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The Politics of Decentralizing Criminal Justice Systems in Postconflict Societies: Insights From Liberia (2011-2017)

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This is to certify that the doctoral dissertation by

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Abstract

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Samuel Opoku-Agyakwa

MPHLI, Walden University, 2020

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Dissertation Submitted in Partial Fulfillment

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Abstract

After the end of Liberia's brutal 14 year civil war, the process of rebuilding Liberia has focused on a number of interventions including reforming the criminal justice system. In the current study, institutional, policy, legal reform, and infrastructure development were the approaches used to decentralize Liberia's Criminal Justice System. Thirty experts were interviewed, and their responses coded using NVivo 12.0. Seven themes and 25 subthemes emerged from the data. It was that found that a top down internationally led approach with minimal involvement of local communities and the neglect of the traditional justice system characterized the decentralization process. Results also indicated that as a result of decentralizing Liberia's Criminal Justice System, the system is showing basic signs of functionality, a situation which has contributed to Liberia's peace and stability. Participants recommended an inclusive, nationally led approach that blends the formal and traditional justice systems, an overhaul of the criminal justice system and changes in the attitudes and approaches of actors involved in decentralizing Liberia criminal justice system. Implications for positive social change include international actors treating the traditional justice systems and actors as important stakeholders in criminal justice system reform in postconflict peacebuilding and donors as well as international partners striking a health balance between their quest to realize their national interest aspirations vis-à-vis those of postconflict societies.

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Dedication

This dissertation is dedicated to ordinary Liberians who seek justice as well as everyone involved in postconflict rebuilding of Liberia's criminal justice system. It is also dedicated to every person (living/dead or natural/artificial) who has made a difference (positive/negative) in my life.

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Chapter 1: Introduction to the Study

You never change things by fighting the existing reality. To change something, build a new model that makes the existing model obsolete.

R. Buckminster Fuller

Introduction

After the end of Liberia's brutal 14 year civil war, the process of rebuilding Liberia has focused on a number of interventions including reforming the criminal justice system (Bacon, 2015; Fyanka, 2014; & Nyei, 2014). One of the goals of the reforms is to make the criminal justice system accessible, particularly to the vulnerable (Bacon, 2015; Fyanka, 2014; & Nyei, 2014). Most citizens in this category live outside the large cities and have been marginalized since Liberia's independence in 1847 (Bacon, 2015; Fyanka, 2014). Liberia's international partners have devoted attention and resources to the reform process to ensure that the peacebuilding process results in enduring peace (Bacon, 2015; Fyanka, 2014). The focus of the international community on reforming Liberia's criminal justice system has become even more urgent following the coming into force of the Sustainable Development Goals (SDGs) on 1 January 2016.

Goal 16 of the SDGs seeks to provide access to justice for all and build effective, accountable, and inclusive institutions at all levels of society (Jackson, 2017). These institutions include criminal justice system institutions. For criminal justice institutions to be accessible, inclusive and accountable they must, among others, be decentralized. This will enable citizens across various geographical locations to access the system's services without discrimination

and/or hindrance. This holds true for every country, including Liberia, the site for this research. The SDGs have two targets that relate to local government and decentralization and stress the importance of decentralization for meeting the SDG Goal 16 (Jackson, 2017).

The importance of decentralization in development has been affirmed by global institutions and frameworks such as the Global Alliance for Urban Crises, the Paris Agreement on Aid Effectiveness, and Resolutions of the United Nations General Assembly (Jackson, 2017). The Paris Principles on Aid Effectiveness have made local ownership a key ingredient of effective development assistance (Jackson, 2017). In this regard, Liberians across the various geographical, social, economic and political spheres must be actively involved in identifying how international aid earmarked for reforming their criminal justice system is used.

Accordingly, in this dissertation, I ascertained the approaches used to decentralize Liberia's criminal justice system and investigated the extent to which national ownership influenced decision making and implementation of interventions, supported by the international community, to decentralize Liberia's criminal justice system. I also assessed how the functionality of Liberia's criminal justice system has been enhanced through the varied efforts to make the system's services accessible.

Problem Statement

A major task in postconflict reconstruction is reforming the criminal justice system (Dursun-Özkanca, 2017; Nyei, 2014; Schroder & Chappuis, 2014). The objectives of these reforms are to reestablish the supremacy of the rule of law and extend the presence of the state's authority to all parts of the country, thus increasing the likelihood of postconflict

countries not returning to conflict (Dursun-Özkanca, 2017 & Westernman, 2017). Many reform processes are set in motion to achieve these objectives (Nyei, 2014). They include (re)-establishing and/or reforming institutions (Denney, 2014 & Nyei, 2014). Other examples are enacting legislation, developing and implementing new policies and developing the human resource capacity of criminal justice institutions (Gordon, 2014). According to Dursun-Özkanca (2017), reforms of the criminal justice system must benefit the population. However, the criminal justice system must be accessible for the population to benefit from its services (Dinnen & Peake, 2013). Schultze-Kraft, Valencia, and Alzate (2016) asserted that, in postconflict settings, a decentralized criminal justice system has the potential of engendering public confidence in the justice system and contributing to enduring peace and stability. The criminal justice system should also be functional (Dandurand, 2014). Local ownership of the reforms and its processes are essential condition precedents to achieving accessibility and functionality (Dursun-Özkanca, 2017; Homel & Masson, 2016; Schroder & Chappuis, 2014).

Despite the case made for local ownership in international development assistance, there is a paucity of literature on the extent to which the approaches used to decentralize Liberia's criminal justice system was mindful of Liberia's uniqueness and was championed by Liberians. There is also a gap in the literature on how decentralizing Liberia's criminal justice system has affected the system's functionality and Liberia's peace and stability. For effective decentralization of criminal justice systems, several considerations must influence the process. They include the need to ensure that the approach toward decentralization suits the distinctiveness of the context where decentralization is being implemented. Reference to

distinctiveness of the context, in this case, Liberia include the resources available to reform the criminal justice system, triggers of Liberia's civil war, Liberia's history, and the culture of the Liberian people and institutions of the criminal justice system.

Purpose of the Study

My purpose in this qualitative study was to identify the approaches used in decentralizing services provided by Liberia's criminal justice system, to ascertain whether these approaches were suitable for Liberia's unique context and; how nationally owned and inclusive the decentralization process was. Second was to determine how international support could contribute to making the decentralization process nationally owned and inclusive. Another objective of this study is to establish the impact of decentralization on the criminal justice system's functionality and Liberia's peace and stability as well as how to improve the functionality of the criminal justice system. The grounded theory approach and the case study research design were used to answer this study's research questions.

Research Questions

The central questions that guided this qualitative research study were (a) RQ1: What approaches were used to decentralize Liberia's criminal justice system between 2011 and 2017?; (b) RQ2: How nationally owned and inclusive was the process to decentralize Liberia's criminal justice system? (c) RQ2.1: How can international actors support nationally owned and inclusive processes to decentralize Liberia's criminal justice system? (d) RQ3: How has decentralizing Liberia's criminal justice system affected the system's functionality and Liberia's peace and

stability?; and RQ.3.1: How can the functionality of Liberia's criminal justice system be improved?

Theoretical Frameworks

Structural functionalism and realism are the theoretical frameworks used for this study. Ryan (2005) indicated that proponents of structural functionalism include Merton, Durkheim, Comte, and Parsons. The theory's proponents asserted that social entities, whether they are communities, organizations, or other social groupings are organisms that are made up of different parts with each part playing a unique and important role that collectively contribute to keeping the organism alive and functional (Babbie, 2015). Babbie (2015) pointed out that should a part of the organism malfunction, the ability of the organism to function in the desired manner is negatively affected.

Realism is a theory used in international relations to analyze the behavior of states in international affairs. Proponents of the realist theory indicated that states act in their national interest and power is used to back their actions aimed at furthering the pursuit of national interest (Dougherty & Pfaltzgraff, 2001). According to Dougherty and Pfaltzgraff (2001), a state's power is backed by varied capabilities some of which are economic in nature. Morgenthau is one of the foremost proponents of realist theory. Indeed, Dougherty and Pfaltzgraff (2001) asserted that "[No] twentieth-century writer has had a greater impact on the development of realist theory than Hans J. Morgenthau (1904-1980)" (p. 75). According to Dougherty and Pfaltzgraff (2001), the following assumptions underpin the realist theory: first, that the international system is state centric; second, that conflict is an essential feature of the conduct of international politics, and

this makes international politics anarchic hence requires states to deploy their capabilities in navigating their way through the international system; third, that though it recognizes that states are sovereign, they have varied capabilities and sizes; fourth, that in their pursuit of national interest, states are rational and unitary actors; and last, a state's power is the predominate concept for explaining and predicting its conduct.

Structural functionalism is appropriate for investigating decentralization of the criminal justice system and the effects of decentralization on the system's functionality because, as previously noted, the criminal justice system is made up of various parts, including the judiciary, police, lawyers (prosecutors, defense lawyers and public defenders), and corrections officials. All these parts have unique roles to play to keep the system (i.e., the organism alive [Babbie, 2015]). Where any of the parts fails to effectively play its individual role(s), the system becomes dysfunctional and the system's purpose may be defeated, particularly when remedial measures are not taken timeously.

With respect to realism, efforts to support reforms of the criminal justice system in postconflict societies, which include making criminal justice system services accessible, are often, if not always, supported and/or spearheaded by the international community. The international community is made up of states who do not always support such reform processes out of altruism. That is to say quite often there is a motivation (i.e. the pursuit of their national interest) that drives their actions. This is manifested, in part, in deliberate efforts to promote and/or replicate institutions and cultures that are akin to those that exist in the countries aiding the reforms in the postconflict society (Denney, 2014). These approaches usually ignore time

honored practices in these war ravaged societies (Denney, 2014). Nationals of the countries supporting the reforms are employed by their governments to aid the implementation of the reforms (Denney, 2014). All these create the dominance and influence of the countries supporting reforms in postconflict settings.

Nature of the Study

The nature of this study was a qualitative method; the research approach was the grounded theory and the research design was a case study. Crawford (2016) asserted that qualitative research incorporates the voice of its participants in its findings and describes the experiences of individuals or groups. Researchers use this qualitative method to examine the partnership between the researcher(s) and the participants in generating knowledge, and qualitative researchers recognize the fact that knowledge is created through social interaction (Patton, 2015). The grounded theory approach to research results in the study's report being the product of a collection of the perspectives of the participants (Patton, 2015). I used the case study format for this study because case studies are an effective tool to examine, in an in-depth manner, "persons, decisions, programs, or other entities that have a unique characteristic of interest" (O'Sullivan, Rassel, Berner, & Taliaferro, 2017, p. 43).

Case studies are preferred for investigating contemporary issues because there is relatively easier access to information sources to conduct the study (O'Sullivan, Rassel, Berner, & Taliaferro, 2017). All the issues that investigated in this qualitative study to answer the phenomenon of interest are contemporary issues. (O'Sullivan, Rassel, Berner, & Taliaferro, 2017 informed readers that a case study research design is appropriate when conducting qualitative

research where the phenomenon of interest is of a contemporary nature. As earlier stated, the functionality of Liberia's criminal justice system partly depends on the decentralization of criminal justice services and the approach to decentralization being tailored to suit the local context. Three research questions and two subresearch questions were answered in this study aided by the views of persons who are/were involved in policy making and implementation to make Liberia's criminal justice system accessible.

Definitions

In this study, the following terms mean:

Criminal justice services: Traditionally, these are services provided by the prosecution and defense, the police (i.e. law enforcement), the judiciary (i.e. adjudication), and corrections. For purposes of this study, mechanisms for oversight and accountability over prosecution, defense, adjudication, corrections, and law enforcement are part of criminal justice services/system.

Decentralization: Rechts-Lexikon (n.d.) defined *decentralization* as the process of moving powers from government, at the central level, to lower levels of a country's governance structure (Hamann, 2012).

Nonstate actor: "Non-state justice and security (NSJS) systems [actors] refer to all systems that exercise some form of nonstate authority in providing safety, security and access to justice. This includes a range of traditional, customary, religious and informal mechanisms that deal with disputes and/or security matters" (United Kingdom's Department of International Development (2000), cited in Denney, 2014)

Local ownership in the context of criminal justice system reform in postconflict settings is the term used to describe a situation/process where international efforts to support processes to reform the criminal justice system adopt an approach that is tailored for the local context and consults the local community when shaping the reform interventions and their implementation (Ansorg, 2017; Denney, 2013, 2014; Detzner, 2017; Dinnen & Peake, 2013; Gal, 2016; Gordon, 2014; Krawczyk & Muhula, 2018; Schroder & Chappuis, 2014; Westernman, 2017).

Significance

In this study, I identified the approaches used to decentralize criminal justice services in Liberia, the extent to which the approaches suited the Liberian context, the effects of decentralization on the functionality of the criminal justice system, and Liberia's peace and stability. I also ascertained the extent to which the decentralization process was inclusive and nationally driven and how international efforts to decentralize Liberia's criminal justice system could support inclusive and nationally owned/driven processes.

Decentralizing criminal justice services, in a postconflict country such as Liberia, is an opportunity for the state to show its presence beyond the capital and the major cities (Edwards & Yilmaz, 2016; Dinnen & Peake, 2013; & Dursun-Özkanca, 2017). It provides an opportunity for citizens to seek redress from the justice system as opposed to taking the law into their own hands (Edwards & Yilmaz, 2016; Escobar-Lemmon & Ross, 2014; Dursun-Özkanca, 2017; Hamann, 2012; & Krawczyk & Muhula, 2018). A decentralized criminal justice system engenders public confidence in the justice system thus promoting the supremacy of law (Escobar-Lemmon & Ross, 2014; Hamann, 2012). It also contributes to enduring peace in postconflict societies

(Edwards & Yilmaz, 2016; Jackson, 2016). There is a gap in the literature on whether the officials/actors who championed the approaches used to decentralize criminal justice services in Liberia were cognizant of the Liberian context.

The site for this study is a country that is more than 170 years old and has practiced a centralized system of government for most of its existence (Krawczyk & Muhula, 2018). As a result of this, the formal criminal justice institutions, though expected to have jurisdiction across the entire country, were practically, partially functional in the capital and one or two major cities and absent in the rest of the country (Nyei, 2014). However, after 14 years of a brutal civil war, peacebuilding efforts have prioritized decentralization of public services in general and criminal justice services in particular (Bacon, 2015 & Fyanka, 2014). The uniqueness of the research site provided a rich source to study how criminal justice services have been decentralized and the extent to which the approaches used were suited to Liberia. It also provided an opportunity to know how the criminal justice system's functionality has been affected by the decentralization of its services. Therefore, this study is contributing to filling the gap identified in the literature on the phenomenon of interest and gives academics, practitioners, policy makers, donors and other actors the opportunity to learn from my findings.

Most important, the results of this study have the potential to inform the ongoing efforts to decentralize criminal justice services in Liberia and in similar efforts in other postconflict societies. These should lead to a better and more efficient decentralization of criminal justice services and the judicious use of resources. Also, citizens and civil society organizations will be empowered by the findings emerging from this study to engage with, and/or hold the government

and other actors accountable for, their demands for the provision of criminal justice services (Callahan et al., 2012). An enhancement in the decentralization of criminal justice services will create an environment for enduring peace in Liberia. This is aligned to this study's problem statement, in which I asserted that decentralization of criminal justice services contributes to making the criminal justice system accessible and functional. Both attributes are conditions precedent for enduring peace and respect for the rule of law in Liberia.

Positive Social Change

This study has the potential to effect social change. First, I ascertained the extent to which, if any, decentralization of criminal justice services in Liberia was tailored to fit the Liberian context and found that little consideration was to local ownership in decentralizing Liberia's criminal justice system. This partly explains why the criminal justice system is dysfunctional. Both findings provide an opportunity for informed corrective measures to be taken to make the criminal justice system accessible and functional thus contributing to engendering peace in Liberia and other postconflict countries. Also, because decentralization is a process and not an event, my findings and recommendations will inform the process going forward and aid the process of building enduring peace (national reconciliation and social cohesion), foster public confidence in the criminal justice system, ensure the adherence to the rule of law, and making the world, in general, and Liberia, in particular, a better place. This is because an effective criminal justice system will extend the legitimate authority of the state to all parts of Liberia and ordinary citizens will feel the positive presence of the government in their

lives. The logical consequence of this is that citizens, no matter their age, gender, socioeconomic status, or sexual orientation will be able to engage in their normal business in freedom.

Further, private business operators will have confidence in Liberia and so will invest in the economy; this will generate employment and income for citizens and taxes for the government and, ideally, bring equity and development to Liberia. Most important, the outcome of this research empowers various actors including citizens, civil society organizations, the Government of Liberia, and the international community involved in the enterprise of peacebuilding in Liberia, with information to aid their policy choices. This is because in the case of citizens and civil society, this study's findings arms them with information/data for their advocacy and in their efforts to hold the government accountable (Callahan et al., 2012). Policy choices of the Government of Liberia will be informed by scientific research, thus strengthening the its bargaining strength in its engagement with its international partners hence increasing the chances of Liberia and its citizens maximizing the benefits of the resources that are being channeled into peacebuilding particularly from international sources. These will all increase the chances of promoting national ownership. Finally, international partners stand to be informed, by my findings. Consequently, in theory, they should improve in balancing their quest for designing and implementing interventions that suit the Liberian context vis-a-vis promoting their national interests/agenda. All these will cause positive social change in Liberia for Liberians and the international community with respect to international development assistance thus making the planet a better place for all.

Summary

In Chapter 1, I presented the importance of access to justice, particularly in postconflict countries, and the emphasis placed on access to justice by the United Nations in Goal 16 of the SDGs. I also presented the importance of national ownership in efforts to decentralize criminal justice services in postconflict countries and identified the paucity of literature with respect to national ownership in decentralization of criminal justice services in Liberia as a gap in the literature related to the problem statement that this qualitative study will contribute to fill. I have introduced structural functionalism and realist theory as the theoretical frameworks for this study. I identified three research questions, two subresearch questions for this study and provided definitions of some words or phrases used in this study. I have also indicated what positive social change can be created, in Liberia and more broadly the world, by undertaking this research. In the next chapter i.e., Chapter 2, I identified the literature that I used to illuminate my phenomenon of interest.

Chapter 2: Literature Review

"Promoting a rule of law culture is a work in progress all over the world"

Henrietta Mensa-Bonsu

Introduction

The criminal justice system is made up of several connected parts that collectively make up the criminal justice chain. Traditionally, these services are the police, the judiciary, prosecutions/defense, and the corrections service (Denney, 2014). The police are responsible for investigating alleged criminal conduct and for law enforcement (Nikolayevskyy & Endziņš, 2017). Generally, the judiciary is charged with adjudicating cases/disputes and, in the case of criminal justice, which is my focus in this study, the judiciary is responsible for determining the guilty or otherwise of an accused person. The judiciary is aided by the prosecutions and/or defense lawyers. The corrections part of the chain is mandated to keep, in safe and humane environments, persons whose right to free movement has been curtailed by a competent authority, either through the imposition of a custodial sentence or a temporary detention order pending the completion of investigations or some other conditions that are lawfully set out by that competent authority and/or the applicable law (Denney, 2014). Rehabilitation of those serving custodial sentenced is a key component of a corrections part of the criminal justice chain.

In addition, a number of oversight mechanisms, both external and internal, including courts, are established to ensure that the criminal justice system and its officials do not abuse the rights of the citizens that they are required to protect, while performing its fundamental role of being a tool for positive social control (Bangura, 2018). These oversight mechanisms include national human rights commissions, anticorruption bodies (Denney, 2014; Nall & Mamayek,

2013; & Schroder & Chappuis, 2014), parliament (Bangura, 2018), and civil society networks/organizations (Denney, 2013; Nall & Mamayek, 2013).

Reforming the justice sector and, for that matter, the criminal justice system, is often deemed to be contributing to reforming the security sector (Denney, 2014; Dinnen & Peake, 2013; Homel & Masson, 2016; Schroder & Chappuis, 2014; 2016 & Swenson, 2018). Therefore, in the literature, reference to security sector reform frequently includes reform of the criminal justice system/sector (Denney, 2014; Dinnen & Peake, 2013; Homel & Masson, 2016; Schroder & Chappuis, 2014; 2016 & Swenson, 2018). Accordingly, in this dissertation, unless the context suggests the contrary, phrases such as security sector reform, reform of the justice and security sectors, criminal justice system reform, and any other similar phrases are used interchangeably to refer to, and include, reforming the criminal justice system. I used the ensuing review of the existing literature on the phenomenon of interest of this dissertation to illuminate the stated objectives of this study.

Criminal Justice Reform in Postconflict Societies

Rationale for security sector reform in postconflict countries

Security sector reform has become a visible part of external aid particularly in postconflict reconstruction (Corradi, 2010; Nyei, 2014; Schroder & Chappuis, 2014). Schroeder and Chappuis (2014) stressed the point that security sector reform takes various forms including strengthening oversight of the security sector and professionalizing the various institutions of the sector. This has made the security sector reform in general, and criminal justice system reform in particular, one of the foremost, if not the foremost, issue to be addressed in postconflict settings by various international actors supporting the recovery of war ravaged countries (Denney, 2014; Dinnen & Peake, 2013; Homel & Masson, 2016; Schroder & Chappuis, 2014; 2016 & Swenson,

2018). This is because the failure of the criminal justice system to impartially discharge its mandate contributes to the breakdown of law and order which, in some cases, degenerates into a full-blown civil war (Nyei, 2014). Therefore, in postconflict environments justice sector, reform is also seen as a tool for stabilization (Schroder & Chappuis, 2014).

Chappuis and Heiner (2009) observed that within Western liberalism, security sector reform seeks to provide the basis for statehood as a means of creating a "people-centered security" (Schroder & Chappuis, 2014, p. 134). As part of the postconflict reconstruction phase, the justice system in general, and the criminal justice system in particular, have a fundamental role to play in assuring citizens and other actors, including the private sector, that peace will endure, hence encouraging investment of resources to develop the country (Schroder & Chappuis, 2014). The World Bank (2011) asserted that reforming the criminal justice system also encourages citizens to resort to the appropriate institutions of the country to seek redress for their grievances as opposed to resorting to self-help to address disputes that arise among them (Denney, 2014).

Resolving disputes without recourse to recognized/official institutions or actors becomes an entrenched culture prior to a civil war and gets more entrenched during the period of the war (Denney, 2014). The negative aspects of this culture need to be reversed to build enduring peace and a culture where the rule of law is upheld (Denney, 2014).

Conditions for a viable approach to reform the criminal justice system in postconflict settings

Organizations such as the United Nations have asserted that reforming the criminal justice system contributes to sustainable peace and development (Gordon, 2014). For this to happen, the criminal justice system and the services it provides must be accessible (Dinnen &

Peake, 2013). In this context, *access* includes physical location (i.e. geographical accessibly),

affordability, and an adherence to and/or adoption of processes that are not alien to the users of

the system's services (Denney, 2014). For instance, the language of communication within the

criminal justice system should not alienate persons who have come into conflict or contact with

the law (Denney, 2014 & Dinnen & Peake, 2013), particularly in postconflict settings where

discrimination and social cleavages prior to the war may have left people without formal

education. Moreover, Jackson (2013) stressed that expanding formal justice across a country

does not necessarily mean that the services that the system provides will be of a high standard or

similar in terms of reach and quality across the country. The services may vary; hence, questions

of quality and access will arise in the process of reforming the criminal justice system (Jackson,

2013).

Outcome of security sector reform in postconflict settings

Prominence has been given to security sector reform in postconflict reconstruction. This

is because of the logic associated with making security sector reform the center of postconflict

reconstruction. However, Schroder and Chappuis (2014) citing Schroeder (2010) assert that the

success of security sector reform programming has not been encouraging, particularly in

postconflict settings. Schroeder (2010) attributes this to the fact that, in some cases, security

sector reform programming has rather created conditions for the country to slide back into war

(Schroder & Chappuis, 2014). Other authors affirm this view. For instance, according to Gbla

(2007), security sector reform processes in Liberia produced mixed outcomes (Schroder &

Chappuis, 2014). Sedra (2006) highlighted that, in contexts like Iraq and Afghanistan, the

outcome of security sector reform interventions has raised the question of the viability of security

sector reform as a postconflict peacebuilding intervention (Schroder & Chappuis, 2014). As a

general point, Jackson (2013) indicated that reforming the legal system takes time and a lot of investment hence those spearheading the reforms and the intended beneficiaries must be measured in their expectations.

Decentralization of Criminal Justice Services in Postconflict settings

Decentralization of the criminal justice system and its services is part of the reforms and/or processes undertaken in postconflict countries (Dinnen & Peake, 2013 & Nyei, 2014). It is one way of making the criminal justice system accessible, particularly with respect to geographical accessibility. In this regard, criminal justice reform in postconflict settings has emphasized decentralization of criminal justice services (Edwards & Yilmaz, 2016 & Nyei, 2014). To maximize the benefits of decentralization, the approach to decentralization must be sustainable (Krawczyk & Muhula, 2018 & Nyei, 2014). There are several ways of ensuring that criminal justice system reform is sustainable. These include ensuring that they are nationally owned/driven and tailored to fit the context within which they are being implemented (Bacon, 2015 & Dinnen & Peake, 2013) and that the necessary resources are dedicated to the decentralization process (Nyei, 2014).

Advantages of decentralizing the criminal justice system

Effective decentralization of the criminal justice system has a number of potential advantages, especially in postconflict countries, where, for example, it results in the government's authority being extended to parts of the country where, hitherto, they were absent (Edwards & Yilmaz, 2016). Dinnen and Peake (2013) note that the absence of such services makes citizens feel marginalized by the government, thus decentralization provides an opportunity for citizens to begin to feel the presence of the government in their lives. Consequently, when criminal justice services are decentralized, there is a potential for

engendering peace, reconciliation and respect for the rule of law and human rights (Edwards & Yilmaz, 2016; Escobar-Lemmon & Ross, 2014; Hamann, 2012 & Krawczyk & Muhula, 2018). Importantly, decentralization of the criminal justice system also promotes accountability in government and results in the citizenry taking an active part in making decisions on issues that affect their lives (Dinnen & Peake, 2013).

Search Criteria

The literature presented in this review is drawn from the following database: Political Science Complete, SocINDEX, GreenFILE, SAGE Journals (formerly SAGE premier), Social Sciences Citation Index, International Security & Counter Terrorism Reference Center, Complementary Index, Academic Search Complete and Taylor and Francis Online. Keywords used individually or conjunctively include *decentralization, criminal, justice services, postconflict, security sector reform, justice sector reform, police reform, judicial reform, access to justice, criminal justice system reform, national ownership, local ownership, justice planning, justice administration, community policing and access to rule of law.*

Theoretical Frameworks

Structural Functionalism and Realism are the Theoretical Frameworks that were used for this study. Ryan (2005) indicated that proponents of the Structural Functionalism theory include Robert Merton, Émile Durkheim, Auguste Comte and Talcott Parsons. The Theory's proponents assert that social entities, whether they are communities, organizations or other social groupings, are organisms which are made up of different parts with each part playing a unique and important role that collectively contribute to keeping the organism alive and functional (Babbie, 2015). Babbie (2015) pointed out that should a part of the organism malfunction, the ability of the organism to function in the desired manner is negatively affected.

Realism is a theory used in international relations to analyze the behavior of states on the international plain. According to Realist theory, states act in their national interest and power is used to back actions aimed at furthering the pursuit of this national interest (Dougherty & Pfaltzgraff, 2001). According to Dougherty and Pfaltzgraff (2001) a state's power is backed by varied capabilities. Some of the power available to a state is economic in nature. Hans J. Morgenthau is one of the foremost proponents of the realist theory. Indeed Dougherty & Pfaltzgraff, (2001) assert that "[No] twentieth-century writer has had a greater impact on the development of realist theory than Hans J. Morgenthau (1904-1980)" (p. 75). Dougherty and Pfaltzgraff (2001) inform their readers that the following assumptions underpin the realist theory: - first, that the international system is state centric, and second, that conflict is an essential feature of the conduct of international politics, which makes international politics anarchic and requires states to deploy their capabilities to navigate the international system. The third assumption is that states are sovereign and have varied capabilities and sizes. Realism takes the position that, in their pursuit of national interest, states are rational and unitary actors. The final assumption is that a state's power is the predominant concept for explaining and predicting its conduct.

Structural Functionalism it is appropriate for investigating decentralization of the criminal justice system and its effect on the system's functionality because, as previously noted, the criminal justice system in made up of various parts who have unique roles to play to keep the criminal justice system alive (Babbie, 2015). Where any of the parts fails to effectively play their individual role(s), the system becomes dysfunctional and its purpose will potentially be defeated, particularly when effective remedial action is not taken. With respect to Realism, efforts to support reforms of the criminal justice system in postconflict societies, which include making

criminal justice system services accessible, are often, if not always, supported and/or spearheaded by the international community, comprised of states who do not support such reform processes as philanthropic acts. That is to say, there is always a motivation (i.e. the pursuit of their national interest aspirations) that drives their actions. This is manifested, in part, in deliberate efforts to promote and/or replicate institutions and cultures that are akin to those that exist in the countries driving the reforms in postconflict societies (Denny, 2013 & Denney 2014). These approaches usually ignore time-honored practices in these war-ravaged societies (Ansorg, 2017). Undertaking such reforms also serves as a source of employment for nationals of the countries supporting the reforms. All these factors create the dominance and influence of the countries supporting the reforms.

Principles of Security Sector Reform

Certain principles influence the approach adopted towards reforming the security sector, particularly in postconflict settings. The following are the applicable principles:

First, actively engaging with local actors. Nathan (2007) asserted that where the approach adopted to reform the justice and security sectors is deficient in its engagement with local actors, the chances that this results in local actors resisting or resenting the reform intervention(s) are high and this will affect the pace of peacebuilding efforts and potentially prolong aid dependency by the country who is receiving international development assistance to reform its security sector (Gordon, 2014). To yield the desired results, engagement with the community should be "anchored on a nationwide security transformation process" (Homel & Masson, 2016, p. 323). The natural tendency by designers and implementers of security sector reform programs to consult only persons with expertise on security issues must be resisted. As Donais (2009) pointed out, the fact they are experts is not a sufficient indicator that they have a firm grasp of the

peculiar challenges of the setting for which the program is being designed and implemented (Gordon, 2014).

Closely related to this point is the need to ensure that security sector reform priorities cut across all levels of the society's structures (Gordon, 2014). A similar point is made by Jackson (2013) as the researcher found, that in Sierra Leone, the absence of such an approach resulted in an uneven development of the criminal justice chain. This is because where the priorities are limited only to the central level, there is the tendency to ignore priorities of members of the community who belong to the marginalized and/or vulnerable sections of the society, particularly women (Gordon, 2014). It must be recognized that security sector reform processes are interest driven. This is typified in comments made by Narten (2009) who asserted that the willingness of actors at the national level to agree to commitments to reform the justice and security sectors is not a sufficient condition precedent to enhance the governance of these sectors (Gordon, 2014). As Narten (2009) puts it, such commitments could be out of a desire to keep such actors at the national level in office (Gordon, 2014).

Most importantly, as acknowledged in the literature, reforms within the justice and security sectors must be tailored to fit the context, in other words, the reforms must be context-specific and not a replication of blueprints that have been applied in other contexts (Ansorg, 2017; Bacon, 2015; Bent-Goodley & Smith, 2017; Denney, 2013; Dinnen & Peake, 2013; Gordon, 2014; Schroeder & Chappuis, 2014 & Westernman, 2017). Bacon (2015) and Fyanka (2014) both asserted that in order to have an effective postconflict peacebuilding process, the interventions to build peace and the associated processes must be structured to suit the context. To illustrate this principle, Fyanka (2014), studying Liberia, asserted that the lack of democratic civilian oversight is one area that has to be addressed, hence efforts to reform the security sector

should be tailored to establish and operationalize effective civilian oversight over the sector.

Other challenges identified by Fyanka (2014) in Liberia are a lack of effective policing, a

disconnect between efforts to reform the police in particular and the criminal justice system in

general, inadequate human resources to support the operations of the criminal justice chain and

the absence of the criminal justice system across Liberia especially in the rural parts of the

country. Fyanka (2014) makes the point that these challenges should influence programming to

reform Liberia's criminal justice system. It is only when the local challenges are correctly

identified, and appropriate measures put in place to address them, that there is an enhanced

chance of sustainable peacebuilding (Fyanka, 2014)

Related to the need for reforms to be designed to suit the context is the apparent

unanimity in the literature that reform must not be imposed by external actors since in many

instances, the direction of the reforms pushed by external actors often seek to further their

national interests (Ansorg, 2017: Dinnen & Peake, 2013; Gordon, 2014; & Westernman, 2017).

Nyei (2014) also observed that there are cases where "… policy prescriptions from donor

organizations in exchange for development aid have driven some of the reform programs".

Where reform processes do not take on board the local context but are spearheaded by

Western/donor priorities, some reforms have died a natural death after donor support ended

(Ansorg, 2017 & Bacon, 2015). Gordon (2014) supports this position as the author stated that

"Efforts focusing on building state institutions and structures, without sufficiently paying

attention to developing relations between the state and its people, will not, it is argued, benefit

peacebuilding in the long term" (p.126). To further buttress this point, Gordon (2011) argues that

without interventions to reform the security sector being locally owned, the likelihood that the

reforms will be capable of responding to local needs is slim and this will compromise the

outcome and/or quality of the results of the programmatic interventions (Gordon, 2014). Oosterveld and Galand (2012), in illustrating the effect of not carrying the population along in the design and implementation of reforms of the justice and security sectors, cited the example of the failure of a project to reform the formal court system in Timor-Leste. Another example is provided by Blease and Qehajia (2013) who informed their readers that in the preparation of Kosovo's National Security Strategy the need to uphold the virtues of national ownership was ignored and this affected the process and eventual product that was designed (Gordon, 2014). A third example is provided by Jackson (2010) who indicated that the United States support to reform the security sector in Iraq resulted in the formation of institutions that were considered alien by the local population and unreflective of the history and culture of the context, these interventions had very minimal impact on the reform process (Gordon, 2014).

The common thread that runs through the principles cited above is the need for national/local ownership to influence programming to reform the justice and security sectors in all settings including postconflict countries.

National Ownership and Reform of the Criminal Justice System

Benefits of national/local ownership in reforming the justice and security sectors

The process of reforming the justice and security sectors, particularly in postconflict settings is an interest driven enterprise between and amongst donors and recipients of donor support (Gordon, 2014 & Schroder & Chappuis, 2014). As a result of this, local ownership has been identified as a pillar around which security sector reform should be delivered in postconflict settings (Homel & Masson, 2016 & Schroder & Chappuis, 2014). Homel and Masson (2016) cited documents like the 2005 Paris Declaration on Aid Effectiveness to buttress this assertion. Adhering to the principles of local ownership in justice and security

sector reform aids the process of making the respective institutions accountable and engenders public trust and confidence in the sectors institutions and the State (Gordon, 2014; Homel & Masson, 2016).

What is national/local ownership?

National ownership, within the context of criminal justice system reform in postconflict settings, is the term used to describe a situation/process where international efforts to support reform of the criminal justice system adopt a methodology that involves consultation of the local community when shaping the reform interventions and how to implement them (Ansorg, 2017; Denney, 2013; Denney, 2014; Detzner, 2017; Dinnen & Peake, 2013; Gal, 2016; Gordon, 2014; Schroder & Chappuis, 2014; Krawczyk & Muhula, 2018 & Westernman, 2017). There is consensus among international actors that national ownership should be the pivot around which international assistance revolves (Denney, 2013; Denney, 2014; Dinnen & Peake, 2013; Gordon, 2014; Schroder & Chappuis, 2014). However, this consensus may only be because it is politically expedient to be publicly associated with such a commitment. The reality is often the complete opposite. It is worth emphasizing that sometimes the desire by international donors to uphold national ownership may be genuine, just imperfectly implemented, or for other reasons other than being political expediency.

Who or what constitute(s) "local?"

Unsurprising, there are divergent views on the answer to this question. For instance, Gordon (2014) posited that the wider public and civil society should constitute what "local" means and they should jointly own the reform process. Nathan (2008) posits that local ownership, particularly in the context of security sector reform, implies that recipients of international development assistance in this case national actors must be responsible for designing, managing

and implementing interventions to reform the security sector and not external actors (Homel & Masson, 2016). Donais (2008) augured that the acknowledgment of local ownership as a cornerstone of security sector reform creates challenges as it assumes that who or what is "local", and what constitutes "ownership", are known by the external partners (Schroder & Chappuis, 2014). To support this view, Schroder and Chappuis (2014) emphasized the vagueness associated with these concepts because of the lack of clarity on whose interests should influence the analysis. Krogstad (2013) shares Schroder and Chappuis (2014) opinion as the researcher indicated that there is still an absence of consensus on what constitutes local ownership (Gordon, 2014).

