summoning him, he is not forced to come, and this is something that we just want to amicably resolve, whatever is between them – peacefully. So the both of them can be satisfied.” (Interview: Gbarnga, 11.9.15).

“They are not telling anybody, saying ‘you’re right and you’re wrong’. They just go and look at the case, talking to the people, talking to them, to understand one another and that is alright.” (Interview with paramount chief: Gbarnga, 11.9.15)

Decisions were reached by consensus only, which typically ensures that they are respected by the parties. This factor is essential, as the Land Commission has no adjudicatory powers.

⁵² This last project was mentioned in the report of the UN Secretary General on the Peacebuilding Fund on 3 August 2009 and positively evaluated as highlighting “alternative reconciliation approaches in Nimba County”. Available at: <http://betterpeace.org/node/973>.

⁵³ Land Commission Act of 2008, Section 3.1. Available here: <http://www.pul.org.lr/doc/Land%20Commission%20Act.pdf>

“Like most of our mediation, we rely on the parties to come up with their own decision, because when it comes from them, they will abide by it.” (Interview: Gbarnga, 11.9.15)

Similar to NRC’s mediation services, the Land Commission’s mediation services proved to be very popular not only because they were cost-free, but also because they were less time-consuming and expensive than the courts and “replicated the traditional methods” that the people were familiar with (Interview: Gbarnga, 9.9.15). One LCC staff member referred to the Land Commission as a “peace initiative” (Interview: Gbarnga, 9.9.15) which is a reasonable claim not only considering the success of the mediation services, but also because of the actions of the Land Dispute Resolution Task Force, which became active in cases of larger, more serious land conflicts that weren’t able to be resolved through simple mediation. The Task Force members were those stakeholders involved in the resolution of land disputes in the county – the Land Commission, the county superintendent’s office, the survey office, the city mayor, representatives from the Justice and Peace Commission and the Carter Center. With such a significant presence of stakeholders actively engaging to prevent a land conflict from escalating and attempting to find a long-term solution, it often had the desired effect of encouraging the parties to mediate (Interview: Gbarnga, 11.9.15). But it is important to keep in mind that the Task Force, as well as the Land Commission generally, did not settle land disputes on its own. According to one NGO staff member, the objective of the Task Force was rather to get an overview of the scope of the land issues in the counties, to figure out what the specific drivers of land conflict were, and to identify which actors were involved in the field dealing with land conflict, in order to try to promote consistency in their approaches (Interview: Gbarnga, 11.9.15).

While there has been some critique of the Land Commission, it mainly revolves around the fact that its outreach has been somewhat limited, as it was active only in a few counties, or the perception that there is little the Land Commission can do in the face of government’s land reform legislation, which is considered too sophisticated and “Western” for many people in Liberia to fully understand (Interviews: Gbarnga, 7.9.15 and Monrovia, 14.9.15). Nevertheless, the Land Commission has been praised overall for the work it has done and Syn (2012, 50) argues that the Land Commission actively seeks to “understand the problems facing rural Liberians as the interplay of formal and customary systems increases” which is “at least a sign to the people that their voices are important, and that their government wants to hear them.”

The Land Commission was mandated as a type of pilot project, to be carried out for a period of three years. But it became clear that the work of the LC was essential and it should ideally transition into an administrative office for land. The Land Authority Act was then drafted, which, when passed, would create an Authority to assume sole responsibility for land matters, essentially removing any responsibility for land from the Ministry of Lands, Mines and Energy, and any other ministry that had any functions dealing with land, hopefully thereby increasing coordination.⁵⁴ As of April 2016, the Land Authority Act has still not been passed, although it was drafted in 2014.

⁵⁴ See Open Society Initiative for West Africa 2016. Liberia’s Land Authority Act – Deadlock Ends With Unanimous Support from Senate, 18 April 2016. Available at <http://www.osiwa.org/newsroom/blog/liberias-land-authority-act-deadlock-ends-unanimous-support-senate>

5 The Coexistence of Conflict Resolution Mechanisms

The scale of the interaction in Liberia between the traditional mechanisms of conflict resolution and the non-traditional mechanisms is staggering. Analyzing the information provided from several dozen people who are part of or have access to these various mechanisms only scratches the surface in terms of the different levels and types of cooperation, interaction, pragmatic accommodation, jurisdictional overlap, selective integration, and subordination that characterizes the coexistence of conflict resolution mechanisms. Even within the framework of a small-scale research project such as this one, examples of all of these forms have been uncovered, but this is admittedly just the tip of the iceberg. That being said, much of the explanation for this coexistence and many of the examples that were given during interviews were quite similar – regardless of the mechanism, if any, within which the person works. Therefore, I feel that the information and explanation of the forms of coexistence presented here can be seen as being representative of a much larger scale than strictly the individuals who were interviewed and their respective organization or institution. It is essential here, however, to note that much of this coexistence is not formally institutionalized. Therefore, it is often carried out and implemented in an ad-hoc manner, with few official rules or regulations. This means that much of the interaction between mechanisms is decided by individual people and can change greatly depending on the context, the type of conflict, and the stakeholders involved.

5.1 Forms of Coexistence

5.1.1 Formalized Forms of Coexistence

There are several notable exceptions to the fact that little of the cooperation between mechanisms for conflict resolution is formalized. One is the cooperation that the Carter Center has with the stakeholders involved in the *Access to Justice* program. The Center has a Memorandum of Understanding with the Ministry of Internal Affairs, the Ministry of Justice, the National Council of Chiefs and Elders, and the Liberian National Bar Association. In fact, the entire genesis of the program began through discussions with the former Minister of Justice in 2006, who was specifically interested in providing legal education for people out in the communities (Interview: Monrovia, 4.9.15). The Ministry of Internal Affairs was also interested in a project to “enhance the work of the chiefs and also increase their capacity to resolve community level disputes” (Interview: Gbarnga, 10.9.15). The collaboration with the Bar Association allows for affordable access to legal assistance for community members whenever necessary. For instance, in the rare cases that the CJAs are unable to reach a settlement in a case, the case will be turned over to lawyers of the Bar Association, who will then provide pro bono litigation services for the community members (Interview: Monrovia, 4.9.2015). This collaboration with the Bar Association was a bit tricky at the beginning, specifically with regard to terminology. Although the CJAs act essentially as paralegals, the Bar Association was opposed to having them designated as such or calling them ‘legal’ advisors, because they have no formal legal education (Interviews: Monrovia, 4.9.15 and Gbarnga, 8.9.15). Therefore, the designation ‘community justice advisor’ was chosen.

Other instances of formalized cooperation between actors include the training of magistrates by the Carter Center on how to orientate themselves within this customary system in order to coordinate their work in the community and enhance justice in terms of solving disputes (Interview: Gbarnga, 10.9.15), as well as the development of standardized forms for actors in the customary system on which information is documented about individual cases including disputants’ information, the type of conflict, the number of chiefs and elders sitting on the case, and the outcome. These forms are then compiled and

sent to the Carter Center, which compiles this information, thereby improving the record-keeping on disputes resolved through the customary system (Interviews: Palala and Gbarnga, 10.9.15).

Within the framework of land conflicts, one very specific example of institutionalized coexistence is the formal interaction and cooperation of the Land Commission with various actors. The coexistence of the various conflict resolution mechanisms within the Land Conflict Resolution Project alone was extensive. The project was a collaborative effort between USAID and its international partners, and it was meant to coincide with the lifespan of the Land Commission and work closely with it. Organizations such as the Carter Center and NRC were contracted to organize and carry out the trainings. According to one interviewee who was intimately involved in the project, this cooperation and coordination among NGOs within the framework of the project proceeded very smoothly and the positive name recognition of the Carter Center and NRC, for example, enabled the LCRP to gain traction in communities where it was less well-known (Interview: Monrovia, 16.9.15). NRC was also contracted to conduct the mentoring feature of the project, as a follow-up to the training of the mediators. Furthermore, NRC financially assisted the Land Commission at the beginning of its work as a type of start-up grant which bridged the gap between the enactment of the Land Commission Act and when other big funders began to support the Commission (Interview: Gbarnga, 11.9.15).