The United Nations (2008) stated that national ownership should involve "nationally led and inclusive processes in which national and local authorities, parliaments and civil society, including traditional leaders, women's groups and others, are actively engaged" (Gordon, 2014, p. 128). However, authors like Krogstad (2013), argued that local ownership has been reduced to the consultations that occur after a few likeminded members of the society's political elite have accepted the priorities for reform of the justice and security sectors determined by external actors (Gordon, 2014). Mobekk (2010) stressed the point that it is important to note that what constitutes local actors is not a homogenous group and common security concerns are therefore not necessarily shared. Accordingly, limiting the scope of consultations may defeat the imperative of making security sector reform processes inclusive to make them effective (Gordon, 2014). Gordon (2014) argued that such an approach will undermine the principle of local ownership and the ensuing benefits (Gordon, 2014).

Gordon (2014) further suggested a broadening of the definition of what constitutes local ownership in order to increase the pool of champions of the reform process. This point is

supported by Krogstad (2013), who asserted that this is even more important in postconflict

societies where the political elite may have been discredited and/or lack the will to reform the

security sector because the reforms may result in a circumscription of their power (Gordon,

2014). It is worth stating that the approach advocated by Krogstad (2013) has the potential of

neutralizing or reducing the efficacy of the activities of spoilers of the reforms (Gordon, 2014).

From the foregoing, it is submitted that, in postconflict settings, an amalgamation of the

definitions provided by Gordon (2014), Krogstad (2013) and the United Nations provide the

basis for identifying a wide range of actors across a society to aid the process of identifying and

implementing interventions to reform the criminal justice system.

Challenges associated with operationalizing local ownership as a concept

A number of challenges arise when conceptualizing local ownership to broaden the

number and categories of actors to be involved in deciding the nature of the required reforms and

their mode of implementation. These include a lack of consensus on the impact of civil society

engagement on security sector reforms processes in postconflict countries. The reason being that

there is a view that empowering civil society to be involved in security sector reform activities

could have a destabilization impact on the reform process (Gordon, 2014), although Cubitt

(2013) holds a contrary view, asserting that involving civil society serves as a check on possible

abuses of power on the part of the state and its agents (Gordon, 2014).

Coordinating civil society is another challenge. As pointed out by Donais (2009), it is

important to be mindful of the fact that an increase in the number of actors involved in security

sector reform processes comes with challenges arising from the need to coordinate them

(Gordon, 2014). Again Cubitt (2013), sees no problem with this as the author noted that this is

part of the process of building a democratic society where conflicting views are heard and

consensus forged (Gordon, 2014). Gordon (2014) cautioned against not involving civil society in security sector reform processes, arguing that it is shortsighted and may fuel a prolongation of the reform process.

Challenges associated with making security sector reform context specific

For reasons already cited, tailoring security sector reform interventions to suit the context in which they are to be implemented has proved to be a challenge and this has resulted in a situation where implementation of security sector reform programming has been hindered (Schroder & Chappuis, 2014). Chanaa (2002) referred to this challenge as the "conceptual-contextual divide" (Schroder & Chappuis, 2014, p.135). The apparent inability to tailor security sector reform processes to be context specific has been seen, in some cases, as seeking to satisfy parochial objectives (Ansorg, 2017; Dinnen & Peake, 2013; Gordon, 2014 & Westernman, 2017). The neglect, failure and or refusal to tailor security sector reform interventions to suit the context is often the norm, that has led Ginty (2010) to assert that security sector reform is an imposition of Western ideas (Schroeder & Chappuis, 2014).

It must be noted that tailoring peacebuilding interventions to suit a particular context requires that each part of the geographical area affected by the conflict is treated as distinct, in other words the application of a "one size fits all" approach to peacebuilding may defeat the quest to adopt a context specific approach (Schultze-Kraft, Valencia & Alzate, 2016). This is the reason why the parties to Colombia's armed conflict adopted the territorial peacebuilding approach (Schultze-Kraft, Valencia & Alzate, 2016). Inherent in the territorial peacebuilding approach is a recognition that peacebuilding efforts must be context specific and that this requires, inter alia, that the entire geographical location which is affected by armed conflict is not seen as the same with a uniform peacebuilding approach adopted to address the challenges

identified (Schultze-Kraft, Valencia & Alzate, 2016). Put differently, each region within the geographical area where peacebuilding activities are being designed and implemented must be evaluated and peacebuilding interventions tailored to suit that specific area (Schultze-Kraft, Valencia & Alzate, 2016).

Secondly, blueprints designed to address challenges in a particular postconflict context are often blindly replicated across other postconflict contexts whether their implementation was successful or not (Denney, 2014). Denney (2014) made the point that one of the reasons why there appears to be a standardized approach adopted by donors towards reforming the justice and security sectors is that there is a small pool of experts, (e.g., former police officers and lawyers) whose services are engaged to undertake these reforms and these experts are more at home with how Western justice and security systems are designed and function. Furthermore, Baker and Scheye (2007) indicated that international approaches to justice sector reform mistakenly assume that the absence of a formal justice system necessarily means a lack of access to justice; that citizens in postconflict settings prefer the formal justice system rather than the customary justice system and that the formal justice system is more sustainable compared to the customary justice system (Jackson, 2013).

Other reasons have been advanced for the imposition of externally driven models for security sector reform in developing countries. These include perceived and actual limitations in human resources and institutional capacity and a lack of credibility on the part of the leaders in developing countries (Gordon, 2014). Also, Nathan (2007) stated that funds used to implement reforms are from sources external to the settings whose justice and security systems are being reformed (Gordon, 2014). Further, Oosterveld and Galand (2012) stated that the urgency

associated with implementing such reforms makes it difficult to engage in extensive public consultation (Gordon, 2014).

Another reason cited by Heupel (2012) is the fact that, in some cases, local actors may lack the political will to implement reforms (Gordon, 2014). It is worthy of note that the lack of political will on the part of national actors extends to the possibility that local actors may refuse to accept fundamental principles of security sector reform such as the need for affordability (Gordon, 2014).

Gordon (2014) indicated that the events of 9/11 have also had an impact on the willingness to engage with nonstate actors in reforming the security sector, with civil society organizations being viewed with suspicion. Afghanistan is one postconflict context where it is perceived that the international community has disregarded civil society in the reform process (Gordon, 2014). The fact that civil society is also perceived as weak in postconflict environments has resulted in the preference for a top-down state-centric approach to reform the justice and security sectors (Gordon, 2014). This approach deprives countries who are benefiting from security sector reform processes from taking advantage of the wisdom from the larger community. As found by Homel and Masson (2016), with respect to the Jenin Community Project in Palestine, using a bottom-up community approach yields a number of benefits including effective mapping of the community's needs and involving the community in decision-making on their security.

The limited nature of the resources to reform the justice and security sectors also hinders the ability of relevant actors, particularly local actors, to insist on local ownership (Fyanka, 2014). For instance, in Liberia, Fyanka (2014) noted that the challenges and solutions to reforming the justice and security sectors were correctly identified however, there were no funds

available to reform the police. As a result, the Liberia National Police was restructured and police officers deployed outside the capital with very limited or, in most cases, no resources to work (Fyanka, 2014). Fyanka (2014) also found that there was a disconnect between the reform of the police, which is an essential part of the criminal justice system, and the justice system as a whole, and this created challenges for peacebuilding efforts. It is instructive to note that these and other factors led Denney (2014) to conclude that a focus on reforming only the state police will not result in an improvement of the justice and security situation in any society. In Liberia, the lack of human resources (i.e. lawyers, judges, corrections officers) is affecting the peacebuilding process and limiting access to justice for the citizenry (Fyanka, 2014). Related to this, Fyanka (2014) also found that the lack of access to the criminal justice system had resulted in a surge in violence arising from the activities of informal policing and community justice processes and actors.

Whereas the challenges of the Liberian context were correctly identified, it is clear from Fyanka (2014) that conducting a correct situational diagnosis is not sufficient for successful reforms of a criminal justice system. To reap the desired benefits, it is equally important that resources are available to undertake the reforms and that the process of implementing the reforms is holistic and well-coordinated to ensure that the entire criminal justice chain is evenly strengthened. Jackson (2013) noted that in Sierra Leone the postconflict reconstruction focused more on security (i.e., the police) and less on justice and this has negatively affected reforms of the justice part of the criminal justice chain at both the local level (e.g. the local courts and prisons) and at the central level (e.g., the development of the Ministry of Justice) a situation Howlett-Bolton (2008) noted has made the Sierra Leonean police ineffective (Jackson, 2013).

This reality highlights the need for a holistic and well-coordinated approach to reforming the criminal justice system.

Finally, there is overwhelming evidence that almost all donors drive reforms of the criminal justice system in a manner that seeks to replicate Western justice and security systems and institutions (Gordon, 2014). However, Denney (2014) made the point that it is not the case that the attempt to build or rebuild the criminal justice system in war-shattered settings is the sole prerogative of donors (i.e., local actors have an immeasurable contribution to make). Consequently, Denney (2014) noted that, in some cases, the leaders of countries receiving donor support opt for the Western model and the donors have no option other than to support the host government's wishes. The truth, however, is that decision makers in countries that receive donor support are often the elite who have been socialized in Western culture and have little or no regard for processes and structures that are specific to their context (Denney, 2014). To support this assertion, Collier (1970) noted, about Sierra Leone, that the elite in Freetown treated the traditional justice system with contempt as in their view it was backward (Denney, 2014).

Alternative Approaches to operationalizing Local Ownership

As evidenced from the foregoing, there is a wide gap between the consensus to have local ownership principles inform efforts to reform the justice and security sectors and what happens in practice. Therefore, Murdoch (2015) advocated for a middle path that upholds the practice of allowing programming to reform the criminal justice system in postconflict settings to embrace local ownership, while, at the same time, imbibing standards, principles and practices from the West. The reason being that this approach enhances the impact of the reforms. Donais (2009) also indicated that whereas there is a strong case to be made for upholding the principle of local ownership when reforming the security sector, it need not be total and immediate (Gordon,

2014). This means that, for the benefits of local ownership to be manifested, local actors need not, and may not, own the process from the beginning and/or overnight. Put differently, operationalizing local ownership may be delayed; hence all actors must be cognizant about this and this reality should influence their expectations.

Dursun-Özkanca (2018) evaluated the extent to which local ownership considerations influenced programming from resources provided by the international community to create a rule of law culture in Kosovo. The researcher found that the European Union and United Nations used a top down approach and focused on addressing only serious crimes and that this resulted in the local community being overlooked. Local ownership was restricted to certain aspects of the reform process. This is not to suggest that adopting a top-down approach is necessarily bad. Jackson (2011) and Caparini (2010) are of the opinion that a hybrid between the top-down approach and the bottom-up approach is critical to operationalize security sector reform in a substantive and inclusive manner (Gordon, 2014). Mac Ginty (2011) is of the view that the hybrid approach fulfills other imperatives of security and justice reform in postconflict settings such as "local ownership" "participation" and "sustainability" (Gordon, 2014, p. 133). Therefore, there should be an intersection between the top-bottom approach and the bottom-top approach, and this can be found in the legal and institutional change processes that ensue during the peacebuilding phase (Homel & Masson, 2016). For instance, according to Homel and Masson (2016), a partnership arising from the need for external capacity to support such processes and local decision-making and implementation of community security needs could be forged. The quest for a middle path on the approach to reforming the security sector in postconflict settings is sustainable and has the potential of minimizing the negative impact of a clash between the

interests of security sector reform actors. Donors would be able to push their national interests and at the same time accommodate the needs and concerns of the recipients of their assistance.

National Ownership in postconflict Criminal Justice System Reform

Since national and/or local ownership have been identified as the fundamental principle to guide security sector reform, this part of the chapter devotes attention to how national ownership can be, or has been, made an essential part of undertakings to reform the criminal justice system particularly in postconflict environments. This is not to discount suggestions of alternative approaches advocated by Murdoch (2015), Donais (2009) and Dursun-Özkanca (2018). All the alternative approaches identified above make the point that local/national ownership should influence security sector reform programming. The only point of departure between the advocates of making national ownership central to criminal justice system reform and those for the middle path is the extent to which local ownership should influence the program as well as at what stage (i.e. timing of the reform process) should local ownership influence decision making.

There are several approaches that could be used to promote national or local ownership in postconflict reform of the criminal justice system. These include -

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Engagement with Nonstate Actors

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Background

Schultze-Kraft, Valencia and Alzate (2016), highlighted the fact that there is an increasing trend for recognizing that involving local actors in postconflict reconstruction is a condition precedent to building enduring peace. Mac Ginty and Richmond referred to this phenomenon as the "local turn in peace building" (Schultze-Kraft, Valencia & Alzate, 2016, p. 840). The objective of actively engaging nonstate actors in peacebuilding efforts in postconflict

environments is to promote national ownership and legitimacy of the work of the international community in that setting (Schultze-Kraft, Valencia & Alzate, 2016). Security sector reform programming, particularly in postconflict environments, is part of state-building (Gordon, 2014 & Homel & Masson, 2016). Kostovicova (2008) opined that this process is both a technical exercise and creating relationships between the governed and the government (Gordon, 2014). Consequently, "it relies on the governed having a stake in the reform process by having a "say" in it" (Gordon, 2014 p. 132). Peake, Scheye & Hills (2007) posited that in spite of the fact that the literature is awash with knowledge that points to the fact that implementing security sector reform is a political process, programs are drafted in purely technical terms without attention being paid to the political context in which they are to be implemented (Schroder & Chappuis, 2014). Jackson (2013) informed readers that, at the local level, there is a complex network of actors in the justice sector who have an influence over decentralized structures. The researcher therefore concluded that persons with resources are in a better position to negotiate their way through this maze of actors and power whereas those without resources are incapacitated.

Boege, Brown, Clements and Nolan (2008), made the point that in postconflict countries like Afghanistan, Somalia and Sudan, state and nonstate actors work together to provide public goods and services under a framework, described "as hybrid or non-Weberian political formations" (Podder, 2014, p. 215). Jackson (2017) shared this stance, stating that "… in post-conflict environments the relationship between these formal local government organizations and nonstate providers – that may include armed actors - is critical in terms of providing services like security" (p.751). Where the state is absent, nonstate actors may fill the existing lacuna, therefore engaging them in efforts to reform the security sector is logical, as opposed to avoiding them and trying to create Weberian-style security arrangements (Denney, 2014; Homel & Masson, 2016 &

Podder, 2014). As previously noted, the question of whether the Weberian model of security

sector reform should be applied in areas where the state is not present has yet to find prominence

in the debate over implementing security sector reform in postconflict settings (Schroder &

Chappuis, 2014). The point must be made that the involvement of nonstate actors in providing

justice and security services in postconflict societies is not without difficulties. For instance,

Bangura (2018) noted that in Sierra Leone, the lack of access to services provided by the

criminal justice system resulted in a surge in violence perpetrated by the activities of informal

policing and community justice processes.

Involving nonstate actors in reforming the criminal justice sector

Nonstate actors are prominent actors in almost, if not all, facets of life in postconflict

settings (Ansorg, 2017; Denney, 2014; Jackson, 2013 & Podder, 2014). Several researchers and

development organizations such as the United Nations have hailed the use of nonstate actors to

support and/or implement interventions to reform the justice and security sectors (Denney, 2013;

Dinnen & Peake, 2013 & Swenson, 2018). However, it is worth emphasizing from the onset, that

authors like Migdal (1988) hold a contrary view (Swenson, 2018). Migdal (1988) observed that

the quest to build a country bound by the rule of law whilst at the same time engaging nonstate

actors to implement the needed reforms appears to be a contradiction, the reason being that

nonstate actors are bound by separate values (Swenson, 2018). Baker (2008) made the point that

it is widely accepted that the presence of multiple justice and security actors is a common feature

in the global South in general, and particularly in conflict-affected countries (Denney, 2014).

Though this view is held by many, Denney (2014) lamented over the fact that the greater

majority of donors who are supporting efforts to reform the justice and security system engage

only with state actors as they base their programming on liberal peacebuilding models and the

strong desire to reform institutional structures in fragile settings to conform to the Weberian notions of the state (Denney, 2014).

Additionally, Denney (2014) asserted that where there are efforts not to engage with nonstate actors, security sector reform programs are designed in a manner that fails to recognize the interconnectedness between the state and nonstate actors/systems but rather affirms the notions that they are distinct. To facilitate the process of acknowledging the interconnectedness of both state and nonstate actors, Byres (1995) advocated for a reconceptualization of how these actors are seen in the services they deliver (Denney, 2014). When a deliberate decision is taken not to involve nonstate actors in processes to reform the justice and corrections sectors in postconflict countries it is an indication of an unwillingness to recognize the dynamics in such settings, a desire not to find interventions that are sustainable, and an intention to prop up the ruling elite to the neglect of ordinary citizens. It also signifies a desire to defy all principles of good governance and democracy which recognizes civil society as an important factor in political governance.

Nonstate Actors and Postconflict Criminal Justice System

The prominent role of nonstate actors in the justice and security sphere is evidenced by statistics provided by Albrecht and Kyed (2011) who informed their readers that "80 per cent of disputes in the global South are resolved by nonstate means" (Denney, 2014, p. 253). Only 2% of cases in Liberia go to its formal justice system while 45% are resolved through the customary justice system (Bacon, 2015). Furthermore, Isser et al, assert that in Liberia, with respect to sexual related offenses, only 50% are reported, of which more than half i.e.28%, are reported to informal settings (e.g., family heads, traditional leaders, elders and secret societies [Bacon, 2015]). In Sierra Leone chiefs are responsible for providing justice and security services to over

80% of Sierra Leoneans and 85% of crimes and conflicts in Sierra Leone are first reported to traditional authorities (Denney, 2014 & Jackson, 2013).

Scheye and Andersen (2007) posited that the presence of a plurality of nonstate actors in the justice and security space is due to the state's weakness (Denney, 2014). Scheye and Andersen (2007) further asserted that as the state gets stronger nonstate actors will fade away (Denney, 2014). Whereas there is some truth in the view that the presence of a plurality of nonstate actors in the justice and security space is due to the state's weakness, the same cannot be said about the fact that, in developing countries, nonstate actors will become extinct when the state's capacity to provide justice and security services increases (Denney, 2014 & Jackson, 2013).

Denney (2014) posited that efforts by development partners to support reforms of the justice and security system in fragile settings have been geared towards building institutions and systems that are a replica of Western institutions and exclude nonstate actors. Examples of these reforms are building courthouses, police stations and prisons and training personnel to work in these agencies (Denney, 2014). Egnell & Halden (2009) suggested that this approach prevents any other practical and potentially more effective possibilities of reforming the justice and security sectors in postconflict settings (Denney, 2014). Explaining this, Denney (2014) indicated that the strongly held ideological view in the West, that the role of the Weberian state model in the lives of its citizens is ideal for every state, is what is fueling the natural willingness of donors to focus on supporting state actors to the neglect of nonstate actors. This view about the role of the state can be equated to transplanting cultural practices from one context into another and expecting it to flourish in the new context as well as it does in its previous setting. Denney (2013) found that in Sierra Leone, despite the prominent role played by chiefs in

providing justice and security, British Government funded programs to reform the security sector failed to actively engage chiefs. The researcher ascribed this state of affairs to the fact that the United Kingdom's Department of International Development (DFID) did not deal with nonstate or informal state actors. Other reasons advanced by Denny (2013) for DIFD's approach in Sierra Leone include the organization's "political, bureaucratic and statist nature" (p.15), the impact of Western values on programming and the nationality of technical staff hired to implement such programs.

The point must be made that this view held by donors and persons who are socialized in Western values of the state fails to recognize the fact that developing countries in general, and postconflict countries in particular, are unique contexts, different from the West. A fundamental feature of their uniqueness is the involvement of multiple actors, including nonstate actors, in providing justice and security services (Podder, 2014). Nonstate actors are steeped in the culture and religion of the people and often the formal state structures are alien and not trustworthy by the citizenry (Denney, 2014). Scheye (2009) opined that the legitimacy that nonstate actors enjoy when providing justice and security services in developing countries is essentially because they are sanctioned by culture and tradition (Denney, 2014), an attribute that interventions supported by external actors' lack.

Other reasons given for the prominent role of nonstate actors in the lives of citizens in the developing world is their geographical accessibility, cost and other intangible attributes like the language of communication used in such forums (Denney, 2014 & Jackson, 2013). The issue of cost does not only relate to how much those accessing the services pay but also, in the case of state services, the expense to the taxpayer maintaining the system.

Further, under investment in state provided justice and security services, which is a common situation, limits their effectiveness. Koroma, Turay and Saddiqi (2012), found that in Sierra Leone, the justice sector was allocated 1% of the national budget (Denney, 2014). This is woefully inadequate given the total national budget and the needs of Sierra Leone's justice and security sectors (Denney, 2014).

Denney (2014) suggested that the inability of the formal justice system to deliver the "locally valued currency of justice" (p. 254) is another reason for the popularity of the nonstate actors who provide justice and security services. To support this assertion, the author refers to excerpts from an interview conducted during a survey in two districts in Sierra Leone, which indicated that women who were victims of domestic violence preferred compensation from their predators as opposed to incarcerating them. One reason for this is because jailing the perpetuator results in a loss of family income which has negative consequences for the entire family (Denney, 2014). The sentencing processes in the local courts is another feature of the processes of nonstate actors in the criminal justice sector that makes them popular. Jackson (2013) in describing the processes of local courts in Sierra Leone explains that local courts are governed by the Local Courts Act and apply customary law which varies across chiefdoms. They hear family matters, debt, land and petty fraud issues and the sentencing processes are open to negotiation. This makes them attractive to a population whose primary objective can be seen as obtaining restorative rather than retributive justice.

Partnering Nonstate Actors in Justice and Security Sector Reform

Due to their prominent role in the criminal justice system in postconflict settings, nonstate actors cannot be ignored when reforming the justice and security sectors. Consequently, authors like Homel and Masson (2016), van Tongeren (2013) and Whitman (2013) advocated for

mechanisms at the community level which serve as forums for information sharing about security and safety at the local level, address security challenges and build the relationship between the citizenry and public officials including those working in the criminal justice system and the local government (Gordon, 2014). Denney (2014) argued that even where there is evidence that donor programs to reform the justice and security system in postconflict settings target nonstate actors such as customary justice providers, the programs drew a dichotomy between state and nonstate actors thus neglecting to recognize how nonstate justice and security actors operate on the ground (Denney, 2014). Interestingly, in practice, the distinction between state and nonstate actors is not as neat as it is made to look (Denney, 2014). In the justice and security sectors there is a lot of overlap between state and nonstate actors and citizens oscillate from one category of actors to another seeking justice and security services either on their own or upon the direction of persons responsible for providing a particular service (Denney, 2014). For instance, a judge may refer a matter to the customary justice system for arbitration whilst a chief may refer an electoral related matter, which may have come before him or her, to the police (Denney, 2014). Consequently, Denney (2014) and Jackson (2013) campaigned for abandoning the dichotomy between state and nonstate actors in terms of who should be engaged in reforming the justice and security sectors in postconflict settings.

Jackson (2013) observed that, on the ground, the situation is more complex than having a dual system of justice. Therefore, Denny (2014) advocated for an approach that focuses on the end user of justice and security services. This approach acknowledges the interconnectedness of the various justice and security service providers (Denney, 2014). Similarly, Knight (2009) advocated for security sector reform processes to have a Social Contract element where they provide legitimacy to the state (Gordon, 2014). According to Knight (2009) this will result in a

situation where there is a shift in focus from structures created by the state and formal civil society organizations to a relationship between the citizens and the state, thus increasing the chances for a successful security sector reform program (Gordon, 2014). Denney (2014) indicated that the first step towards seeing that all actors are interconnected is to use the justice and security mapping approach to identify all actors (both state and nonstate) providing justice and security services. Homel and Masson (2016) associated themselves with this view.

Denney (2014) opined that adopting this approach will also help move the discussion away from the current approach where academics and practitioners slavishly adhered to a dichotomy between state and nonstate actors to one that encourages an integrated approach to justice and security sector reform. The end user approach to security sector reform is akin to advocating for a people centered approach to security sector reform which Gordon (2014) suggested results in a bottom-up approach to security sector reform. It also deals with the challenges associated with the concentration of power in the hands of the elite and the associated criminal conduct such as corruption and organized crime that ensues (Gordon, 2014). The call for the abandonment of the dichotomy between state and nonstate actors in security sector reform programming is a step in the right direction; it is a practical approach to dealing with what actually exists on the ground as opposed to the current approach that is grounded in theory and immersed in Western liberal ideology. When the dichotomy between state and nonstate actors is forsaken, it will provide a better opportunity for relevant stakeholders in the justice and security sector reform processes, even in postconflict settings, to work in the interest of citizens who are the primary beneficiaries of their programming. Also, it will engender interest amongst the citizenry and garner the desired support to implement programmatic interventions as well as demonstrate a true sense of partnership.

Swenson (2018) highlighted the importance of engaging nonstate actors in reforming the security sector in postconflict settings and the ensuing benefits of such engagement. Swenson (2018) cited Kyed (2011), who asserted that nonstate actors who are connected to the population by custom, religion, ethnicity or tribe are very effective in dispute resolution in developing countries. Swenson (2018) also cited Menkhaus (2007) to strengthen the author's advocacy for making nonstate actors prominent in security sector reform. Menkhaus (2007) indicated that nonstate actors have a vital role to play in dispute resolution in conflict prone settings where formal state institutions have proved to lack the requisite legitimacy (Swenson, 2018). Swenson (2018) noted that the progress made by nonstate actors in dispute resolution has resulted in some experts calling for the formation of coalitions with actors that are beyond the formal institutions to implement justice sector reform activities. Bacon (2015) shared this view in the context of Liberia. Dinnen and Peake (2013) indicated that, in Sierra Leone, policing services and other formal government institutions/services are concentrated in the urban centers and citizens in the rural areas rely on the customary law/justice system to resolve their disputes.

Denney (2013) further explained that the neglect and/or refusal of international actors, like DFID, to engage with nonstate actors is because they are interested in building security systems/institutions that promote equality, justice and human rights according to Western standards. Denney (2013) noted that, unfortunately, the state of the chieftaincy institution makes Western development agencies conclude that chiefs fall short of the standards that the development partners are promoting. Baker (2010) made the point that involving national actors in security sector reform interventions in postconflict settings would naturally result in the involvement of actors like traditional authorities whose processes and activities offend international principles and standards like human rights (Homel & Masson, 2016). It is worthy of

note that the institution of chieftaincy is undergoing significant reforms, and this is resulting in a situation where their role as partners in reform efforts cannot be ignored (Jackson, 2013). Denney (2013) observed that the closeness of chiefs to the community makes them natural partners for development. Baker (2005) supported this stance and advocated for engaging with chiefs as a condition precedent to comprehensive reform of policing and justice services in Sierra Leone (Denney, 2013). Jackson (2013) shares this view positing that, in Sierra Leone, chiefs are entrenched in local politics and that this makes them important players. However, Jackson (2013) advocated for development actors to resist any temptation, during their efforts to promote access to justice, to support initiatives that have the potential of resulting in an unintended consequence of entrenching the power of chiefs. The point is also made by Denney (2013) that finding the values that are propagated by institutions from the West in formal state institutions is relatively easier hence the preference, by donors, to deal with them. Denney (2013) however, questioned the sincerity of external development assistance actors when they insist on working with national actors who uphold and/or espouse values like international human rights standards and principles. According to Denney (2013) there is evidence to suggest that DFID has engaged with actors with questionable human rights records. This apparent double standard led Denney (2013) to observe that:

> "The distinction made between the human rights abuses committed by states and those committed by informal actors is further indicative of the prism of political liberalism and bureaucracy through which DFID understands the world and models its development assistance. Justice, security, democracy and human rights thus, become most effectively served by a centralized state authority, properly structured and rule-bound by legal-rationalism. Chiefs, conversely, represent

unaccountability and a lack of oversight, rendering them unmanageable forces"

(p.20).

Denney (2013) also quotes Anderson (2007) who notes that:

"The donor's choice is not between supporting a human-rights-respecting state

system and an illiberal nonstate system. If only that were the case, the choice

would be simple. The complexity and the predicament arise when faced with a

state system that provides very few services and a nonstate system that proves

some - albeit in a less than perfect manner" (p.20).

Researchers like Golooba-Mutebi (2011) pointed out that in some societies, chiefs are the

primary service providers in rural communities and Fanthorpe (2005) asserted that in some

contexts the community is very loyal to the institution of chieftaincy (Denney, 2013). Sawyer

(2008) affirmed this view, informing readers that chiefs play various leadership and governance

roles (Denney, 2013). Despite these positive and important roles played by chiefs in the African

context, the illiberal nature of the chieftaincy institution runs contrary to the liberal principles

that development agencies, like DIFD, promote, hence their refusal to engage chiefs when

undertaking critical reforms. This attitude, according to Denney (2013) is an application of

Western principles that do not suit the African context and is yet to yield the desired results.

International actors like DFID neglect and/or refusal to design programmatic interventions to suit

the context for which they are designed and implemented runs contrary to Kelsall (2008), who

advocated for "going with the grain" of African development (Denney, 2013 p.7) and concludes

that the imposition of externally driven approaches for Africa's development has yet to yield the

desired results (Denney, 2013). These conclusions arrived at by Kelsall (2008) are confirmed by

Denney (2013) who concluded that, as a result of DFID's approach to security sector reform in Sierra Leone, the outcome of the reform interventions is limited.

This is not to suggest that the institution of chieftaincy is perfect and not blameworthy. To illustrate the potential downsides associated with chieftaincy, Denney (2013) posited that, in Sierra Leone, chiefs contributed to the state of affairs that eventually took the country into the civil war. Conteh (2014) shared this view, asserting that the nature of Sierra Leone's chieftaincy institution made the institution a conflict driver. This assertion is supported by Homel and Masson (2016) who made the point that in some cases the conduct of nonstate actors who provide justice and security services was itself a conflict trigger. Denney (2013) informed readers that in adhering to the concept of "going with the grain" (p.7), it is important to bear in mind that there are several practical implications associated with this decision. These include having to deal with oppressive and discriminatory security, justice and governance actors (Denney, 2013). Therefore, Leonard noted that "The challenge is not to terminate existing local and informal social contracts for the sake of Western models of security, but instead to make local governance more responsive and effective in a manner that accommodates the legitimacy of local institutions" (Ansorg, 2017 p. 141).

Cubitt (2013) advocated for a more prominent role for national actors in justice and security sector reform processes, asserting that the West does not have a monopoly over understanding how to build peace. Therefore, whilst principles such as equal treatment of citizens by security institutions are useful, they are not of sufficient strategic importance to delay the transfer of decision making to national actors (Gordon, 2014). Fortunately, the passage of time has resulted in DIFD recognizing the place of chiefs in Sierra Leonean society and this has,

in turn, resulted in a shift in approach so that DFID is working with chiefs to design and implement its programmatic interventions (Denney, 2013; Denney, 2014 & Jackson, 2013).

It is evident that the reluctance by international development actors to engage with local nonstate actors like chiefs is borne out of a number of factors. These include the overemphasis of Western solutions for development challenges in contexts that are totally different from the West and the fact that dealing with only state actors is relatively easier and has relatively fewer practical challenges for them. It is also clear that there is a deliberate effort to promote Western values, with development assistance to recipients of donor funding being used as a tool for achieving a particular foreign policy or national interest objective. These factors point to the politics that influence the decision-making processes of implementing programmatic interventions to reform the justice and security sectors in postconflict countries. As long as the standards/ideology that the international development community uses is not contextualized, the possibility of success is limited, and this is evidenced by the outcome of most development programming in Africa.

The stance taken by Denney (2013) of getting nonstate actors involved in security sector reform in postconflict societies is supported by Ansorg (2017). Ansorg (2017), cited authors like Bagayoko, Hutchful & Luckham (2016), points out that as a result of implementing reform programs that are not context specific, security sector reform approaches are at odds with the realities in Africa where state authority and governance is, and can be, exercised by nonstate actors such as traditional leaders. In Africa, nonstate actors are often external to the formal state institutions, so the reform efforts exclude them (Ansorg, 2017). A 2007 report by the Commonwealth Human Rights Initiative holds a similar view. In the report, the Commonwealth Human Rights Initiative indicated that, in spite of the fact that policing by nonstate actors (e.g.

traditional authorities) is provided by some ethnic/local communities in Ghana, police reform interventions, which are mostly foreign supported, have never involved non state actors in the reform process (Ansorg, 2017).

Ansorg (2017) also pointed out that in most postconflict environments non state actors are not actively involved in security sector reform processes, the reason being that such processes are often elite undertakings. This view is shared by Ansorg and Haastrup (2016) who indicated that the Western approach to security sector reform in Africa's postconflict settings are elite and male driven and neglects females and organizations that champion female rights (Ansorg, 2017). Interestingly, Angola and Rwanda are two postconflict settings that Ansorg (2017) cited as exceptions to the general view and practice that security sector reform is an elite driven endeavor. Ansorg (2017) also lamented over the refusal by international development agencies to recognize local/traditional institutions as partners in their programming. According to the researchers, this is negatively affecting efforts to create security in postconflict settings. Ansorg (2017) also argued that local institutions may have the potential of securing the peace and stability (i.e., the ultimate object of security sector reform programming in postconflict settings. Westernman (2017) shared this view, positing that the goal of security sector reform in postconflict situations is to create a workable and sustainable security system that has a democratic relationship with the legitimate authorities of the country charged with creating a safe and secure environment.

Mac Ginty (2015) pointed out that focusing on the local community to serve as the source of justice and security in the absence of strong state institutions is not a solution to address the root causes of conflict, arguing that in most cases, the conduct of these local structures fueled the conflict. Hence, resorting to local structures should be seen as an interim measure (Homel &

Masson, 2016). Gordon (2014) counseled that in the long term both local and state centered approaches should be used to provide mutually reinforcing solutions to justice and security challenges in postconflict settings (Homel & Masson, 2016). Interestingly, Homel and Fuller (2015) made the point that the approach advocated by Gordon (2014) is already being implemented as there is an emerging phenomenon where interventions to reform the security sector are increasingly being built around local government structures (Homel & Masson, 2016).

Mac Ginty (2010) is realist in commenting on the debate on local ownership and the place of traditional authorities in operationalizing it, as the researcher observed that, donor assistance creates a patron-client relationship, a situation that hinders efforts to promote local ownership in international development assistance programs (Homel & Masson, 2016). To address this, Mac Ginty (2010) advocated for an approach adopted by the Australian Institute of Criminology, where interventions for crime prevention and community safety were implemented within the framework of partnerships between donors and the local community (Homel & Masson, 2016). Mac Ginty (2010) cited the Jenin Community project, in Palestine, as an example where all actors, formal and informal, local and international, women and youth groups, were brought together to work in partnership to improve community safety (Homel & Masson, 2016).

Nonstate Actors implementing Security Sector Reforms in postconflict societies

Traditional and religious leaders

From the foregoing, it is obvious that traditional leaders have a crucial role to play in postconflict reform of the criminal justice system. Dinnen and Peake (2013), reported on the approach and outcome of New Zealand supported police reforms in Bougainville, a postconflict autonomous region of Papua New Guinea and informed their readers that the agreement that

brought peace to Bougainville gave the region an autonomous status and an opportunity to establish its own public services including courts, police, criminal law and human rights protection. The researchers further noted that Bougainville's constitution calls for the inclusion of traditional leaders in governance, stating that "the clan structure and customary leadership of Bougainvillean communities shall be recognized and strengthened and the roles, responsibilities and authority of traditional leaders shall be recognized at all levels of government" (p. 575).

Dinnen and Peake (2013), asserted that the criminal justice reform project in Bougainville has two distinct approaches which produced fundamentally opposite results. According to the researchers, one approach supports the Community Auxiliary Police (CAP), which operates in Bougainville rural areas (Dinnen & Peake, 2013). The CAP is made up of 350 sworn police officers of the Bougainville Police Service (BPS) who in addition to performing policing duties, offer services such as mediation and work with traditional authorities to support community/traditional governance structures (Dinnen & Peake, 2013). The second approach supports about 200 BPS officers based in the urban centers (Dinnen & Peake, 2013). The CAP uses local concepts of authority to resolve disputes and Bougainville's young local government system to discharge their functions. Dinnen and Peake (2013) asserted that this is an example of a hybrid policing approach that connects central authority to local authority. The village chief nominates potential officers of the CAP and the Council of Elders, comprised of traditional leaders, approve these nominees (Dinnen & Peake, 2013). Following this, the BPS conducts background checks on the approved nominees (Dinnen & Peake, 2013). Social and local structures are actively involved in the recruitment process as they determine who serves in the CAP (Dinnen & Peake, 2013). Dinnen and Peake (2013) posited this approach gives the CAP credibility.

Dinnen and Peake (2013) concluded that the second approach follows the orthodox methodology to reforming the justice and security systems in postconflict settings. As previously noted, an essential feature of the orthodox approach is that the services of international experts are engaged to build the capacity of criminal justice institutions (Dinnen & Peake, 2013). These experts' mentor the national actors/institutions, develop handbooks, transfer skills, and train them on intelligence gathering and investigations (Dinnen & Peake, 2013). Dinnen and Peake (2013) indicated that in Bougainville, the orthodox approach is limited to officers of the BPS operating in the capital. Dinnen and Peake (2013) also noted that instead of just blindly building the public services, the Bougainvilles incorporated the positive aspects of their customary system of government to create hybrid institutions, policies and laws. For instance, chiefs were given roles in dispute resolution (Dinnen & Peake, 2013). The peacebuilding efforts created local government structures including a Council of Elders, which is responsible for maintaining security, dispute resolution and facilitating reconciliation (Dinnen & Peake, 2013). For Dinnen and Peake (2013), the new political architecture, which gave traditional leaders a prominent role, was designed to have a socially embedded approach towards policing and justice. The researchers further opined that the reform of the justice system in Bougainville is a deliberate effort in the area of policing to depart from the discredited policing approach that predated the conflict (Dinnen & Peake, 2013).