5.1.2 Case Referral / Adherence to Conflict Resolution Design

Despite this formalized cooperation listed above, much of the interaction between conflict resolution mechanisms happens on a more improvised basis. Many interview partners mentioned the fact that there is a significant amount of communication between chiefs, the courts (magistrates in particular), and NGO actors when it comes to resolving cases, referring cases to one another, or deciding on the ultimate forum for a case. For instance, a chief at times can invite a community justice advisor from the JPC to assist him in resolving a dispute, but will also refer a case to either a CJA when he feels that it is a more legal issue that he may not have the technical know-how to resolve, or to the LCC when the dispute involves land. On the flipside, CJAs have referred cases that they feel are purely traditional in nature to chiefs (Interviews: Palala, 10.9.15 and Monrovia, 4.9.15). In terms of the magistrates, they often contact the CJAs or chiefs when handling civil matters and refer the cases to them (Interviews: Monrovia, 4.9.15 and 12.9.15; Gbarnga, 7.9.15 and Suakoko, 11.9.15). Once such a case has been resolved with the assistance of the CJA, the advisor shares the outcome of the case with the court so that it can be officially documented.

This arrangement was also highlighted by other NGOs working in the field of mediation. NGO mediators are no strangers to the courts, often going with the disputants to withdraw cases in order to resolve them through mediation. Once the parties come to an agreement, the NGO reports the outcome of the case back to the court (two separate interviews: Monrovia, 2.9.15). Cases are also regularly referred to the LCCs by the Peace and Security Hub⁵⁵ in Gbarnga, which drafts an official letter to the head of the LCC in which the case is described, and the LCC then takes on the case if the parties are willing (Interview: Gbarnga, 11.9.15). Furthermore, urban community leadership often refers cases to the Ministry of

⁵⁵ The “Hub” is part of a regional hub system implemented by UNDP in which security forces and justice actors (police, immigration units, and judges) are located at central points around the country outside of Montserrado County. The regional hub in Gbarnga serves Bong, Lofa, and Nimba counties. Shilue and Fagen (2014, 16) state that the concept of the regional hubs is “aimed at improving access to justice and security services through decentralization, enhanced productivity through the training and strengthening of justice and security institutions and providing back office support to improve communication and efficiency, while promoting the co-location of security agencies to encourage coordination, information and resource sharing.”

Gender, Children and Social Protection when the case proves too difficult to handle, for instance in cases of persistent non-child support. The Ministry in turn consults with the community leadership about cases that they receive, in order to get the history of the case from the community chairman or chairlady. In terms of the mediation of land conflicts, NRC reports that cases of land conflict were referred to the organization both by local government officials as well as by staff members of the JPC (NRC 2011, 14).

Such case referral is also highly prevalent with the police in Liberia. In spite of the quite negative reputation they have in general in the country, according to the information gathered during this research, the interaction that they have with actors in resolving conflict is remarkably cooperative, with some exceptions. One of the major aspects of interaction with the police is when cases are “sent back” to the community, whether to the chiefs, the urban community leaders, or a justice initiative active in the community. This takes place for instance if the community leaders approach the police about it, but it also happens when the police call the chiefs or community leaders to request they take a case that the police do not believe they should handle. In both cases, the complainants must agree to have the case withdrawn from the police, and the outcome of the case is usually reported back to the police (Interviews: Monrovia, 2.9.15, 15.9.15; Suakoko, 11.9.15; FGD: Gbarnga, 9.9.15). Cases are also “sent back” when the parties have jumped a stage in the conflict resolution hierarchy – a hierarchy that is visible in both the urban setting and in the rural chief system. For instance, if a complainant in a civil case brings the case to the police, he or she will be asked whether the chief, the community chairman, or community chairlady is aware of the case. Police generally expect that a civil case will have been heard by the chief or community leader before it is taken to the police. If the chairman or chief is contacted and he or she knows nothing of the case, it will often be referred back to them (FGDs: Monrovia, 17.9.15 and Gbarnga, 9.8.15; Interview: Gbarnga, 10.9.15).

It is therefore evident that when it comes to civil cases and minor crime, there are strict stages in conflict resolution that one is expected to follow in both rural and urban settings according to an unwritten conflict resolution design. If a complainant jumps a stage, for instance by instinctively calling the police in a situation in which he is angry, he risks being sent back. The situation is, of course, not always perfect, and problems do arise in certain circumstances, for instance when both the community leader and the police arrive at a conflict site. There is sometimes tension over who will take the case. This can happen at the police station as well when cases are being withdrawn. Some police officers are not always willing to give up a case, as this means losing (unlawful) money (Interview: Monrovia, 2.9.15 and FGD: Gbarnga, 9.9.15). Conflict can also arise over issues of jurisdictional ambiguity wherein the chiefs feel that they should handle the case, while the police feel that such a case is outside the chief’s jurisdiction (UNMIL, 15). Nevertheless, this referral of (civil) cases to actors in other forums and the adherence to the socially-accepted conflict resolution design generally takes place without any problems.

This referral of cases is neither regulated nor standardized and therefore it is not a necessity for cases to be resolved. It is rather a pragmatic decision on the part of the actors involved in the different mechanisms and a very realistic acknowledgement of the limitations that mechanisms (and the people involved in them) have. In this sense, there seems to be little greed involved in the sense of certain individuals wanting to handle all possible cases, but rather an understanding that one mechanism cannot possibly solve all conflict. Therefore, involving other people and mechanisms, who can deal with the dispute more efficiently and more satisfactorily, will be better for the community. Moreover, the fact that such case referral is happening with such high frequency among such various actors implies that a general understanding exists among stakeholders of the best forum for handling each individual case.

5.1.3 Support of /Disregard for Traditional Systems

Coexistence between conflict resolution mechanisms in contexts of legal pluralism is often defined by the specific approach that other mechanisms take toward the traditional system. This approach can range from genuine support for traditional systems, for instance through legal formalization or capacity-building measures, to the severe restriction of or even demonization of traditional mechanisms. In Liberia support for the traditional system – most specifically in the field of conflict resolution – was highly evident amongst other mechanisms, albeit with some very serious caveats. The interaction (both formalized and not formalized), for instance, between customary authorities and NGOs was spoken of very highly, although with admission that the cooperation isn't perfect. The relationship between the chiefs and the NGOs has been characterized as cordial, collaborative and respectful (Interviews: Gbarnga, 7.9.15 and 8.9.15; Suakoko, 11.9.15 and Monrovia, 4.9.15). However, for the Carter Center, this wasn't always the case, as the *Access to Justice* program in its initial stages met with some resistance from the chiefs and other customary actors. The Carter Center was accused of interfering in the customs of the people, a perspective that was dealt with through communicating openly and directly with the customary actors and explaining that the program was not about criticizing their culture, but rather promoting their culture and showing the positive side of it (Interviews: Monrovia, 17.9.15 and Palala, 10.9.15).

“They were the law enforcers in society. So now they see other people coming to educate the people about their rights and duties in society, it posed a threat. But obviously in dealing with these kind of situations, the first group of stakeholders that will be identified is the chiefs. If you win them over, then you got the people.” (Interview: Gbarnga, 5.9.15)

Today, after the program has been running for many years, TCC staff report that they have no resistance to the program itself from the chiefs (Interviews: Gbarnga, 10.9.15). Any resistance today would rather occur in response to any disrespectful approach taken by the CJAs or other NGO staff members who are involved in the program, a situation that happens rarely, but can still happen (Interview: Gbarnga, 7.9.15). Discussion of the proper approach to use with communities and with customary leaders in particular was discussed in numerous interviews with actors from all types of conflict resolution mechanisms, and it seems to be the key to the success of the Carter Center's program. Essentially, the commonly-heard adage 'It's not what you do, but *how* you do it' directly applies here. The only way to build trust and confidence with customary leaders and communities in general is to approach them respectfully, on an eye-to-eye-level.

“Just because they are in rural communities in the interior doesn't mean that they have no wisdom and that they don't have a part to play in governance. They are willing to get involved and help the system.” (Interview: Gbarnga, 10.9.15)

One aspect of a respectful approach is having the “rightful entry” (Interview: Monrovia, 4.9.15) which means that the leader of the community, most often the chief, should be the first point of contact when visiting the village or carrying out any actions there.⁵⁶ Another aspect is being creative and courteous when broaching difficult subjects,⁵⁷ such as the unlawful actions of a chief. Rather than pointing out that he or she is wrong, one could, for instance, advise with the assistance of stories:

⁵⁶ This also applies in urban settings. According to an NGO running a mediation center in a slum community of Monrovia, the first contact when there is conflict is with the community chairman (Interview: Monrovia, 2.9.15).

⁵⁷ Although not directly related to conflict resolution, one example of a highly disrespectful approach that was mentioned several times in interviews was how certain organizations approached civic education campaigns on the topic of female genital mutilation (FGM). Often organizations would come into a town or a community with a loudspeaker or a bullhorn and inform passers-by about the dangers of the practice. These actions were deemed highly offensive by community leaders and community members alike

“You can’t tell a chief that he has done wrong. You can’t do that in our culture. So you bring stories and try to convince him.” (Interview: Gbarnga, 7.9.15)

Staff members of the Norwegian Refugee Council also worked very closely with the customary authorities in the communities in which they mediated conflict. Showing proper respect when entering a community and engaging with all relevant stakeholders, such as women leaders and youth leaders, was essential to ensuring the success of the project (NRC 2012, 18). Furthermore, the knowledge and experience of the elders were employed to ensure the factual accuracy and legitimacy of the cases which they were mediating (Syn and ICLA 2012: 49). At times, the customary authorities even gave the impression that they were relieved when the NRC was able to intervene and mediate in a case. On the one hand, it lightened their burden of having to resolve the case to everyone’s liking and on the other hand, it may have actually increased their authority in the community because it gave the impression that they were progressive by involving an NGO in the process (Interview: Gbarnga, 11.9.15).

In some cases of NGO involvement, the chiefs were affected because they were no longer being sought out as much to resolve community conflicts. While they highlighted that they appreciated the work the NGO was doing because it was making communities more stable and less violent, they also emphasized the fact that they “weren’t getting what they are used to getting” because the NGO was handling many of the cases that they normally handled (Interview: Monrovia, 2.9.15). That being said, other chiefs have expressed gratitude for the legal education that NGOs have been providing, because when community members understand that going to the formal justice system will be complex and expensive, more cases remain with the chiefs to be resolved (Interview: Suakoko, 11.9.15).

The Land Commission and the Land Coordinating Centers also worked very closely with the customary leadership in the communities on the ground – a fact emphasized by both LCC staff and customary authorities (Interviews: Monrovia, 16.9.15 and Gbarnga: 9.9.15 and 11.9.15). The LCCs would not take on any mediation service in a town or district without the involvement of the chiefs and they were open to collaborating with the project and with the Land Commission. In the selection of the mediators to be trained within USAID’s LCRP, the customary authorities were always the first point of contact when reaching out to any community. In fact, many of the chiefs were selected and trained to act as mediators and became LCC practitioners themselves (Interviews: Monrovia, 16.9.15 and Gbarnga, 9.9.15 and 11.9.15). According to one LCC staff member, the chiefs have begun to realize that the more they use ADR and guide the mediation process, the lower reoccurrence of disputes they witness in their communities. Therefore the training and interaction with the LCCs and NGOs carrying out the training has allowed them to transition gradually from arbitration to more mediation in resolving conflicts (Interview: Gbarnga, 11.9.15). It was emphasized that the chiefs and the traditional communities are not resistant to change – but they do expect participation and involvement in this change (Interview: Gbarnga, 10.9.15). They understand to the fullest how NGO initiatives can lighten their load in terms of disputes to resolve and can benefit the community by promoting more peaceful relations. But the way to approach and develop these projects should be respectful of traditional values, and most importantly, respectful of the individuals involved in the traditional system. On the whole, the relationship between NGO staff members and customary actors with whom I met was characterized as very positive. The National Council of Chiefs and Elders and other chiefs praised the work that the Carter Center in particular has done for the traditional people in the sense of respecting their role and position in Liberian

(Interviews: Monrovia, 3.9.15 and Gbarnga, 5.9.15). A much more respectful, and indeed successful, approach would have been to organize community gatherings to inform about FGM, thereby practicing “rightful entry” in the community. The same applies to human rights organizations, who were sent to the rural communities to “monitor” the adherence to human rights, rather than first coming to inform about human rights (Interview: Monrovia, 3.9.15).

society and also helping the government better understand their value and contribution to governance and conflict resolution.

“...without the Carter Center, no other organization after the war has come to our aid.” (Interview: Suakoko, 11.9.15)

“...we are in love with that partnership with Carter Center.” (Interview: Monrovia, 16.9.15)

However, while this element of trust and confidence-building between actors was mentioned time and again as absolutely essential for positive collaboration, for the success of conflict resolution interventions, and for the capacity to resolve disputes peacefully, this trust and confidence is impossible to build if one party doesn't have sufficient respect for the other. This frame of reference is applicable to the interaction between *all* actors involved the various mechanisms for conflict resolution in Liberia, but it is very often this respect that is missing in the interaction between the customary and statutory systems. For instance, the inequity in the levels of respect between the traditional systems and government was often thematicized in interviews. It wasn't a topic that was broached lightly, but when questioned, interview partners were more than willing to express their views on the subject.

In general on this topic, a picture was painted of a government which is “domineering” (Interview: Monrovia, 3.9.15), “not interacting with the customary system in a very cooperative way” (Interview: Monrovia, 2.9.15) and trying to “superficially impose some exhibit of strength” (Interview: Monrovia, 14.9.15). This has obviously created tension. Respect was essentially perceived as a one-way street, with the customary actors respecting the government but not receiving the same treatment in return (Interviews: Gbarnga, 7.9.15 and Monrovia, 14.9.15). The chiefs are disappointed and feel that while the government doesn't take them seriously (Interview: Gbarnga, 10.9.15), it is simultaneously trying to take power from them (Interview: Gbarnga, 7.9.).⁵⁸

The state is: “...trying to jump into tradition and trying to degrade traditional processes, instead of helping to inform the elders about the practices. You cannot go into society and condemn everything, because we are met with resistance from the elders in society. If you just condemn it, they will not listen to you.” (Interview: Gbarnga, 5.9.15)

“We [the Monrovia elite] only want to communicate our ideas to them.... We think for them and we expect them to understand it. We don't ask them anything. That's where the problem is and will always be the problem.” (Interview: Monrovia, 3.9.15)

Clearly, in light of the history of the country, such a situation in which the traditional citizens of the country feel that they are not being sufficiently respected by the government should be considered at best unsustainable, and at worst, dangerous for the peaceful future of the country. One very specific aspect that was emphasized in this regard is the apparent disconnect between the national level of government and the district and country levels where much of the interaction between the customary system and the state takes place. On the one hand, the district commissioners and other people at the district level work and collaborate with the customary system and are usually aware of the assets of the customary system and how these assets are essential for them to do their job at the district level. But this recognition and information about the community capacity are not being reported adequately to the higher levels (Interview: Monrovia, 14.9.15). On the other hand, while the national level of government, including

⁵⁸ One extremely interesting thing to note here is that the customary actors themselves were much less openly critical of the government's approach to them than other interviewees were. While the customary actors interviewed were diplomatic and even evasive on the topic (which is to be expected when questioned by an outside researcher), NGO actors and community members were much more vocal about what they perceive as disrespect, and about the information that the customary actors share with them.

President Sirleaf, may show adequate respect to the chiefs and rural communities in public, the traditional people see first and foremost how the local government representatives interact with them and the community on a day-to-day basis. And if these people do not show them respect, it is a direct reflection of the government.

Certain government representatives interviewed used rather patronizing vocabulary to refer to the community members and the work that the government does in communities – terminology which denies community members any agency in aspects of their lives. For instance, phrases such as “we organize them”, “we capacitate them through training”, “we teach them”, “we tell them and they should do it” were used, as well as statements that the government’s work was to “pass instructions” to the community people and “to inform the people what they will receive for [their] own betterment” (Interviews: Monrovia, 16.9.15 and Palala, 10.9.15). So even though these same individuals show a high recognition of the important work that the customary system carries out – specifically in terms of solving disputes – and understand how imperative the collaboration with customary leaders is in order for them to be able to carry out their own work effectively, the approach they take with the customary people is not characteristic of an even-handed and equal relationship.

“Because the chiefs are not stupid. They know exactly how things are happening. They are just quiet, because they are the parents of the country. So if the parent is going to behave violent, then who is going to control everybody else? So the chiefs know that they are the ones that should get involved if there is any violence in the country to calm down and make peace. ... That is why the chiefs are quiet. ‘Let us just go on, no matter what happens.’ But they don’t feel happy with the way they are treated.”
(Interview: Gbarnga, 10.9.15)

5.1.4 Cooperative Pragmatism at Local Level; Suspicion at National Level

A high level of cooperation exists between the central government and NGOs who are involved in mediation and conflict resolution. For instance, as described in detail above, the government works closely with certain NGOs in the field on a long-term basis. They also search out NGO partners to assist them in carrying out certain short-term projects, and NGO staff has assisted the government in other ways in the framework of solving conflict by, for instance, giving testimonies or information to the government in order to assist them (Interview: Gbarnga, 8.9.15). Some of the district commissioners have even been trained as mediation practitioners for the Land Coordinating Centers (Interview: Gbarnga, 9.9.15). However, in spite of this collaboration, many NGO staff members spoke of how troubled the relationship is between civil society and the government. Civil society, including but not limited to NGOs and INGOs, is often portrayed by the central government as spies and troublemakers, only there to flag the government’s ills and expose their mistakes (Interviews: Monrovia, 14.9.15 and 17.9.15; Gbarnga, 7.9.15). The work that NGOs carry out is rarely acknowledged and respected, which means that the relationship with the government can be very delicate. It also means that once a project carried out with the government as a partner is finished, the relationship comes to an end as well, and if a new project is started, that link has to be rebuilt (Interview: Monrovia, 17.9.15).