To operationalize this new approach, the report of the Bougainville Constitutional Commission enjoined the police to work closely with the Council of Elders, village courts, chiefs and other traditional leaders with the ultimate objective of the police becoming an integral part of the justice system which is made up of traditional leaders (Dinnen & Peake, 2013). The justice system was to be administered based on kastomary (perhaps a vernacular spelling to

"customary" in local Bougainville language) practices of restorative justice (Dinnen & Peake, 2013). Is it instructive to observe that although focused on the rural community and local culture, international assistance was solicited to support the CAP, and New Zealand developed a syllabus to train the CAP in local conflict resolution methods. As noted earlier, in evaluating the outcome of both policing approaches, Dinnen and Peake, (2013) found results that fundamentally differed from each other. The researchers found that the approach adopted in connection with building the CAP yielded positive results in terms of effectiveness and legitimacy as opposed to the approach adopted to reform the BPS. Dinnen and Peake, (2013) also found that issues such as lack of professionalism, effective management, accountability and resources plagued the BPS, and these negatively affected the public's perception about them. Interestingly, Dinnen and Peake, (2013) found the direct opposite in the case of the CAP. The researchers found that the CAP has multiple layers of accountability including the Council of Elders and the community members, which the authors referred to as horizontal oversight. Dinnen and Peake, (2013) also found that there is also a noncommissioned officer within the CAP who exercises vertical oversight in conjunction with an expatriate staff. Involving expatriates in oversight and accountability has some benefits as they are insulated from local social life and hence generally not susceptible to the local influences that nationals will ordinarily be susceptible to (Dinnen & Peake, 2013).

Dinnen and Peake, (2013) found that CAP is the source of 86% of crime statistics. It is worth mentioning that since the CAP operates in the rural areas, where the population is higher, its contribution to the national crime statistics is natural. The fact that the CAP is present in the community contributes to the support that they enjoy (Dinnen & Peake, 2013). On the other hand, Dinnen and Peake (2013) found that the BPS is seen as foreign and is associated with the

old order. A very significant finding made by Dinnen and Peake (2013) is that the CAP has evolved over time and in the process, has been aligned to local structures. Significantly, Dinnen and Peake (2013) found that the CAP is also an early warning mechanism to prevent crisis in the community. Dinnen and Peake (2013) also found that, in some cases, the legitimacy of the CAP officers has been used to reinforce the work of other local justice actors. For instance, the presence of a CAP officer in the village court boosts the magistrate's authority. CAP officers are members of other local committees and this enhanced local governance structures.

Dinnen and Peake (2013) also highlighted the importance of building on local strengths as opposed to using conventional approaches that are preoccupied with identifying local deficiencies and fixing them. Secondly, the authors indicated that reforms should not follow orthodox approaches that have no bearing on the context and that where the intervention is tailored to suit the context there is a higher chance of it being successful and sustained. It is refreshing to note that Dinnen and Peake (2013) commended New Zealand for their non-prescriptive approach to police reform in Bougainville and asserted that New Zealand should take part of the credit for the success of the project.

Challenges associated with involving traditional structures in providing security and justice sector services

Dinnen and Peake (2013) reported that during their study, they answered the question: whether in the light of the pluralistic policing approaches and the justice system in Bougainville, the BPS was fit for the context. To this question the researchers made the point that while a case can arguably be made for strengthening the formal justice system to deal with serious offences, this cannot be done without strengthening informal justice systems operated by nonstate actors.

Dinnen and Peake (2013) asserted that in spite of all the strengths of the CAP approach towards reforming the justice system, there is the need for a professional police service to deal with urban related crime and the impact of socio economic development in Bougainville. The CAP, according to Dinnen and Peake (2013), can be an effective link between the central government and the local community. This approach affirms earlier suggestions by Mac Ginty (2011) for an approach that involves both state and nonstate actors in justice and security sector reform in postconflict settings (Gordon, 2014).

Paralegals

Paralegals are another category of nonstate actors that can aid the justice and security sector reform in postconflict countries. Swenson (2018) referred to paralegals as barefoot lawyers and observed that the United Nations has endorsed interventions that involve paralegals in enhancing access to justice and that this is demonstrating a lot of success. For instance, in Sierra Leone, several nongovernmental organizations, led by lawyers with the support of paralegals, offer advice, mediation services and representation in court at the national level (Jackson, 2013). Denney (2014) found a rise in the number of actors providing paralegal services in Sierra Leone and the prominent role they were playing in dispute resolution. Golub (2003) informed readers that paralegals provide a wide range of services including providing information and advice through representing their clients in administrative forums (Swenson, 2018). Maru (2006) asserted that paralegals provide cost effective and sustainable services (Swenson, 2018). This is a view shared by Jackson (2013). Additionally, paralegals offer legal literacy skills (Jackson, 2013 & Swenson, 2018). Baker (2010) asserted that in postconflict settings paralegals play several important roles including bringing state and nonstate justice together (Swenson, 2018).

Condition precedents to effective paralegal schemes

For paralegals to be effective in supporting efforts to reform the criminal justice system a number of conditions must exist. These include adequate training. This position is shared by van Rooij (2012), who indicates that paralegals need adequate training (Swenson, 2018). van Rooij (2012) also asserted that paralegals need to maintain an effective relationship with the community, the state and donors (Swenson, 2018). Thirdly, Swenson (2018) indicated that, to enhance national ownership, funders of paralegals programs must align their programs to that of the national government (Swenson, 2018). Maru (2006) added that paralegals must be connected to lawyers and must have the goal of providing concrete solutions to the justice related challenges confronting their clients (Swenson, 2018).

Swenson (2018) conducts a study of two paralegal programs in Timor-Leste; the Advocates Sans Frontiers (ASF) Grassroots Justice Project 2005-2007 and the Asia Foundation's Access to justice program 2008-2012. For both programs, paralegals were selected from within the community they served, from respected village youth, women, church and traditional leaders. Whereas all the paralegals in both programs were described as neutral and independent, the truth is that they drew their influence from being strongly rooted in their community (Swenson, 2018). That is, they used their social capital to discharge their duties as paralegals. Consequently, Swenson (2018) argued that the fact that the paralegals in both programs were deeply rooted in their community facilitated their work as paralegals and their role as paralegals bolstered their standing in the society. These findings suggest that the dual roles played by the paralegals i.e., as paralegals and their respective roles/positions in their various social networks in the community are mutually reinforcing. This makes a case that to be effective, paralegals must be firmly rooted

in the communities in which they serve (i.e., paralegals should have some authority within the community where they provide their services).

Challenges of running a paralegal scheme

Despite the positive views held about paralegal schemes, Swenson (2018) found challenges confronting the paralegal programs evaluated, challenges which may plague any paralegal scheme. These include the blurred lines of accountability (e.g., donor, local/traditional authorities and state authorities). Related to this challenge is the multiplicity of potential lines of accountability. Also, decisions of the paralegals were not binding, hence unenforceable, which could result in delayed justice particularly for the vulnerable in society, like women (Swenson, 2018). This defeats one of the principal objectives of a modern justice system, upholding the rights of women (Swenson, 2018). Related to this is the fact that Swenson (2018) also observed that paralegal programs provide another forum for dispute resolution, however the presence of multiple forums for dispute resolution could lead to forum shopping which arguably is detrimental to less powerful disputants.

Further, there are human resource challenges associated with running any paralegal program, particularly in postconflict settings, the reason being that, many of the roles or services in paralegal schemes are performed or provided by lawyers, so they cannot be provided by paralegals (Jackson, 2013 & Swenson, 2018). This is because most of the services that people seek from paralegal programs are those provided by lawyers and are inaccessible due to the cost of engaging the services of a lawyer and the financial status of beneficiaries of paralegal schemes. There is also the challenge of sustaining the project/program when donor funding has run out (Swenson, 2018). There is also the challenge of the quality of the services provided by paralegals. While it is widely accepted that paralegals are a cost effective, culturally acceptable

and sustainable way of enhancing access to justice in developing countries, Swenson (2018) was

unable to confirm from the study that the quality of the services provided by the paralegals,

especially in remote locations, was high, thus questioning the quality of the paralegal services

provided by the schemes studied as well as making a case for effective oversight over paralegal

schemes. It must be noted that Castillejo (2009) argued that, in Sierra Leone, the presence of

non-governmental organizations and civil society organizations who were providing access to

justice services at the local level served to enhance oversight over paralegals (Jackson, 2013).

Swenson (2018) also made the point that whether or not paralegal programs will make an impact

in enhancing access to justice depends on how the scheme is perceived by powerful actors in the

society. Importantly, whereas Swenson (2018) found that the paralegal programs the author

studied were human rights friendly, there was no evidence that the programs succeeded in

reforming the customary justice system to make it meet international human rights standards.

It is worthy of mention that paralegals are not the solution to addressing challenges

associated with access to justice, but they have the potential to make a significant impact in the

quest to enhance access to justice particularly in postconflict settings (Swenson, 2018). The rate

of success in using paralegals is attributable to a number of factors. According to Stomseth,

Wippman and Brooks (2006) one of them is that "Paralegal assistance seems to offer that ever-

elusive commodity: a do-no-harm intervention with capacity to improve both the state and

nonstate justice sectors in almost any setting, including post-conflict societies" (Swenson, 2018,

p. 52).

Women and Postconflict Criminal Justice System Reforms

When involving non state actors in reforming the justice and security sectors it is

important that all sections of the society are represented (i.e., vulnerable or marginalized parts of

the population particularly women and youth) must be actively involved in deciding the direction and approach of implementing the reforms (Gordon, 2014). Actors in the postconflict reconstruction process must ensure that they do not perpetuate discriminatory practices that existed prior to and during the conflict (Jackson, 2013). For instance, Dinnen and Peake (2013) found while studying the reform of the police in Bougainville, that recruitment drives to fill positions in the CAP gave priority to females. This resulted in an increase in the number of women working within the CAP (i.e., from 5% in 2008 to 21% in 2012 [Dinnen & Peake, 2013]). Dinnen and Peake (2013) argued that the presence of a higher number of women in the CAP is aiding the reporting of sensitive gender related criminal conduct perpetuated against women and that this is strengthening the rule of law.

However, it is important to situate the progress made in Bougainville within context as in Bougainville, women played a very active role in peace efforts (Dinnen & Peake, 2013). It is instructive to note that Dinnen and Peake (2013) posited that the CAP project has been, and can be, a social change agent, as including women is changing the notion that justice and security institutions in postconflict settings are the preserve of men. Involving women also addresses human rights concerns and promotes inclusiveness (Dinnen & Peake, 2013). As this is helping to address discriminatory practices against them and making them feel a part of the security and justice systems.

Involving women in efforts to reform Liberia's criminal justice system

Numerous initiatives were put in place in Liberia to make the criminal justice system gender friendly (Bacon, 2015). These interventions include increasing the number of females in the Liberia National Police to 20% by 2014 and decentralizing the criminal justice system to make it accessible to rural communities where women are in the majority (Bacon, 2015). There

were also efforts to improve the criminal justice system's responsiveness to sexual and gender-based offences (Bacon, 2015). In 2005, a Women and Children Protection Section (WACPS), dedicated to respond to sexual and gender related offenses, was established within the national police and the roll out of establishing WACPS units across the country commenced immediately (Bacon, 2015). The creation of these specialized units contributed to public education on sexual and gender related crimes (Bacon, 2015). However, Bacon (2015) noted that as at 2011, out of 71 female officers of the WACPS, only 5 (7%) were in rural communities.

Liberia's criminal justice system's response to gender related criminal conduct

Generally, according to Bacon (2015), Liberia's approach to gender-sensitive police reform to enhance responsiveness and representation was an innovation with positive outcomes. However, Bacon (2015) noted that the overall impact of these interventions was hindered by the broken justice system, poor infrastructure, weak technical capacity, the police's poor reputation and low reportage of sexual and gender related crimes. According to Bacon (2015), in most cases sexual and gender based criminal conduct are resolved out of court (i.e., privately, through traditional or customary structures).

Another factor leading to the limited outcome of the interventions to improve the responsiveness and representation of women in the criminal justice system in Liberia is that these projects were donor driven and donors supported only 'pet projects' and adopted approaches that did not consider the local context (Bacon, 2015). For instance, donors were unwilling to work with the customary justice system and concentrated their interventions in the capital even though most of the citizens lived in villages outside the capital (Bacon, 2015). Jackson (2017) echoes this point when noting that the international community working in postconflict countries fails to think beyond the capital for several reasons including being unwilling to work in parts of the

country where the state lacked legitimacy. In Liberia, these locations were difficult to reach, particularly during the raining season when it takes long hours and in some cases days, often on foot, for some communities to reach representatives of the formal justice system (Bacon, 2015). Bacon (2015) observed further that all these factors had an impact on the sustaining the reforms as well as local ownership. On the issue of sustainability, Nyei (2014) informed readers that "… that most of the reform programs have been financed through foreign aid, and in most cases, government has proved incapable of assuming financial responsibilities when donors withdraw" (p. 11).

Community safety mechanism

Incorporating community safety mechanisms in security sector programming is another approach towards security and justice sector reform (Gordon, 2014). As the name suggests, community safety mechanisms are mechanisms at the local level that are established by or in consultation with local actors to promote safety and security in the community. Various jurisdictions label these mechanisms differently (Gordon, 2014). For instance, Gordon (2014) citing various authors, informed readers that in Sierra Leone they are referred to as provincial and district-level security committees (Kunz & Valasek, 2012), and in Afghanistan they are referred to as security and justice subcommittees (Stabilization Unit, 2014). In Kenya, an independent international organization known as Saferworld supported communities to participate in decision making processes on issues related to their security such as community policing (Gordon, 2014). Conteh (2007) informed readers that in Sierra Leone the district and provincial security committees participated in community level reform processes (Gordon, 2014).

Benefits of incorporating community safety mechanisms in security sector reform

programming

Community safety mechanisms must be designed to suit the context within which they

are to operate (Gordon, 2014). Local ownership of reforming justice and security institutions in

postconflict societies can be enhanced through establishing community safety. Effectively

implementing this approach has the potential of addressing one of the challenges of the top-

bottom approach to security sector reform (i.e., the lack of inclusion) which was absent in donor

led security sector reform interventions in countries like Kosovo and Timor Leste (Gordon, 2014

& Homel & Masson, 2016). When community structures are incorporated into security sector

reform processes there is a chance of getting members of the community, including marginalized

groups, taking part in decisions relating to their security needs and priorities, which has the

advantage that the resulting policy choices reflects the will of the people for whom they are

designed and implemented (Gordon, 2014). Additionally, Gordon (2010) made the point that

adopting a community safety approach towards security sector reform promotes efficient,

transparent, effective and accountable security sector institutions and improves the relationship

between the government and the governed (Gordon, 2014).

However, Gordon (2014) noted that despite the strengths of this approach, community

structures are rarely incorporated into security sector reform programming. According to Gordon

(2014), not incorporating persons at the community level into security sector reform processes

could have the result of turning potential champions of security sector processes into spoilers, as

Arnusch (2010) warned would have happened in Liberia (Gordon, 2014). According to Arnusch

(2010), in Liberia, community safety mechanisms, which had filled the void in the absence of

state justice and security institutions, were not incorporated into the processes seeking to reform

the justice and security sectors (Gordon, 2014).

Challenges incorporating community safety mechanisms in security sector reform

processes

Gordon (2014) pointed out that there are limitations associated with using this approach

to make security services accessible to the community. Hence electing to incorporate this

approach in reform programs should be done with caution. For instance, the author pointed out

that incorporating community safety structures into security sector reform programming may

result in an institutionalization of these community structures and has the potential of resulting in

the structures losing their very essence and character (i.e., a wide range of community concerns

that community safety mechanisms are designed to address risk being securitized [Gordon,

2014]). Another limitation identified by Gordon (2010) relates to the bottom up approach to

security sector reform that community safety structures facilitate. According to the researcher,

incorporating these structures into security sector reform programming may result in these

structures supporting the state centric approach towards security sector reform, thus defeating the

purpose for which they were established (Gordon, 2014). Donais (2008) argued that when

community safety structures actively support state centric approaches the result is that they end

up implementing externally driven agendas (Gordon, 2014).

Donais (2008) also indicated that when community structures are incorporated into

security sector programming, donor support for the operations of the structures may undermine

the quest for the activities of these structures to be locally owned (Gordon, 2014). This negates

the very reason for establishing them (Gordon, 2014). Most importantly, Donais and Knorr

(2013) citing Campbell (2011) stressed the point that the power differentials between community

actors and those at the state/national level may result in a cooptation of community level actors (Gordon, 2014). Homel and Masson (2016) shared similar views. This reality led Gordon (2014) to argue that the unequal power relations will transform the bottom top approach to security sector reform associated with involving community structures in security sector programming into a top-down approach. Williams (2018) made similar observations with respect to the African Union Mission approach in Somalia.

Jackson (2010) argued that sight should not be lost over the fact that community safety structures may affirm the power dynamics in the community, hence this may marginalize vulnerable groups in the community (Gordon, 2014). Consequently, their activities may not reflect the concerns of all the demographic groupings within the society (Gordon, 2014). Where this is the case, using them to implement security sector reform processes may not translate into improving the lives of all sections of the community (Gordon, 2014). To buttress this point, Jackson (2011) asserted that being labeled a community based organization does not automatically mean that the group is inclusive, more legitimate or accountable (Gordon, 2014). To illustrate this Gordon (2010) further stated that in Kosovo women were underrepresented in community safety structures (Gordon, 2014). This meant that security challenges that were peculiar to women like domestic violence were rarely discussed in such forums (Gordon, 2014). Also, the dominance of males in these community safety structures made it almost impossible to discuss organized crime and corruption as these crimes were mainly perpetuated by men (Gordon, 2014). These realities led Salahub and Nerland (2010) to admonish persons engaged in justice and security sector reform in postconflict settings to ensure that their programming considers these realities (Gordon, 2014).

The prospects of ordinary citizens actively influencing the direction of the security sector reform agenda may be the reason why the elite, who dominate affairs in postconflict settings, resist efforts to incorporate community structures into security sector reform processes (Gordon, 2014). It is worthy of note that where incorporating community structures is insisted upon, the elite may disengage from the process and this creates new challenges, including the possibility of sacrificing engaging at the community level to keep the elite at the state level involved in the reform processes (Gordon, 2014). Donasis and Knoor (2013) identified the huge resources required to roll out community safety structures as another limitation associated with this approach particularly in postconflict environments (Gordon, 2014).

Lawrence (2012) also identified the cultural and security concerns in postconflict settings that officials of international organizations have to deal with, particularly in the initial phase of their engagement with community safety organizations, as a challenge (Gordon, 2014). Furthermore, community level dwellers may be unwilling to engage in security sector reform processes that are externally driven (Gordon, 2014). Donnelly, Nikolla, Poudel and Chakraborty (2013), posited that a limitation associated with incorporating community safety structures in security sector reform processes is the expectation that these processes may create in the community (Gordon, 2014). According to Donnelly, Nikolla, Poudel and Chakraborty (2013) members of the community may conclude that, by incorporating community safety mechanisms into justice and security sector reform programming, all their challenges will be or have been addressed, a fact that the authors point out may not be the case, at least in the short term (Gordon, 2014).

Kunz and Valadek (2012) asserted that incorporating community safety structures into security sector reform processes increases the chances of giving a voice to different sections of

the society (Gordon, 2014). However, this creates many voices which may be conflicting, hence

Kunz and Valadek (2012) pointed out that a challenge that emerges in such a situation is

determining which voice reflects the reality on the ground and should matter (Gordon, 2014). To

address this challenge, Kunz and Valadek (2012) emphasized the importance of capturing

heterogeneous voices in security sector reform programming as a necessary condition for a

successful security sector reform program (Gordon, 2014). Gordon (2014) is of the view that

these conflicting views can subsequently be negotiated amongst relevant actors at the community

level to arrive at a collective determination of the community's priorities. It must be noted

though that, taking on board the interests and concerns of all actors is time consuming and costs

a lot of money (Gordon, 2014). It may also hinder the pace of carrying out the needed reforms

which quite often is urgent, a situation Hendrickson and Kasongo (2010) noted obtained in the

Democratic Republic of Congo (Gordon, 2014).

Lawrence (2012) observed that, in postconflict societies, finding civil society

organizations is challenging and this is further worsened by the fact that where such

organizations are identified, they may feel incapable and/or unwilling to engage in security

sector reform programs and this reduces the opportunity for incorporating community safety

organizations in security sector reform processes (Gordon, 2014). Additionally, in postconflict

settings, the persistence of grievances and animosities from the conflict may make the

development and implementation of an inclusive community safety structure an illusion

(Gordon, 2014).

The limitations identified above illustrate the point that incorporating community safety

mechanisms in security sector reform processes is an extremely political process. Schroder and

Chappuis (2014) indicated that from the perspectives of donors and recipients of external

support, there are many interests at stake in security sector reform interventions. This makes security sector reform a highly contested issue between the actors involved (Schroder & Chappuis, 2014). Authors like Cubitt (2013) and Caparini (2010) surmised that these limitations account for why designers and implementers of security sector reform processes appear not to be enthusiastic about incorporating community level structures into security sector reform processes (Gordon, 2014), a fact that leads Gordon (2014) to conclude that the focus of security sector reform processes will remain at the state level for the foreseeable future as this is relatively easier to operationalize.

Adopting a local needs approach to policing

Ansorg (2017) asserted that there is the need for institutions to be reformed as part of the peacebuilding process in African countries affected by violent conflict. However, this cannot be effectively undertaken when international reform efforts ignore the local needs of the population (Ansorg, 2017). Ansorg (2017) also noted that to ensure the acceptance and sustainability of reforms initiatives in postconflict settings, the needs of the local population should inform the reforms. This obvious and logical suggestion notwithstanding, Ansorg (2017) noted that security sector reform processes, especially in postconflict settings, are externally/foreign driven, laced with heavy doses of Western ideology and follow generalized blueprints that are or were implemented in other settings. Burundi, Somalia, South Sudan and Liberia are some of the postconflict countries cited as having suffered from this approach to security sector reform (Ansorg, 2017). Consequently, the reforms in these countries lack local participation and so were not accepted by the local community (Ansorg, 2017). Lack of local ownership creates issues of trust between the local population on one side and the police and the judiciary on the other (Ansorg, 2017).

Westernman (2017) called for the development of a democratic relationship between the legitimate authority of state and the forces of state as a means of securing the buy-in of citizens into interventions to reform the security sector in postconflict settings. Westernman (2017) referred to this relationship as civil-military relations. The concept of civil military relations is steeped in Western liberal thinking which shapes security sector reform programs in postconflict settings (Westernman, 2017).

In Sierra Leone, a Local Needs Policing approach was used to reform the police (Bangura, 2018). Bangura (2018) noted that this approach sought to enhance the interaction between the police and the community; its objective was to ensure that the security needs of the community were addressed whilst the community took an active part in matters that related to their security (Ansorg, 2017 & Bangura, 2018). A similar approach was adopted in South Africa after the end of the Apartheid era (Ansorg, 2017).

Benefits of adopting a local needs approach toward policing

Ansorg (2017) highlighted the benefits of the Local Needs Approach to policing and how it works. The researcher stressed the point that this approach takes into cognizance local actors; it promotes national ownership and increases trust between the population and their institutions. It also takes on board the history of the institutions that are undergoing reform (Ansorg, 2017).

Operationalizing the local needs approach

In order to operationalize the Local Need Approach to policing, Bangura (2018) asserted that in Sierra Leone a number of structures were established. These include Local Police Partnership Boards and Community Policing Partnerships Committees (Bangura, 2018). External and internal oversight mechanisms like the Police Council, the parliamentary committee, the

National Security Council and the Complaints, Disciple and Internal Investigation Department of the Police were also established (Bangura, 2018). Bangura (2018) studied the impact of adopting the Local Needs Approach towards policing and other interventions to reform Sierra Leone's police. The researcher found that an overwhelming majority of the interviewees acknowledged the improvement in the attitude and practice of policing by the Sierra Leonean police. Various reasons, including the capacity building received by the police, the oversight mechanisms established, and the system of government in place in Sierra Leone, were given for the change (Bangura, 2018). Almost 70% of respondents held the view that the involvement of the community in policing made the community feel the police were interested in addressing their needs (Bangura, 2018).

Situations where International efforts to Reform Postconflict Criminal Justice System upheld National Ownership

As demonstrated above, the literature is replete with instances where the international actors did not follow the principles of local or national ownership in crafting interventions to reform criminal justice systems (Gordon, 2014). However, there are a few exceptions; for instance, Dinnen and Peake (2013) commended New Zealand for not being overly prescriptive in its support to police reform efforts in Bougainville. This willingness to depart from the orthodoxy of postconflict criminal justice system reform in which international experts, while adopting a top-bottom approach, impose reforms from textbooks and blueprints that they have implemented in other jurisdictions, often with little or no success, is positively unique and worthy of commendation.

Why less attention is paid to the Local Context in Programming

Ansorg (2017) and Westernman (2017) inform their readers that the local context includes the history of the postconflict setting. Ignoring the local culture and history in security sector programming especially in postconflict settings results in the design and implementation of flawed interventions (Westernman, 2017). Therefore, in designing programmatic interventions to reform institutions in the criminal justice system, all actors, particularly external ones have to ensure that they are well versed in the history of the institutions that they are reforming and this should influence the nature of the interventions they develop (Dinnen & Peake, 2013). Ansorg (2017) found that in Sierra Leone, internal approaches towards security sector reform failed to consider the local context. Ansorg (2017) asserted that reform efforts in Sierra Leone continue to promote the Weberian paradigm as well as generalized blueprints and approaches.

Ansorg (2017) also made the point that Western institutions provided a considerable amount of funding for security sector reform programs in postconflict African settings and that this had an impact on the approach adopted towards institutional reforms and the outcome of the reforms. For various reasons, including the fact that Western approaches to security sector reform seem blind to traditional approaches and institutions which might work better for Africa, Ansorg (2017) and Samuels (2006) asserted that the Western approach results in a focus being placed on building Western inspired institutions, enacting unenforceable legislation and appointing criminal justice officials who have little or no commitment to protecting the rights of the citizenry (Gordon, 2014). Ansorg (2017) concluded that relying on the West to fund security sector reform processes creates dependency and defeats the need for local context to influence programming. Ansorg (2017) identified a number of practical challenges that may hinder factoring in the imperatives of the local context, particularly in the initial phase of postconflict

reconstruction. One such challenge is the urgent need to provide security in postconflict societies (Ansorg, 2017). Ansorg (2017) made the point that a quick and easy approach is usually adopted to reform the justice and security sectors in postconflict countries. However, as institutions are the product of their local context, a phenomenon referred to as the path dependent nature of institutions, this approach produces short-lived outcomes (Ansorg, 2017). Pierson (2004) supporting this point, indicates that reforming the security sector without factoring in the local context is New Institutionalism (Ansorg, 2017).

An interesting reason for international interventions ignoring the local context when designing security sector reform programs in postconflict settings is the absence of literature on non-Western approaches to security sector reform (Westernman, 2017). Hence, there is no incentive to warrant a gravitation away from prowestern solutions. Except for the Economic Community of West African States' (ECOWAS) intervention force in Liberia and perhaps in Guinea Bissau the closest examples of the few quasi non Western military operations to bring peace, the international community established a peacekeeping operation in Somalia led by troops from selected Africa countries with funding and other logistical support from the West (Williams, 2018). However, this operation in many respects adopted the classical approach towards bringing peace for this and other reasons Williams (2018) discouraged this model for peacekeeping.

Decentralization of Public Services

Rechts-Lexikon (n.d.) defines decentralization as the process of moving powers from government, at the central level, to lower levels of a country's governance structure (Hamann, 2012). From this definition, decentralization seeks to create access to government and its services. Through decentralization, the state's presence, represented by the central government,

in the affairs of the citizenry at the local level is increased and it provides opportunities for

ordinary citizens, particularly those at the local level, to contribute to policy making on matters

that affect them (Tang & Huhe, 2016). Woodward (2002) makes the point that there is

significant politics associated with decentralization (Jackson, 2017). There are various types of

decentralization; these include fiscal, administrative and political decentralization (Krawczyk &

Muhula, 2018 & Tang & Huhe, 2016). The World Bank claims that administrative

decentralization results in local government authorities being given the discretion to satisfy the

needs of citizens at the local level and concurrently making local government accountable for

how the discretion is exercised (Krawczyk & Muhula, 2018). This led Krawczyk and Muhula

(2018) to describe administrative decentralization and the ensuing discretion as being two sides

of the same coin. Jackson (2017) asserted that, in contemporary times, decentralization has a

prominent place in many peacebuilding interventions across the globe (Schultze-Kraft, Valencia

& Alzate, 2016). Local government structures are directly and indirectly affected by postconflict

reconstruction interventions (Jackson, 2017). Decentralizing public services is a common feature

of many peace agreements (Jackson, 2017 & Nyei, 2014) This is in spite of the fact that, in

countries ravaged by war, local government structures are hardly prepared to actively champion

decentralization efforts (Jackson, 2017). The result of this reality is that decentralization is often

discounted in postconflict settings (Jackson, 2017). Moreover, the role local government must

play in decentralizing public services in postconflict communities is hardly discussed and the

same can be said about involving local government in discussions to decentralize services in

postconflict settings (Jackson, 2017). This is partly because local government is seldom in the

right position to be actively involved in such discussions (Jackson, 2017). Decentralization is a

double-edged sword. This is because, according to Martinez-Bravo, Padró i Miquel, Qian and

Yao (2011), it can enhance democratic local governance (Krawczyk & Muhula, 2018) or as per

Khemani (2010), it can hinder it (Krawczyk & Muhula, 2018). In postconflict countries,

depending on what triggered the conflict, decentralization can be a tool for stabilization thus

engendering peace and reconciliation or it can be the reason why a postconflict country slides

back into conflict (Edwards & Yilmaz, 2016 & Jackson, 2016). The "quality, scope and pace of

implementing a decentralization program usually depends on the history and experiences of the

state involved (Nyei, 2014, p.4). For the purposes of this study, decentralization should result in

criminal justice services being extended from the central (i.e., national) level to the local (i.e.,

subnational) level. It should result in the extension of state authority and an enhancement of

access to justice and security across the country.

There are several reasons for embarking on decentralization in postconflict environments.

These include using decentralization to address systemic/structural challenges in the

communities where peace agreements are unable to alter (Schultze-Kraft, Valencia & Alzate,

2016). Mac Ginty and Richmond contended that decentralization provides an opportunity for

inclusive peacebuilding efforts (i.e., a bottom up approach) to peacebuilding (Schultze-Kraft,

Valencia & Alzate, 2016).

Decentralization as a Peacebuilding Intervention

There is no consensus on the nature of the link between conflict and decentralization

however, there is unanimity on a strong connection between the two variables (i.e.,

decentralization and conflict [Jackson, 2017]). Bigdon and Hettige (2003) make the point that

decentralization can mitigate conflict as it provides a peaceful approach "to manage inter-group

tensions, increases representation and participation, and improves service delivery, all of which

reduce the likelihood of conflict" (Jackson, 2017, p. 751). On the other hand, Schultze-Kraft,

Markus and Morina (2014), posited that in spite of the fact that decentralization is a vehicle through which peacebuilding interventions are implemented in war ravaged countries, there is little evidence to suggest a positive correlation between decentralization and development, even in stable environments (Nyei, 2014 & Schultze-Kraft, Valencia & Alzate, 2016). Jackson (2017) supported this assertion, arguing that it is unfathomable to think that such a relationship exists in postconflict environments (Schultze-Kraft, Valencia & Alzate, 2016). Schultze-Kraft, Valencia and Alzate (2016) asserted that there is a focus on involving actors at the local and subnational level in peacebuilding efforts as opposed to relying on decentralization as the peacebuilding approach. It will be demonstrated later on that there is a case for adopting a decentralization approach towards peacebuilding. Therefore, it is useful to mention that Jackson, (2017) highlighted an important caveat which must influence decision making as to which side of the debate one stands, on the utility or otherwise of decentralization in peacebuilding. Jackson, (2017) noted that there is no formula for a successful decentralization program in postconflict settings. Therefore, since Schultze-Kraft, Valencia and Alzate (2016) posited that actively engaging actors at the local and subnational level will result in creating access to public and social services and increase the state's presence and Tang and Huhe (2016) asserted that there will be opportunities for ordinary citizens to contribute to policy making, there is a meeting of minds on the objective for making public services accessible.

Decentralization engenders public trust

Ligthart and van Oudheusden (2011) informed their readers that there is a link between decentralization and trust in public institutions (Esteller-More´, 2013). Dahl and Tufte (1973) support this position as they posited that citizens in a decentralized system actively contribute to policy making as they know the local context, a factor that enhances public trust in government

(Tang & Huhe, 2016). Oates (1972) shared this view, asserting that the decentralization of public services is an acknowledgment of the preferences of the governed (i.e., the governed prefer a decentralization of governance structures [Esteller-More´, 2013]). Blind (2006), supported this assertion, indicating that decentralization is one way to build citizens' trust in public institutions (Tang & Huhe, 2016). Hetheringoton and Husser (2012) acknowledged the importance of public trust for regime stability and Blind (2006) asserted that, because of this important link, various interventions have been introduced to either build or rebuild the public's confidence in public systems and institutions (Tang & Huhe, 2016). According to Martinez-Bravo, Padró i Miquel, Qian and Yao (2011) decentralization can enhance the participation of the citizenry in policy and decision-making. (Krawczyk & Muhula, 2018) and Linder (2009) indicated that decentralization enhances civic participation in government (Tang & Huhe, 2016). Escobar-Lemmon and Ross (2014), shared this view and concluded that decentralization is one of the surest ways of bringing government back to the people and building their confidence in government.

Tang and Huhe (2016) conducted a multilevel analysis quantitative study with data from the World Values Survey and found that, generally, there is neither a direct nor uniform effect of decentralization on political trust. These researchers found that the impact of decentralization on public trust was dependent on what form the decentralization process took. For instance, fiscal and administrative decentralization has a positive impact on the public's trust in the government while no positive impact was associated with political decentralization (Tang & Huhe, 2016). Also, Tang and Huhe (2016) found that decentralization could help indirectly shape the views of citizens on political institutions. Diaz-Serrano and Rodriguez-Pose (2012) asserted that for a positive relationship between decentralization and trust by the citizenry to exist, decentralization

should result in an efficient delivery of decentralized public services as this will enhance the wellbeing of the citizenry (Esteller-More´, 2013).

Decentralization engenders distribution of resources

Nyei (2014) claimed that some academics and activists have asserted that decentralization results in increasing the number of persons who benefit from economic resources and creates opportunities for them. For persons who hold this view, Liberia, will witness socioeconomic development when "political, fiscal and administrative powers are decentralized" (Nyei, 2014, p. 4).

Decentralization promotes oversight and accountability

Seabright (1996) highlighting the benefits of decentralization, informed readers that decentralization contributes to political accountability (Esteller-More´, 2013). Manor (2006) affirmed this view (Jackson, 2017). Tang and Huhe (2016) posited that citizens in decentralized systems are more likely to believe that they can exercise oversight over government officials in the decentralized structure compared to those in a centralized system. Martinez-Bravo, Padró i Miquel, Qian and Yao (2011) asserted that decentralization can increase accountability (Krawczyk & Muhula, 2018). Brancati (2006) and Sambanis and Milanovic (2014) affirmed this view as they suggested that decentralization results in political accountability and brings government closer to the people (Edwards & Yilmaz, 2016). de Mello and Barenstein (2002) argued that decentralization reduces corruption. Anderson and Tverdova (2003) confirmed this view as they asserted that one of the causes of political mistrust is corruption and that this can be countered by decentralization (Tang & Huhe, 2016). According to Tiebout (1956), decentralization enhances information flow between providers and recipients of public services (Tang & Huhe, 2016). Weingast (1997) also drew a link between decentralization and

accountability by indicating that decentralization promotes more accountability, inclusiveness and public institutions pay attention to the interest of the public (Tang & Huhe, 2016).

Decentralization promotes democracy

Colino (2008) indicated that decentralization is institutional reform that takes place in a democracy (Tang & Huhe, 2016). Weingast (1997) noted that decentralization, as a democratic arrangement, is more likely to have a positive impact on political trust amongst democratically minded people (Tang & Huhe, 2016). Tang and Huhe (2016) supported this view as they found that the views people hold about their political establishment are dependent on their level of democratic orientation. People with a higher democratic orientation are more critical. Tang and Huhe (2016) investigated how decentralization affects the perception of ordinary citizens towards government and public institutions and asserts that decentralization has an indirect benefit (i.e., it has an impact on other democratic values). The fact that devolution of power from the center improves the relationship between citizens and government and makes government visible is an advantage of decentralization (Tang & Huhe, 2016). Consequently, Edwards and Yilmaz (2016) opined that effective decentralization results in organizing politics between the central and periphery. Furthermore, Schultze-Kraft, Valencia & Alzate, (2016) asserted that, in Colombia, though factors like the conflict, corruption, organized crime and weak institutions across the structures of the state negatively affected the positive impact of decentralization, decentralization still proved to be an important catalyst for the development and democratization of Colombia's state and political system.