When it comes to the lower levels of the government, such as district commissioners (DC) or formal justice actors on a county or district level, the relationship is at least more appreciative. This was certainly the experience of NRC’s ICLA project, which relied heavily on good relations with both the statutory and customary authorities. When the project began in 2008, the reception of the idea at the relevant ministries in Monrovia was frosty; land was a highly controversial topic and they didn’t expect an NGO to have much success. The Bar Association was also highly skeptical of actors other than lawyers getting involved in legal issues of land tenure. However, the reception in the counties and districts was

remarkably different – statutory officials at lower levels of government were overwhelmed with land disputes and had neither the capacity nor the mechanisms to deal with them. They were therefore quite receptive of the NRC’s project and welcomed their assistance (Interview: Gbarnga, 11.9.15).

Carter Center and JPC staff members also report that the DCs and the magistrates appreciate the work that they do in the districts – they cooperate well together and they recognize that the Access to Justice program is helping the justice system (Interviews: Gbarnga 7.9.15 and 10.9.15). However, DCs have also made it known that they feel that while the Carter Center has been giving attention to the traditional leadership, the administrative level (the DC level) has been alienated from the process (Interview: Gbarnga, 7.9.15). It has also been reported that even though the JPC seeks to “collaborate constructively with other legal actors [they] still encounter hostility from judges and other court officials” (IRIN 2012). One NGO staff member, however, confirms that there is a great amount of appreciation by the statutory court officials (public defenders, magistrates, city solicitors) for the work that the JPC community justice advisors do, because the CJAs aide the court officials in evidence-gathering, etc. and the court officials are therefore quite support and enthusiastic about the need for a policy on paralegals (Interview: Monrovia, 4.9.15).

Another form of positive cooperation discovered on the local level was that between the Minister of Youth and Sports on one side and NGOs and community-based organizations, such as youth groups, on the other. The cooperation between youth groups and the Ministry is understandably strong and multi-faceted and seems – at least from the information gathered during field research – to be respectful and cooperative. Specifically in terms of conflict resolution, the leaders of youth groups and youth associations attend various peacebuilding trainings organized by NGOs or at the Security Hub in Gbarnga. The Bong Youth Association was also involved with the Carter Center in the framework of a civic education project in the past, which brought them in direct contact with disputes in the villages and the work of the JPC (Interview: Gbarnga, 11.9.15).

5.2 Assessment of Forms of Coexistence

Particularly in Monrovia, some interviewees believed that there is little interaction and/or cooperation between mechanisms of conflict resolution, especially when it comes to the government and the customary system. If any interaction happens between the state and the customary system, this interaction is perceived as being negative.

“The structures in Liberia are parallel; you could call it a dual system. The interaction only comes about when things escalate. There is no way that they work in a pro-active way, but issues from the informal structures are brought to the fore when things [get out of hand]. That’s when the police come and people go to court.” (Interview: Monrovia, 4.9.15)

This perception of little or negative interaction between the two mechanisms is often based upon a rather black and white understanding of the state and the traditional. The customary system, with its hierarchy of chiefs and its traditional values, is either considered backwards and oppressive and therefore refuses to cooperate with the state; or it is romanticized in terms of its values and methods of solving conflict and therefore any negative interaction with the state must come from the fact that the state treats the customary system with disdain.

But these perceptions are much too simplified. Interaction between ALL mechanisms is happening on a massive scale and takes many different forms. It is also much more nuanced and pragmatic than many people think, especially in Monrovia. Perhaps those persons who do not have roles to play in this interaction cannot be expected to see how prevalent it actually is, but it is interesting that they

nevertheless characterize it as negative. Liberians who are more intimately involved with this interaction on the local level see the day-to-day pragmatism of the coexistence and understand more clearly the complex reasons for different types of interaction. Therefore, it is important that people don't pretend that this interaction isn't happening. It is happening – in both a positive and a negative way; thus an effort should be made to improve it.

The coexistence that exists between forms of conflict resolution is highly pragmatic, which should come as no surprise, as Liberians themselves are extremely pragmatic people. Some of this pragmatism can be negative, for instance the actions of a police officer who demands a small payment for a case withdrawal. On the other hand, much of this pragmatic interaction can be assessed positively, in the sense that the cooperation is carried out in the best, most efficient way to preserve harmony in the community. It is as though people understand that having a conflict is wasted time – time which could be better spent caring for their families' well-being. With so much of the population struggling, and often simply focused on survival for themselves and their families, conflict costs time and money that they don't have. Therefore, people work together – often across the boundaries of conflict resolution mechanisms – to ensure that conflicts are solved quickly and satisfactorily. This is, of course, not the case across the board and there are certainly individualistic actors in all mechanisms that don't have community harmony as their first priority. Nevertheless, in a society which has such a “big level of interdependency” (Interview: Monrovia, 16.9.15), community harmony is essential, and conflict, particularly if left unaddressed, can be dangerous:

“... all we got to say to them when we conduct these trainings with the chiefs... We invite city solicitors, magistrates, police officers at the county level, and make them to understand that, hey, there has to be some form of collaboration here. Your presence should be felt in all these places, but you are unable now to have your presence felt. So you need to work with the individuals who are considered as authority in these places in order to provide you with the necessary support. If you look at them as people who are antagonizing your work or you see them as your antagonists, you are not going to get what you want to get.” (Interview: Monrovia, 4.9.15)

Much of the pragmatism in this respect is therefore connected to the acknowledgment that individuals from one mechanism can help those from another mechanism do their jobs better. For instance, while the police depend on the chiefs and community leaders to keep crime under control (Interview: Gbarnga, 10.9.15), the chiefs benefit from the trainings that NGOs provide and also from the bridge that these actors build to the government. So instead of major competition between the mechanisms, which is certainly evident to a certain extent, there is also a significant amount of cooperation, and to a great extent it appears that many people are acting pragmatically for the sake of peace.

That being said, it does seem that the formal justice system may be benefiting from the coexistence a bit more than others, in several senses. Firstly, as stated above, the formal justice system benefits from the law and order that the chiefs and community leaders maintain in their communities, but they may often not be sufficiently appreciative of the work that they do in this regard and can also show arrogance and disrespect in their interactions with the customary leaders. Secondly, it has been reported that the opinion of the formal justice system has improved specifically through the work of the Carter Center's Access to Justice program.⁵⁹ This shouldn't be particularly surprising, as much of the work that the CJAs do in the field is information dissemination about people's options for resolving their conflicts and how to navigate the formal system, if necessary. Increasing people's understanding of how a system works can easily lead to a higher opinion of that system. But much of the work that NGOs are doing to inform

⁵⁹ Cited in Carter Center, 2015. *Access to Justice Program*, internal unpublished donor report.

customary leaders and rural communities about the justice system should ideally be done through school curricula or public outreach by the government. As the government doesn't have the means or the capacity to do either on a sufficient scale, many NGOs have taken over this task.

Yet while the pragmatism of the cooperation is evident, so is the mistrust. Formal state actors do not always trust customary actors to be able to resolve conflict in line with Liberian law, and the customary actors acutely perceive this mistrust. From their side, due to both historical issues and the above-mentioned issues surrounding legal reform and jurisdiction, as well as the knowledge that the formal justice system in particular isn't considered legitimate by common Liberians, the level of trust towards the government is not particularly high either. Further mistrust can be detected among other mechanisms of conflict resolution as well. According to several interviewees, one of the biggest concerns with regard to civil society, and also one that impedes their relationship with the government, is the fact that organizations are mistrustful of each other and do not communicate and cooperate as much as they potentially could. Civil society actors essentially accused themselves and each other of not being transparent in their actions and not talking to other organizations enough, even if they are carrying out similar work in the same county (Interviews: Gbarnga, 10.9.15 and Monrovia, 10.9.15). One civil society representative questioned how they should possibly hold the government officials accountable if they can't get along among themselves? (Interview: Monrovia, 2.9.15) This is unfortunate because it limits the potential for positive coexistence, which, from the information gathered for this study, can be highly cooperative and greatly beneficial for dispute resolution processes. Moreover, NGOs are well placed to act as a bridge between the customary and statutory systems, which struggle on their own to interact in a mutually-beneficial way. Platform for Dialogue and Peace correctly argues that the efforts of civil society "to develop conflict resolution structures that draw on both the customary and the formal is especially important as it has the potential to create additional peace dividends by strengthening social cohesion both at the community level and between communities and the state" (P4DP 2015, 56). If these systems are working coherently and in a mutually-reinforcing way, it will increase the potential for resilience to violent conflict (ibid., 56). Lastly, as described in detail above, the state and its mechanisms for conflict resolution are candidly criticized and the overall peacebuilding approach of the government openly questioned by other actors. On a whole, when taking all mechanisms together, it seems that few people are particularly pleased with what many of the others are doing in this regard, and therefore mistrust prevails.

5.3 Factors that Shape Coexistence

The design of this research project set out a framework for how one can understand and categorize the different factors that influence and shape the form that coexistence between traditional and non-traditional forms of conflict resolution takes. We clustered the factors in four separate groups: 1) contextual, 2) relational, 3) structural/institutional and 4) individual factors. Contextual factors are, for instance, the political context, the current or previous armed conflict, and the type and degree of international intervention. Relational factors primarily refer to "the degree of convergence between traditional and non-traditional mechanisms with regards to their values, basic principles, and purpose" (Galvanek and Planta 2015, 31). Structural/institutional factors include institutional arrangements or any set rules or regulations that order this coexistence, and individual factors indicate, for instance, strengths and weaknesses of each mechanism, as well as legitimacy, capacity, etc.

In Liberia, all of these factors play a role in the forms of coexistence, but some are naturally more evident than others. For instance, **structural factors** and institutional arrangements play a very small role, as there tend to be few such formal arrangements. In fact, it is the lack of these arrangements or

even the confusion surrounding them (such as the Hinterland Regulations) which defines the coexistence and which leads to a situation that can be considered *ad hoc*, or one in which a more informal, societal understanding of how things work prevails:

“This is the system that we understand, though it’s not from a government level But for us, we understand it and we live with it; we just ok with it. ... It works very well.” (FGD: Gbarnga, 9.9.15)

One of the major recommendations from individuals interviewed in Liberia was exactly this – to institutionalize the cooperation more, specifically the state and customary mechanisms. Most people recognize that the existing confusion around the Hinterland Regulations and other issues of standardization, such as jurisdiction, are neither sustainable nor conducive to successful dispute resolution. These recommendations will be discussed more in the final section of the report.

Contextual factors, on the other hand, play a rather large role in influencing the forms of coexistence. First and foremost, in reference to the political or governmental context, the historically-tense circumstances between the state and the customary system in Liberia continue to affect the interaction between the two. Bronkhorst (2012, 139) refers to an “enabling environment” that governments can provide, which allows customary systems to function. With this concept in mind, it can be argued with some conviction that, on the one hand, such an enabling environment has been created in Liberia, both in the past and today. After all, customary systems were allowed to function openly, rather than being destroyed by the state, and there were attempts, however ineffectual, to harmonize the systems. Furthermore, formal government actors openly recognize and acknowledge the importance of the customary system, and the establishment of the National Council of Chiefs and Elders was certainly a step towards conferring legitimacy from the state on the customary system. On the other hand, this enabling environment has nevertheless always been characterized by hierarchy, bigotry, and power relations. Since the founding of the state of Liberia, there has never been any question as to the identity of the ultimate authority. Appointed local government officials continue to have power over elected chiefs, the jurisdiction of the customary system has always been determined by the state, and the process of appeals leads from the customary system upwards to the government.

“For instance, I may take my case to a traditional setting, to the elders to investigate. When they make their decision, it is supposed to be final, we are supposed to obey it. But somebody who is obstinate can go and sue in the courts and the court will hear that case. Whereas when the court makes a decision, you cannot take it to the traditional people. That’s not fair. Why should a traditional case be appealable to the court? And not the other way? It means that you are still looking at the traditional people as being inferior.” (Interview: Monrovia, 4.9.15)

In light of this bias of the formal system towards the customary, whose roots are certainly historical, and the related resentment of the customary system towards this bias, the forms that the coexistence take tend to be courteous, yet mistrustful. The two systems work together because they must, but the interaction is awkward and not based on full respect of either party for the other.

As explained above, the level of external intervention in Liberia is significantly high in terms of peacekeeping forces, development and peacebuilding initiatives, and humanitarian assistance. In a country of only 4.4 million inhabitants, this external intervention is highly visible. Such a significant presence of international actors in a country, most often with their liberal ideas and methods, has attracted a great amount of criticism over the last decade as such (admittedly well-intended) interventions have many unforeseen consequences and can lead to the distortion of local and traditional approaches to (re)building societies (see Mac Ginty 2011). Therefore, it is highly interesting that in Liberia, the international interventions – specifically in terms of NGO actors – are trusted and respected to such a great extent. As noted above, Liberians think very highly of NGOs and their work. This level of

respect certainly leads to cooperative interaction. One can see this trustful and respectful coexistence most evidently between the customary actors and organizations like the Carter Center, whose focus is to assist and support the traditional leaders. However, Mehler argues that disproportionate support for traditional mechanisms could lead to increased competition with state-based methods (Mehler 2002, 53, cited in Boege 2004, 196). While this doesn't seem to be the case in Liberia, it is worth mentioning here in light of the comments from district commissioners who felt that the chiefs are receiving much more support and training than the DCs are receiving.

Lastly, the long years of violent conflict in Liberia had quite a dramatic effect on the coexistence of various conflict resolution mechanisms. As discussed above, the war and its effects practically destroyed the functioning of the customary system in many areas, although the institution itself was easily capable of re-establishing and rebuilding itself after the war. Nevertheless, the system underwent irreversible changes, as noted above. The massive influx of international intervention after the conflict was brought to an end has also greatly affected the coexistence, as detailed in the last section. If the war had never taken place, there would most likely not be such a large presence of NGOs active in the field of conflict resolution. Furthermore, the war and the acknowledgement of its root causes brought about a significant re-evaluation of social dynamics in Liberia in terms of the Monrovia (political and economic) elite and the overwhelming majority of underprivileged and impoverished Liberians: "Central to understanding elitism, inequality, underdevelopment and armed conflict in Liberia from 1979 – 2003, is the decision to establish the Liberian state and the psychology of that establishment that maintained a divided nation from independence in 1847 till (sic) present" (TRC 2009, 300). There was a deep understanding after the war that it was unacceptable and indeed perilous to go back to 'business as usual'. This is reflected in much of the positive discourse that is being used and reforms that have taken place in the country, specifically since 2005, and this re-evaluation has certainly led to more respect and mutual accommodation between the formal and customary systems. Nevertheless, attitudes are difficult to change and a fundamental change in approach has not yet been completed.

When examining the **relational factors** which affect coexistence – the degree of convergence of values, principles and purpose – it would seem at first glance that the degree of convergence is very low, particularly between the customary and state systems of conflict resolution. And it is clearly evident that the principles and purposes of these two systems – social reconciliation vs. the punishment of wrongdoing – is remarkably different and therefore difficult to harmonize. However, there are a number of other mechanisms involved in this coexistence – the Land Commission, various NGOs, the Peacebuilding Office – that work within the space between state and customary, and these mechanisms share a number of values and principles with both the customary and formal mechanisms. For instance NGOs, while most often rooted in a modern and law-based understanding, also fervently advocate for mediation in the resolution of conflict, elements of which are common in the customary system. These middle ground actors are often able to act as a bridge between the values of the state and those of traditional mechanisms by interpreting the laws of the state for members of traditional communities, while at the same time helping the state hear the concerns and opinions of the customary actors. The impression was clearly given during field research that both the state and the customary officials are grateful for this 'interpreter' and value their cooperation with those individuals and mechanisms that act as bridge builders.

Individual factors of the mechanisms, such as their strengths, weaknesses, capacities and legitimacy, play quite a large role in the coexistence of mechanisms for conflict resolution in Liberia. Clearly the state's lack of legitimacy with regard to both the inefficient and corrupt justice system and the LNP leads citizens to avoid these mechanisms for conflict resolution, while the generally high level of legitimacy of the customary system offers citizens a feasible, and indeed favored, alternative. But logically, this would mean that the state should seek out cooperation and collaboration with the

customary system in order to increase its own legitimacy, which doesn't typically seem to be the case. Rather the state almost grudgingly accepts the legitimacy and influence of the customary system. This rather odd dynamic in which the more powerful mechanism is actually the least legitimate in society obviously affects the interaction between the systems a great deal. A similar dynamic applies as well to the coexistence of NGOs and the state in which the state can be highly suspicious of the work that NGOs are doing, even if their work may improve the legitimacy of the state in the long-term (through, for instance, informing people about how the formal justice system works). It would be reasonable to assume that the state would be highly interested in supporting and encouraging the work of NGOs in this regard, but this too, does not always seem to be the case. In both cases, the relationships are often characterized by a mere minimum of mutual acceptance with much mistrust.