Decentralization promotes competition and efficiency

Weingast (1997) argued that decentralization promotes competition amongst decentralized structures and that this positively influences policy design and implementation

(Tang & Huhe, 2016). The reason being that the policies seek to attract investment (Tang & Huhe, 2016). Additionally, Barankay, Lockwood (2007) posited that effective decentralization promotes efficiency in government (Tang & Huhe, 2016). Martinez-Bravo, Padró i Miquel, Qian and Yao (2011) associated themselves with this point as they argued that decentralization can result in improved service delivery and enhanced development (Krawczyk & Muhula, 2018). Schou and Haug (2006) challenged this correlation by asserting that there is no consistent evidence to support the existence of a relationship between decentralization and efficiency in public service delivery (Jackson, 2017). Although the views held by Schou and Haug (2006) cannot be disputed, it can be argued that the researchers do not totally discount the link between decentralization and efficiency in public services delivery (Jackson, 2017). This is because at the heart of their contestation is the fact that the evidence supporting this link is not consistent, thus suggesting that there is some evidence, but their case lies in the inconsistency of the evidence (Jackson, 2017). From the literature, there is evidence to justify the presence of a linkage between decentralization and efficiency in public service delivery, but such evidence does not always manifest itself as the context has an impact on the extent to which such a linkage can be empirically proved (Jackson, 2017).

Decentralization engenders local ownership

Local governments are considered partners of international actors in implementing peacebuilding interventions in postconflict environments (Jackson, 2017).

Decentralization is a tool or process to institutionalize and/or build peace

Gutiérrez (2010) made the point that it is inconceivable to ignore "the structure of the state's territorial power", (p. 838) when engaging in peacebuilding exercises (Schultze-Kraft, Valencia & Alzate, 2016). Brancati (2009) asserted that in war shattered countries, where the

nature of the war is internal, decentralization has been used for peacebuilding. This is because it offers a chance for sections of the community, particularly those outside the big cities, who were marginalized under a centralized system of government, to feel that they are being given an opportunity to participate in making decisions on issues that affect them. Romeo (2002) shared the view about the importance of decentralization in peace processes as the author posited that decentralization is a way of "demilitarizing politics in divided societies" (Jackson, 2017, p. 752). Schultze-Kraft, Valencia and Alzate (2016) believe that in postconflict settings there is, at best, very little of government structures remaining at the local level to prosecute an agenda that builds peace through decentralization. The reason being that local government is often among the first casualties of civil strife because they are easy targets for the government and/or nonstate actors involved in the conflict (Schultze-Kraft, Valencia & Alzate, 2016).

The inability of the state to exercise effective control over its entire geographical territory is one of the root causes of Colombia's armed conflict (Schultze-Kraft, Valencia & Alzate, 2016). It is for this reason that the warring factions in Colombia adopted a novel approach referred to as "territorial peace" to build peace in Colombia (Schultze-Kraft, Valencia & Alzate, 2016). This is in spite of the conceptual and practical implementation challenges Schultze-Kraft, Valencia and Alzate (2016) found to be associated with operationalizing this concept in postconflict Colombia. Territorial peace is a peacebuilding approach that fuses elements of decentralization, access to justice and security as well as rural development (Schultze-Kraft, Valencia & Alzate, 2016). Schultze-Kraft, Valencia and Alzate (2016) inform their readers that rural development is at the center of the territorial peace approach to peacebuilding. Schultze-Kraft, Valencia and Alzate (2016) draw a distinction between decentralization and territorial peacebuilding in Colombia, as they posited that the former aids the democratization process

while the later seeks to foster social cohesion and create conditions for development across the entire country.

Conditions Precedent for effective Decentralization

The following are some of the conditions precedent for effective decentralization: First, as previously noted, Tang and Huhe (2016) identified the level of democracy practiced in the context where decentralization is taking place as an important precondition for enjoying the maximum benefits associated with decentralization. There is a strong link between the overall political structure in a country and the extent to which political arrangements are decentralized (Jackson, 2016; Jacot-Descombes & Niklaus, 2016 & Krawczyk & Muhula, 2018). Therefore, the political structure in a context desirous of decentralizing must be designed to facilitate decentralization. Jackson (2017) puts this point in different terms when asserting that the political framework in which local government operates is very important for the success or otherwise of peacebuilding efforts. Secondly, the public needs to be educated on the benefits of decentralization and which tier of the governance structure i.e., central or local level, is responsible for providing a particular service. The reason being that, Esteller-More´ (2013) found that in Spain, the absence of knowledge by interviewees of who was responsible within the country's governance structure for providing a particular public service may have contributed to why the researcher found a weakness in the impact of decentralization on the criminal justice sector. Thirdly, Hamann (2012) stressed the importance of national ownership, including the active participation of the local population in determining the targets of decentralization. It is worth underscoring the point that the peculiarities of the setting in which decentralization initiatives are being implemented should determine the approach to decentralization (Bacon, 2015; Hamann, 2012 & Krawczyk & Muhula, 2018). Most importantly, resources must be

allocated to implement decentralization programs (Jackson, 2017). Closely linked to this is what

Fontana (2017) referred to as the need for political will, especially support from the elite to

devolve power (Jackson, 2017). Jackson (2017) stressed that the effectiveness of local

government structures in decentralization efforts can be hindered by the activities of the elite.

Further, there must exist, at the local level, a structure that the decentralization process devolves

power to (Jackson, 2017). This structure could be the city or municipal council or a traditional

authority (Jackson, 2017). Chemouni (2017) pointed out that putting in place a bottom up

mechanism for decision making in postconflict societies was essential for successful

decentralization process in Rwanda (Jackson, 2017).

Hamann (2012) emphasizes the fact that "decentralization will contribute to establishing

rule of law structures if the population is given a genuine possibility of participating in

decentralization and if it contributes to strengthening the accountability" (p. 37/569). However,

for this to happen, those in power must be willing to relinquish power from the central level and

the population must be willing to take the responsibility handed over to them and build the

desired structures at the local level (Hamann, 2012). This point is amplified by Krawczyk and

Muhula (2018) who found that, in spite of strong demands among Liberians for decentralization,

the reluctance of the central government to cede power to the local level has stalled the

enactment of legislation seeking to decentralize public services. CMI (2004) argued that

although decentralization seeks to extend public services across a country, it requires a strong

central government to be effective (Jackson, 2017). Smoke (2015) argued that the design of the

reforms that seek to decentralize public services and their implementation have an impact on the

success or failure of decentralization efforts (Krawczyk & Muhula, 2018). Cognizant of this

reality, Brinkerhoff and Mayfield (2005) admonished the international community to resist the

imperatives of the pressures of time in decentralizing public services in postconflict settings and ensure that they do not recreate the local government structures that existed prior to the conflict (Jackson, 2017).

Decentralization and the Criminal Justice System

Esteller-More´ (2013) investigated determinants of trust in public institutions in administering justice in Spain, from the perspectives of the economy and decentralized public service. Esteller-More´ (2013) found that there is no positive relationship between decentralization of public services and public trust in the administration of justice. The author attributes this to either citizens not expecting authorities responsible for decentralized public services to perform better or that the citizens are unsure about which tier of government is responsible for delivering which services. However, Esteller-More´ (2013), found indirect evidence suggesting that the speedy resolution of disputes will result in enhanced public trust in the administration of justice civil matters more (i.e., by 25%) than in criminal matters. From the Esteller-More´ (2013) study, there appears to be a consensus on the positive effect of decentralization on public trust in government. However, the public should be educated on who (i.e., central authority or decentralized authority) is responsible for delivering which services (Esteller-More´, 2013). Support to reform the justice system should result in empowering local people to access justice within the existing legal and institutional framework (Jackson, 2013). In Liberia, the regional justice and security hubs were designed to provide an "opportunity for decentralization and efficient service in the security and justice sectors (Nyei, 2014, p. 9).

Decentralizing Public Services in Postconflict Settings

Over centralization of criminal justice processes results in inefficiencies in the criminal justice system (Dandurand, 2014 & Nyei, 2014). Edwards and Yilmaz (2016) supported this

assertion, by highlighting the benefits of decentralization, particularly in postconflict settings. This position is echoed by Jackson (2017) who argued that actively supporting local government in postconflict settings engenders lasting peace. Manor (2006) shared similar views, suggesting that in adopting a decentralization approach in postconflict reconstruction there is the potential of reaching out to the poor, making public services accessible, governance inclusive and promoting national ownership and accountability (Jackson, 2017). Notwithstanding the views held by Edwards and Yilmaz (2016) on the benefits of decentralization in postconflict reconstruction, the researchers point out that there is no consensus on the benefits of decentralization in postconflict stabilization, with one theory positing that decentralization often deepens internal conflicts and another suggesting that decentralization mitigates conflict. Brinkerhoff (2005) affirmed this assertion, noting that there is a divergence in opinion over the benefits of an improved public service delivery system as a tool for forging lasting peace (Jackson, 2017). On the other hand, Siegle and O'Mahoney (2007) emphasized the point that factors like incompetence, corruption and partisanship, at local government level and amongst officials, defeat the purpose of decentralization and results in frustrations and exclusion thereby increasing the chances of conflict arising (Jackson, 2017). Schou and Haug (2006) argued that the evidence supporting the assertion that decentralization improves service delivery is inconsistent (Jackson, 2017). However, Edwards and Yilmaz (2016) asserted that between both schools of thought is the fact that the capacity of decentralization to prevent conflict depends upon the nature or reasons for the conflict. That is, where the conflict is driven by ethnic considerations, decentralization only exacerbates it (Edwards & Yilmaz, 2016). Edwards and Yilmaz (2016) cited a study by Bertrand (2004) who found that fiscal decentralization in Indonesia resulted in violence as the local elite were in conflict over control of resources. The contrary is the case where the cause of the conflict

is due to regional inequality (Edwards & Yilmaz, 2016). Generally, expanding participation of citizens in political processes aids in mitigating future conflict (Edwards & Yilmaz, 2016). Walter (2004) asserted that access to political processes by citizens increases the chances of them not resorting to violence to addressing conflict (Edwards & Yilmaz, 2016).

This stance is disputed by Bigdon and Hettige (2003) who claimed that almost all empirical studies indicate that where decentralization takes place amid political rivalry, conflict is exacerbated (Jackson, 2017). To buttress this point, the researchers cited the situation in Sri Lanka as an example of a postconflict setting where decentralization is yielding unintended negative consequences (Jackson, 2017).

The need to be mindful of the potential impact of decentralization on peace in postconflict societies is justified. This is because postconflict reform processes must not perpetuate the conditions that triggered the conflict. As pointed out by Edwards and Yilmaz (2016), decentralization does not, on its own, result in conflict mitigation. It serves as a tool that signifies moderation on the part of the majority towards the minority (Edwards & Yilmaz, 2016). Lustick (2004) argues that decentralization provides an opportunity to give a voice to disgruntled groups in postconflict settings (Edwards & Yilmaz, 2016). To support this assertion, Edwards and Yilmaz (2016) in a study conducted in Sierra Leone, found that this postconflict society has progressed in its recovery partly due to the implementation of a decentralization strategy as a stabilization tool. Jackson (2017) also noted the positive impact of decentralization in Sierra Leone's stabilization. Sack and Larizza, (2011) informed their readers that decentralization in Sierra Leone is contributing to citizen participation in government (Edwards & Yilmaz, 2016). Progress in Sierra Leone confirms the assertion that, where the conflict was not ignited by ethnic tensions, decentralization is effective in building peace (Edwards & Yilmaz, 2016). This is

because, as noted by Jackson (2007), in Sierra Leone the highly centralized system of

government neglected other parts of the country outside the capital, Freetown, and this was one

of the conflict drivers (Edwards & Yilmaz, 2016). In spite of the progress made, Edwards and

Yilmaz (2016) made bleak projections about Sierra Leone's future, noting that it is unlikely that

decentralization in Sierra Leone will enhance the delivery of services.

Conditions for effective Decentralization of the Criminal Justice System

There must be a collective and consultative diagnosis, by all stakeholders, of the

challenges within the context for which the strategy is being designed and consensus reached on

an approach towards reform (Kasali & Odetola, 2016; Gribanova & Vulfovich, 2017). Put

differently, the design of crime prevention policies must take a form that suits the context and

local actors must be actively involved in making policy choices. Homel and Masson (2016)

affirmed this claim as the authors indicated that there is a case for justice and security challenges

to be dealt with at the local level. According to them, this is in conformity with the United

Nations' principle of subsidiarity, which indicates that issues should be dealt with at the lowest

level at which they can be dealt with. Since crime prevention policies have an impact on the

design, form and operations of the criminal justice system in every country, it can be argued by

extension that the criminal justice system in every country must be designed to suit the context

where the system is expected to operate.

Jacot-Descombes and Niklaus (2016) indicated that there is a case for decentralization of

policing particularly by using the community policing model. To be effective, the

decentralization of criminal justice services requires the allocation of resources (Farris &

Holman, 2017) and these resources must be efficiently used (Jacot-Descombes & Niklaus, 2016).

Farris and Holman, (2017) opined that successful decentralization of law enforcement powers

depends on national laws. Recognizing and respecting the various interests at play when designing and implementing security related policy in every context in an imperative. In this regard, Jacot-Descombes and Niklaus (2016) stressed the point that security policymaking and implementation involves a lot of power hence more difficult to implement.

Decentralization in Postconflict Liberia

Liberia is divided into 15 counties (Krawczyk & Muhula, 2018). Each county is headed by a County Superintendent, who is appointed by the President and confirmed by the Legislature (Krawczyk & Muhula, 2018). Krawczyk and Muhula (2018) suggested that the County Superintendent has little autonomy. Nyei (2014) shares this view. Krawczyk and Muhula, (2018) asserted that as part of Liberia's post war reconstruction, all stakeholders have decided to use decentralization as a tool to rebuild the country and reduce the gap between Monrovia (i.e., the capital) and the rest of the country. As a result of this, Liberians are increasingly demanding better service delivery and accountability from their government (Krawczyk & Muhula, 2018). Krawczyk and Muhula (2018) asserted that the demands for better public services by Liberians is a demand to improve the effectiveness of the state and decentralization is one way of achieving administrative decentralization as it gives citizens the opportunity to participate in governance. Krawczyk and Muhula (2018) indicated that the draft Local Government Act seeking to restructure Liberia's governance architecture to among others enhance accountability and improve service delivery is yet to be enacted into law (Krawczyk & Muhula, 2018).

To meet these demands and achieve the stated objectives, Krawczyk and Muhula (2018) observed that decentralization in Liberia has focused on "rudimentary activities" (p. 372) like rebuilding infrastructure at the county level. A lot of time has been spent on developing plans, policies, legislation and projects to set the stage for Liberia's decentralization (Krawczyk &

Muhula, 2018). Within the justice and security sectors, these interventions include the establishment of a specialized court, with jurisdiction across the entire country to try sexual and gender based violence related cases, and the decision to establish units of the Women and Children Protection Section across Liberia (Bacon, 2015) and the program to create the regional justice and security hubs (Nyei, 2014). Another intervention is the creation of a specialized prosecution unit, the Sexual and Gender Based Violence Unit, dedicated to prosecuting sexual and gender related cases (Bacon, 2015). Also, additional police officers were recruited, trained and deployed outside the capital, although with almost no resources to work (Fyanka, 2014).

These interventions are yet to yield the desired results as Krawczyk and Muhula (2018) observed that the results of decentralization remain weak. This is a view shared by Bacon (2015) who noted that between February 2009, when the specialized court was established, and July 2011, only 34 out of the 200 reported sexual and gender based related cases had been prosecuted. The researcher also found that out of the cases prosecuted, only 16 convictions were secured. Krawczyk and Muhula (2018) made negative prognosis about prospects of the local government bill being enacted as drafted because Liberia's central government is reluctant to cede power.

Challenges hindering Decentralization in Liberia

Several challenges are affecting Liberia's quest to decentralize (Krawczyk & Muhula, 2018 & Nyei, 2014). These include weak human resource capacity (Nyei, 2014). According to Bacon (2015) one of the reasons for the poor performance of the specialized court is because, although the law establishing it makes provision for the appointment of two judges to sit concurrently, only one judge was appointed (Bacon, 2015). This illustrates the point that decentralization of services must be accompanied by the requisite capacity/resources without which the prospects of yielding the desired fruits are almost non-existent. Low resource levels,

poor infrastructure, the expansive geographical area to be covered by the decentralized services and Liberia being a unitary country with a highly centralized bureaucracy are challenges confronting decentralization in Liberia (Krawczyk & Muhula, 2018). Nyei (2014) shared similar views. Weak coordination capacity amongst frontline ministries responsible for decentralization is also a challenge (Krawczyk & Muhula, 2018). Most importantly, the elite is opposed to decentralization of political power and this elite capture may affect other types of decentralization in Liberia, as they are interlinked (Krawczyk & Muhula, 2018).

Way Forward for Decentralization in Liberia

Krawczyk and Muhula (2018) recommended that in view of the long history and practice of a centralized system of Government in Liberia, an incremental approach that builds on existing structures should be adopted while bearing in mind the absorptive capacity of the system. Krawczyk and Muhula (2018) advocated for the position of County Superintendent to be the "future hub of development" (p. 383) where he/she has more administrative authority for planning, budgeting and other relevant processes. Krawczyk and Muhula (2018) also recommended that line ministries in the counties must have dual reporting lines to the Country Superintendent to deliver on agreed targets and to their respective head offices, in Monrovia, on substantive/technical issues. Krawczyk and Muhula (2018) maintain that this approach will ensure service delivery. Another recommendation made by Krawczyk and Muhula (2018) is that accountability should be built at the local level. The researchers argued that this can be achieved by strengthening existing county structures by allowing them to make decisions at the local level. They will strengthen the county's ability to deliver services and enhance the citizen's demand and support for decentralization (Krawczyk & Muhula, 2018). Thirdly, Krawczyk and Muhula (2018) recommended that a coordination mechanism for decentralization, that is supported with

the requisite technical and political authority to spearhead the decentralization process, should be established. Finally, and perhaps most importantly, given the research questions of my dissertation, Krawczyk and Muhula (2018) recommended the adoption of a bottom up approach towards accountability to engender citizen participation in local government and decision-making, in Liberia. Nyei (2014) recommended that "Decentralizing an overly centralized state which is built on premises of patrimonial politics, as is the case in Liberia, requires a comprehensive and radical political reform process" (p.3). Nyei (2014) further noted, on Liberia, that: -

> … a strong 'political will' in support of decentralization as an integral element of postwar governance reform remains missing. Strong political will requires presidential or executive ownership and leadership of the process, including instructing government officials to drive the process from their various ministries and agencies.

Some Approaches used to make Criminal Justice Services Accessible

The following actors and approaches have been used in various settings to make criminal justice services accessible. Although not all examples relate to postconflict settings, I am of the considered opinion that, with modifications, the actors and approaches can be successfully used in postconflict settings.

Local/municipal authorities enhance access to criminal justice services

The existence of local or municipal authorities in a particular society is an indication of an intention, even if in theory, to make public services accessible. Access to the legal system is critical in every democracy (Parkin & Wedeking, 2016). According to the United Nations, effective crime prevention and a humane criminal justice system are essential elements of the

rule of law and they play a role in state building and sustainable development (Homel & Masson, 2016). Homel and Masson (2016) asserted that communities that enjoy socio-economic progress and supremacy of the rule of law have lower crime rates and are therefore safer. Also, Sedra (2013), citing Van Dijk and De Waard (1991), claimed that there are indications that effective crime prevention can promote social cohesion in communities and development (Homel & Masson, 2016). Goal 11 of the United Nations' SDGs targets making cities and human settlements inclusive, safe, resilient and sustainable (Gribanova & Vulfovich, 2017). Gribanova and Vulfovich (2017) conducted a study of New York and St Petersburg and pointed out that the concentration of large populations and power in both cities contributes to creating conditions for the spread of criminal activity and the emergence of new urban crime. The types of crime in an urban context is different from rural areas (Gribanova & Vulfovich, 2017). It is important to design policies that are geared towards creating safe, inclusive and just cities (Gribanova & Vulfovich, 2017). Gribanova and Vulfovich (2017) indicated that these policies require an efficient and nonviolent approach to achieving their objectives which should preoccupy city administrators. Gribanova and Vulfovich (2017) also informed their readers that, given the proximity of city authorities to the citizenry and their familiarity with the local context, city authorities are in a better position to develop crime prevention solutions. Accordingly, crime prevention policies must adopt a decentralized approach, because they require proximity of actors to implement them (Gribanova & Vulfovich, 2017).

Forging partnerships between police, community and local authorities

Tumalavičius, Nikolayevskyy and Endziņš (2017) conducted a review of the strategy for crime prevention and crime fighting in Lithuania. Whereas the authors acknowledged the fact that fighting crime is within the jurisdiction of the police (i.e., the state), they made the point that

the police, and the state, cannot combat/prevent crime without the society. Tumalavičius, Nikolayevskyy and Endziņš (2017) noted that the principles that guided the implementation of the crime prevention strategy in Lithuanian included respecting the rights and freedoms of each legal entity, a systematic approach towards combating and preventing crime and the involvement of all members of the society. Tumalavičius, Nikolayevskyy and Endziņš (2017) found that this resulted in a number of gains including a reduction in the crime rate and an enhancement of the population's trust, in law enforcement institutions. The researchers also found that the approach has enhanced the opportunities for involving Lithuania's municipalities in combating crime and making the society safe.

In spite of the fact that the authors do not expressly use the term decentralization, the fact that the crime prevention strategy adopted a systemic approach, that involved the citizenry, municipalities and coordinating the activities of relevant institutions, there are sufficient pointers to the fact that decentralization was an essential part of Lithuania's crime fighting strategy. Tumalavičius, Nikolayevskyy & Endziņš, (2017) argued that using an inter-institutional approach is important to enhance decentralization of criminal justice services and to make society safe. This is because the local government is an important ally and actor in combatting or preventing crime. Partnerships are important for creating access to the criminal justice system. These can be formed either through creating new ones or exploring existing ones. Consequently, criminal justice institutions can take advantage of an existing relationship between one part of the criminal justice chain and the public to carry out its operations. Such partnerships occurred in Liberia where the Women and Children Protection Section of the Liberia National Police (LNP) collaborated with the community policing unit of the LNP to undertake public outreach on issues related to their mandate (Bacon, 2015).

Establish a community policing program

Another means of enhancing access to the criminal justice system is through community policing. This is a means through which the community and the police forge a partnership to combat crime. When properly designed, and effectively managed, community policing enhances the population's access to the criminal justice system. The concept of community policing is practiced in postconflict settings like Sierra Leone and this led to the decentralization of security structures (Bangura, 2018). Malochet (2007) describes community policing as "decentralized police, accepted by the population, which intervenes under a mandate in order to better deal with the plurality of security demands" (Jacot-Descombes & Niklaus, 2016, p. 336).

Despite this definition, Kasali and Odetola (2016) acknowledged the conceptual challenges associated with defining community policing. The authors attribute this challenge, partly to the fact that, conceptually, community policing continues to evolve. This led Kasali and Odetola (2016) to conclude that defining what community policing should depend on the context. Community policing must solve the problems for which it is designed and implemented (Kasali & Odetola, 2016). Jacot-Descombes and Niklaus (2016) asserted that community policing is the form of policing that the citizens can easily evaluate. Governments around the world are recognizing the fact that they cannot monopolize security hence the need to collaborate with local communities to deliver security (Gibbs & Ahlin, 2013; Kasali & Odetola, 2016 & Tumalavičius, Nikolayevskyy & Endziņš, 2017).

Mac Ginty (2015) observed that increasingly, international interventions are using community safety initiatives to bring safety to unstable contexts (Homel & Masson, 2016). Examples of such interventions are: - the decentralized multi-stakeholder public consultations in Tunisia, the promotion of local peace agreements between municipal actors in Libya, local

security councils in Kosovo, Bangladesh and Nepal, and various mediation initiatives between local government bodies and gangs in Latin and Central America (Homel & Masson, 2016).

As is evidenced below, community-policing strategies have been used in many jurisdictions to combat crime, including Liberia (Bacon, 2015), South Africa (Super, 2014), Nigeria (Kasali & Odetola, 2016), Lithuania (Tumalavičius, Nikolayevskyy & Endziņš, 2017) and in the United States (Bent-Goodley & Smith, 2017).

Community policing in South Africa

The Government of South Africa involved the community, through community policing forums to address overcrowding in prisons (Super, 2014). Through this approach, the community has a say in what happens to a person accused of a crime (e.g., whether to grant bail or banish the accused person from the community and even the duration of a jail sentence [Super, 2014]). Super (2014) indicated that the partnership between the community and the police in crime prevention goes as far as the community mobilizing to oppose the granting of bail. An amendment to the Criminal Procedure Act in 1997 gave the victim and the community in which the crime occurred a say in bail decisions (Super, 2014). The South African police considers the communities as so important that they (i.e. the police) measure the impact of their social crime prevention strategy in terms of the number of crime awareness programs they have held and the number of street communities or neighborhood watch groups it has established. This role given to the community led Super (2014) to predict that the community is going to get active in the recruitment of police officers in South Africa.

The involvement of the community in crime related issues has resulted in a vengeful community playing a major role in the criminal justice system (Super, 2014). However, this takes away the neutrality that the community is ordinarily required to exhibit (Super, 2014).

Super (2014) acknowledged the fact that, in South Africa, the involvement of the community in criminal issues is historically associated with marginalized communities. The researcher insisted that this historical fact coincided with the transition from minority rule in South Africa, which also coincided with a peak in crime and the need for the government to combat the crime wave.

Super (2014) cited Lacey and Zedner (1995) who asserted that using the community in crime prevention is attractive not because it reduces crimes but because it gives an indication the government is combating crime. A contrary view is held by De Klerk who, according to Super (2014), argued that engaging in the ideology of collectivism results in vigilantism. This is because the partnership between the community and the police do not result in the desired results. Super (2014) cited a number of examples from South Africa that demonstrates the role of the community in making pronouncements on the fate of suspects, including banishing them and pulling their houses down, without the victims or their relatives questioning this. However, Super (2014) noted that in spite of the perceived partnership with the police the fact that the police are under resourced will result in situations where they cannot intervene and this leaves the community to act on their own, thus creating a situation where community watch forums members sometimes take part in mob violence. De Klerk and Lacey and Zedner (1995) views in Super (2014) on the pros and cons of an active involvement of the community in policing are justified, hence designers and implementers of community policing programs must bear this in mind and adopt a model of community policing that addresses the said concerns.

Community policing in Nigeria

Kasali and Odetola (2016) affirmed the utility of adopting a community policing approach to policing. The researchers insisted that community policing is a viable alternative approach to policing in Nigeria that can address the country's security challenges. Kasali and

Odetola (2016) evaluated the impact of community policing in Nigeria and found a negative image of the relationship between the police and the community. Oversight and accountability within the Nigerian police were lacking (Kasali & Odetola, 2016). There was also a lack of trust between the police and the community and this was affecting the performance of the police (Kasali & Odetola, 2016).

Kasali and Odetola (2016) found that, in Nigeria, the impact of community policing as an alternative policing approach has been poor. This is in spite of the fact that a Community Safety Partnership Forum, bringing together the community, the police and local government officials, to work together on community policing, had been piloted in Lagos. Nigeria, Kasali and Odetola (2016) found that several reforms had been implemented to orient the police in Nigeria on community policing. However, in spite of the resources committed, the impact is yet to be felt (i.e., police officers remain steeped in traditional policing strategies [Kasali & Odetola, 2016]). Several factors including a misapplication of the concept of community policing and poor implementation account for this (Kasali & Odetola, 2016). Kasali and Odetola (2016) recommended decentralizing the structure of the police department to allow better police deployment in the community to respond to citizens needs and build a trustful relationship. Kasali & Odetola (2016) also recommended that civilians should be deployed into auxiliary positions to perform liaison functions as this will generate closer ties between civilians and the police. These recommendations of the researchers are insightful as they point to the fact that putting in place a community policing program does not, in itself, result in decentralization of the criminal justice system or access to criminal justice services. It also points to the important role of civilians in ensuring a successful community policing program.

Community policing in the United States

Bent-Goodley and Smith (2017) advocated for community policing as a law enforcement tool. Bent-Goodley and Smith (2017) encouraged designers of community policing programs to tailor community policing initiatives to suit the context in which it will be implemented. Kasali and Odetola (2016) shared this view. Bent-Goodley and Smith (2017) conducted a study on community policing within the framework of Afro centrism. Afro centrism is rooted in equity and justice with interconnectedness of the policy and the community, language, self reliance, oral tradition, communalism, fundamental goodness, and spirituality as some of its elements (Bent-Goodley & Smith, 2017). Bent-Goodley and Smith (2017) are convinced that applying these elements to community policing increase the chances of combating crime and improving the relationship between the police and the black community in the United States. This is because factors like race and economic status affect the citizen's perception of police legitimacy (Gibbs & Ahlin, 2013), a fact which has led researchers such as Gibbs and Ahlin (2013) to advocate for the police to improve their relationships with minority groups.

Conditions for effective community policing

As previously noted, partnership between the police and the community does not automatically guarantee successful community policing (Kasali & Odetola, 2016). Kasali and Odetola (2016) argued that the success of community policing depends on the effectiveness of the engagement between the police and the community. Flynn (2004) supported this point asserting that trust is important for a positive outcome of an engagement between the police and the community on community policing (Kasali & Odetola, 2016). Kasali and Odetola (2016) stressed the fact that community policing alters the power dynamics in police institutions hence requires acceptance at all levels of the organization and the orientation of police officers to

understand the community policing philosophy (Kasali & Odetola, 2016). This means that the philosophy of community policing must be incorporated even into recruitment processes for the police. Most importantly, police departments have to reform their relationships with local communities and the community's views must be solicited in making policies that impact on their security and safety. Gibbs and Ahlin (2013) subscribed to this view. As previously noted, Super (2014) cautions against the over involvement of the community in the criminal justice process, as their over involvement in combating crime takes away the neutrality that should characterize the criminal justice system.

As previously pointed out, community policing must involve the community and be designed to suit the context. This point is supported by the findings of Bent-Goodley and Smith (2017) who, while, recognizing the challenges in the relationship between the police and the African American community in the United States of America, advocated for a community policing approach that is African centric. By this approach, the community and the family are involved, and efforts should be made to understand the culture of the people (Bent-Goodley & Smith, 2017). This suggests a partnership between the private citizens and public institutions, in this case a partnership between the police and members of the community. This partnership is an important condition precedent for effective decentralization of criminal justice services. Another condition identified by Kasali and Odetola (2016) is that policing institutions must be structured in a manner that supports the implementation of community policing. Finally, oversight and accountability are key elements for successful community policing (Kasali & Odetola, 2016).

Impact of community policing on the legitimacy of the police institution

Gibbs and Ahlin (2013) asserted that there is a direct relationship between the citizen's perception of the legitimacy of the police and the degree of cooperation they accord the police.

This means that a police officer/agency that is perceived by the public as legitimate, including being fair and consistent in discharging his/her/its functions, will receive the public's cooperation and this will positively impact their work (Gibbs & Ahlin, 2013). In other words, in spite of the case made for decentralization of criminal justice services, in this case the police, if citizens question the legitimacy of the police, their presence across the community is of little or no significance.

Implement the proximity concept of internal security

Access to the criminal justice system can be enhanced through the implementation of the Proximity Concept of Internal Security (Jacot-Descombes & Niklaus, 2016). This is an approach to security adopted in Switzerland and manifests itself by the police maintaining close contact with the population at the local level (Jacot-Descombes & Niklaus, 2016). This results in the police gaining a proper understanding of local security challenges (Jacot-Descombes & Niklaus, 2016). This enables security policies to be formulated according to the preferences of the local community (Jacot-Descombes & Niklaus, 2016).

From its description, the proximity concept of internal security is in many respects like community policing, though Jacot-Descombes and Niklaus (2016) made no such reference to these similarities. Being likened to community policing suggests that the merits and demerits associated with community policing can arguably be said to apply to policing approaches that involve the Proximity Concept of Internal Security. However, Jacot-Descombes and Niklaus (2016) highlighted the fact that the Proximity Concept of Internal Security has limited application, as even in Switzerland it is not applied to all crimes. For instance, new security challenges like cybercrime are not dealt with at the local level hence the concept does not apply. The disadvantages associated with the Proximity Concept of Internal Security coupled with the

financial pressures confronting Switzerland and the duplication of efforts and wastage of

resources arising from using this concept have resulted in police reforms (Jacot-Descombes &

Niklaus, 2016). According to Sheffeler (2012), the reorganization of the police has resulted in a

policing approach that tilts towards recentralization (Jacot-Descombes & Niklaus, 2016).

Whereas the challenges associated with implementing the Proximity Concept of Internal

Security have resulted in reforms that have led to a near recentralization of the police in

Switzerland, it is inappropriate to conclude that implementing the Proximity Concept of Internal

Security is inappropriate for Liberia. This is because the challenges associated with this concept

are peculiar to Switzerland (Jacot-Descombes & Niklaus, 2016). In this regard, it could be

argued with some success that the findings may be applicable to contexts that practice a federal

system of government. Therefore, for a context like Liberia, which is a unitary state, there is a

higher probability that the results of applying the Proximity Concept to Internal Security will

yield the desired positive results of enhancing access of the citizenry to the criminal justice

system.

Third party policing

Third Party Policing is another approach that can be used to enhance access to the

criminal justice system (Mazerolle, 2014). Consequently, Mazerolle (2014) asserted that, "Good

policing requires the police to foster and sustain collaboration in ways that galvanize social

action against crime without either extending the reach of police or overriding

the purposes of other agencies" (p. 361). Mazerolle and Ransley (2005) indicated that Third

Party Policing involves a partnership between the police and an external entity (the third party)

in which the legal powers of the third party, which may ordinarily not be available to the police,

are used to prevent or control crime (Mazerolle, 2014). Mazerolle (2014) claimed that policing in general requires a partnership between the police and third parties. Furthermore, Mazerolle (2014) indicated that there is increasingly a shift from encouraging relevant actors to establish such partnerships to making such partnerships a requirement in policing models. The Police and Fire Reform (Scotland) Act (2012) is one example cited by the author as evidencing this shift.

Mazerolle (2014) informed readers that in operationalizing Third Party Policing the police indirectly target problems associated with crime through partnerships with third parties. Mazerolle (2014) observed that, in Third Party Policing, partnerships are formed for enhanced capacity to control crime. Third Party Policing focuses on individuals, groups and locations that are crime prone (Mazerolle, 2014). Third Party Policing can occur within single or multiple partnerships (Mazerolle, 2014). Mazerolle (2014) asserted that where there are multiple partners the partnership may be complex. However, the multifaceted approach that ensues from the presence of various partners increases the chances of a successful approach to control or prevent crime (Mazerolle, 2014).

Conditions for effective third party policing

Mazerolle (2014) made the point that, although it is not the preferred approach, there are instances where the partnership is forced as the third party is unwilling or less willing to enter a Third Party Policing relationship. Where there is collaboration or a willing partner, there is a potential for sustained and positive impact (Mazerolle, 2014). Effective communication and mutual respect amongst the partners are important conditions precedent for successful Third Party Policing (Mazerolle, 2014). For Third Party Policing to be effective the third party must have a legislative mandate granting them the powers required to control or prevent crime (Mazerolle, 2014). It is worth emphasizing that these powers should not be designed only for

Third Party Policing purposes (i.e., there should be other reasons for granting these powers to the third party, such as licensing or regulation [Mazerolle, 2014]). Mazerolle (2014) asserted that third parties are better crime control partners. In Third Party Policing, these powers are referred to as legal levers (Mazerolle, 2014). Mazerolle & Ransley (2005) define legal levers as "legal powers possessed by third parties that create a crime control or crime prevention capacity that is otherwise dormant, under-utilized, or unavailable to police" (Mazerolle, 2014, p. 351).

Mazerolle (2014) observes that in Third Party Policing, the existence of partnerships is not enough to generate the desired result (s) especially over the long term. However, such partnerships backed by the third-party with access to clearly articulated legal levers (i.e. by law) will increase the chances of achieving the desired results of the Third Party Policing (Mazerolle, 2014). The ability and willingness of third parties to initiate and escalate sanctions is another conditions precedent for effective Third Party Policing (Mazerolle, 2014). Bond and Gittell (2010) stated that the lack of formal systems for fostering partnerships is a possible reason for Third Party Policing to fail (Mazerolle, 2014). Lastly, Third Party Policing partnerships must be sustained to create the desired impact. To support this position, Mazerolle (2014) conducted a longitudinal study of the ABILITY Truancy Trial in Australia, a Third Party Policing between the police and schools, and concluded that, when sustained over a long period of time, Third Party Policing is a cost effective approach to crime control.

Design and implementation of paralegal programs

Implementing paralegal schemes is another way to enhance access to the criminal justice system. Swenson (2018) studied two paralegal schemes in Timor-Leste and found that the paralegals helped resolve disputes in a relatively shorter time compared to the state justice system. This is partly because the paralegals accessed parts of the country where the state system

was unable to access (Swenson, 2018). For instance, Graydon (2011) claimed that, in the Oeccussee District, the paralegal scheme was the only link between the local population and the formal justice system (Swenson, 2018). Paralegal programs are also a relatively cheaper way of providing access to justice. Swenson (2018) also found that even when the state used paralegals to enhance its capacity and bore the cost, it was relatively cheaper for the state compared to the state using its legal aid lawyers.

Legal aid schemes

Legal aid schemes are a variant of paralegal programs. Swenson (2018) indicated that running legal aid programs is an effective way to decentralize criminal justice services, particularly to rural communities. Mayo (2013) asserted that the right to justice is a fundamental right in the modern state. However, poverty and other challenges make assessing this right a challenge for a section of the population (Mayo, 2013). Given the place of the right to justice in the governance of the modern state, governments have in place social interventions like legal aid schemes for persons who are unable to afford professional legal advice to enjoy their right to justice (Dandurand, 2014; Mayo, 2013 & Watson, Rukundakuvuga & Matevosyan, 2017). Dandurand (2014) indicated that a report of a public commission on legal aid in British Columbia captured the importance of legal aid schemes for the criminal justice process in a modern state. The report notes that timely and appropriate criminal legal aid results in a significant cost savings to the criminal justice system. Dandurand (2014) indicated that the authors of the Commission's report noted that "inadequate criminal legal aid costs society in addition to court appearance, longer trials, extended jail times and increased recidivism, all of which can be minimized through the provision of timely and effective legal aid" (p. 416).

Mayo (2013) however laments over the fact that the rise in neo liberal ideology has resulted in dwindling public funding allocated for legal aid services. Lippman (2014) shared similar sentiments as the author expressed worry over the lack of adequate public funding to support legal aid services for the poor. Davies and Worden (2017) made a similar assertion to the effect that there is consensus amongst scholars that public defender programs for indigent persons are underfunded. This development is creating ethical challenges for legal aid service providers as in some cases they have to do the bidding of their funders which may not necessarily be how they (i.e., the service providers) would ordinarily want to conduct the affairs of their indigent clients (Mayo, 2013). Mayo (2013) also found that this and other factors had resulted in a reduction in morale amongst persons working to enhance access to justice for the indigent. This, according to Lippman (2014) is compounded by the absence of an adequate number of lawyers. Mayo (2013) expressed the conviction that without an increase in public funding for legal aid schemes, they have little chances of survival. Whereas Mayo (2013) expressed no aversion for securing funding from private sources to fund legal aid programs, the author maintained that this should not replace public funding, as the availability of public funding to support legal aid schemes is important for sustaining the schemes.

Public defender programs

Davies and Worden (2017) conducted a study on funding for public defender programs in the United States of America. The researchers found that funding for public defense programs is linked to their ability to raise tax revenue. In the United States, counties are directed to fund legal aid services for indigent members of society in four different ways: - a public defender office, a conflict defender office, a legal aid society or assigned counsel (Davies & Worden, 2017). This suggests that in the United States, funding for the right to counsel is highly

decentralized. Despite this, Davies and Worden (2017) found that counties with more disadvantaged persons spent less per capita on public defense and that the greater the need for public defense services, the lesser counties spent on each case.

Lippman (2014) stressed the point that providing legal aid services yields generous results for public revenue mobilization. This is evidenced in the researcher's assertion that for every dollar spent on legal services the return was up to 5 dollars to the public purse. Public defender programs are a form of legal aid service. Davies and Worden (2017) posited that the adequacy or otherwise of funding for public defense programs has had a direct impact on a number of indicators. For instance, Campbell and Christopher (2015) noted that:

> … in Houston, Brooklyn and Washington enhanced funding for public defenders' programs have resulted in improved service delivery, reduction of the caseloads of public defenders, speedy progression of cases, reductions in uncounseled guilty pleas, improved trial outcomes and an improvement in the reputation of public defenders amongst local judges (Davies & Worden, 2017, p. 314).

Davies and Worden (2017) noted that public defender programs fall into the category of redistributive policies (i.e., a policy that draws from public resources to support disadvantaged members of the community) and criminal justice policy. Davies and Worden (2017) also argued that even though the right to counsel is a constitutional right, it is a policy problem that is subject to organizational, administrative and allocation decisions.

Collaboration between the bench and the bar

Lippman (2014) identifies other interventions that have enhanced access to the criminal justice system. The researcher asserted that the legal profession should support the judiciary in promoting access to justice for the poor. To buttress this point, Lippman (2014) cited a number

of interventions of the New York State judiciary to provide legal services for the poor. These included convincing the Governor and the Legislature to allocate funds to provide legal services to the indigent in society, and this has grown over time. Interventions used by New York's judiciary include *pro bono* work by in house counsel, which allows lawyers who are in house counsel to employers in New York but licensed in other states, to appear in court in New York to represent clients in *pro bono* cases (Lippman, 2014). This intervention seeks to increase the pool of lawyers to increase the chances of poor members of society obtaining representation by counsel.

Another intervention is the 50 hour *pro bono* bar association requirement (Lippman, 2014). This seeks to build a culture of service amongst law students prior to becoming lawyers (Lippman, 2014). Law students are required to devote 50 hours of their time to provide *pro bono* legal services prior to being admitted to the New York Bar (Lippman, 2014). The *pro bono* scholars' program is another intervention identified by Lippman (2014). This intervention requires law students to devote their last semester of law school to offer *pro bono* services (Lippman, 2014). Law students work under the supervision of a law firm or some other legal service provider in cooperation with the law school (Lippman, 2014). The students have the opportunity to sit for their bar exams and are admitted earlier than usual, as a reward for their services (Lippman, 2014). Lippman (2014) also mentioned the use of non-lawyers to provide legal services as another intervention. This intervention uses persons without formal legal training to provide poor people with legal advice and supporting them through the legal process (Lippman, 2014). Lippman (2014) argued that this is already done in the medical profession where midwives and nurses provide certain medical services for a lower fee. Persons providing such services may be referred to as paralegals in the legal profession. Lippman (2014) observed

that granting poor members of society legal representation is the surest way to adhere to the constitutional requirement of equal access to justice for all.

Conditions to foster such collaboration

Lippman (2014) highlighted the importance of baseline data in order to determine the nature of the interventions and the opportunity to track implementation and progress of the said interventions. It is also evident from Lippman (2014) that for interventions seeking to give the poor access to legal services to be successful, a collaborative effort amongst multiple actors including the executive, legislature, judiciary, arms of government, the bar, citizens and the private sector is required. There must also be a culture of voluntary service amongst lawyers. Consequently, Lippman (2014) made the point that notwithstanding the various interventions to promote a culture of providing *pro bono* services, the potential impact of volunteerism in providing legal services for the poor is yet to be appreciated and harnessed.

Using technology to aid decentralization of the criminal justice system

Parkin and Wedeking (2016) argued that the prominent role of the internet and information communication technology (ICT) in the 21st Century is vital to enhance access to justice. Watson, Rukundakuvuga and Matevosyan (2017) advocated for using technology to enhance access to justice in postconflict settings, highlighting the processes, approach, benefits and impact of putting in place an electronic case management system for the justice system in Rwanda. According to Watson, Rukundakuvuga and Matevosyan (2017), the Government of Rwanda, aided by ICT, adopted a nationally owned, sector wide approach, which is centralized at the national level, to manage cases in the justice system. This capacity is extended across the country in partnership with the private sector, who have created e-kiosks across Rwanda, and the youth have been trained to use the software to help ICT illiterate persons use the ekiosk facilities

for a fee (Watson, Rukundakuvuga & Matevosyan, 2017). Watson, Rukundakuvuga and Matevosyan (2017) noted that there are automated reminders that are sent to all actors including litigants and the case management system is the only entry into the justice system.

Advantages of using technology in case management in the justice system

Watson, Rukundakuvuga and Matevosyan (2017) found that Rwanda's technology based case management system is also used as an oversight and accountability tool. This has helped improve justice delivery. Watson, Rukundakuvuga and Matevosyan (2017) attributed the success of the program to the fact that it is national owned and has a centralized management approach. Rwanda's approach has several features and advantages that transcend the criminal justice sector and, with the necessary modifications, could be replicated in other postconflict settings. These features and advantages include a partnership between the private sector and the government to enhance access to justice which creates jobs, especially for the youth. Also, it is nationally owned.

Other criminal justice system services that can be provided with the aid of technology

Technology can be used to provide the following criminal justice services: -

(a)   Policing: - Holmberg (2014) and Jacot-Descombes and Niklaus (2016) advocated for policing functions that can be performed with the aid of technology to be taken over by technology to free human resources to perform policing duties that require human beings.

(b)   Incarceration: - Technology can also be used to incarcerate persons found guilty of criminal conduct (Bagaric, Hunter & Wolf, 2017). Bagaric, Hunter and Wolf (2017) advocated for a fundamental but gradual shift from traditional forms of incarceration to using technology to incarcerate persons convicted of certain categories of

crime, noting that incarceration, particularly for long periods, does not necessarily prevent persons from reoffending (Bagaric, Hunter & Wolf, 2017). Technological incarceration entails electronic monitoring of the location of the offenders, conducting electronic surveillance of offender's actions and remote immobilization of the offender (Bagaric, Hunter & Wolf, 2017). Bagaric, Hunter and Wolf (2017) noted the growth in using technology for incarceration and attributed this development to the confidence that courts and legislators have developed in this means of incarceration.

Advantages of technological incarceration

 Technological incarceration has the potential of being more effective in fulfilling all the objectives that sentencing seeks to achieve (i.e., specific and general deterrence, incapacitation and proportionality [Bagaric, Hunter & Wolf, 2017]). Bagaric, Hunter and Wolf (2017) also asserted that it is cost effective, so having the potential of reducing the cost of incarceration by one half or one third. Another advantage is that it increases the chances of persons being rehabilitated as they can take advantage of rehabilitation services that may not be available in prison but are accessible within the community where they are incarcerated (Bagaric, Hunter & Wolf, 2017).

Disadvantages of technological incarceration

As in the case of physical incarceration, technological incarceration does not completely prevent an incarcerated person from escaping (Bagaric, Hunter & Wolf, 2017). Consequently, Bagaric, Hunter and Wolf (2017) suggested a number of interventions to reduce the possibility of this occurring. These include limiting the movement of persons subject to this form of incarceration (i.e., limiting or concentrating movement to locations where there is the infrastructure to support this method of incarceration). Another potential disadvantage, although

debunked by Bagaric, Hunter and Wolf (2017), is the assertion that there is a possibility of technological incarceration breaching the human rights of convicts. The researchers argued that the potential of such rights being abused is higher in conventional prisons. It should be noted that Bagaric, Hunter and Wolf (2017) advocated for limited use of the physical form of incarceration (i.e., it should not be used to imprison persons accused and convicted of serious crimes such as sexual related offences).

Whereas the use of technological incarceration may have advantages, it is clear that the infrastructure required to implement this form of incarceration is not well developed, even in the developed world. It must also be noted that to effectively deploy this method of incarceration there is the need for effective oversight. Bagaric, Hunter and Wolf (2017) do not equate the use of technological incarceration to decentralization of prisons, however, using technology to incarcerate has the effect of decentralizing prisons/corrections services and making this criminal justice service more accessible.

Access to the judiciary

Another part of the criminal justice chain that can be decentralized by using technology is some aspects of the work of the judiciary (Parkin & Wedeking, 2016). Parkin and Wedeking (2016) asserted that embedded within the phrase "equal justice under the law" is an acknowledgement and an expectation that access to the law and legal system must be equal and sufficient for all citizens. Open access to the legal system in the United States is a feature of the United States' legal system, hence for the courts to enhance their legitimacy they should aspire to making transparency and providing information their hallmark (Parkin & Wedeking, 2016). Well organized and better managed judiciaries promote access to online information (Parkin & Wedeking, 2016). Parkin and Wedeking (2016) focused on expanding the discussion on access

to justice by looking at access to justice through the websites of 50 judiciaries in the United States. According to the researchers, the role of the internet in the current age has resulted in a phenomenon where people are visiting websites to get information. Parkin and Wedeking (2016) made the point that a critical link for citizens in the 21st Century is to connect them with their court system via the internet. Hence, provision must be made for this to happen.

Benefits of making the judiciary accessible via the internet

Some benefits in the policymaking arena occur when the judiciary becomes accessible through the internet (Parkin & Wedeking, 2016). Parkin and Wedeking (2016) referred to Lawrence (1990), who indicated that where poor people have access to the courts, the judiciary's agenda is influenced, and this influences policymaking. Reviewing the said websites, Parkin and Wedeking (2016) found varied information on them. The researchers attributed the variance in information to factors like the complex nature of the court system and, to a lesser degree, internet penetration. Partisan political control of state institutions also accounted for the varied nature of the content on the websites (Parkin & Wedeking, 2016). Parkin and Wedeking (2016) explained that partisan forces may influence the content and design of websites and this may result in the information on websites being skewed towards a particular group of individuals, such as lawyers, hence defeating or reducing the impact of websites on access to justice. Internet connectivity, penetration and sophistication have an impact on accessing information on websites (i.e., when there is the probability that citizens will access a judiciary's website, more information will be provided online [Parkin & Wedeking, 2016]).

Constructing buildings to deliver criminal justice services

The most widely used approach to make the criminal justice system accessible is to construct buildings to house the various parts of the criminal justice system. Examples of these

buildings are prisons, courthouses and police stations. Criminal justice services will then be provided in or from these buildings.

Positive consequences of building additional prisons in Brazil

Silvestre (2016) investigated the consequences of the Brazilian Government to construct prisons across the country to deal with overcrowded prisons. The benefits of this include employment for the residents of the localities where the prisons were built, frequent visits by relatives of inmates to the prisons and by extension the communities where the prisons were located, which in turn boosted the local economy in areas such as transportation, accommodation and trading (Silvestre, 2016). Silvestre (2016) informed readers that due to this approach, an entire industry was built around prisons in Brazil. Silvestre (2016) findings highlighted the positive unintended consequences of decentralization on the community.

Limitations associated with building additional prisons in Brazil

Silvestre (2016) found that despite the positive impact of the prisons, there was a general dissatisfaction amongst residents with the prison projects. For instance, there was a feeling of insecurity amongst residents because of the presence of strangers in their midst and prisoners being allowed out of prison periodically to interact with the local population (Silvestre, 2016). Of significant note is the finding by Silvestre (2016) that the construction of additional prisons did not reduce the prison population but rather resulted in a surge in the prison population. It is evident from Silvestre (2016) that the efforts to decentralize prisons in Brazil created new demographics and new social, cultural and political challenges. The researcher asserted that the feeling of insecurity was because of the absence of adequate numbers of police officers in the communities where the prisons were located. The presence of prisoners and members of their families and their friends in the communities where the prisons were built changed the social

profile of the cities and created additional demands on the police to provide security. This drama's home the point that a holistic approach must be adopted towards decentralization, especially of the criminal justice system. Silvestre (2016) informed readers that the decision to decentralize prisons was not to deal with a criminal justice issue but to address unemployment (i.e., political and economic issues). This points to the fact that there may be other motives for packaging a policy as decentralization, thus highlighting the politics involved. Packaging an intervention in the clothes of decentralization may be relatively easier to sell to the public as the general benefits of decentralization are indicators that the ordinary citizen can readily identify with.

Involve the customary justice system

Ubink and Weeks (2017) conducted a comparative review of how South Africa and Malawi adopted different approaches to use their customary justice systems to enhance access to justice for rural communities. The harmonization of Liberia's statutory and traditional justice systems was identified in the National Plan of Action for Gender Based Violence as one way to enhance access to justice particularly for women (Bamidele, 2017). Dandurand (2014) also advocated for increasing the use of mediation as a dispute resolution approach. Whereas a reference to mediation is not conterminous with using customary justice mechanisms, in practice, mediation is an approach for resolving disputes within the customary justice system.

Advantages of using the customary justice system

Customary justice systems are effective mechanisms for enhancing access to justice in rural communities in Africa (Ubink & Weeks, 2017). This is because they are accessible, cheaper, use fewer formal procedures and speak languages that the local community speak and understand (Ubink & Weeks, 2017). Jackson (2013) asserted that the formal justice system lacks

geographical hegemony hence the informal justice system will be the source of justice for a while.

Challenges associated with using the customary justice system

A number of challenges arise from using the customary justice system to enhance access to justice. For instance, human rights like the right to legal representation are violated, (Ubink & Weeks, 2017). There is a need for oversight over these mechanisms to check these violations. Customary justice systems must be subject to the constitution and other fundamental human rights norms and standards (Ubink & Weeks, 2017). Bacon (2015) observed that to get Liberia's customary justice system to uphold human rights a number of unintended consequences have occurred. These include the informal justice system being prohibited from hearing certain cases, so victims of those cases have no justice wherever the formal justice system is inaccessible. Ubink and Weeks (2017) found that, in Malawi, the issue of who appoints persons responsible for adjudicating in customary justice processes, and how this impacts the doctrine of separation of powers, was highlighted. According to Ubink and Weeks (2017) at a certain time in Malawi's history, people presiding in customary justice processes were appointed by the Executive even though they were performing judicial functions.

Dealing with the associated challenges

To address the abuse that may occur in customary justice resolution forums, there is the need to create oversight and accountability structures to oversee customary justice processes and mechanisms (Ubink & Weeks, 2017). The need to make these forums subject to the constitution and the imperatives of upholding the doctrine of separation of powers translates into the regulating customary courts (Ubink & Weeks, 2017). However, Ubink and Weeks (2017) asserted that trying to regulate customary justice processes results in formalizing them and this

waters down some of the advantages associated with the system. Ubink and Weeks (2017) also found that the jurisdiction of traditional courts in both Malawi and South Africa were circumscribed. The Malawian traditional courts dealt with a limited number of civil cases with the formal courts dealing with criminal cases and certain civil cases (Ubink & Weeks, 2017). Furthermore, persons aggrieved by decisions of the customary courts could appeal against them in the formal courts (Ubink & Weeks, 2017). According to Ubink and Weeks (2017), South Africa has similar measures in place (i.e. customary courts deal with civil cases and minor criminal offences). It is obvious from the foregoing that these arrangements are intended to provide some degree of oversight over the customary justice system in Malawi and South Africa.

Considerations for determining how customary justice systems should operate alongside the formal justice system

Ubink and Weeks (2017) opined that deciding on which model is adopted by a country when formalizing customary justice processes as part of justice system reform is a political and sovereign decision influenced by factors like the country's history. This reality is evident in Malawi where, because the influence of traditional authorities was eroded due to the abuse of traditional courts by a previous dictatorial regime, a hybrid system, in which lay persons are made chairs of local courts and assisted by persons versed in customary law, has been established (Ubink & Weeks, 2017). On the other hand, in South Africa, because of efforts by the Apartheid regime to weaken the chieftaincy institution and the role of chiefs in the local community, the post Apartheid government tried to consolidate the place of chiefs in the customary justice system (Ubink & Weeks, 2017).

Impact of legal pluralism on decentralization

The coexistence of traditional and statutory justice systems at the local level reinforces the power structures and entrenches the position of the local elite while depriving the nonelite from having access to justice (Jackson, 2013). Consequently, depending on whose views are sought, legal pluralism is offering multiple forums for seeking justice or is seen as problematic, resulting in forum shopping and abuse of human rights (Jackson, 2013). The reason being that the elite manipulate the system for their benefit (Jackson, 2013). The political dynamics at the local level makes it very possible for chiefs, as the political elite at the local level, to influence local political institutions (Jackson, 2013). This creates varied negative consequences including making local political institutions maintain their biases against women and the youth (Jackson, 2013).

Sierra Leone, like many other postconflict settings, has a pluralistic legal system (i.e., a customary and formal justice system [Jackson, 2013]). Jackson (2013) investigated the political dynamics of legal pluralism in Sierra Leone to understand the interaction between both systems of justice and the significance of power relations at the local level as a result of decentralization. Jackson (2013) observed that there is a failure to see the link between reforms in the area of decentralization and those of the justice and security sectors, with issues relating to justice and security being deemed separate from those associated with political power. Jackson (2013) illustrates this point by noting that, in Sierra Leone, chiefs appoint the chairs and the four members of the traditional court. This according to Castillejo (2009) resulted in a situation where the courts become instruments of the chief (Jackson, 2013). The situation becomes worse because appeals are rare in the local courts since they have to be heard by the magistrate courts at

the district level and there is almost no opportunity, in practice, to seek redress for decisions of a traditional court (Jackson, 2013).

Use restorative justice processes

Restorative justice processes are similar to customary justice processes. They are another approach that can enhance access to the criminal justice system. Nnam (2016) investigated how overcrowding in prisons in Nigeria can be addressed. The researcher argued that using restorative justice processes is the surest way to reduce overcrowding in Nigeria's prisons and to ensure that lawbreakers are reformed and live as responsible members of the society after being punished. Countries whose criminal justice systems lack personnel and a presence across the country can use community leaders to employ restorative justice processes to maintain harmony in the society. Gal (2016) also advocated for involving the community in restorative justice programs.

Nnam (2016) expressed concern over the overconcentration of the criminal justice system on keeping lawbreakers away from society as opposed to getting their victims and the community at large, actively participating in determining the punishment for offenders. Nnam (2016) grounds the research in the Reintegrative Shaming Theory. According to this theory, a way to maintain law and order in the community is to have lawbreakers to admit their guilt, show remorse and engage in attitudinal change (Nnam, 2016). This theory has a strong rehabilitation component (Nnam, 2016).

Advantages of using restorative justice processes

Nnam (2016) made the point that restorative justice has advantages for the victim, the offender, the community and the country. It has the potential to reduce overcrowding in prisons and relieve the formal criminal justice system of some of the burden it carries (Nnam, 2016). The

challenge of congested prisons is not limited to Nigeria. Congested prisons come along with a burden on the public purse to care for inmates. Nnam (2016) found that in Nigeria, a significant number of inmates in the prisons are pretrial detainees. Their long periods of incarceration and the conditions in which they lived violate their fundamental human rights (Nnam, 2016). Also, prisons are known to be places where people often get exposed to more serious criminal conduct and, in today's world, prisons have become places for radicalization (Nnam, 2016). The nature of the design and workings of the classical criminal justice system ignores the victim, a situation that may negatively affect the ability of victims to bring closure to the effect of a particular criminal conduct (Nnam, 2016). Since there is an increase in the chances of offenders being reformed under the restorative system of justice is instructive, the reason being that it makes a case for turning to restorative justice to promote public safety and access to justice.

Disadvantages of using restorative justice processes to decongest prisons

Nnam (2016) advocated for using restorative justice in Nigeria's criminal justice system. However, the researcher appeared to have advocated for restorative justice to be applied in all criminal cases. This creates challenges, particularly for a society that is yet to accept this form of justice. There are certain crimes that are too serious and complex so should be dealt with by a modern democratic state's retributive criminal justice system and offenders incarcerated.

Conditions precedents to maximize benefits of restorative justice processes

To operationalize restorative justice processes a number of condition precedents must be met (Nnam, 2016). These include political will to implement this system of justice, that society is reoriented and accepts restorative justice as an effective and necessary crime fighting approach, that there are structures in place to ensure oversight and accountability and that negative unintended consequences of practicing restorative justice are identified and mitigated (Nnam,

2016). Gal (2016), in a study of a restorative justice program in Israel, found that members of the community were active in the program's success. It must however be noted that active involvement of the community cannot occur without the presence of structures and systems that are capable and provide restorative justice services. These structures therefore need to be decentralized to make restorative justice programs successful.

Improve communication and collaboration between criminal justice actors at the local level

Dandurand (2014) acknowledged the fact that the criminal justice system is a complex system made up of many actors/parts that rely on each other to function. Where the various parts are not working effectively, it negatively affects the efficiency of the criminal justice system and creates doubts in the minds of the citizenry about the system's ability to keep them safe (Dandurand, 2014). Dandurand (2014) argued that the lack of public confidence in the criminal justice system results in a situation where individual citizens resort to private security arrangements to protect themselves. Dandurand (2014) lamented over the inefficiencies in the criminal justice system in multiple countries and the impact of this on the capacity of the system. The researcher advocated for an improvement in how local criminal justice actors work and recommended that they work in a collaborative manner as this will positively affect the system's functionality.

Increase the use of diversionary programs and pretrial processes

Dandurand (2014) noted that trials should not be the only place where disputes are resolved. The researcher advocated for the creation of pretrial processes in the criminal justice system. Dandurand (2014) also encouraged the use of diversion strategies to facilitate an early disposal of cases and the number of cases that the criminal justice system has to deal with. These recommendations can be implemented in postconflict settings, in concert with traditional

authorities. For instance, traditional leaders or institutions can be responsible for supervising persons participating in diversionary programs. Dandurand (2014) further noted that mediation in the criminal justice process and various restorative justice programs have the potential of offering pointers on how diversion programs can be structured.

Create and use specialized criminal justice institutions

According to Dandurand (2014), creating specialized or problem solving courts, specialized prosecutors and police investigation squads are some measures that can be taken to make the criminal justice system efficient. Dandurand (2014) does not package this recommendation as decentralization, however, creating specialized parts of the criminal justice chain should enhance access to these institutions and, depending on the mandate of these specialized institutions, they will result in a decentralization of the criminal justice system. For instance, the creation of a specialized court to deal with sexual crimes in a postconflict setting may result in establishing this court in a geographical location where sexual and gender-based crimes are prevalent. All things being equal, this would immediately result in the decentralization of the courts. This will affect other parts of the criminal justice chain and, in theory, create access to justice for victims and perpetrators. As previously noted, in Liberia, a Sexual Offences Court, a Woman and Children Protection Section (WACPS) and a Sexual and Gender Based Violence Unit were established (Bacon, 2015). Units of the WACPS were to be established in all police stations across the country to improve the responsiveness of the police to deal with sexual and gender related offenses (Bacon, 2015).

Augment police strength with a volunteer police reserve force

This approach was used in Kenya, where the Kenya Police Reserve (KPR) was established and operated in Kenya's Turkana County, a county rich in hydrocarbon deposits

(Agade, 2015). According to Agade (2015), the KPR was a state approved, poorly resourced and not well trained voluntary police force who augmented the Kenyan police and performed some law enforcement and policing duties. Agade (2015) noted that oversight and accountability within the KPR was weak and their mandate fluid. The KPR sometimes stood side by side with the Kenya police and discharged the same duties, but the police were better compensated (Agade, 2015). Agade (2015) found that the KPR were also involved in providing private security services for private individuals at a fee. Agade (2015) claimed that this is against the rationale for setting up the KPR. The researcher also found that the KPR are a source of criminal activity because they lacked oversight, accountability, adequate training, resources and remuneration (Agade, 2015). Agade (2015) also found that the KPR could be a source of conflict given the context in which it operates, namely ongoing oil exploration in the county and the potential for loss of land and livelihoods.

Another significant finding Agade (2015) made is that the KPR is a potentially strong complement to the regular police if effectively organized. The researcher noted efforts to formalize the KPR and recent legislation has incorporated the KPR into the regular Kenyan police. In seeking to create access to criminal justice services by privatizing decentralized services, caution should be exercised to ensure that the purpose for decentralizing them is not defeated. Therefore, attention should be paid to management, accountability, resource allocation and equity in remuneration for all actors, (i.e., private or public), involved in providing criminal justice services. It is also important that such private arrangements are periodically reviewed.

Switzerland also engaged the services of private security companies to perform certain policing tasks (Jacot-Descombes & Niklaus, 2016). In Switzerland, reforms of security arrangements between the cantons and the municipalities have resulted in the design and

implementation of a model of policing referred to as two-level policing (Jacot-Descombes & Niklaus, 2016). Overall, this model gives municipalities the freedom to determine how they approach policing, including whether to hire a private security company to perform some aspects of providing security like parking surveillance, as opposed to engaging cantons to provide these services (Jacot-Descombes & Niklaus, 2016). Jacot-Descombes and Niklaus (2016) noted that whereas this model gives municipalities the freedom to determine the approach to providing security, it is complex and costly.

Involve citizens in exercising oversight over criminal justice actors/institutions

Effective oversight and accountability are critical features for every modern criminal justice system. It is a feature of all criminal justice systems in countries that are seeking to develop a democratic culture (Nall & Mamayek, 2013). Decentralization of the criminal justice system provides a more compelling reason to put in place effective oversight arrangements for the system. This is because decentralization of criminal justice services increases the contact between personnel working within the criminal justice system and the citizenry, which increases the chances of human violations occurring. Nall and Mamayek (2013) indicated that there are various models of civilian oversight mechanisms for the police. These include human rights commissions, anticorruption commissions, ombudsman and civilian oversight boards (Nall & Mamayek, 2013). It must be noted that sometimes the mechanisms identified above are a hybrid (Nall & Mamayek, 2013). Nall and Mamayek (2013) found this to be the case in Hong Kong. The researcher also found that apart from countries who adopted a dedicated civilian oversight board, other oversight institutions usually carry out multiple mandates.

Nall and Mamayek (2013) investigated the growing interest of Asians in the democratic governance of their countries and the impact of this phenomenon on civilian oversight of the

police. The researchers found that many developed economies have recognized the importance of the involvement of citizens in handling complaints of police misconduct (Nall & Mamayek, 2013). Nall and Mamayek (2013) observed that there is a correlation, though not sufficient, between the level of democracy that a country enjoys and the involvement of its citizens in providing oversight and accountability in the criminal justice system. The researchers further noted that in developed economies the description of a police institution as democratic is an indication that the police work as agents who protect and serve their community. The authors also found that countries that are ranked highly as democracies put in place policing systems that are "open, transparent and accountable to civilian oversight mechanisms" (Nall and Mamayek, 2013, p. 121). However, Nall and Mamayek (2013) found no correlation between the democratic credentials of a country and the number of mechanisms in place that civilians participate in oversight. A case in point is China, which has a well developed civilian oversight board (Nall & Mamayek, 2013). According to Nall and Mamayek (2013), their study revealed that "democracy rankings are not good predictors of the existence of the values and elements of democratic policing in nations" (p. 127). Nall and Mamayek (2013) attempted to explain this finding by asserting that perhaps it is because democratic values and principles are so well assimilated by the population in advanced democracies that there is no need for civilian oversight. If this assertion is sustained, then there is a stronger case for postconflict societies to put in place civilian oversight mechanisms to get their citizens actively involved in holding actors within their criminal justice system accountable.

Summary

Criminal justice system is a tool for stabilization in postconflict countries (Schroder & Chappuis, 2014). Resources from donors mostly from Western countries have been used to

implement these reforms (Gordon, 2014). This has influenced the direction of the reforms and contributed to mixed results hence resulting in questions about the appropriateness of the reforms for postconflict societies (Gordon, 2014). In Chapter Two the challenges associated with internationally led support to reform the criminal justice system in postconflict countries with an emphasis on local ownership was presented. I also presented approaches used to decentralize criminal justice services, including using technology to increase access to the system (Bagaric, Hunter & Wolf, 2017 & Mazerolle, 2014), designing and implementing community policing programs (Bent-Goodley & Smith, 2017) and operating legal aid schemes (Mayo, 2013). Further, I demonstrated the importance of decentralization for access to the criminal justice system.

The outcome of reviewing the literature on the phenomenon of interest revealed, among others that, to improve the chances of internationally supported interventions to reform criminal justice systems in postconflict settings yielding the desired results, the interventions must be tailored to suit the context where they are being implemented (Ansorg, 2017). This requires engagement with the citizenry (Gordon, 2014). However, in practice, this has not been done for varied reasons, including the associated practical difficulties in adopting this approach (Murdoch, 2015), the lack of political will, by the elite in postconflict countries, to engage with ordinary citizens in security sector reform processes (Murdoch, 2015 & Williams, 2018) and the absence of known and viable non Western approaches (Westernman, 2017) to justice and security sector reform. To address these challenges, several recommendations have been made including the need for a middle path that combines the quest for local ownership with approaches/practices that are working in other societies like the West (Murdoch, 2015).

In Chapter three, I presented the research design and describe the phenomenon of interest, the research approach and; design, rationale for choosing the methodology, my

sampling, data collection strategy, sample size, the analysis plan, instrumentation and highlight my role as the researcher

Chapter 3: Research Method

"You sit on the old mat, to plait the new mat".

A Liberian proverb

Introduction

In this qualitative study, I investigated how (the approach) criminal justice services were decentralized in Liberia between 2011 and 2017 and the extent to which the approaches towards decentralization in Liberia were influenced by the uniqueness of the Liberian context. Also investigated, in this study, is the effects of decentralizing criminal justice services on the functionality of Liberia's criminal justice system and Liberia's peace and stability.

Description of Approach

I used the grounded theory approach to answer the research questions of this study. The grounded theory ". . . is an approach to qualitative research that attempts to develop theory that comes from data or the field" (Ravitch & Carl, 2016, p. 22). The principal objective of conducting a qualitative research adopting the grounded theory approach is to provide theoretical explanations of themes that emerge from data collected pursuant to the study (Barello et al., 2015; Patton, 2015). Barello et al. (2015) indicated that a researcher conducting a grounded theory qualitative research collects and analyzes data simultaneously, making it possible for the recruitment of participants based on the themes emerging from the data analysis.

Rationale for the chosen approach. Several factors inform the decision to use the grounded theory approach for this study. These include the following: first, the participants (i.e., the prospective sources of data for my study were persons who have in varied ways interacted with Liberia's criminal justice system, hence are competent to make significant contributions to answer the research questions). Second, the choice of the grounded theory approach aids the process of arriving at findings and making recommendations from data collected from Liberia, the research site, that are tailored for Liberia's postconflict reconstruction. Third, in a desire to increase the chances of the recommendations of this study being implemented, I counted on the participants of this study to champion the implementation of recommendations. This is because, in a grounded theory study, the findings emerge from the data collected and analyzed. Therefore, because the participants of this study were drawn from key actors in Liberia's criminal justice system, there is a greater chance of this study's recommendations being implemented because the recommendations will emerge for the data participants provided during data collection for this study.

Role of the Researcher

Personal and professional relationships I have with participants. For almost 10 years, I actively participated in international efforts to provide technical support and advice to support the Government of Liberia in its efforts to reform the country's criminal justice system. Broadly, the reforms focused on institution, law, and policy reform. The government sought to enhance access to the criminal justice system by decentralizing the services provided by the justice system. My previous work in Liberia meant that a professional relationship existed between participants and myself. These relationships, in some cases, transcend a professional one because the duration of my stay in Liberia and the nature of the work I did resulted in me developing

personal friendships with some of the potential participants. In my professional capacity, I supervised some of the participants of this study at work. This may have created an uneven power relationship with some of the participants. Most important, having actively participated in international efforts to reform Liberia's criminal justice system, this study was an indirect evaluation of my work in Liberia, thus creating a potential conflict of interest situation.

How I managed biases. In qualitative research, it is utopian to assume that a researcher can effectively distance himself or herself from the research process (Patton, 2015). This is because reports of qualitative research are laced with the researcher's biases (Patton, 2015). Despite this reality, a qualitative researcher cannot throw his or her arms in the air and not take steps to mitigate the effects of these biases on the researcher's report. Accordingly, I took the following steps to ensure that this study's report substantially reflected participants' views. These steps included, first and foremost, acknowledging my biases as the researcher (Ravitch & Carl, 2016). Second, a peer debriefer assisted me in reducing my biases; subjecting the data collected and the ensuing analysis to peer debriefing to affirm the collected data, its analysis, and the emerging findings (Spall, 1998). Lincoln and Guba (1989) encouraged researchers to identify a peer debriefer with whom they will work during the research (Spall, 1998).

Participant Selection

Description of the target group of interest. Participants were drawn from officials who worked in Liberia's criminal justice system during the period under review (i.e., 2011-2017); staff of selected civil society organizations; and Liberia's international partners who actively supported the process to reform Liberia's criminal justice system. They public officials were responsible for policy formation and engaged with Liberia's international partners in deciding the direction of the justice system's reform. This puts them in the best position to aid me in

answering the research questions. These public officials were also responsible for implementing the reforms and communicating with the population. Some of the participants worked within the system and so gained firsthand knowledge of the effects of the reforms. The international community supported the reform process. To a large extent this category of participants represented their national interest. In some cases, international development and nongovernmental agencies were also used to implement the reform. These agencies contributed to achieving certain strategic objectives of their principals. Interviewing them provided insights into the factors that influenced the choices made to decentralize Liberia's criminal justice system.

Description of the sampling strategy and sample size. Creswell (2007) observed that it is important to select interviewees that possess the requisite knowledge and understanding of the phenomenon of interest of the research being conducted (Turner, 2010). I recruited and interviewed participants who were rich sources of information, to answer this study's research questions. The theoretical sampling strategy was used to recruit participants who fit this description. As previously noted, this study is a qualitative study that is used the ground theory approach. Breckenridge and Jones (2009) stated that the "Theoretical sampling is a central tenet of classical grounded theory and is essential to the development and refinement of a theory that is 'grounded' in data" (p.113).