What is missing in Liberia is a comprehensive and formal acceptance of the fact that the different mechanisms for conflict resolution can complement each other. Each mechanism has very different capacities and strengths, and through specific and targeted cooperation, each of these strengths can be utilized in a mutually-beneficial way. For instance, while the formal justice system has the support and backing of the international community in terms of the comprehensive attempt to make it more effective and lawful, the customary system has the capacity for extensive outreach into the rural communities. Simultaneously, NGOs often have experience on resolving conflicts in other environments and contexts and can often bring knowledge of best practices to the table. Furthermore, NGOs often have the financial resources that both the government and the customary system are lacking. Thus the various strengths need to be better acknowledged, and creative ways of harnessing these strengths for collaboration need to be developed.

5.4 Impact of Coexistence

5.4.1 Impact on Individual Mechanisms

One of the most striking findings of this research is the impact that the coexistence of conflict resolution mechanisms has on the individual mechanisms themselves, specifically the increase in accountability that this coexistence has at least partially generated. The training, for instance, on mediation and ADR offered to customary leaders mainly by NGOs to "improve their toolkit" for resolving conflicts in their community has greatly improved their ability to do so, as have the extensive public awareness initiatives that provide basic information about jurisdiction and how the formal system of justice works. Such training and information has allowed customary authorities to gain more respect in their communities for being well-informed and even clever in resolving conflicts, while the increase in knowledge among customary authorities and communities in general has led to communities and their traditional leaders being more capable of resolving ordinary disputes (Interviews: Monrovia, 4.9.15; Gbarnga, 7.9.15 and 10.9.15).

The various NGOs working in this field act not only as disseminators of information and neutral mediators, but also at times play the role of a watchdog in terms of best practices. For instance, according to one NGO staff member, when assisting or observing statutory and customary courts, "best practice is observed", but he admits that when he is not present in the court, this isn't always the case. He also stated that the NGO's programming has encouraged people to be more vocal about any negative or unlawful actions of the customary authorities, which is difficult to do in a society in which elders and chiefs are so highly revered that it may be difficult to speak out (Interview: Gbarnga, 7.9.15).

A further factor for impact is the increase in acknowledgment of and respect for the individual mechanisms and the important roles they play, as well as the actors involved in them, by actors from

other mechanisms. Particularly outside of Monrovia, on the county and district levels at which interaction between mechanisms is both essential and commonplace, the coexistence has made the individual mechanisms more respectful in their interaction with each other. This is seen for instance in the various examples of ‘rightful entry’ into traditional communities as well as in the statements interviewees gave concerning how their work was furthered by the work of another mechanism. Instead of being suspicious of the ‘other’ mechanisms for conflict resolution, many individuals are acutely aware of how much they are dependent on the proper functioning of these mechanisms. One example of this is when a chief takes on the “arrest” of a criminal until the police arrive in the community (Interview: Gbarnga, 10.9.15). The formal system of justice is thus assisted by the customary, and the actors involved are well aware of this dynamic. Another example is the acknowledgement of the importance of community women’s leaders and youth leaders in solving conflict, which NGOs make sure to emphasize in their work with customary leaders, arguing that the chiefs are not the only source of justice in the community (Interview: Gbarnga, 10.9.15), but which has also – according to the research findings – become common practice among customary authorities.

5.4.2 Impact on Conflict Resolution Processes and Peace within the Community

In terms of the impact of coexistence on community processes for solving conflict, one aspect that was mentioned by many NGO actors working in this field was the fact that individuals and communities in Liberia are becoming much more informed about their rights and the laws of the country. This has led to people asking more informed questions of their government and holding it more accountable, particularly when they see their rights being violated (Interviews: Gbarnga, 5.9.15 and two separate on 7.9.15; Monrovia, 17.9.15). When situations become tense with the government or with a multinational company, for instance, it is often because these individuals are not fully aware of their rights. They feel they are being taken advantage of and they are not aware of the possible avenues for having their grievances addressed, which can then lead to violence. Thus awareness raising and information dissemination is important in order to keep the peace, particularly in terms of land conflicts (Interview: Gbarnga, 7.9.15). But the fact that Liberian citizens are better informed and they are therefore demanding more from their government has been a challenge for the relationship between the government and its citizens (Interview: Gbarnga, 7.9.15), as the government isn’t used to having such a relationship and often reacts with intimidation (Interview: Monrovia, 17.9.15) According to one interviewee, it has accused civil society of “setting the people against them” (Interview: Gbarnga, 5.9.15). But in the long term, an informed citizenry who can make informed decisions about their options for resolving their conflicts and addressing their grievances will promote peace and security, as it increases the “conflict resolution literacy” of citizens. This conflict resolution literacy refers to the ability of citizens to know what the various options are for resolving conflict depending on the particular situation, as well as the ability to navigate the various systems as needed. It also means having a sufficient skill set in order to resolve conflicts in the family or community setting without needing to involve third parties. Various NGOs in Liberia, particularly the Carter Center and the JPC, are directly involved in increasing this conflict resolution literacy and their work has had a significant impact.

Furthermore, based upon the information uncovered, it seems that there is a solid system in place in terms of the early detection of potentially volatile conflicts. For instance, in the case of an intra-community land conflict that has the potential to get violent, many actors – including community leaders, governmental actors and often NGOs – are well informed about the case and are currently monitoring it. Most people have first-hand experience with how tense land conflicts can become and they very often act together – individuals from the various mechanisms jointly – in order to prevent conflicts from escalating. Community leaders (both customary and urban) may, for example, approach an NGO or

a certain trusted government official to mediate in the conflict if the case proves to be beyond their capacity to resolve. The bottom line is that everyone involved recognizes conflict, particularly violent conflict, as a serious hindrance to the future peace and development of their country and they all take the matter seriously in order to prevent or reduce violence. According to one NGO staff member, the police and the customary actors are able to collaborate together because although their methods may be different, they have the same objective: keeping the community peaceful (Interview: Gbarnga, 10.9.15).

5.4.3 Impact on the Peacebuilding Process in Liberia

Many of the people interviewed during this research were critical of the national reconciliation and peacebuilding process in Liberia, stating that it is falling short of its intended impact and was leading to neither the reconciliation of conflict parties, nor to renewed trust among the population. There was open criticism of the superficial window-dressing of the reconciliation process through, for example, launching events, establishing commissions, or ‘entering communities with a loud speaker talking about peace’. Many of those interviewed felt that these things were not having their intended effect and the concept of reconciliation was being used as a political tool (Interviews: Monrovia, 2.9.15 and Gbarnga, 7.9.15). Be that as it may, the focus of this research was not to evaluate the national peacebuilding process, but rather to examine the effect that the coexistence of conflict resolution mechanisms in Liberia is having on the overall peacebuilding process. And in that regard, it can be determined that the coexistence is indeed having a positive impact. This doesn’t mean to imply that the reconciliation and peacebuilding process is proceeding successfully, or even sufficiently, to avoid renewed conflict or to produce a sustainable and long-lasting peace. Rather it simply means that the coexistence that was observed and uncovered during the research was carried out with a certain positive dynamic – pragmatically and determinedly – and with an unspoken understanding that while the approaches may differ, the objective of peace is the same. And this positive dynamic generates, in turn, even more positive interaction with this very objective in mind. As mentioned above, the ‘never again’ attitude that so many Liberians have with regard to conflict and war encourages actors in the various conflict resolution mechanisms to work together, and from the albeit limited research carried out, it seems that this cooperation is becoming more trusting, respectful and collaborative, although much work still remains to make it more efficient and sufficient to ensure peace.

One aspect that was abundantly clear was the recognition of the need to work with local communities, to increase their capabilities to resolve their conflicts sustainably and without the need to seek out the formal justice system or third-party actors. Some of this recognition certainly stems from the critical role that communities played in defeating Ebola. Although it created much suffering, Ebola also taught Liberians a valuable lesson about the need to involve communities (Interviews: Gbarnga, 8.9.15 and Monrovia, two separate on 17.9.15). This recognition has been translated to some extent into the peacebuilding field with the increasing acknowledgement that until communities are able to solve their own conflicts peacefully as well as those with other communities, it is unrealistic to expect a national reconciliation process to have much impact. Peace is built from the bottom up; it has to begin in the communities.

“Because if the community is at loggerheads, the county will not be at peace, even the city will not be at peace. But if each community is at peace, then the city and the county will also be at peace ... We know what we experienced in the war, so we don’t want to go back there. So whatever case that comes up from the community, we always find a solution to solve it.” (FGD: Gbarnga, 7.9.15)

Thus there is general agreement on that fact that if communities are better able to resolve conflict peacefully, this capacity for peace will essentially ‘trickle up’ and have a positive effect on the national

level (Interviews: Monrovia, 16.9.15 and 17.9.15). The important subsequent discussion is then how to ensure that communities have the needed capacity to remain peaceful in the face of conflict, to stop conflict escalation, and to resolve their disputes sustainably. One primary approach in this regard is to improve the conflict resolution literacy of citizens, as discussed in the previous section. Another method is to ensure the involvement of various actors in the resolution process, rather than having just one person or one mechanism responsible for making the ultimate decision. For instance, with its programming the Carter Center tries to ensure that the chiefs involve the women's leaders and youth leaders in conflict resolution, as they should be considered part of the customary leadership structures (Interview: Gbarnga, 10.9.15). A third approach is to link conflict resolution to conflict prevention, rather than seeing them as fundamentally separate approaches. Every community conflict that is resolved could be seen as a regional or national conflict that has been prevented. According to one NGO staff member, it is much better to focus on the "little engagements that will help in the prevention of conflicts" rather than "galvanize up all your resources" to resolve a conflict which has already escalated (Interview: Monrovia, 4.9.15).

Lastly, in the past years, discussion has begun in earnest on what the country needs in the long-term to resolve conflict and to prevent conflict in the future. For instance, conversations about topics such as access to justice, an official policy for ADR, and the need for paralegals in communities are being carried out nation-wide with an eye on the future when NGOs will no longer provide these services (Interviews: Monrovia, 4.9.15 and Gbarnga, 8.9.15). Furthermore, according to one person, Liberians are talking about their needs and their problems in a way that they never have before, a fact that the government and international partners should take as an opportunity to develop programming which supports reconciliation and social cohesion:

"Liberians are talking, they are talking about what is affecting them; they are talking about what is hurting them. We'll need to listen and take actions to collectively address those issues." (Interview: Monrovia, 17.9.15)

6 Conclusion and Recommendations

Considerable progress has been made in Liberia in the years since the end of the civil conflict in many respects, specifically regarding how individuals, communities and the government go about resolving their conflicts. To a large extent the ethnic conflict over land that plagued the country in the immediate years after the war has been peacefully resolved, although pockets of trouble remain. The formal justice system may have a long road ahead of it in terms of providing affordable and trustworthy justice, but considering the dismal state of both the justice system and the police force in 2003, it has made remarkable progress. The presence of international and national organizations working on the ground has led to dramatic improvements in the access to justice for common citizens, the relationship between the customary authorities and the state, and the number of land conflicts resolved peacefully through mediation. The customary system of governance and conflict resolution has managed to rebuild itself after the almost complete breakdown of community structures as a result of the war, and the knowledge of many chiefs and other customary leaders in terms of approaches to resolving conflict has been increased. Governmental bodies such as the Peacebuilding Office and the Land Commission have been established and have carried out extensive activities to resolve conflict and ensure peace. On a local level, peacebuilding initiatives in communities and with specific target groups, such as youth, have been extensively carried out with an eye to enabling citizens to resolve disputes without using violence. To a

great extent, all these changes have had the combined effect of shifting the norms away from resorting to violence to solve conflicts. The determination of Liberians not to return to violence or war is discernable in speaking with people from all sectors of society. Individuals and communities are prepared to act to stop violence when necessary; conflict is not given the space to escalate. In the words of one NGO staff member, today “it’s far, *far* outside acceptable bounds to use violence” to resolve disputes (Interview: Gbarnga, 11.9.15).

Much of this progress could never have been achieved without the specific interaction and cooperation of the different mechanisms for conflict resolution. All activities that NGOs carry out must be done so in consultation with – and some level of cooperation with – government officials and the customary leaders in the area in which the organizations work. The customary system has been formally recognized by the state and respected in a new way through the National Council for Chiefs and Elders. Numerous NGOs have become willing bridge builders between the government and customary officials, as well as encouraging communication and cooperation among other actors in the field such as formal justice system actors, police, and community leaders. There is a strong recognition of the mutual dependency that the various mechanisms have on each other and often (although certainly not all the time), a cooperative and respectful approach is taken by key individuals towards individuals involved in other mechanisms.

Much of this interaction is socially institutionalized – to a great extent, people know how this interaction works between mechanisms and where to turn with their conflict. Nevertheless, at the same time, much of the coexistence between mechanisms is determined by individual factors, such as the personal relations of those involved or the history of certain conflicts. This means that while one community may handle their disputes effectively, another community may not, simply due to the relationship that the chief, for instance, has with the district commissioner. Having positive cooperation and collaboration between mechanisms depend on such arbitrary and unpredictable factors is risky, and opportunities for cooperation and the complementarity of approaches are thereby lost. Furthermore, the general level of conflict still remains quite high in the country, specifically in terms of land and property conflict, which the current mechanisms are not adequately able to address. Especially in terms of inter-ethnic conflict and conflict between communities and multinational companies, the current conflict resolution mechanisms are easily overwhelmed and unable to reach sustainable solutions. In these cases, when single mechanisms are overwhelmed, positive coexistence and cooperation become absolutely essential in order to reach peaceful and durable solutions. Therefore, while the coexistence of conflict resolution mechanisms in Liberia can be characterized as pragmatic and even dynamic, it is much too ad-hoc and arbitrary. Moreover, in order to be more beneficial and constructive for both conflict settlement processes in communities and the national peacebuilding process overall, it needs to be much more respectful and collaborative. Five specific recommendations for improving the coexistence are listed here:

- ≡ Increasing the “**conflict resolution literacy**” of all Liberian citizens should be considered a priority by actors involved in all conflict resolution mechanisms. Currently, the main target groups for training and awareness-raising programming are customary officials and other influential people in communities, but ideally all citizens should have the opportunity to learn about the different options for resolving conflict, understand the fundamentals of government and the justice system, and receive guidance on navigating the different systems. Such information could have a place in school curricula and youth programming in order to reach young people as well, who are in great need of more (formal and informal) education and empowerment. It is also important to provide citizens with an expanded toolkit for solving conflicts peacefully in their families and communities, for instance

through training on mediation and ADR that is in line with their own culture and traditions. Many Liberians are greatly interested in building their capacity in this respect and are eager for more training and educational programs. Because the Carter Center is doing such exemplary work in this regard, it would make sense to expand its programming to include other regions or target groups, if possible.

- ≡ There is a great need in Liberia for more **formal institutionalization and documentation** of the coexistence of conflict resolution mechanisms. Many of the linkages between the different mechanisms and actors are not sanctioned by law, and are currently carried out in an ad-hoc manner. This can lead to confusion and unmet expectations. It also leaves the coexistence highly dependent on personal relationships and specific community dynamics, which can vary greatly between communities. The coexistence should therefore be regulated in such a manner that questions of jurisdiction and care referral⁶⁰ are easily and simply clarified. Considering the unique history of Liberia, such formal institutionalization will not be an easy task and will necessitate extensive consultation of the government with customary officials and civil society representatives. The formulated policies on Local Government as well as Land Rights are a good start, but need to be officially passed and then implemented by the government in order to have any impact. More documentation is needed both on the local government level as well as to detail the interaction between mechanisms. Such documentation can better ensure that lessons learned and strategies for conflict management and cooperation with other actors are not lost when individuals involved in the processes are no longer active. Particularly in urban settings, clearer lines of reporting and communication are needed between the MIA and community leaders in order to better ensure the accountability of community leaders.
- ≡ More thought should be given to **working with the structures and mechanisms that are already in place**. Every community in Liberia has some type of leadership structure, each with a specific approach to solving conflicts in the community. Some of these structures may indeed be more inclusive or legitimate than others, but it is highly rare that a community is absent of leadership altogether. Therefore, it is essential to focus on the system that is already in place, harnessing its strengths and addressing its weaknesses, rather than establishing new systems. The development of a well-defined, yet flexible model that can guide the actions of the customary leaders would show respect for and acknowledgement of the importance of such traditional structures, while encouraging them to build their capacity and increase their legitimacy. Urban community leaders, for instance, could be recognized for their work and empowered through a small compensation or simple allocation of office materials to support their work. More generally, local communities and actors should be recognized more for their contribution to conflict resolution, local governance and peacebuilding. Communities often have the determination as well as the capacity to resolve their own disputes, but they require more support – financial, logistical and strategic – in order to do so. In spite of the disadvantages and challenges that Liberians face, people are still surviving and managing their conflicts. We should therefore concentrate on utilizing the resources that communities already have while simultaneously building their capacity in order to ensure sustainable conflict resolution.
- ≡ The government should put its full weight behind the **mediation and paralegal policies** that are currently being drafted with the cooperation of governmental actors and civil society