Glaser and Strauss (1967) made the point that the theory that emerges from the data collected pursuant to investigating a phenomenon of interest is of more relevance to the study than any existing theory (Breckenridge & Jones, 2009). Based on this Breckenridge and Jones (2009) informed their readers that theoretical sampling seeks to generate and develop conceptual theory and narrow data collection, in a systematic fashion, in order to develop a theory. Data

collection in theoretical sampling is focused on, amongst others, identifying gaps in data

collected that must be filled (Breckenridge & Jones, 2009 & Patton, 2015). Glaser and Strauss

(1967) made the point that theoretical sampling is an iterative process in which data collection,

coding and analysis are undertaken by the researcher for purposes of influencing the researcher's

choice of what data to collect next and from which source to collect the data (Breckenridge &

Jones, 2009). Glaser and Strauss (1967) also stated that the ultimate objective of this exercise is

to develop a theory that emerges from the data collected (Breckenridge & Jones, 2009).

Breckenridge and Jones (2009), citing Hood (2007), described theoretical sampling as being in

many respects akin to purposeful sampling. Morse (2008) made the point that the rationale for

selecting particular participants in studies using the theoretical sampling strategy change as the

theoretical needs of the study evolves (Breckenridge & Jones, 2009). Glaser (1978) asserted that

data analysis and coding that occurs in the initial stages of the study that is using the theoretical

sampling strategy is done in a rapid manner (Breckenridge & Jones, 2009). However, through

further theoretical sampling and memo writing, there is an opportunity to continuously refine

codes to fit the data collected (Breckenridge & Jones, 2009). Glaser and Strauss (1967) posited

that the process of theoretical sampling continues until a core category emerges after which the

researcher focuses on collecting data that is relevant to the identified core category

(Breckenridge & Jones, 2009). Patton (2015) indicated that in studies using the theoretical

sampling strategy, "sampling becomes more selective as the emerging theory focuses the

inquiry" (p. 289). Boychuk-Duchscher and Morgan (2004) admonished researchers to be careful

in collecting data when using theoretical sampling as the sampling strategy (Breckenridge &

Jones, 2009). This is because there are chances of the researcher manipulating the data collected

rather than allowing what is supposed to be an inductive process to evolve (Breckenridge &

Jones, 2009). This creates the danger of the actual nature of the data collected eluding the researcher (Breckenridge & Jones, 2009). It is instructive to note that Strauss and Corbin (1998) divided the theoretical sampling process into three stages (i.e., "open sampling, relational and variational sampling and discriminate sampling" [Breckenridge & Jones, 2009, p. 116]).

Breckenridge and Jones (2009) indicated that since data collection in studies using the theoretical sampling strategy is done to ensure that the data collected supports an emerging theory, the researcher must, to start with, have tentative ideas of a theory upon which the study will build. To achieve this, the researcher will have to use the purposeful sampling strategy to identify information rich sources after which the theoretical sampling strategy will kick in for purposes of feeding the emerging core categories from the purposeful sample (Breckenridge & Jones, 2009). My prior knowledge of Libera's (i.e., the research site) aided the process of deciding where to start data collection from, however, the strength of the evidence gathered determined the weight I placed on the emerging theories (Breckenridge & Jones, 2009). As previously noted, I worked in the research site for 10 years and so know the actors in the phenomenon of interest. With this knowledge and the tentative ideas on the phenomenon of interest, I identified 5 information rich participants as the starting and based on the emerging theory from the data collected, through the codes generated and memo writing, other information rich sources were identified to support the emerging codes.

Several considerations influenced the sample size for this study. These considerations include the fact that the study was undertaken with the grounded theory approach. Creswell (1998) and Morse (1994) informed their readers that for studies using a grounded theory approach, the ideal sample size must range between 20 and 30 or 30 and 50 participants respectively (Mason, 2010). A second consideration for deciding on this study's sample size is

the fact that, according to Mason (2010), the sample size for qualitative studies are relatively

smaller in comparison to quantitative samples. This is because, in qualitative research, the fact

that a piece of data or code occurs in the data collected is sufficient reason for it to form part of

the analysis. Put differently, the frequency that a piece of data occurs in the data collected is not

a necessary and sufficient condition for it becoming part of the analysis in qualitative research

(Mason, 2010). However, Mason (2010) cautioned that the data size should be large enough to

provide different but germane viewpoints on the phenomenon of interest of the study. Rubin and

Rubin (2012) made the point that persons recruited to participate in a study must be

knowledgeable in the phenomenon of interest. Thirdly, Charmaz (2006) asserted that the

objectives of a study are a key influencer of a study's sample size (Mason, 2010). The objective

of this study is to partially fulfill the requirements for obtaining a doctorate degree from Walden

University, so the number of interviewees were kept within the limits provided by the experts

above. An important consideration is the background of the participants recruited. As noted

earlier, most of them are professionals who have work/worked in supporting criminal justice

reform in Liberia and a few are private citizens familiar with Liberia's criminal justice system.

As pointed out by Guest, Bunce and Johnson (2006) experts generally tend to share similar views

on issues that are within their professional competence. Consequently, a researcher does not

require a large sample size of experts to make original discoveries. The resources available to me

as a doctoral student also informed my decision on this study's sample size. Ritchie, Jane, Lewis,

Jane, Elam and Gillian (2003) indicated that the resources available to a researcher influences the

sample size (Mason, 2010). With the constraints on time and money, as well as my inexperience

in conducting research, the sample size for this study is 30 participants, including the 5

participants initially selected to orient me in determining the nature of the data to collect and the

source from which I should collect data. The imperatives of the theoretical sampling strategy provided the signposts that determined whether data collection had reached saturation. These include, Glaser and Strauss (1967) admonishing that when using theoretical sampling, data collection must cease when the core category is "considered dense and data collection no longer generates new leads" (Breckenridge & Jones, 2009, p. 116). When this point is attained, Glaser (1992) claimed that the sampling and the study are over (Breckenridge & Jones, 2009). Conversely, Glaser and Strauss (1967) made the point that where the theoretical sample is inadequate there will be a lack of integration and gaps in the emerging theory (Breckenridge & Jones, 2009). The sample size of this study and the fact that the emerging theory influenced the decision on the nature and sources of the data collected resulted in me attaining saturation from the data collected.

Describe the criterion for sample selection. To facilitate data collection, the following criteria was used in determining who will be selected to participate in the study. The participant was:

- at least 25 years old (at age 25, participants would have acquired at least a high school certificate and gained some experience/knowledge in the phenomenon of interest of this study).
- involved in policymaking and implementation to reform Liberia's criminal justice system.
- a professional in the criminal justice system.
- an advocate of decentralization of criminal justice services.

Description of how participants were contacted and invited. Conducting interviews is critical in qualitative research (Patton, 2015). As previously noted, participants for this study

were drawn from persons in both public and private sectors who were involved in reforming Liberia's criminal justice system between 2011 and 2017. Based on this criterion, and employing the theoretical sampling strategy, 5 information rich sources were identified and informed about the study (i.e., its objectives, methodology etc.). These participants were cautioned that though they participated in identifying other information rich sources, the prerogative to decide who participates in the study rested with me. They were also informed that participating in the interview is voluntary and they could withdraw their participation at any time. After the initial 5 participants orally agreed to participate in the study and aid in identifying other information rich sources, I sent an invitation (i.e., electronic and/or hard copy) to participate in an interview to collect data for this study. The invitation reechoed the purpose of the research and the voluntary nature of their participation. It also indicated the expected duration of the interview and the timeframe within which the interview had to be conducted and gave the, then, potential interviewees another opportunity to indicate their willingness and availability to be interviewed for this study. The invitation also indicated that should they agree to proceed with participating in the study, a consent form will be sent, via email and/or in hard copy, for their information. Hard copies of this consent form were made available to the participants on/at the day and venue of the interview and they signed it prior to the commencement of the interview (i.e., for participants who I physically met to collect data). Where the interview was conducted virtually i.e., via technology, the participant was asked to electronically sign the consent form or indicate their consent via email. A similar approach, with the requisite modifications, was adopted in the case of the other 25 participants of this study.

Instrumentation

This study's theoretical frameworks, its research questions, and the themes and issues emerging from the literature review, influenced the interview guide/questions. These informed my preparation of an interview guide that aided me conduct the interviews to collect data. The guide consisted of questions that were broadly phrased to allow me to tailor the interview questions to fit the profile of the interviewee and to pose follow up questions. A number of measures were put in place to ensure that this study's findings are valid and credible. The measures ensured the credibility of the study's findings and a conclusive link between the data collected and my findings (Lincoln & Guba, 1985). Anney (2014) indicated that there should be coherence between the data collected and the researcher's interpretation of the data. Member checking was another activity used to ensure content credibility and validity. According to Guba (1981) member checking is a process in which "data and interpretations are continuously tested as they are derived …" (Anney, 2014, p. 277). The efforts at securing informed consent during the recruitment of participants were additional steps taken to enhance the credibility and validity of my findings in this study. As previously noted, every opportunity was seized to remind participants that participating in this study was voluntary.

Description of other Data Sources

Data was collected from varied sources. The primary source was from interviews conducted with participants selected for this study. Peer reviewed journal articles was the second source of data consulted for this study. Liberia's legal framework was also invaluable source of information. Reports prepared by various institutions (i.e., Liberia's public institutions particularly those within the criminal justice sector, civil society organizations and Liberia's international partners) were referred to during this study.

Procedures for Data Collection

Data for this study was gathered from participants through conducting individual interviews. Where possible, interviews were conducted with the aid of technology, particularly with interviewees who had reliable internet connection and agreed to dispense with face to face interviews. All the interviews were conducted at times and venues convenient for the interviewee, provided the interviewee's preferences promoted collecting data in a conducive atmosphere and within the timelines for completing this study. All interviews were recorded using both an audio recorder and a mobile phone application called Rev Voice Recorder. Notes were taken to complement the audio recording. There interviews were conducted in 2019 after Walden University's Institutional Review Board (IRB) approval (i.e., 04-04-190668917). Follow up interviews were conducted with the aid of technology in 3 cases. Permission was sought from interviewees whose interviews are conducted face to face for follow up interviews to be undertaken using technology e.g., telephone, WhatsApp, email and Short Message Service (SMS). Interviews lasted an average of 90 minutes.

After each interview, the participant was debriefed. During the debriefing session, the purpose of the study was reiterated, and the contact details of the researcher provided to the participant. I encouraged participants to seek clarifications on any concerns they had in connection with this study.

Several measures were taken to protect the identity of the participants from the period of recruitment, through to the interview and debriefing stages, as well as during follow up interviews. Each participant was assigned a unique numeric code which was electronically stored, and password protected. Also, the names of all the participants were stored electronically and protected with a password on a different device. To protect the participants who were

selected based on information provided by the initial 5 information rich sources, I collected their contact details and personally contacted. This ensured that those who eventually participate in the study are not known to the participant(s) who recommended them.

Data Analysis Plan

To enable me to answer this study's research questions, a data analysis plan was prepared. As pointed out by Smith and Firth (2011), data analysis is not an event, it is an iterative process which ceases when the researcher is satisfied that there is coherence emerging from analyzing the data collected.

Research Questions

This qualitative study has three research questions. They are:

RQ1: What approaches were used to decentralize Liberia's criminal justice system between 2011 and 2017?

RQ2: How nationally owned and inclusive was the process to decentralize Liberia's criminal justice system between 2011 and 2017?

RQ2.1: How can international actors support nationally owned and inclusive processes to decentralize Liberia's criminal justice system?

RQ3: How has decentralizing Liberia's criminal justice system affected the system's functionality and Liberia's peace and stability?

RQ.3.1: How can the functionality of Liberia's criminal justice system be improved?

Description of the Approach that Fits the Plan

The framework approach is the approach that is compatible with the data analysis approach that I used for this study. Sutton and Austin (2015) asserted that in operationalizing the

framework approach to data analysis, the following steps must be observed. First, the data collection interviews should be transcribed, then coded (La Pelle, 2004). According to La Pelle (2004), coded for the framework approach can be done either manual or with the aid of Qualitative Data Analysis Software. The next step is to review the formulated codes having an eye on the research questions to ensure coherence between the research questions and the codes. I used NVivo 12 coding software to code the transcripts. La Pelle (2004) stated that in addition to reviewing to ensure alignment between the research questions and the codes, the researcher is also required to review the codes to ascertain if there are errors and correct them. An important step for a researcher using the framework approach is to conduct a credibility test of the formulated codes. This is done by submitting the formulated codes and the transcripts to a debriefer for review (Sutton & Austin, 2015). The debriefer's task is to determine the extent to which the codes formulated by the researcher are in harmony with the views of interviewees (Sutton & Austin, 2015). In keeping with this, I submitted the transcripts and the codes to a friend who holds a doctorate degree for review. He provided very useful feedback which I took onboard.

Issues of Trustworthiness

Trustworthiness, in qualitative research, is a concept that describes the processes that are engaged in to ascertain the rigor that a particular study has been subjected to by the researcher(s) (Ravitch & Carl, 2016). Shenton (2004) informed readers that the test of trustworthiness is passed when a qualitative research is found to be confirmable, transferable and credible.

Transferability. Transferability, as an element of trustworthiness, refers to the extent to which a qualitative research's finding is applicable to other contexts (Shenton, 2004). To enhance the chances that my finding in this study meets the transferability criteria, peer reviewed

articles selected mostly from postconflict countries were used for this study. This influenced the study's research questions and my interview guide/questions.

Dependability. Dependability evaluates the extent to which another qualitative researcher who elects to research into the phenomenon of interest of this study, within the same research site and with the same participants, is likely to arrive at findings similar to what I arrived at (Shenton, 2004). The objective of ensuring that a study passes this test, is to make it possible for other qualitative researchers to employ the same research processes that I used in this study (Shenton, 2004). To increase the possibilities of a particular study meeting the dependability criteria, the researcher must document each of the processes that were undertaken during the research (Shenton, 2004). To increase the chances of this study meeting the dependability test, I accurately captured, in this study's references section, the citations of all reports, peer reviewed articles and other sources of information that I consulted for this research. Also, the entire research process, including details of the data collection process and analysis as well as coding, has been set out in detail.

Confirmability. Confirmability is the third test that every qualitative research is required to pass. To ascertain if this test has been passed or failed, those reviewing this study's research report seek to find evidence that conclusively suggests that my findings emerged from the data collected and that that the findings are not a product of my idiosyncrasies (Shenton, 2004). Submitting the codes generated from the interview transcripts and the steps taken to ensure dependability, especially providing citations of the peer reviewed articles used for this study, were all geared towards making this study meet the confirmability test.

Credibility. Lincoln and Guba (1985), in defining credibility, described it as a process in which the extent to which the findings of a qualitative study can be positively linked to the

phenomenon of interest as lived through the experiences of participants (Shenton, 2004). To meet the credibility test, in the data analysis chapter of this dissertation, I ensured that relevant quotations/statements made by participants were lifted from the transcripts and incorporated into the chapter. Additionally, I gave the codes and transcripts to a peer debriefer to ascertain the extent to which the codes reflected participants' views. The fact that different methods were used to collect data also contributed to strengthening my claims that this research report is credible (Shenton, 2004). Finally, Anney (2014) recommended that member checking contributes to a study meeting the credibility requirement. As previously noted, I engaged in member checking during data collection and analysis for this study.

Summary

In this chapter, I restated the objectives of this qualitative study, the research questions that will guide this study and identified the grounded theory approach as the approach that will be used for this study. My role as a researcher, particularly my relationship with the potential participants was also highlighted. My possible biases and ethical issues that may arise during this study and how they will be managed were also identified. Also, the sampling size and strategy were highlighted, and justification provided for the choice. The criteria for selecting participants and how participants will be recruited as well as how interviews will be conducted and recorded, were also set out in this chapter. Further, the plan to analyze the data collected was laid out. Finally, the processes to ensure that this study's findings pass the trustworthiness test were laid out. The next Chapter presents the data collected from participants.

Chapter 4: Data Collection and Analysis

"I don't think anyone who's been in Liberia in 2003 and came back again in 2018 could

doubt the progress made, in terms of the functionality of the justice system … by and

large the police are able to respond, not the way that will be expected for them …, but …

there is a better perception of the security that the police can provide".

Participant 024

Introduction

In this qualitative grounded theory case study, I investigated efforts to decentralize Liberia's criminal justice system between 2011 and 2017. Insights shared by participants on what approaches were used to decentralize Liberia's criminal justice system, the extent to which context specific interventions were designed and implemented to make Liberia's criminal justice system accessible, how decentralization has affected the system's functionality and Liberia's peace and stability as well as what can be done to ensure locally owned processes to decentralize Liberia's criminal justice system are presented in this chapter.

An interview guide of 26 questions aided me in gathering the view of participants to answer the following research questions on this study's phenomenon of interest:

RQ1: What approaches were used to decentralize Liberia's criminal justice system between 2011 and 2017?

RQ2: How nationally owned and inclusive was the process to decentralize Liberia's criminal justice system between 2011 and 2017?

RQ2.1: How can international actors support nationally owned and inclusive processes to decentralize Liberia's criminal justice system?

RQ3: How decentralizing Liberia's criminal justice system has affected the system's functionality and Liberia's peace and stability?

RQ3.1: How can the functionality of Liberia's criminal justice system be improved?

In this chapter, I describe the research setting, the participants, the data collection and analysis processes, and provide evidence of trustworthiness in this study. Following this, the results of this study are presented by highlighting the themes and the subthemes emerging from the data collected. Quotations from statements made by participants in the interviews are reproduced to support the themes and subthemes. A summary of this chapter is provided before proceeding to the final chapter of this dissertation.

Research Setting

As earlier stated, the theoretical sampling approach was used to identify 30 information rich participants for this study. With this sampling strategy, the theory that emerges from the iterative process of data analysis enables the researcher to answer the research question (Breckenridge & Jones, 2009). I drew participants from persons who worked in Liberia's criminal justice system between 2011 and 2017, civil society organizations, and from Liberia's international partners who were involved in reforming the criminal justice system during the same period.

Demographics of Participants

As previously noted, 30 information-rich participants were interviewed for this study. Of this number, 6 were female and 24 were male. Of the 30 interviewees, 22 were Liberians and 8 (i.e., 2 female and 6 male participants) were foreigners. All the participants were actively involved in efforts to make the criminal justice system accessible. Participants were at least 25

years old, involved in policy making and implementation to reform Liberia's criminal justice system, professionals in the criminal justice system and/or civil society advocates of decentralization of criminal justice services. Table 1 presents the demographics of this study's participants.

Table 1

Demographics of Participants

Gender	Foreigners	Liberians
Males	6	18
Females	2	4
Total (N=30)	**8**	**22**

Data Collection

Walden University's Institutional Review Board (IRB) approved the procedure that was used to collect data for this research. The approval number is 04-04-190668917. Informed consent was secured from each participant ahead of collecting data from them. Because this study was qualitative and used the grounded theory approach, the theoretical sampling approach was used to recruit participants. As previously noted, the theoretical sampling is a tenet of traditional grounded theory research (Breckenridge & Jones, 2009). Through an iterative process, it is used to develop theory that is grounded in the data collected.

Initially, I identified 5 information rich participants based on my knowledge of the research site. These participants were contacted via email and invited them to participate in the study. A consent form was attached to the email with a request to the potential participants to indicate their consent. After their consent was secured, face to face interviews with them were scheduled. I recorded the interviews and had them transcribed and then I coded them. My knowledge of the research site, suggestions from these participants and the ensuing gaps in the data collected informed my recruitment of the remaining 25 participants. The 25 participants received emails from me in which I informed them about this research and sought their consent to participate. After procuring their consent, we agreed on dates, locations, and times for the interviews. Twenty eight interviews, including the initial 5 interviews were conducted in person and/or with the aid of technology (i.e., via telephone/WhatsApp calls). All interviews were recorded. Two participants opted to provide written answers rather than being interviewed. Walden University's Institutional Review Board approved collecting data from these 2 participants. I spent 5 days at the research site during which 16 participants were interviewed. Unique numeric codes were assigned to each participate to protect their identity and the codes saved electronically and protected with a password. Participants were interviewed from/in various locations across the globe including Australia, Ghana, Italy, Liberia, Nigeria, Pakistan, Somalia, the United Kingdom, and the United States of America. Almost all participants answered all the interview questions which were tailored to suit each participant. There posed follow up question(s)/interviews in 3 cases to seek clarification. I made notes during the interview and this assisted me in data collection and analysis. Interviews lasted between 40 minutes and 2 hours. Transcriptions of the interviews run into 400 pages.

Data Analysis

Data analysis is an iterative process that ceases when the researcher is satisfied that there is coherence in the theory emerging from analyzing the data collected (Smith & Firth, 2011). A commercial entity was contracted to transcribe the interviews. I reviewed each of the transcripts against the corresponding audio recording to ensure they accurately reflected participants' views. Transcribing, data collection and coding continued simultaneously, with the themes emerging from the coding exercise determining the data I collected (i.e., the profile/perspectives of the participant recruited).

The framework approach was used to analyze this study's data. According to Sutton and Austin (2015), when using the framework approach for data analysis, interviews must be transcribed. A Qualitative Data Analysis Software (i.e., *in vivo* 12.0) aided me to code the data. After coding the interviews/transcripts, the formulated codes were reviewed to ensure coherence with the research questions and to identify errors and correct them where they existed (La Pelle, 2004).

Evidence of Trustworthiness

In qualitative research, trustworthiness describes the processes used to ascertain the rigor that a researcher subjects a study to (Ravitch & Carl, 2016). A qualitative study passes this test if it is found to be confirmable, transferable and credible. As noted earlier, the following steps were taken to ensure that my findings are trustworthy.

Credibility

Lincoln and Guba (1985) indicated that, to prove credibility, the findings of a qualitative study must be positively linked to the phenomenon of interest as experienced by the participants (Shenton, 2004). Direct quotes from the transcripts of my interviews with participants have been

provided in this chapter to confirm the credibility of my findings. Additionally, a peer debriefer reviewed the codes and transcripts to determine if they emanated from the views expressed by participants. Thirdly, the quotations reproduced in this chapter evidence recurring themes and trends shared by different participants on the same issues and this affirms this study's credibility. Member checking was also employed to meet the credibility requirement (Anney, 2014).

Confirmability

All conclusions arrived at in this study are supported by direct quotations from participants to ensure that this study's findings are confirmable. The link between the conclusions and the supporting quotes were verified and confirmed by the debriefer. In addition to this, the citations of all peer reviewed journal articles used for this study are provided.

Dependability

Every process engaged in during this study is documented in this report. This is to ensure that the findings of this study meets the dependability criteria. In this regard, the citations of reports, peer reviewed articles and other sources of information consulted for this research are accurately captured in the references section of this study. An accurate description of how data was collected, analyzed and coded for this study is also laid out. With all these, any person who decides to conduct a qualitative study on the same phenomenon of interest, in the same research site, using the same participants, will arrive at my findings in this study.

Transferability

In qualitative research, the transferability test seeks to prove the extent to which the researcher's findings are applicable to similar contexts (Shenton, 2004). I investigated local ownership of efforts to make the criminal justice system accessible in a conflict affected setting (i.e., Liberia) and how this has influenced the criminal justice system's functionality and

Liberia's peace and security. The processes engaged in while conducting this study have met this criterion by using/consulting peer reviewed articles on postconflict countries. Also, this study's research questions, the theoretical frameworks and the interview questions were formulated based on insights from the literature reviewed for this study. These were all geared towards ensuring that this study's findings are valid in similar settings.

Presentation of Findings

Several codes and categories emerged during the process of analyzing the data collected. After examing the codes and categories 7 themes and 25 subthemes were generated. For ease of reference, all the themes, subthemes and their corresponding Research Question (RQ) are identified below, before presenting participants views in support of each theme and subtheme.

RQ1: What approaches were used to decentralize Liberia's criminal justice system between 2011 and 2017?

Theme One: Forging partnerships, law, policy infrastructure and institutional reform and development.

Subthemes

- Partnerships
- Law and policy development and reform
- Infrastructural development
- Institutional reform and development.

RQ2: How nationally owned and inclusive was the decentralization process of Liberia's criminal justice system?

Theme One: Decentralization of Liberia's criminal justice system somewhat nationally owned and inclusive.

Subthemes:

- Actors involved in decentralizing Liberia's criminal justice system.

- Reasons for involving nonstate actors in the Decentralization.

- Decentralization was elite driven local population rarely consulted.

- Decentralization process was elite driven as ordinary citizens and local communities seldom consulted.

- Some consideration given to the Liberian context.

- No consideration given to the Liberian context; foreigners drove it

- Decentralization process was nationally driven.

Theme Two: Combination of homogenous and non-homogenous approach adopted to decentralize Liberia's criminal justice system.

Subthemes:

- Decentralization process was a combination of context specific interventions and externally driven.

- Interventions to decentralize were a hybrid i.e. national and internationally driven efforts.

RQ 2.1: How can international actors support nationally owned and inclusive processes to decentralize Liberia's criminal justice system?

Theme One: International actors supporting processes to decentralize Liberia's criminal justice system must understand Liberia, design and implement interventions specific to the Liberian context and be patient.

Subthemes:

- Foreign/international actors were knowledgeable about Liberia and its criminal justice system.

- Foreign/international actors were not knowledgeable about Liberia and its criminal justice system.

- Foreign/international actors were partially knowledgeable about Liberia and its criminal justice system.

- Design and implement Liberia-specific interventions.

RQ 3: How has decentralizing Liberia's criminal justice system affected the system's functionality and Liberia's peace and stability?

Theme one: Traditional Justice System was the Primary Source of Justice for Majority of Liberians Particularly in Rural Communities

Subtheme:

- Prior to Liberia's civil war, criminal justice services were available to few inhabitants mostly in Monrovia and the county capitals.

Theme two: Decentralization has made the Criminal Justice System Manifest Very Basic Signs of Functionality and contributed to Liberia's Peace and Stability

- Criminal justice system has inadequate capacity and is yet to be functional.

- Decentralization has made the criminal justice system functional.

- Criminal justice chain working together.

- Criminal justice chain not working and/or partially working together.

- Decentralization has contributed to peace and stability.

- Decentralization is helping to address root causes of Liberia's civil war.

RQ 3.1: How can the functionality of Liberia's criminal justice system be improved?

Theme One: Develop criminal justice institutions and change the approach to making the system accessible.

Subthemes

- Institutional reform and development.

- Change in attitude and approach required.

After highlighting all the themes and subthemes gathered from the data collected to answer each research/sub question, I now present the views participants shared in support of each theme and subtheme. In the rest of this chapter, for ease of reference, each of the Research Questions and sub questions will be chronologically reproduced and in every case, followed by a Table and/or Figure presenting or depicting the findings/themes/subthemes then, the detailed views expressed by participants in support of the respective themes and subthemes will be set out.

Research Question 1: What Approaches Were Used to Decentralize Liberia's Criminal Justice System between 2011 and 2017?

As earlier noted, for ease of reference and presentation of the findings emerging from data collected to answer Research Question 1, Table 2 presents, and Figure 1 depicts, the approaches used to decentralize Liberia's criminal justice system and the number of responses in support of each of the approaches.

Table 2

Approaches To Decentralize Criminal Justice Services In Liberia.

Findings	Number of responses (*n*)	Responses in percentages (%)
Institutional reform and development	24	52
Infrastructure development, including creation of justice and security hubs	10	22
Forging partnerships	7	15
Law and policy development and reform	5	11
Total responses (*N*)	46	100
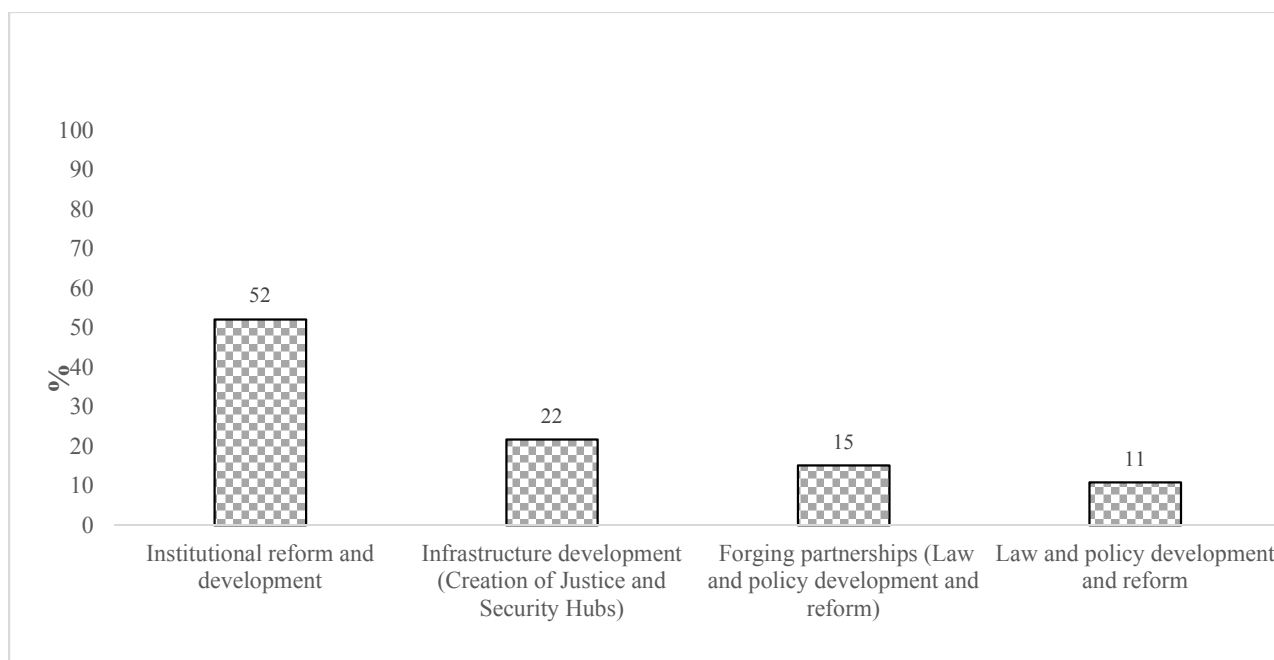
Figure 1. Approaches used to decentralize Liberia's criminal justice system

Themes

Theme One: Forging Partnerships, Law, Policy, Infrastructural and Institutional Reform

and Development

This theme emerged from coding answers to the research question: "What approaches were used to decentralize Liberia's criminal justice system between 2011 and 2017?" "Forging partnerships, law, policy, infrastructural and institutional reform and development" is the theme that emerged. This theme means that, during the period under review, efforts to make Liberia's criminal justice system accessible created partnerships, reformed legislation and policy, improved infrastructure and developed the capacity of criminal justice system institutions. Now, I will proceed to isolate each part of this theme in a subtheme and present participants' perspectives in support of both the theme and subtheme.

Subthemes

The following subthemes emerged from the theme under consideration:

Subtheme One: Partnerships

There were several actors involved in decentralizing Liberia's criminal justice system and these actors forged partnerships to make criminal justice services accessible. I will identify the actors involved later on in this chapter. Participants shared the following views in support of this subtheme:

According to Participant 006, "… in all we were looking at a partnered approach and strengthening the criminal justice system. … they certainly saw the benefits of working together". Participants highlighted the roles played by private and public institutions to make Liberia's criminal justice system assessable. Some of these institutions are not classical criminal justice institutions but have mandates that require them to work with classical criminal justice

institutions. To some extent these arrangements are akin to Third Party Policing and this contributes to making the criminal justice system accessible (Mazerolle, 2014). For instance, there is an arrangement between the Government of Liberia and the private sector, especially large multinational companies, where these companies have their own private security arrangements, including policing in the geographical area where they operate. In this regard, Participant 010 stated that:

> Prior to recent years, there were no private security companies. There were concession agreements to have private security in certain areas. And I recall that LAMCO had a private security company that was even armed and trained by the National Police Academy. That assisted, to a very large extent, the community in that particular location/county. That helped the criminal justice system to a large extent. In those places where you could not have the police, the private security companies provided security. But they had to coordinate with the national security institutions like the police who would have them processed in those areas. But they were not prosecuting themselves. As the population grew, the ratio of the police to the population could not match. And so, we encouraged people to open private security companies. But of course, with strict orders, rules and regulations through the national police, to be trained by professional security officers.

Participant 012 said the following on using private security companies to support the criminal justice system:

> They are an extension of the criminal justice system. … they have defined parameters; they do access control. … to control access to the parameters they are providing security, where the police will not be able to function. So, for me, it is

important that we collaborate because they provide private law enforcement

services.

Partnership between the Liberia National Police and individual members of the community was

also identified by participants. They referred to this as community policing initiatives. According

to Participant 006:

... so, protecting life and property is the primacy of policing. … We have seen

issues of people taking justice into their own hands, or people just looking to the

traditional justice system to get some quicker solutions. So, in community

policing … we worked very passionately; successfully negotiating and helping

them devise a community policing strategy and a community policing plan which

was owned centrally by the State. We also, as part of our community

capacity building and development mandate, looked to try to equip people at the

headquarters and the local level, … to use the community to be part of

the crime solution. In order to up the security transition, it was important that all

the security agencies in Liberia would invest in community policing, and to

strengthen the partnership between the community and the police; building a

trusting confidence, and hopefully, looking to transcend that into the criminal

justice system.

Participant 010 also indicated that, "… we had the Community Watch team, which was

established in Monrovia as a pilot program, and when it became very successful, we decided to

take it to the counties." This Participant further stated that:

The Community Watch Forum was there to assist the citizens, in educating the citizens

about the law. So, this was a police project as it relates to law enforcement. Because it

was difficult to enforce these things because of the level of education in the various

counties. So, we developed these Watch Teams to work along with the community. It

was the same as community policing. In fact, after a while, the watch teams became the

community policing.

To a lesser degree, participants noted that partnerships were established with integrity

institutions like the Liberia Anti-Corruption Commission (LACC), the General Auditing

Commission (GAC) and the Independent National Commission on Human Rights (INCHR), and

the Financial Intelligence Unit (FIU).

Participant 013 said the following on collaboration between the criminal justice system and the

LACC:

> In a sense, yes there was collaboration. But the way they operate, mostly except
>
> where the issues that arise has some national significance. Then maybe the LACC
>
> acts. But mostly they looked at the following issues that have to do with integrity
>
> …

This participant also stated that "the people who use the LACC are mostly the Government.

There has been collaboration … between the LACC, the police and other government

institutions".

Partnerships were also established with women and the traditional system in the community to

resolve disputes. This is captured by Participant 019 who notes that:

> The Women Peace Hut is using the traditional system to resolve conflict. So, they
>
> were established in parts of Liberia. In terms of decentralization, they reached
>
> down to the innermost parts of these counties. So, in these counties they had the
>
> chairman and leaders of these groups there. They established a structure for them

when they met from time to time. Just in case of any conflict, these women

brought issues to light. So, for example, Sexual and Gender Based Violence …;

part of their work has been to help to notify the police about these issues. And for

most parts of the country they speak to the Town Chief.

Participant 029 identified efforts to educate the population about the criminal justice system as

one approach adopted to make the system accessible. In the words of this Participant:

Another thing we were doing was awareness raising, I think, especially from the

justice end in terms of increasing people's awareness of justice services so that

people can access the justice system. Because there is very little information in

terms of the activities and services that are there. So that awareness is also

increasing the demand of the judicial services.

Participant 023 shared this view, according to this Participant; "… so what we are doing as an

organization is first to create awareness that there is justice and that the justice should be for all."

Subtheme Two: Law and Policy Development and Reform

Law and policy development and reform is another subtheme of the theme under

consideration. Under this approach, amendments and/or enactment of policies and pieces of

legislation were undertaken to make the criminal justice system accessible. According to

participants, issues addressed through law and policy reform included legal aid and recruiting

Public Defenders to provide legal services to indigent members of the community. Participant

016 noted that "... moves were made by the Judiciary where they began to recruit law school

graduates as Public Defenders and deployed in the counties." Additionally, Participant 009 stated

that:

Before the concept of the regional hubs were established, Liberia had one Public

Defender … assigned to each county outside of Monrovia, which made the

processing of cases absolutely impossible and a backlog that was impossible to

deal with. But with the institution of the hubs, we then had the idea where we

could increase the number of Public Defenders in the counties where the hubs

were established to improve access to justice for those people in those areas.

Participant 011 affirmed this by stating that "… one specific service was the public defense

system; to the extent that you had Public Defenders in all of the counties."

Demand for the services of Public Defenders exceeded the resources available. A legal aid policy

and legislation was required to address this. However, efforts in this regard proved to be a

challenge. This is evidenced by the following statement made by Participant 016:

The legal aid is still something that we are grappling with. We don't have a fully

functioning legal aid regime. With the assistance of the United Nations Mission in

Liberia and the Ministry of Justice, we drafted a legal aid policy; up till now, they

are still trying to validate it.

Participant 016 also stated that:

The services of paralegals and a variety of legal aid schemes have been used in

Liberia. However, this has proved to be a huge challenge as some lawyers and

judges have resisted introducing paralegals to create access to Liberia's criminal

justice system. … we have a lot of institutions in Liberia providing legal aid

services and there have been challenges. We have had some Presidents from the

Bar Association who have accepted the work of paralegals; some have not

accepted it. Some people feel that these are people that are going to take jobs

away from lawyers.

Despite this, this Participant noted that "… there are a lot of institutions who have been engaged in paralegal activities, but we want to standardize it. For instance, some civil society organizations have collaborated and appointed Community Legal Advisors outside the capital." This Participant further noted that:

> The Carter Center has worked with the Catholic Justice and Peace Commission and they have paralegals which they call Community Justice Advisors. What they do is that they go into the field and they create awareness on several law issues. For example, they will take the law on rape to the marketplaces and towns in the communities. And when you create awareness then people will begin to bring issues. So, when they bring the issues, some of the Community Justice Advisors are able to handle them through mediation. So, they conduct mediatory services. Where they are unable, they will forward it for *Pro Bono* services; an arrangement with the Bar where they do *Pro Bono* services.

As previously noted, legislation was enacted to deal with several issues within the criminal justice system. Participant 008 noted:

> There were laws made … to address some of the immediate challenges that we were having; either dealing with cases of rape, domestic violence … a considerable amount of work had been done to decentralize the police in terms of reforming the law itself. A new Act was passed, the Immigration Act was also amended in that process; a new Act was passed to address the issue of drugs. The Drug Enforcement Agency was created to deal with that.

This Participant also states that:

> ... we worked on the Acts … The same way with the Bureau of Immigration and

Naturalization; we changed the name to a service so that the impressions will be

created that these institutions are not colonial institutions … but, they are

to serve the population.

Participant 013 also mentioned "a New Police Act, Immigration Act, the National Security

Reform and Intelligence Act, a new Drug Enforcement Agency Law" as examples of legislations

that were enacted to make the criminal justice system accessible.

Participant 009 indicated that: "… we had the jury law passed". Participant 011, this by stating

that "… the jury management system was also decentralized."

Subtheme Three: Infrastructure Development

Providing infrastructure for criminal justice institutions is another intervention used to

decentralize the criminal justice system. Participant 011 highlighted the improvement the

system's infrastructure has witnessed by stating that, "… go around the country; there are

facilities in the localities." In relation to infrastructure Participant 001 stated that: "… improving

infrastructure particularly in areas where the correction system was non-existent." This was

supported by Participant 005 who noted, "one of the big changes was the construction of prisons

… magistrate courts across the country with Quick Impact Project funding." Participant 003

indicated that, "… we started looking at decentralization to a point where we had to build

regional jails." Participant 002 noted that: "Basically the attempt was to decentralize the courts,

the prisons, the police and creation of a probation and aftercare service that in my opinion was

not well thought out." Participant 004 listed infrastructure support provided to make criminal

justice services accessible: "an office, a telephone, transport and in a few cases even

accommodation." Police stations were built primarily in the county capitals. This is evident from

Participant 012, who noted that "… police stations were built in the counties; thus, there has been infrastructure in the counties. But primarily in the county capitals." Participant 005 noted that:

It seemed to be in the end infrastructure based, but my personal viewpoint will be that in part, this happened because of extreme resistance of the Judiciary and the legal professionals more generally to any form of real substantive reform during the period. The general view of the Judiciary was that there was no need for reforms.

To improve the criminal justice system's infrastructure, Participant 006 stated that:

"… there was the use of Quick Impact Project funds through the United Nations Mission in Liberia. … these were projects designed to cost between $25,000 and below depending on the nature of specific projects. It may go as far as $50,000. Now, these projects were designed to have quick impact in areas of need and … the rule of law sector was a priority. And so that looked at the creation of police stations, for instance across counties where there was an absence …. We also saw some court buildings being built; there were also vehicles purchased; so, there was a range of either building institutional capacity in some aspects or looking into equipping resources of the criminal justice system not only in the capital but also, beyond the capital.

Participant 024 shared this view and indicated that:

… there were, through different programs for infrastructure: quite a number of Quick Impact Projects with the UN mission which was relatively small amounts of funding being utilized but also through other donors; and also, some government support but very

few or very small amounts. In terms of infrastructure with police stations, courthouses,

prisons or correctional facilities and so on.

Participant 029 also identified that several buildings have been constructed for criminal justice

institutions. According to this Participant "… besides the hub approach, the government has been

constructing courts in some of the counties, police stations in some of the counties, prison

facilities also in some of the counties."

Participant 013 appeared to downplay how much improvement has been done to criminal

justice system infrastructure, despite the impression given by some participants that

infrastructure development received a lot of attention. This Participant said that "one or

two infrastructures; few magisterial courts being built. Few correctional institutions

upgraded and updated; few police stations being built."

Subtheme Four: Institutional Reform and Development

Institutional reform and development is the fourth subtheme under the theme being

discussed. Several interventions were undertaken to develop Liberia's criminal justice

institutions. Human resource development (i.e., training/capacity building) is one such

intervention. According to Participant 001 "capacity building was undertaken for the systems to

become functional." Participant 003 highlighted training as one of the actions taken to

decentralize Liberia's criminal justice system. According to this Participant, "training was an

approach to develop criminal justice institutions." This is supported by Participant 004 who

noted "training of judges, training of lay persons as magistrates, … training of police officers, the

training of correction officers, …" In the same vein, Participant 013 stated that "the Judicial

Training Institute is also training magistrates that is also helping to increase the number of

judges, magistrates and defense attorneys." Participant 014 indicated that "there has been police

training, which was done between 2005/2011 ... The law school is training more lawyers."

Another approach emerging from the data is recruiting qualified personnel to work in criminal

justice institutions. According to Participant 016:

> … within that period, they were recruiting a lot of qualified lawyers to enter the
>
> justice system. All the County Attorneys in the country except for the County of
>
> Montserrado were non law school graduates while the law required that you
>
> needed to be a law graduate before you can practice law in Liberia. So, there was
>
> a move to replace most of the unqualified people to bring in trained lawyers and
>
> we organized a lot of training on a quarterly basis.

Participant 008 supports this assertion by stating that "… the problem within these kinds of

institutions is staffing. So, we had to go in and look at appointments, the issue of tenure …"

According to Participant 012, "… there was a reinforcement of officers; men and women in the

service to beef up support to the officers in the respective counties." Participant 024 stated that

"… UN funding was used to hire … Liberian lawyers as prosecutors and defense counsel and

they were deployed out to the counties. Subsequently, funding was secured for that in a more

permanent way" Participant 004 noted that there was a "physical presence of men and women

trained according to international standards as police officers." Participant 018 mentioned

"Deployment of County Attorneys." Participant 029 stated that:

> So, the Liberia National Police … they are decentralized. We have
>
> the immigration service, security and management also decentralized, prison
>
> rehabilitation is decentralized, of course not fully, but we have them across the
>
> counties. The Judiciary, of course we have the courts so that people will be able to

report and look at their cases; there were magisterial courts and circuit courts

across the different areas.

Participant 020 stated that there "have been more prosecutors out there."

Participant 024 asserted that:

There was a large-scale recruitment of the police from the very beginning … the

police were ... recruited from scratch pretty much. And so … more and more

police officers were recruited and sent out to the counties …. Same as prison

officers; there were specific programs to recruit and train and deploy them and

that was quite successful overall.

Participants identified the creation of new criminal justice offices/institutions within the criminal

justice system as another category of interventions to decentralize the criminal justice system. In

this regard, Participant 013 stated that "I think for the police, we have the Women and Children

Protection Section which has been decentralized. We also have the Professional Standards

Division for complaints which has been also decentralized." Participant 009 stated that:

The Sexual and Gender Based Violence Crimes Unit for example now works with the

Criminal Court E to ensure the prosecution of sexual violence everywhere. Now, before

the war, it was mostly done in magisterial courts. … Because of the new law now, you

have the SGBV Crimes Unit, which is not only in Monrovia. Now we have one in Nimbi

County.

Participant 015 identified "restructuring of the security apparatus". Participant 004 stated that

"every county in Liberia had to have a functioning police system."

According to Participant 006:

One of the other strategies was to have a localized approach to improving

responses and information exchange around what was happening. So, the County

and District Security Councils were established. … We set in place

representatives of typically the security agencies, which also had representatives

from the broader criminal justice system coming together and … trying to have a

better understanding of what the crime and security in the counties were like;

trends that were recurring and perhaps looking at what best responses were

required…, advocate or a sharing of different approaches. That will then cascade

down to the county level and then once again making sure that the local actors got

together with those that were in the position to make a difference. Exchanging

interaction, and looking at problem solving approaches, … to know what the

crime and security situation at the county level. And once again using

that to lobby through their own administrators, back to ministers or back to the

President to give the necessary support; whether there will be funding or

otherwise to address what was community concerns.

Participant 007 stated that "… the County and District Security Councils were set up … to get

the local people involved." Participant 008 supported this assertion and stated that:

The statutory system itself did not really involve the natives. In other words, the

judge goes there, sits behind his desk waiting for a case to come before them.

They did not link the criminal justice system to the whole concept of establishing

peace and stability in the various political subdivisions in a harmonious way. But

the whole idea is that, if you get people involved, that could support the system,

then not only will it create that comfort in their minds and that they are part and

parcel of the system; but it will also aid in terms of investigations and reporting of

crimes. So those were the ideas for the integration of County and District Security

Councils ... to see how they could provide support to the system itself. … They

could not sit to investigate and find someone guilty and sentence them. There

were levels, they could play at their own communities so that the information

flow can then help move the system through the statutory mechanism ….

Participant 010 also mentioned the County Security Councils and the objectives for establishing

them. According to this Participant:

The County Security Council came in later. ... we had what we call 'the Joint

Security Council', which functioned in Monrovia. So, the Minister of Justice said,

we cannot function as a Joint Security Council only in Monrovia. So, let's have it

extended to the county level. And so, we tried to establish that. It worked a little

bit but just in a few counties that were nearby. But most of the counties that were

very far and were not accessible did not enjoy the benefit of the operations of the

County Security Council administration.

Participant 011 also mentioned the County Security Councils and stated that:

The establishment of the County and District Security Councils came out

of consultations. That was part of the efforts aimed at inclusiveness. One issue

that was raised by the locals was that they wanted to have a say in the governance

of the security sector …. in fulfilment of what was required, the government put

in place a council. Those councils were meant to bring on board locals from

different sectors from the counties to be able to contribute to the provision and

management of security services delivered.

This Participant further states that "… it was mandatory that they had to come together on a regular basis, that is, local government operatives or officials, the Paramount Chiefs, the clans, District Commissioners … sitting with the heads of security in those counties to discuss." According to Participant 013:

> … the National Security Reform and Intelligence Act … talked about creating County and District Security Councils. … . When there are issues and the Council meets, and a justice institution is supposed to take that up, they are then mandated by those County Security Councils to act. For example, if it is a correction issue, overcrowding of the correctional facilities, the issue is brought up …

Participant 013 also stated that the County and District Security Councils are serving as dispute resolutions and early warning mechanisms:

> … the feedback that we are getting is that that initiative is well placed. Because disputes that have created frictions in past years are being resolved as a result of the County and District Security Councils bringing the people together. And areas where the conflict will erupt … and create insecurity, they are able to resolve it.

Participant 030 indicated that:

> Complaint mechanisms are established in the justice system where aggrieved persons can complain against judges and police and the complaint is forwarded to Monrovia in the case of a judge. In the case of a police officer, the complaint is forwarded to the Professional Standard Board of the Liberia National Police in the regional headquarters for investigation and appropriate recommendations to the Liberia National Police Headquarters in Monrovia.

Justice and Security Hubs Project

The Justice and Security Hubs project is one intervention that all participants mentioned in one way or another. This intervention cuts across infrastructure and institutional development. According to Participant 024:

… the Justice and Security Hubs project was an initiative from a Joint Program which started in 2011, coming out of Liberia's Priority Peace Building Plan which was putting a focus on decentralization of services or provision of services at the local level. And a large degree of funding, comparatively speaking, in terms of making funds available in Liberia at that time … coming in from Peacebuilding Fund which was put specifically to support decentralization in terms of criminal justice … in addition to the various actors and infrastructure it was talking about – things like the Sexual and Gender Based Violence Crimes Unit which was a centralized office working for Monrovia for a number of years initially was also extended to … certain counties to provide some support for survivors of SGBV.

Participant 002 affirmed this by stating that:

One effort that I am aware of is the creation of hubs; where physical infrastructures were put up to provide criminal justice services to the people and personnel from within those areas were recruited, trained and deployed within those hubs …

According to Participant 026, the Hub project covered the following counties: "Region 1: Bong, Nimba and Lofa, Region 2 being: Maryland, Grand Kru and River Gee Region 3: Grand Gedeh and Sinoe Region 4: Bomi, Grand Cape Mount and Gbarpolu and Region 5: Rivercess, Grand Bassa and Margibi." Participant 014 stated that:

… the significant improvement between 2011/2017 was the establishment of the

criminal justice hubs in 5 areas in the country. The hubs were supposed to be

criminal justice centers all over the country. This included the police, prosecution,

corrections …. So, the idea was to have the mobile police attached to a hub but to

oversee security in other counties that are covered by the hub.

Participant 007 stated that "the whole idea was the hub; and to build 5 different ones in 5

different counties to provide full criminal justice services just as we were doing in Monrovia".

Participant 015 indicated that:

 with respect to access to justice, of course the concept of the hub was also developed.

Where construction took place and officers were assigned to different hubs. Where they

afforded people the opportunity to bring complaints. So, it was a holistic approach that

we had over the period 2011/2017.

Participant 010, stated that:

the concept of the hub came up to help the police and the immigration to

decentralize. And when that concept came up, it was born to a very large extent

by our international partners. They were involved in the concept of the hub. The

first one was developed in Gbarnga, with the intention of building other ones in

other counties.

In the words of Participant 020:

The hubs were set up to host all the actors within the criminal justice system to

provide access to just. So, within the setting of the hubs, all of the actors were to

be right there so that we could be able to get things moving faster than how it's

been set up over the years. It was meant to speed up law enforcement; criminal

justice services within the different regions so as to improve the delivery of those services. The concept was a very beautiful one. The intended purposes were excellent but there were unintended negative consequences …

According to Participant 025:

… the challenge was that Liberia was so broken after the conflict and there was such lack of trust and conflict in the society. And further linked to that was a lack of government presence, security institutions and governance around the country. And I think that the idea of the hubs came up in order to make sure that there is a presence of rule of law institutions around the country as the peacekeeping operations eventually will wind down. To ensure that there is a government presence, there was this idea to create 5 hubs.

Participant 021 stated that:

the justice and security regional hub; initially the plan was to have 5 in place. And out of the 5, each hub will cater for 3 counties. As you know Liberia has 15 counties. So, the first one was the Gbarnga regional hub, and that accounts for Lofa, Bong and Nimba counties. And the second should have been in Harper Maryland, and the third in Zwedru and fourth and fifth Grand Gedeh and Maryland.

According to Participant 006:

The Justice and Security Joint Program … was the agreement between the United Nations mission and the government represented by the Chief Justice and the Minister of Justice. And it was really geared towards decentralizing access to justice and security in the counties. So, this was reaching beyond Monrovia that

had a presence. But this was really designed to try and make sure that those

services were extended beyond the capital. The first hub was in Gbarnga,

it was designed to look at all the elements of the criminal justice system;

from policing, right through the criminal justice system to prisons and it was done

on a regional basis. But it was set up and designed so that it would provide a

decentralized service in three counties.

According to Participant 009, in the Gbarnga hub, "… we built a courthouse; we built housing

for policing and for immigration …". In the words of Participant 030, "The establishment of the

justice and security hub in Liberia has been the driving force behind decentralization of the

formal criminal justice system."

I now proceed to present data collected to answer the second Research Question of this

study which is, how nationally owned and inclusive was the process to decentralize Liberia's

criminal justice system.

Research Question 2: How Nationally Owned and Inclusive was the Process to Decentralize

Liberia's Criminal Justice System?

For ease of reference, Table 3 presents, and Figure 2 depicts, participants' responses indicating how nationally owned and inclusive the process to decentralize Liberia's criminal justice system was.

Table 3

Participants' Responses Indicating How Nationally Owned And Inclusive the Decentralize of Liberia's Criminal Justice System Was

Findings	Number of Responses (*n*)	Responses in percentages (%)
No consideration of the Liberian context; decentralization was foreign driven	24	28
Decentralization process hybrid local, national and international driven	17	20
Civil society organizations and traditional leaders involved	15	17
One-size-fits-all approach adopted across Liberia to decentralize criminal justice services/system	12	14
Non-homogenous approach adopted to decentralization	9	10
Consideration given to the Liberian context	6	7
Decentralization process was a combination of homogenous and non-homogenous approaches	3	3
Total Responses (*N*)	**86**	**100**
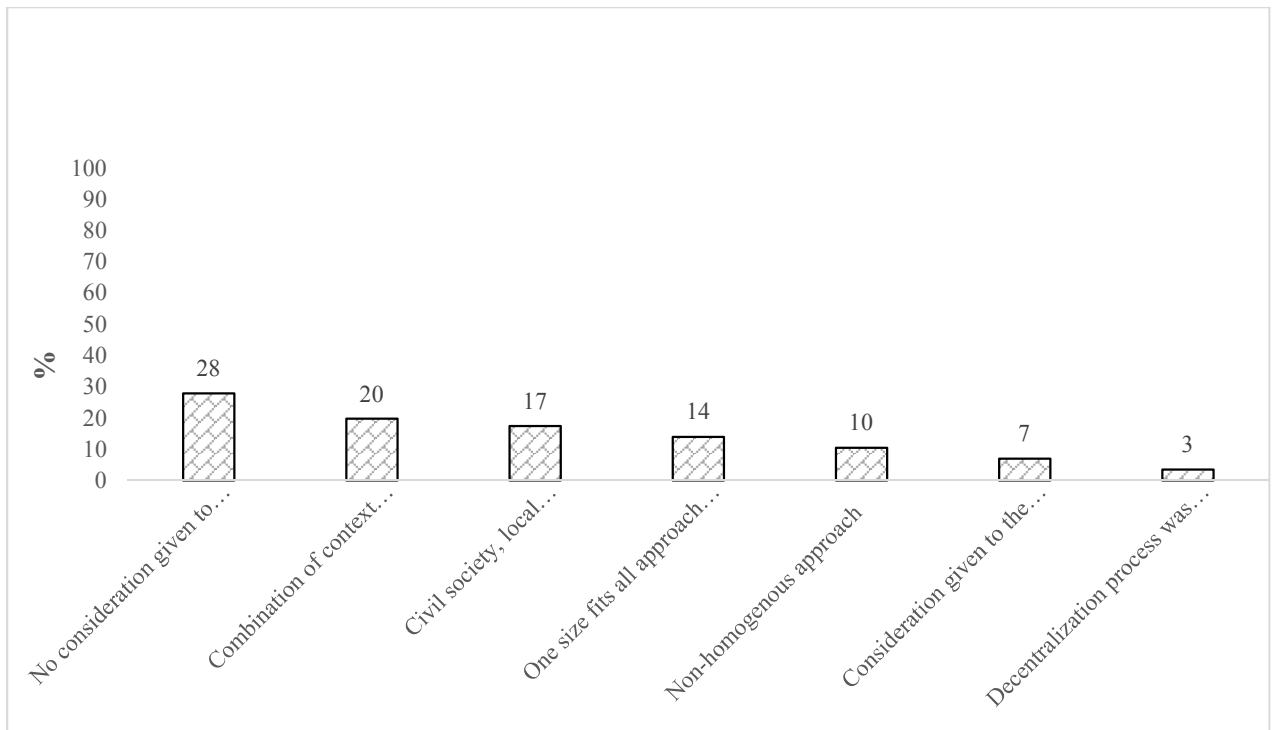
Figure 2. Participants responses indicating how nationally owned and inclusive the decentralization of Liberia's criminal justice system was.

Themes

Theme One: Decentralization of Liberia's Criminal Justice System was Somewhat

Nationally Owned and Inclusive

Subthemes under this theme are:

Subthemes

Subtheme One: Actors Involved in Decentralizing Liberia's Criminal Justice System

Participants identified countries, international development cooperation agencies, supranational organizations, civil society, non-governmental organizations, the Government of Liberia and its agencies as the actors involved in decentralizing Liberia's criminal justice system. The countries involved could be divided into Developed or Western countries and Developing countries. In some cases, the Developed countries supported the decentralization process through their respective international development cooperation agencies.

Countries. As previously noted, this category included both Western countries and countries from other parts of the developed world. Australia, Germany, Ireland, Sweden, Switzerland, the United Kingdom and the United States of America were the Western countries identified by participants. This assertion is supported by the following statement made by Participant 005 that "Sweden and the US were providing assistance to the criminal justice sector." Participant 007 stated that "… from my own experience, it was the Americans that we got the biggest support from … Germans funded the probation; the Americans trained the Emergency Response Unit of the Liberia National Police; the Swedish people helped with improving our forensic capacity and helping us take people abroad to be trained as pathologists ..." China and Japan are the other Developed countries that supported the process.

International development cooperation agencies. As previously noted, participants also pointed out that some of the Developed countries provided support through bilateral cooperation and through their development cooperation agencies. These agencies included the United States Aid agency (USAID), the Swedish International Development Agency (SIDA) and Irish AID.

Developing countries. A few African countries through bilateral or multilateral arrangements supported the process of making Liberia's criminal justice system accessible. Participants identified Cameroon, the Gambia, Ghana, Kenya, Nigeria, Senegal and Zimbabwe.

Supranational organizations. Intergovernmental and or regional organizations were involved in decentralizing criminal justice services in Liberia. Participants mentioned the United Nations and its agencies such as the United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF), the United Nations Mission in Liberia (UNMIL) and the United Nations Peacebuilding Fund.

According to Participant 014:

> The UN is the number one. The United Nations Mission in Liberia's (UNMIL) Quick Impact Project ... they were monitoring the prisons, and they were doing training; UNDP helped the Ministry of Justice with the procedure to find out how the law can be amended to sort of help the decongestion in the prisons.

This was corroborated by Participant 015 who, in identifying actors stated: "UNMIL, UN with respect to capacity building, Peacebuilding Fund …UNDP …" Participants also identified regional/intergovernmental organizations like the Economic Community of West African States (ECOWAS), the African Union (AU), the European Union (EU) and the African Commission on Human and People's Rights (ACHPR). Participant 001 stated that "Yes! ECOWAS played a

major role. I understand that even before the coming in of the UN, ECOWAS played a critical

role." Participant 005 stated that "ECOWAS concentrated on the police and training …"

Participant 007 also stated that: "Yes, ECOWAS was involved. In fact, they provided us with

funding … for the border between Liberia and Ivory Coast. … to build houses for immigration

and police because most of them were at the border sleeping on the ground." Participant 029

listed the international actors involved in the process of making Liberia's criminal justice system

accessible:

> … basically, we have the United Nations Development Programme (UNDP),
>
> United Nations Commission on Human Rights, the United States government, the
>
> Swedish, Irish Aid, EU, ECOWAS, the British government also supports, Ghana
>
> also provides support in different areas. … So, we had a lot of support from
>
> Nigeria, Ghana, Cameroon and Senegal so all of those countries that came from
>
> Africa to help revitalize our security sector and to provide training for our men
>
> and women.

Participant 002 identified "The United Nations, the Peacebuilding Fund and the national

government."

Government of Liberia. The Government and people of Liberia were another category of

actors that participants identified. Participant 009 stated that, "… the Government of Liberia

through the Ministry of Finance, and the Ministry Justice and her agencies including the Liberia

National Police (LNP), and the Judiciary". Participant 012 noted that, "… the Legislature based

on their oversight function also provided services; making sure that the laws are adequate and

predictable" Participant 029 also stated that:

> We see the Chief Justice and the Minister of Justice having regular meetings, we

have seen the government's development plan. There is a whole lot that is dedicated in ensuring that the services are decentralized. And it is being coordinated by the Chief Justice and Minister of Justice along with the partners and supporters for the process …. They are ensuring that, that same structure at the national level is duplicated at the county level, we have local authorities sitting to ensure that the services are decentralized.

International nongovernmental organizations. Examples of international nongovernmental organizations include the International Committee of the Red Cross (ICRC), the National Democratic Institute (NDI), the Republic Institute, The Carter Centre, the Geneva Centre for Security Sector Governance (DCAF), as well as faith-based organizations like Lutheran World Service and the Catholic Relief Services. According to Participant 001, "… international partners including ICRC, who are very good partners particularly for the corrections sector." Participant 024 stated that "The broader UN family international actors plus international NGOs such as Norwegian Refugee Council was doing a lot of work in the criminal justice system in the early days and organizations such as the American Bar Association."

Local nongovernmental organizations. There were also local nongovernmental organizations or civil society groups including Prison Fellowship Liberia, Foundation for International Dignity, the Liberia National Bar Association, the Liberia National Law Enforcement Association, the Catholic Justice and Peace Commission, the Peace Resource Centre, the Community Watch Forum and the Trial Judges Association involved in the decentralization process. According to Participant 014 "… there is an organization called Prison Watch that goes all over the country; along with the justice ministry monitoring the condition of the prisons and so on …"

Local communities and individuals and civil society. Participant 017

identified "Foundation for International Dignity (FIND), The Carter Centre, and Catholic Justice

and Peace Commission". Participant 021 identified "the Catholic Justice and Peace Commission;

the Foundation for International Dignity, the Peace Resource Centre." According to Participant

024:

> I will say that Justice and Peace Commission by being active in the counties, was
>
> monitoring and seeking to ensure that cases brought before the formal justice
>
> system would be processed, so that people working or people living in the
>
> counties ended up being more familiar with the system and being supported and
>
> engaging with it. So that would be one way. I will say that … The Carter Center
>
> educated about the justice system but also their willingness to focus outside of the
>
> formal justice system with other actors assisted in bringing criminal justice
>
> services although not necessarily formal services to the population of Liberia.

Participant 030 indicated that "Local partners such as the Catholic Justice and Peace

Commission, the Foundation for International Dignity (FIND) …"

Participant 029, identified the following local civil society organizations as being involved in the

decentralization process:

> … we have one association called PDP I think, they are engaging in human rights
>
> programs, NAYMOTE providing services that involves tracking of government
>
> services and ensuring that the government delivers all those promises. We have
>
> the Foundation for Human Rights and Development that does human rights
>
> awareness raising across the country.

In addition to non-governmental and civil society groups, local communities and individuals were involved in the decentralization process. According to Participant 025,

> … we tried to engage the civil society organizations and local actors. We had a number of talks and engagements with civil society organizations in Monrovia and also, at the first hub in Gbarnga. And then we also engaged locally with the Peace Huts and had conversations with civil society organizations in most parts of the country on issues relating to human rights, issues relating to justice and land issues and other things.

Participant 023 stated there "are a couple of us civil society organizations that are working not too many." Participant 003 stated that "... local NGOs, the traditional groups; everyone was involved in the decentralization process." On the involvement of local communities and nongovernmental organizations, Participant 024 stated, "I would say yes but few and far between." Participant 015 also stated that "… we had them from all sectors. We had professional institutions, we had religious groups, and cultural groups involved in the process." Chiefs and other traditional leaders are important actors in Liberia's local communities. In this regard, Participant 016 highlighted the interaction between criminal justice officials and traditional leaders. According to this Participant, "… there are some instances where some magistrates work with chiefs in matters that are strictly traditional. So, there is a lot of cooperation and respectability." Participant 027 opined that:

> There have been some major interruptions and interferences in the jurisdiction of traditional leaders and chief priests. The court doesn't have jurisdiction to say that this is a matter for traditional authorities, high priests. So, I cannot say authoritatively the impact except for a few references. I can say there has been a

lot of interference.

Participant 014 also highlighted the challenges associated with the jurisdiction between the traditional justice and the formal criminal justice. According to this Participant:

> Most of the time, traditional leaders talk about their role. They want a bigger role. They believe that much of the power has been taken away by extending the criminal justice system. … They tend to feel that their importance is diminished by the criminal justice system. For example, tribal courts have been used to resolve crimes committed in the local areas. So much awareness has to be done in terms of what their jurisdiction is in dealing with domestic issues, customary marriages, and tradition led issues. And these are large areas. So, matters involving secret societies, those are matters that the local traditional leaders and chiefs can easily handle. They have been told they cannot handle the other matters because there are rules and matters must go through due process … so that is still a sticky area. The local leaders feel their powers are diminishing …

Participant 026 indicated that, during the implementation of the second and third justice and security hubs, efforts were made to understand the interaction between the traditional justice system and the criminal justice system:

> I do know that at the second phase of setting up hubs 2 & 3, working to understand the interface between the criminal justice system and the traditional justice system was one of the activities that was done. Because at that time it became apparent that inasmuch at the criminal justice system was working, the traditional justice system was having a lot of impact. For example, when it became clear that some people who were being raped preferred to have settle the

rape cases at home instead of taking it to the police, an intervention was required.

So, I think Carter Centre or one of these institutions was asked to work in that

direction to see what method they would use to harmonize the criminal justice

system and if there were any grievances that needed to be addressed.

Also, Participant 004 indicated that traditional leaders are very important stakeholders in Liberia

hence the decentralization of the criminal justice system cannot take place without their active

involvement. According to this Participant:

And then also on the cultural side, all the secret societies, you know the United

Nations tried to engage them, train them and to remove some for the obnoxious

things that they were doing like burning of people's fingers; those cruel practices

that were in the system. So, they also played an important role. One cannot deny

that. More specifically in rural Liberia, outside Monrovia. … It was a deliberate

effort because you cannot talk of decentralization without involving them.

Because the other partners were found in Monrovia and the county capitals. But

these people were found everywhere; from the southern, western and central parts

of Liberia. If we didn't make a deliberate policy to involve them, we weren't

going to succeed. We weren't going to achieve what we wanted to achieve ...

Participant 026 stressed the efforts made to involve the local community in the decentralization

process.

… we had public outreach officers on the ground who were having regular

meetings with people on the ground and informing them about their rights to

justice and security. And we also had a complaint mechanism, where the local

people were informed about their rights to justice and security. If their rights were

abused by justice and security actors, they would be able to write complaints back

to us and we were able to forward it to the Judiciary and Ministry of Justice.

Participant 020 set out some of the work that was done with the local community and how this

engagement enhanced access to the criminal justice system:

So, we had to work with the Community Watch Forum, setting up community

initiatives in all of those communities. Working closely with the district and

county setups. We worked with local NGOs, we worked with human rights

groups, in order to carry out all those other functions. One of the groups that we

did partner with was the Press Union of Liberia. I think it was quite effective

bringing them in as stakeholders. Beyond that, it depended on what we were

doing, we identified all our stakeholders. We had the local community, we had

youth groups, and we had the motorcyclist's union, which we found to be quite

effective, even though other law enforcers may disagree, believing that they were

a distraction due to their recklessness. So, when we identified them as

stakeholders, what we did was that we had to provide training for them to see how

they could reduce the number of accidents. There were times that there would be

accidents down the road. If we didn't have motorcyclists along that way to bring

the wounded to the hospital or bring the information to the police, we would not

get it for a very long time. So, they were a major stakeholder. And there would be

issues going on in the villages that we will not be aware of. They would bring the

information to us. We also worked with women's groups who proved to be very

effective because whenever there was a situation regarding the women, they

represented all of the potential people who could be part of the services.

Participant 029 stated that, "to a larger extent, some consultation took place. That is why the justice system has those working at the grass root level to do awareness raising and to be able to address some of the critical issues at the community level."

Participant 009 pointed out the importance of engaging with the local community and how this had improved over time especially in the hubs project:

> Because in the beginning …, we realized that outreach, engaging the community, ensuring that they were a part of those things, was important, so we taught the concept as it was and what we had done in Hub 1 and we carried that to hubs 2 and 3. And we met with every Tom, Dick and Harry and we hired local NGOs, and local CSOs and had meetings with the county leadership with the traditional leaders, and faith-based leaders. We said, 'hey, this is what is coming'.

Subtheme Two: Reasons for involving nonstate actors in the Decentralization

Table 4 presents, and Figure 3 depicts, participants views on reasons for involving civil society, local organizations and traditional leaders in the process of decentralizing Liberia's criminal justice system.

Table 4

Participants' Views on Reasons for Involving Civil Society, Local Organizations and Traditional Leaders In Decentralizing Liberia's Criminal Justice System

Reasons	Number of Responses (*n*)	Responses in percentages (%)
To promote national ownership and inclusiveness	11	37
To promote public outreach and awareness	7	23
To promote oversight and accountability over the criminal justice system and the decentralization process	6	20
To provide criminal justice services	4	13
To implement projects on behalf of donors	1	3
To promote sustainability	1	3
Total Responses (*N*)	**30**	**100**
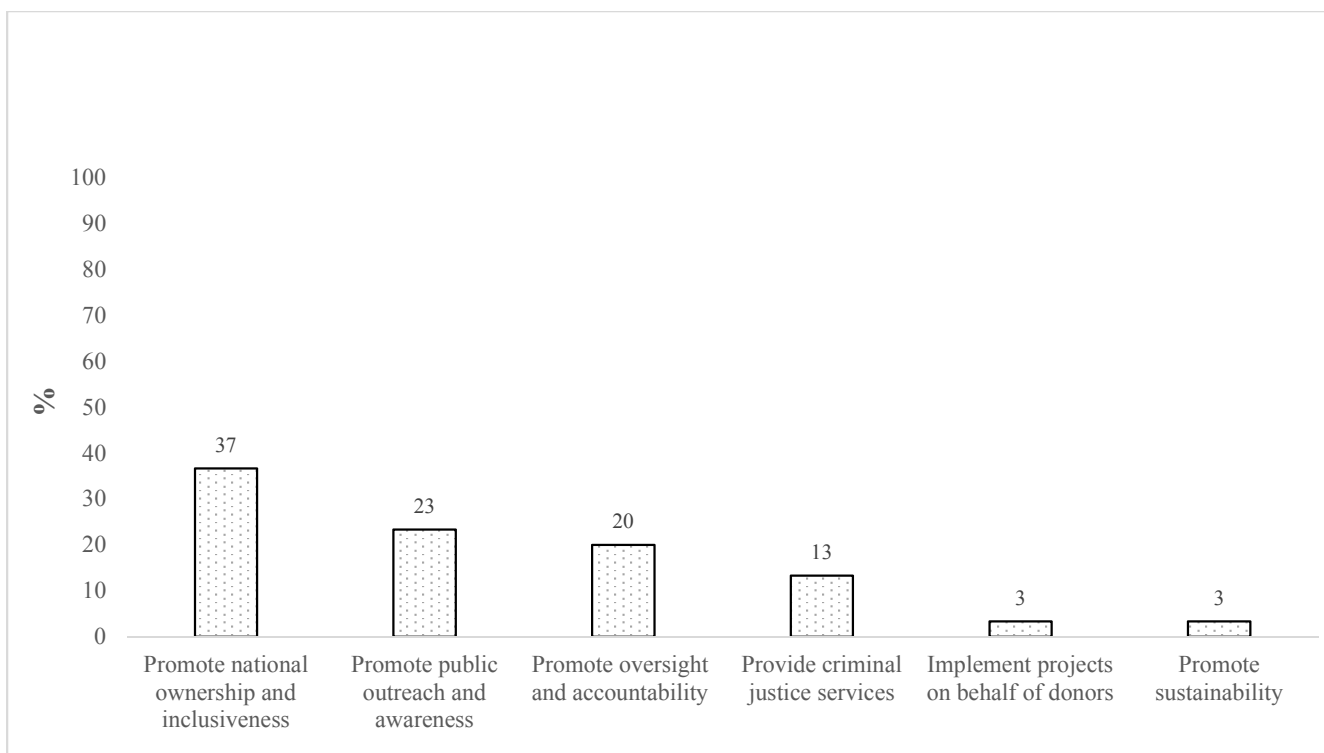
Figure 3. Participants Views On Reasons For Involving Civil Society, Local Organizations And Traditional Leaders In The Process Of Decentralizing Liberia's Criminal Justice System

As evidenced in Table 3 presents, and Figure 2, Participants assigned several reasons for involving non-governmental organizations and civil society groups in the decentralization process. This is captured in the following statements that they made:

To promote oversight and accountability. According to Participant 015, "… civil society has been involved. By raising concerns in respect of law violation, giving reminders as to what should be done, involved in our discussion at different levels. Making contributions with respect to how the restructuring should be done ..."

Participant 015 also stated that:

Because if you leave it only with the government, sometimes there is a tendency that

people will quickly forget some of the issues that they are supposed to do. And

sometimes, those who are the head of those institutions are human beings and there is a

tendency that they will forget some of the issues so civil society serves as the watchdog.

So, they come in to give reminders.

Participant 029 shared similar views:

So many reasons: first thing is to deal with accountability and oversight issues. To be able

to ensure that people have access, to ensure that there is a fair and transparent process. So

being an independent person in the society, it serves as a link between the government and

the community. And so, they have a good niche in accountability, transparency, and so

involving them is an added value to the process.

Participant 025 stated that:

… it was also a way to get actors involved and there would be checks and

balances of the presence of the police and every local institution. Because one

concern was that if you build hubs and create a strong presence of police and law

institutions then you need to have checks and balances of their presence and make

sure, that there are those who are watching and can bring issues and problems to

the knowledge of decision makers.

Participant 019 explained why civil society organizations (CSO's) were involved, stating

that: "…, the way Liberia is … and also because of government's bureaucracy and corruption, at

the end of the day, it seems the only option to really get to the people is really through the

CSOs."

Participant 002 stated that "They provided the needed oversight mechanism and strengthened national ownership".