⁶⁰ Norwegian Refugee Council argues for “a simple referral policy with other agencies and government bodies active in the same areas or sectors, which could be documented in a brief document containing ‘who does what where’ (‘3W’) information” (NRC 2011, 15).

representatives. The draft policy on mediation in particular is a good example of how the work of NGOs and INGOs in the field can be integrated into the governance system through the collaboration of various actors in the field of conflict resolution. However, turning good ideas collected in the communities into actual governmental policy is a process that entails considerable effort, and care needs to be taken that progress is made. Currently, community needs are outpacing the efforts of policy makers. It is clear that mediation is a form of conflict resolution that is highly acceptable to all Liberian citizens, and is spoken of very highly by both customary and statutory officials. It therefore makes sense to institutionalize official mediation centers which are linked to the formal justice system. Judges can then refer cases to mediators if the conflict parties agree and want to have their cases mediated. The formal justice system could then enforce the outcome of the mediation. In the case of paralegals, the overwhelming demand for the JPC programming, for instance on their radio program and the office visits staff members receive, demonstrates that Liberians currently have inadequate access to legal information and advice. Therefore, it is in both the government's and citizens' interests to have trained paralegals with sufficient outreach to both urban and rural communities who can assist citizens in understanding the law. Such a policy would have a direct effect on the conflict resolution literacy of the population.

- ≡ **Better cooperation and collaboration between mechanisms:** Increasing the amount of communication – specifically respectful communication – between actors involved in the different mechanisms would go a long way to ensuring better cooperation and collaboration. For example, bringing specifically customary officials, government authorities and NGO staff together more often to discuss issues and concerns face-to-face can ease tension and encourage positive interaction, which can in turn increase respect for the different mechanisms and they work they do. While there is an understanding that no mechanism is working in isolation, and is to some extent dependent on the others, this understanding has not yet translated into comprehensive efforts to respectfully collaborate with each other. The government in particular should accept civil society and the traditional system both as partners in the governance process, rather than perceiving them as the enemy. Increasing the respect and acknowledgement of both the traditional system and the work of NGOs would go a long way towards respectful collaboration. Lastly, the international community should make more of an effort to cooperate with community organizations and structures – those bodies which have legitimacy on the ground – rather than only supporting the formal justice system, which is limited in its legitimacy.

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List of Abbreviations

ADR	alternative dispute resolution
AFL	Armed Forces of Liberia
CBO	community-based organization
CDR	collaborative dispute resolution
CJA	Community Justice Advisor
CJI	Community Justice Initiative
CPC	County Peace Committees
CRC	Constitutional Reform Committee
DEN-L	Development Education Network-Liberia
DC	district commissioner
ECOMOG	Economic Community of West African States Cease-fire Monitoring Group
ECOWAS	Economic Community of West African States
EWER	early warning early response
FGD	focus group discussion
FGM	female genital mutilation
GoL	Government of Liberia
GNI	gross national income
ICLA	Information, Counselling and Legal Assistance, a project of NRC
ICRC	International Committee of the Red Cross
INGO	international non-governmental organization
JPC	Catholic Justice and Peace Commission
JSC	Joint Steering Committee
LCC	Land Coordination Center
LCRP	Land Conflict Resolution Project, a project of USAID
LERN	Liberia's Early Warning and Response Network
LNP	Liberian National Police
MIA	Ministry of Internal Affairs
NGO	non-governmental organization
NPFL	National Patriotic Front of Liberia
NRC	Norwegian Refugee Council
P4DP	Platform for Dialogue and Peace
PBF	UN Peacebuilding Fund
PBO	Peacebuilding Office
RUF	Revolutionary United Front
SAP	Structural Adjustment Policy

SMC	Statement of Mutual Commitments
SSR	security sector reform
TCC	the Carter Center
UN	United Nations
UNDP	United National Development Programme
UNMIL	United Nations Mission to Liberia
UNSC	United Nations Security Council
USAID	United States Agency for International Development
USIP	United States Institute of Peace
WANEP	West Africa Network for Peacebuilding
WHO	World Health Organization
ZIF	Zentrum für Internationale Friedenseinsätze (Center for International Peace Operations)

Annex I: Interview Partners

Montserrado County		
Michael Doe	Former Projects Manager and Head of Office, Liberia	International Alert
Oscar Bloh	Country Director	Search for Common Ground
Ibrahim Al-bakri Nyei	Program Manager, Political & Legal Reforms - Decentralization Program	Governance Commission in Liberia
William F. Saa	Representative in Liberia	West Africa Network for Peacebuilding (WANEP)
Pewee Flomoku	Deputy Chief of Party	Carter Center
Alfred Hill	Monitoring, Evaluation & Reports Officer	Carter Center
Jimmy Shilue	Director	Platform for Dialogue and Peace (P4DP)
Jackson Speare	Program Consultant	Platform for Dialogue and Peace (P4DP)
Reverend Emmanuel Bowier	Former Information Minister	
Saah N'Tow	Deputy Minister	Ministry for Youth and Sports
Hon. Varney A. Sirleaf	Deputy Minister for Administration	Ministry of Internal Affairs
Hon. J. Tiah Nagbe	Deputy Minister of Planning & Research	Ministry of Internal Affairs
Hon. Stephen Y. Neufville	Deputy Minister for Urban Affairs	Ministry of Internal Affairs
Brooks Marmon	Accountability Architect	Accountability Lab
John Kamma	Executive Director	Logan Town Community Justice Initiative
Nelson Weh	Executive Secretary	Logan Town Community Justice Initiative
Rockson Wollor	Resident Manager	Logan Town Community Justice Initiative
Malinda Coleman-Woodson	Land Conflict Resolution Project	Tetra Tech
Joseph Howard	Director	Center for Justice and Peace Studies
Nathaniel Walker	Conflict Early Warning and Early Response	Peacebuilding Office

Eddie Jarwolo	Executive Director	NAYMOTE
Stephen Kollie	Community Chairman	Bernard's Quarter Community, Camp Johnson Road
Chief Boakai S. Zulu Chief Momo Kaizulu Chief Abraham Z. Kai Chief Ansumana Garsuah Madam E.musu Coleman Madam Kou Wamah Madam Malofo Kamara Mrs. Setta Fofana-Saah	Elders Affairs Chief Affairs Secretary General Speaker Human Resources Women Affairs Chairlady Operations National Coordinator	National Council of Chiefs and Elders (Traditional Council)
Juah Goweh Pauline Toe Margerette T. Koroma Darling Togba Eva Carr Miatta M. Dukuly Fatu Morris Massa Kamara Lydia Scott	Chairlady Vice Chairlady Secretary Member Member Member Member Member Member	Female community members of Bernard's Quarter Community, Camp Johnson Road
Richelieu Allison		Centre for Security Studies and Development; former West African Youth Network (WAYN)
Bong County		
Emmanuel Kwenah	Project Officer	Carter Center
Gregory Kitt	Executive Director	Parley Liberia
Aaron G. V. Juakollie	National Program Officer	Foundation for International Dignity
Johnny K.M. Ndebe	National Dispute Resolution Mentor, Liberia Access to Justice Program	Carter Center
John D. Walker	Paramount Chief	Palala, Kpaai Chiefdom, Bong County
Allen D. Tubah	District Commissioner	Palala, Bong County
Arthur Wenneh	Paramount Chief; Chairman of the Paramount Chief Council	Suakoko Chiefdom, Bong County
Lupa Kollie	Paramount Chief	Zota District, Bong County
Dorothy Tooman	Director	Development Education Network-Liberia (DEN-L)

Father Charles Gono	Priest and Acting Administrator	Holy Spirit Cathedral and Secretary of the Bishop of Gbarnga
Jesse Cole	Regional Coordinator	Justice and Peace Commission
George P. Mulbah	Lead Community Justice Advisor (CJA), Bong County	Justice and Peace Commission
Anthony Sheriff	Assistant Superintendent for Development	Bong County
Henrietta Sumo	Director	Land Coordinating Committee, Gbarnga
Fred G. George	Case Intake Officer	Land Coordinating Committee, Gbarnga
Gondai Seton	Head	Bong Youth Association
John O. Flomo	Coordinator	Gbarnga Youth Center
Mark W. Nimeme Edward B. Sirleaf Philip Tormue Johnson Quiah Samuel Hinoe James Kollie		Gbarnga youth