To provide criminal justice services. Participant 008 stated that:

I think Liberia has been blessed with a multitude of national and international partners. At the local level, NGOs who are involved in human rights; NGOs who are involved directly in projects; the Liberia National Bar Association, who provided legal aid; the Justice and Peace Commission, and a few other institutions who were there. Some were also involved in working with our partners to identify areas of support, where they can play that role.

Participant 005 stated that "we did have NGOs being there in terms of service provision. You have had a number of NGOs over the years in partnership with UN agencies like the UNDP providing support in different aspects of the criminal justice system." According to Participant 013:

For example, the Community Watch Forum, which is really helping the police in many districts where the police are few; they are there to collect information and pass it on to the police. … female lawyers association, who also support or assist in terms of gender based violence, … faith based organizations, because you have the churches all over, the traditional people all over; they were solving criminal cases even though their powers have been drastically curtailed. They still hear and try minor cases.

Participant 021 also stated that "… the civil society organizations, … have been involved because there is legal aid service provided by them …" According to Participant 013, "… you

know the government cannot provide for the entire country and so civil society players are there to support the Government's efforts."

       To promote national ownership and inclusiveness. Participant 014 stated that "… there has always been some portion of civil society involvement. Sometimes, civil society organizations are invited. Whenever they have a criminal justice conference, the civil society is invited." Participant 016 asserted that civil society organizations invited themselves to the process because of the stake they had in it, "they (CSOs) have not been scouted for. I think that they see a need and they try to help." Participant 006 stated that "there were a number of charity minded organizations that … were trying to make a difference wherever they were …" Participant 012 stated that:

> … they are playing a pivotal role in making sure that the reforms don't just take place in Monrovia. It has to take place where the people are; the local areas. So, the counties, districts, and even the border towns also need to be looked at in a critical way.

Participant 008 stated that:

> If an international NGO gets a contract to deal with things like prolonged pretrial detentions. … they get to Liberia; they don't know the ground. They need to have one or two renowned or known groups to work with. So, they benefit from the process and the Liberian group that is also struggling, it is a welcoming opportunity for them, and they will get some money in the process. So, there is a marriage there; everyone benefits.

According to Participant 007, the population was involved in the decentralization process because the criminal justice system belongs to them: "… the system belongs to the people. It just

doesn't make sense for the government to want to decentralize a system and impose it on the people. So, the idea was to get all these people involved so they could reach out to the people." According to Participant 009 it was for "others to come on board to take ownership of some of these projects". Participant 011 stated that:

One key thing was the issue of ownership. The fact that we had our local institutions and people involved, showed the extent of ownership; it showed that they had their voice and could make decisions and could find solutions to issues.

Participant 009 noted that "civil society organizations are invited because they represent the ordinary people." Participant 010 stated that:

One of the reasons is to get more institutions to participate in the decentralization process. Because the criminal justice system should not be restricted to the implementing institutions, and for community purposes and taking the criminal justice system to the people, we needed the churches and the local NGOs to do this. They had direct contact with people in these communities and districts. And initially, when the police cannot reach in terms of crimes these organizations stepped in. If we had to investigate, we relied on witnesses who live in the society in order to have a successful investigation. So, it was very important to have these nonstate actors involved.

Participant 007 stated that, "… when we decided to harmonize both the formal and informal system we consulted with the people. When we decided to have the hub in Gbarnga we went to the people and had a dialogue with them." Participant 013 stated that "I am sure before the process began, there were a series of meetings both at the national level and grass root level. So, the views of the community were brought in and absorbed in the decision-making process." Participant 015 confirms that members of the community were consulted in the drafting of Liberia's National

Security Strategy. According to this Participant, "… when we were writing out the National Security Strategy, we decided to include the arrangement where they could participate". Participant 030 indicated that "To make the system work, both state and nonstate actors must form partnerships on decentralization of the criminal justice system."

Participant 015 also stated that the reason "is to have a wider participation, because the wider the scope in the participation, the wider the process will become." According to Participant 026,

> It was because they were on the ground, they knew the terrain, they had
>
> physical touch with the people on the ground and because they knew the terrain,
>
> they were able to understand the vernacular easily so such things as raising the
>
> awareness and training were easy for them to do as compared to program staff. So,
>
> they had that advantage as compared to the program staff who didn't know the
>
> terrain and could not speak the language and those kinds of things.

> **To promote public outreach and awareness.** Participant 019 stated that "We worked

through various civil society organizations to provide awareness in about 6 counties." Affirming this stance, Participant 021 stated that:

> When it comes to the civil society, they have been involved because there is a legal aid
>
> service ... They give support by providing security awareness and some training to
>
> residents in hub counties so that they could access the formal justice system rather than
>
> going to the informal justice system. Because most often, people choose the informal
>
> justice system because they feel that it is faster. Oftentimes, the formal justice system
>
> takes longer, and they may not have the resources and capacity to go to court and so
>
> forth.

Participant 009 stated that "there were civil society organizations involved in outreach especially

… Carter Centre, Prison Fellowship, and national and international NGOs." According to

Participant 009:

> … for hubs 2 and 3 which is rural Liberia, and trying to get the information out to
>
> people, it was very important that those civil society organizations who were
>
> already based in those areas would help. It was to ensure partnership and to
>
> encourage them to get the citizens involved.

According to Participant 023:

> … what we are doing as an organization is first to create awareness that there is
>
> justice for all. … we are creating awareness and we try to bring the two systems
>
> together so that there can be commonality to work together. In that way, we
>
> will be able to decentralize the services. Because once you are bringing dialogues
>
> to the traditionalists, in the form of customary laws and what have you - and then
>
> the formal justice system, you tend to create a framework that both can work. And when
>
> they can work together, that can be a way of decentralizing the services.

According to Participant 018 "… we worked more on awareness; making people aware of their

rights to enable them to exercise them and to ensure their enforcement because when you are not

aware you have these rights, exercising them will be difficult." Participant 021 stated that "…

civil society created awareness in the different counties. So, the rate at which people are now

choosing to go to the formal justice system is gradually increasing as compared to the informal

system." According to Participant 027:

> I think the rationale was that for communication. As we know, for it to be
>
> effective and accessible, the messenger must understand the terrain to be able to

communicate the message. And so … that was the criteria that … made it all the

more relevant to involve civil society actors in the local communities.

To implement projects on behalf of donors. Participant 008 observed that the

unwillingness of some donors to fund projects to decentralize the criminal justice system by

contributing to the Government of Liberia's budget and/or the absence of local capacity to

implement such projects resulted in donors contracting international non-governmental

organizations (NGOs) to implement projects on their behalf and this resulted in the involvement

of NGOs in the decentralization process:

> Well, I think that in postconflict countries you … don't have that much local
>
> capacity on the ground, in terms of institutions that can provide some of those
>
> services. So, if the Americans or the Europeans want to support the hub for
>
> for instance, they must do it through institutions. And some of them want to do
>
> it but they don't want to give the money to the government. You see, that is
>
> another problem. They don't want to put that money into the national budget so
>
> that the government can do it. No! so, they put these up for companies and
>
> institutions to apply and the most capable people at that time based on their
>
> criteria are the international NGOs.

Participant 030 also noted that "Local partners such as the Catholic Justice and Peace

Commission, the Foundation for International Dignity (FIND) … have by and large been

implementing partners of international partners …"

To promote sustainability. Participant 011 stated that "… by virtue of you being a part

of a process even helps to bring about some form of sustainability." Despite this objective,

Participant 030 observed that:

Local partners such as the Catholic Justice and Peace Commission, the Foundation for

International Dignity (FIND) … who have by and large been implementing partners of

the international partners are now hindered in how much they can do because many, if

not all, of the international partners have pulled out.

Subtheme Three: Decentralization was elite driven local population rarely consulted

Despite the views held by participants about the involvement of individuals, local

communities and traditional leaders in the decentralization process, there were other participants

who held contrary views on the involvement of these segments of the Liberian community in the

decentralization process, in fact some described the process as driven by the political elite. This is

evidenced by the following statements made by participants:

Decentralization process driven by elite. The following participants held the view that

the process was elite driven: Participant 010 stated that "… the elite had the idea and the idea

was implemented in Monrovia and taken into the counties. But for it to be implemented, we had

to encourage the locals to get involved." Participant 029 stated that "yes, it was an elite driven

approach." Participant 014 affirmed the fact that the decentralization process was an elite driven

process:

… because letters are written to the organizations for representation at these

meetings. And most times, it is the leaders that will come. They will not take

anyone from the village or street to come. But it is the leadership or the chief …

that will come; …. So yes, it is a proxy arrangement where ordinary people are

represented by leadership.

Participant 013 agreed that the process was elite driven: "… For example, where you had the

working group, the Community Watch Forum that is in all the districts. And the locals are

represented by their leaders." The local community's minimal involvement in the hubs project was also highlighted by Participant 027:

> Some of the feedback we got was that they weren't engaged with that much. The local community had very little or no information even though the process around building the hub was quite systematic. But it seemed more that the decentralization of criminal justice services focused more on the hardware side of the projects that infrastructure development and later the social communication side.

Participant 001 indicated that literate members of the society were involved:

> Some of them were involved, especially the literate members who were involved in the decentralization, but some were not. Issues of ownership came in. Because even the representation in terms of partisan politics was not good in some of these areas.

On the participation of the local community and ordinary citizens in the decentralization process, Participant 002 indicated that there was "not much involvement."

Participant 004 lamented over the minimal involvement of the local community and the elite nature of the process:

> Sitting back, I think the local communities played an important role in the decentralization process, but it wasn't at a massive and higher level. When I say massive, I mean that, say thousands and thousands of people are being involved. It was a few hundred here and there. Mainly the leaders of the secret societies, the leaders of healers, some of the rebel leaders who turned into local lords ... It wasn't massive. If you want a transformation, it should include all sectors of the

population. It should include provision of resources that will enable an impact that

you can physically see. An impact that leads to the decolonization of the mind of

the people. It wasn't done. The content of the training was good, but it didn't

reach as many people as it should.

Participant 018 confirmed the minimal involvement of the local population - "… the concepts are

crafted in Monrovia and we go to the counties for validation." Participant 021 stated that:

 "we forget that Monrovia is not Liberia. We need to go back to the rural areas. Yes, it

was an elite process. So, we need to go back to the rural areas. In fact, there were

different perceptions about the hub. Some thought it was a camp for the police to detain

people".

According to Participant 023 civil society organizations were involved but have to ensure that

the Government does not see them as competitors. In this regard, the Participant stated:

Well, the government itself has their own setup and mindset about certain issues,

especially those issues that they think can promote them most. Those are the

things they go after. Now, as a civil society organization, in an attempt to buttress

the effort or criticize it, they think that you are competing with them. So, it

becomes a competition. So, what do we do to get rid of that challenge? We create

dialogue; so that they see civil society as a partner not as a competitive

organization. So, in terms of a smooth ride; no, it hasn't been a smooth ride.

Participant 002 indicated that "I would say they were not involved; they may have been invited

to some meetings just for record purposes."

Local population not involved. Participant 010 acknowledged the need to involve the local population and the fact that the inadequate engagement with the local population was due to lack of funding for this purpose:

> … what we wanted to do was to be able to have an outreach program to the locals
>
> to sell the idea of the hub. But all those things needed funding. And honestly, we
>
> did not have the locals involved much because we did not have the financial
>
> capacity to do a total orientation.

Participant 023 blamed the international community for the level of involvement of the local population. According to this Participant, "the international community came with funding. They needed to showcase to their donors that the government is willing to accept the hub concept. So, they meet behind closed doors and whatever they talked about nobody knows." Affirming this view, Participant 009 indicated that:

> In the beginning in Gbarnga, it took us a while to get people to understand because there
>
> was no outreach. There was construction before outreach. … there was no outreach to the
>
> people, so the people were not excited about it and it was only because towards the end,
>
> when we were constructing the Circuit Court, that people started to understand the
>
> concept.

The fact that ordinary citizens were informed and not consulted is stressed by Participant 024:

> I think that we put a focus on this on paper and if you read the joint program, the
>
> narrative of that and the Liberia Peacebuilding Plan or the Priority Plan, that was
>
> the focus; about reaching out to ordinary citizens and having them involved in the
>
> process; the outreach side of things … that people are aware of what the system is
>
> and how it works and so on. But I think we were always perhaps focusing on

informing citizens rather than listening to citizens.

Participant 020 affirmed the fact that the involvement of the local community was mostly to inform them about what was being done to make the criminal justice system accessible: "… they were well informed. They participated in workshops as to how the new system was going to work. They were welcoming and accommodating. These were local people at the grassroots level." Participant 021 shared similar views. According to this Participant, the engagement with the local community was to:

> ... create awareness. We were telling them what we have done not what should be done. We have this big building here; this is what we have done; these are the services we provide; these are the people you will meet, and this is what you should expect from them. This is what we were telling them.

Participant 030 confirmed this, claiming that: "Prior to the establishment of the Gbarnga Regional Justice and Security Hub, public outreach officers created awareness in the various communities."

Traditional leaders and by extension the traditional justice system not involved. Participant 019 highlighted the resistance the police had for giving traditional leaders jurisdiction in some criminal matters. This Participant observed that "when I did this work with the Women and Children Protection Section, the first impression was, we cannot do this thing. These traditional people are not well trained. … Because they are not trained, cases cannot be referred to them." According to Participant 003, traditional leaders felt that they were being dictated to as opposed to having a say in the criminal justice system. This is captured in the statement below:

> One of the things here is that, traditional authorities wanted to have a say within the system. They didn't like the part of the system where they were being dictated to. They wanted to be able to resolve certain issues …

According to Participant 005 there was a recognition that the traditional justice system is an important part of Liberia's justice system so must be involved in the decentralization process, however the structure of Liberia's government resulted in a disjointed approach:

> I think it should be noted that there were sound human rights concerns about some aspects of the criminal justice systems as practiced in parts of Liberia, like Trial by Ordeal which was practiced. But as I said, I think one of the failures in terms of a holistic approach is the fact that the Ministry of Internal Affairs which was responsible to traditional authorities found itself dealing with criminal justice issues which were under the Ministry of Justice. And therefore, the legal framework that focused around customary justice remained unreformed and unchanged.

Although the traditional justice system was used by many outside the capital, Participant 004 indicated that "it wasn't given enough attention, and it reflected the reality of the state of Liberia; that there is discrimination against the rest of Liberia, and everything is in favor of Monrovia." Participant 005 shared the view that not much attention was given to the customary justice system because it was looked down upon by the elite:

> I don't think very much consideration was made because of the justice system. I think partly due to the elite's dislike of it. The impression I got frequently from many Liberians when I spoke about the customary justice system was embarrassment. Whether that was justified or not was another matter. But I think the customary courts could have been used much better especially to deal with

minor crimes. They could not deal with serious crimes. I think they could have

been better used in dispute resolution.

Participant 004 described the engagement with the traditional justice system as part of the

decentralization process as one that was not sustained and elite driven:

There were several meetings held across Liberia, but the process was once more driven

from Monrovia. The process did not consider that it was a process and not an event that

you go to any of the counties and hold an event or seminar, do the training and you bring

the radio people to report it. You get one or two journalists to report it. And then we do

the reports … and add the pictures, in certain cases add the names.

Participant 008 shared the view expressed by Participant 004 about the importance of the

customary justice system and admitted that little attention was paid to the customary justice

system in the decentralization process. This Participant identified several challenges hindering

the active involvement of the traditional justice system in the decentralization process:

In my opinion, I don't think the criminal justice system, or the extent of the

customary justice practices were a factor in the decentralization process. I think

the overriding concern was political. Firstly, in fulfilment of such obligation that

each county is supposed to have XYZ facilities. And if the government were to

consider the presence of the traditional and customary practices, it means that the

the government has accepted those practices as accurate or adequate … There is a

tendency to believe that in the customary setting, you take a particular county;

most of the people belong to one tribe and therefore they all accept a particular

custom. But in that society also, because of people moving out or because of

companies and other economic activities, you now have a whole group of people

who don't belong to that particular customary practice, who do not believe, who

do not accept that customary practice. And therefore, if the government were to

turn around and say, 'well as far as we know, there is a traditional court in that

area and so we are satisfied with that'. Now for you to make that decision, you

have to do an assessment and this I believe has not been done. You need to assess

not only in terms of the substantive customary or traditional law that they are

trying to interpret but the procedure that they use to support those cases. And I

I think it is the Government's responsibility if you want to make a choice or

decide and say look, we don't have adequate resources, and clearly, we cannot

institute statutory courts in all places around Liberia. So that those areas where

there are traditional courts, we let those traditional courts operate or we create a

linkage between them and maybe the statutory system, so they could be the first

point of intervention and if you are not satisfied, then you can take your appeal to

the statutory court. And that is one way of looking at it. Or to say, well look, we

need to have an assessment. How are those courts run? And so, these are the types

of assessment we need to do. I mean there are positive values, even maintain the

cohesiveness of the community themselves; people go in and come out smiling as

opposed to the statutory courts where after a hearing people become enemies ….

So, there needs to be an assessment done and then thinking about how we can link

them to the statutory system.

The inadequate attention being paid to the customary justice system has created challenges,

especially challenges relating to jurisdiction. According to Participant 027 this has resulted in a

tense relationship between the customary and statutory justice systems:

… we realized that the advancement of the criminal justice system was happening

in tension. There was a lot of tension with the traditional justice system, with the

elders of the communities. So, some of the feedback was that, some of the cases

that were brought before the court, resulted in conflict over jurisdiction.

Traditional leaders were saying no, this is a matter to be determined by the chief,

this is a matter to be determined by the high priest and this is not a matter for the

Monrovia court. … the criminal justice system is encroaching on major territory

that for a long time has been occupied by the traditional elders, by high priests

and where the customary system of the Liberian tradition has been the prerogative

or has been presumed to have the prerogative to handle the matter, matters that are

now coming under the jurisdiction of the formal justice system. So, there is a lot

of tension; a lack of understanding on the part of the traditional leaders, in terms

of where does their authority end? And where does the court begin? … That is a

major problem.

Participant 023, in admitting the tension between both systems of justice, noted: "... government,

like I said, they think that the formal justice system and customary justice system fight, so, they

prefer the formal." Participant 017 held a contrary view on the relationship between the

customary and statutory justice systems: "I will not say it is tense. There are times they

collaborate. And that is why when normally there is a meeting where they discuss issues and

right the wrongs." Participant 027 argued that "the fact that there are lawyers and court sittings

are held in the rural areas on a recurrent basis seem to suggest that the traditional authorities have

had very little role in the design of this very important project." In the words of Participant 001

"in Africa, the criminal justice system is just an opened door. Where I can come to the chief in

the locality and tell him my problems and it would be solved together. That is the "Palava Hut."

But now we are creating a wall around to jail criminals."

Partial involvement of civil society organizations. Some participants held the view that

civil society organizations were partially involved in the decentralization process. Participant 005

stated that "civil society organizations took part in the consultation process especially if they

were very significant in their local area. Otherwise, I think that they were really on the advocacy

side and some service provision." Participant 009 stated, with respect to the involvement of faith

based organizations, that:

> No. They were not involved. The only time they probably would have been involved is
>
> when we were doing a perception survey and we were asking everybody questions and
>
> they would give their opinion, but they were not involved in carrying the message or in
>
> the implementation of particular projects. And having said that, not in the security and
>
> justice system per se, but on the other hand, when we were trying to institute the
>
> probation and parole system, yes, we did use more traditional leaders and more faith-
>
> based leaders because it is about the reform of the criminal; you know to ensure that they
>
> were a part of the process.

On the involvement of the local community, Participant 008 stated that "I think the involvement

has been minimal." Participant 006 described the engagement of the local population as "very

little." Participant 019 indicated that "I think the local community was involved in some cases

but in many cases, they may not have been involved. And even if they were, it was in a minimal

sense."

Reasons for an elite driven process. Participants assigned the following reasons for the

elite nature of the decentralization process. Participant 008 admits that the noninvolvement of the

local community in the decentralization process was deliberate due to the associated financial implications:

> Some of the local population including traditional leaders have roles to play but we have been slow in recognizing those roles that they played and therefore we have not given them that stamp or imprimatur so to speak; to say look, these are major partners, and we need to recognize them, because that recognition will come along with financial commitments. You cannot recognize without providing support. And so sometimes it is deliberate.

The structure of Liberia's Government was the reason provided by Participant 010 for the minimal or noninvolvement of traditional authorities:

> the reason why they were not active in the first place in the beginning was because the cultural group was directly working with the Ministry of Internal Affairs. And the Internal Affairs was not properly established at the time to be able to carry on the function to decentralize the system in all the counties.

Subtheme Four: Some Consideration Given to the Liberian context

> Participant 011 insisted that:
>
> One thing we must understand is that there has been a number of discussions amongst the government. Some of these approaches that were needed to be taken did not come from the international community. It actually came from the consultations. And I told you that the next thing was to ascertain the affordability. So, there were times that when we found out that the things that we want to do, probably the cost was too high, we had to adjust to make sure that what we needed to be done was affordable and had local content.

Participant 025 stated that:

> Yes, I think they were very much aware of Liberia's history and culture. The
>
> problem was that there is both a long-term history and culture and you have the
>
> more recent past with the civil war. And I think the persisting problem of Liberia
>
> was the very strong focus on Monrovia and the presence of good governance and
>
> absence of the rule of law around the country. And of course, during the war, a lot
>
> that was destroyed. So, I think we were very much aware of this, but that
>
> awareness is very difficult to translate into one single conclusion because it makes
>
> the challenge very complex. And I think this is part of a problem in a country like
>
> Liberia coming out of a conflict … and having to deal with the peace and state
>
> building challenges in a postconflict country … then you have the long-term
>
> effects of history and culture, that also needs to be factored in, which makes
>
> things very difficult. … trying to deal with all that is of course extremely
>
> challenging.

Participant 004 asserted that: Yes, it did influence the decision. The point about influence and

implementation is the challenge. You influence the decision, you plan what you want to do, and

in the implementation process, you don't do it with the strength of the influence.

Participant 008 stated that:

> I will say to some extent, yes. The civil war in Liberia taught a lot of people
>
> a lot of lessons. People were able to identify the shortcomings in the criminal
>
> justice system. So, while the structure may not have changed, how those
>
> institutions work informed the players and authorities in reforming them. Like
>
> for instance, people always complain that the system caters more for the rich and

not the poor and that if you are a poor man and you are caught in the criminal justice system, you will never win. So, the new decentralization said, ok, we will create Public Defenders. That was in the law, but I never saw it materialize. So, if you don't have a lawyer; we provide you with Public Defense. That's a response to some of the shortcomings in the criminal justice system. We expanded the jurisdiction of the magisterial courts. But there were still areas that had no courts. The only ones were traditional courts, and these were not rendering full justice to them. So, the new decentralization created additional areas where magisterial courts were established and not only establishing them but training people as magistrates. … the law says you must be a lawyer to be a magistrate so, we decided to train people who are not lawyers to become Associate Magistrates because in many of the areas you cannot find full magistrates.

According to Participant 011:

There was priority given to the customary justice system. As part of our entire reform, it was factored in and what was now being mentioned was that the customary justice system is seen as equal, compared to the statutory justice system. And it is accepted by all.

Participate 011 also stated:

Definitely! A committee was established after identifying and making sure that the customary system is supportive of the system and there was a need to weed out practices that had no connection with the formal system. The customary system … are still dealing with minor cases …. They are still fining people. The only remedy that is there, if you go through that system and you are not satisfied,

you can leave and come to the formal justice system.

Participant 014 stated that, "… the view was that, it was the absence of the criminal justice system working that contributed to conflict in this country. … so yeah, it was factored in, in order to sustain peace and stability in the country."

Participant 029 articulated similar views:

Of course! For example, after the war, we had almost everything being damaged.

… The police stations were all destroyed so the funding that came from international partners we took into consideration that we will rebuild those facilities. So, they made it more specific to address specific needs of the current situation in Liberia. So those were the things that were taken into consideration to ensure they addressed the peculiar needs.

Nonhomogenous approach to decentralization in various geographical areas.

Participants were asked if a homogenous approach was adopted to determine how the criminal justice system/services were decentralized in the various geographical locations in Liberia. This was to test the extent to which interventions at the macro level were influenced by conditions specific to the context at that level. Where this was the case, it could be concluded that local ownership principles were upheld and where this was not the case, the conclusion is that it was driven by external influences either at the national level, by international actors or both.

Eight participants indicated that each geographical area in Liberia was seen and treated as unique in the decentralization process. For instance, Participant 020 stated "No! I think it was not a one size fits all thing. It was carefully thought of and all the factors were taken into consideration." Participant 006 indicated that "I think it certainly wasn't homogenous." Participant 009 stated that:

I will agree that it was not seen as homogenous. We did look at each geographical

area and tried to look at one of the things that came, especially when we looked at

where we would be after we had implemented hub 1. When it came to the

decision where to situate hub 2 be, we had to ensure that we were looking at the

security elements of things, looking at, for example, the previous war in Liberia,

and how were these societies and communities affected? And which was affected

first? And where did the intrusion come from. So, all of those things were

considered before deciding … Hub 1 which was mostly central Liberia, was to

look at the South-East to ensure that we augment the criminal justice system in

that area especially when it comes to the police and the Bureau of Immigration,

because those are border towns. So that is one of the reasons why hub 2 being in

Maryland was so important. …. if you look at hub 2, …. We were focusing on

ensuring that we deployed officers to the towns and areas. We were focusing on

the Bureau of Immigration for protection of border security which was important.

So, providing those two services I would say were the reasons why we went into

Maryland, River Gee and Grand Kru.

Participant 010 said: "They were not treated the same …" Participant 021 noted that:

Yes. Prior to even decentralizing the whole system, they were informed by a number of

participatory assessments, engaging with the different geographical/social structures in

the counties, by that you will know some of the issues and challenges and how to craft a

way forward. So that process of information gathered informed what services that are

more needed to a particular area. In Bong county for example, you have 16 -17 services

being delivered. In the South East, which is very difficult, it is challenging because of the

road condition etc. … although the judges should be resident there, but because of the

inadequate social services there, sometimes they come to Monrovia …, So, all of that was taken into consideration.

Participant 029 held similar views:

No, I think each part was treated as unique. So, the needs in Bong are different from the needs in Margibi or probably in Lofa. So, it was dependent on the individual circumstances of a specific geographical area. … And also, not only that, beside the structures, services for example in some other counties, you will have health services attached. In other counties, you will not have that. And so, you have to provide those services there, again, depending on the geographical location.

Participant 025 noted that conceptually, the hubs approach to decentralization did not adopt a homogenous approach:

I think the idea with the hubs was that they would adjust the presence and form based on the need to prioritize the various parts of the country. At least, if we had succeeded in doing the hubs quickly, then it would have been possible to ... and then from the hubs, the idea was that they will be able to move around and have access to the areas around. So, I think that it was probably part of the efforts.

Participant 002 indicated that "I would say each part was treated as unique as advised by the historical and existing geographical boundaries." Elaborating further, this Participant stated that "Partly yes for example the historical background of the location of the first hub was advised by the civil war historical happenings and the people's culture."

Participant 030 also noted that:

… I believe geopolitical, ethnic and demographic factors were considered. For

example, given the size of some counties in the southeastern part of Liberia, they do not have the same number of police officers and other criminal justice actors assigned there as bigger and more accessible counties.

Participant 020 stated that: "… it was not a one size thing. It was carefully thought of and all the factors were taken into consideration". … Like for the South-Eastern region, because we could not reach all the places, the difficulty in reaching some of these places, infrastructure difficulties, made it impossible to have been able to build special locations, county by county. But rather the decentralization had a regional approach.

Subtheme Five: No Consideration of Liberian Context; Foreigners drove it.

As previously noted, some participants held the view that the process to decentralize Liberia's criminal justice system was driven by the international community. This is reflected in their responses captured in following statements when asked if the process and interventions were nationally or externally driven. Using the hub concept as an example of the context concept divide, Participant 005 stated that:

> … there was a disregard for the existing structures of local governance in Liberia. Liberia has a very structured system which is based on counties. The hub concept was fundamentally regional or multicounty structures. So, the initial conceptualization was somewhat ignoring the actual reality on the ground ... So, we had an attempt to put a square peg into a round hole; ... probably the worse example. I am not sure whether to term it local ownership or they were just not considering the localized system. Every county has its own systems of administration at the local level and the United Nations to a large extent tried to ignore this.

In the words of Participant 002, "I do not think there was any consideration given to the context it appeared the need to meet the spending deadlines and to satisfy donor requirements prevailed over the actual national needs." This Participant also observed that "A very hurried implementation with little consideration of what the people needed or how sustainable it would be is what I saw." According to this Participant, the decentralization process was "More external driven with poor nationals who were very dependent and a President who wanted to leave a legacy hence very little national ownership, if any."

According to Participant 006:

> The building blocks for the criminal justice system were not equitable. In a lot of ways they were biased in their development because that was what was geared towards what the United Nations brought, what the international community wants, so, there was a range of complexities. It was never about what is best for Liberia… This is not mini United States of America, it is a Liberia problem; let's give it a Liberia solution.

Participant 014 stated that:

> I think it is a combination of the need for national ownership and support from the internationals. … I think with the hub; some ideas came from abroad, yes, the hub and the Magisterial Sitting Programme ... The Magisterial Sitting Programme for example, initiated by the United Nations, was something that nobody knew here. But in terms of trying to decongest the prisons... something that the Government realized ... came from experience in Malawi or so. Someone suggested it.

Participant 018 stated that:

> … the local context was not fully understood; you know, how Liberians approach
>
> things. The sense of ownership, the international community didn't get it. They
>
> were just checking lists. Everybody was rushing to complete deliverables so you
>
> look nice on the surface and that was ok.

According to Participant 020:

> Law enforcement cannot be devoid from the culture. You can bring the
>
> international best practices and look at the culture of the people and see what is
>
> quite applicable. I believe that one of the mistakes that were made was to
>
> implement international practices without consideration of the Liberian culture ...

The traditional justice system is one that is utilized by many ordinary Liberians. Therefore,

context specific efforts to decentralize the criminal justice system should not ignore this system

of justice. However, most of the participants indicated that efforts to decentralize Liberia's

criminal justice system did not factor in the prominent role of the traditional justice system and

how this could hinder or facilitate the decentralization process. For instance, Participant 027

stated that:

> I don't think much thought was given to it. And I think it's been overlooked … customs
>
> and traditions … they are perceived to be less superior. And so again it was the arrogance
>
> from Monrovia that anything out there is not written down is less superior. That has been
>
> the way of life for the last 200 years of people out there. That is how they have lived.
>
> These are the decisions that kept the level of social cohesion and it is these decisions that
>
> have been passed down from generation to generation, but they are not written down.
>
> They are customary laws that have shaped their practice, tradition and culture. … But

whatever the case is, I don't think there was a lot of thought given to traditional leaders and giving them if not a central role, but a significant role. Everyone needs to understand the level of inclusion; the level of complementarity required to have a more robust criminal justice system and a level of clear understanding on the separations of power in the rural areas. And that the criminal justice system has to function in a way that the traditional justice system cannot function. So, I don't think there was a significant room to allow that level of understanding to prevail.

Participant 009 asserted that the prominent role of the traditional justice system was inadequately considered in the decentralization process. According to this Participant:

It was considered. But it was not considered in depth because if you look at the terminology that was used, it was the decentralization of the criminal justice system. So, in essence, the informal justice system does not deal with criminal matters. So, the focus was on strengthening the criminal justice system because people would usually go to the informal justice system to deal with simpler matters … But another argument was made that if the formal justice system was decentralized to the point where in each town and village, we had a police station, a magisterial court, and all of those things, people would then have the choice to go to the formal justice system. However, the results of that showed that people preferred going to the traditional justice system. The reason why people go to the traditional justice system is because it is more accessible. They are there, they are easy. You get up in the morning and you have a problem, like someone stealing your goat, you can go to the Town Chief … in your village. However, to go to a police station, you must walk 5 miles. So, it is the absence we felt that the focus

was on strengthening those areas.

Participant 024 shared similar views:

… because the support given to them in Liberia was very much provider driven, meaning that those people who were working to support the system would bring in their own understanding and knowledge of criminal justice, not in all cases but they largely didn't have the knowledge of the customary justice system. And therefore, I think there was a little more focus on the formal justice system … I think we were looking at how can we ensure that they are working better, how can we ensure that they've got equipment and facilities ... But I don't think that we were looking at the environment in which they were working. And because we weren't looking at that environment, we didn't pay attention to the customary justice system. And I also think that not only were we not paying enough attention in that way, we were also somehow undermining it in other ways by saying you shouldn't go to the customary justice system for X, Y and Z cases/subject matter (i.e., you should go and use the formal justice system with certain matters). Even though we knew that even in those situations, the formal system was failing. So, I think that we perhaps failed on more than one account in terms of paying attention to the customary justice system.

Similar views were shared by Participant 029 because this Participant stated that "no attention was given to that. Though they recognized those traditional justice systems that were in place, but then there was caution to try and refine or reform the processes around that …" Participate 008 explained why attention was not given to the traditional justice system:

… cultural practices are different. And even in any political subdivision, you may

find different cultural practices and traditional values. … The criminal justice

system has standard rules. It is not influenced by cultural and traditional practices.

So, if it is access to justice, if it is investigating crime, charging a crime,

prosecuting a crime, sending someone to jail, if you cannot find the bail, those

things are standard as you go around the country. The real challenge remains the

impact of the traditional and cultural practices on the statutory approach on the

criminal justice system. So, if you were in Grand Kru and someone is arrested for

rape and the people who are resident there don't consider rape as a major crime,

and they want you to release the person, even when the law says the person is not

entitled to bail …. Now if you go to another county, maybe for them, rape is

treated as a major thing that they cannot tolerate. … In some counties for instance,

they may want to do Sassyewood (i.e., Trial by Ordeal) to extract a confession.

But should we use that as a basis now? Now that we have a unitary government,

we have a justice system and we want to be homogenous.

Participant 001 stated that "I will say it was externally driven. … because it was forced to take

place, Liberians were influenced to go where they went." A similar view was shared by

Participant 027:

I will say it was largely influenced by the United Nations. To the extent where it

bordered on the path of what has been done elsewhere - it was influenced more

about lessons learnt elsewhere rather than understanding the Liberian culture,

Liberian context and grounded specifically in that. So again, I will say that it was

modelled on expediency rather than a deliberate approach to grounding the

criminal justice system in the local system and culture.

Participant 004 stated that key functionaries of the justice and security sectors in Liberia were initially not supportive of the hub projects:

> I think that it was titled externally. You know in any African country, if you have
>
> a few millions, you can tilt anything to your advantage and that was what it was.
>
> And that is the reason why if you look at the hub, it was fully externally driven …
>
> They themselves in government were not united on the hub project. So, these are
>
> some of the things. …. but at a certain point in the implementation, it was center
>
> stage now by the government through the Minister of Justice, Christiana Tah.

Participant 021 pointed out how only a few people were convinced about the hub project and it became a national project:

> There are just 2 or 3 persons and once they get convinced, that is all. One
>
> was taken to America and spent some time there. We forget that Monrovia
>
> is not Liberia. We need to go back to the rural areas.

Participant 005 pointed out that the decentralization process in Liberia was not voluntary:

> There was an enforced decentralization caused by external intervention, which
>
> was resisted by the established elite structures around the criminal justice system.
>
> So, you had a centralized situation where it really depends on what you call local
>
> ownership or decentralization; ... you had a Judiciary that was highly resistant to
>
> any form of decentralization and ... the international community wanted to
>
> decentralize but the locals wanted to control the process themselves. What you
>
> rather had was a judiciary system which was elite based and was trying to possess
>
> power for the narrow elite group and did not want to devolve power. And you had
>
> an actual attempt by the international community to impose decentralization in the

process, which was not actually being appreciated at least by the judicial actors in the process. … I mean there was obviously some consultation going on. But I think the general approach from the government side was … a lot of cash being offered, and we can't afford to spend ourselves so let's get the infrastructure. So that reflected the general priority across the entire criminal justice system in Liberia. It was unsustainable infrastructure such as the hub, were built. There was this general approach, where favoring let's say infrastructure ... and this was certainly, something that the judiciary was guilty. The judiciary was not very happy with small courts built with funds from UNMIL's Quick Impacts Project. They thought that they were not sufficient for the majesty of the judicial process, but on the other hand, when we ended up building, the infrastructure that fits the majesty, then we had the problem of unsustainable infrastructure given the economy of Liberia.

Participant 008, explaining how the process was externally driven, highlighted how the hub project was alien to Liberia:

… what the United Nations decided to do was to divide the country into regions and concentrate those services in these regions and then divide the counties amongst those hubs. … The idea of the hubs was not a Liberian idea. I am not too sure, whether there was a replica somewhere that has been done in other areas, but it may have been a very good idea elsewhere, that was introduced by any one of our partners.

Participant 013 assigned figures (i.e., percentages) to how much of the ideas for the hub project were driven by Liberians and how much by international partners:

> More or less the internationals were responsible for 60% and the locals 40% of
>
> the hub project idea. I think the idea came from an international. It was debated
>
> and found that it was ok. But later on, it was realized that why build a courthouse
>
> several miles away. When the existing courthouse is in ruins. Why not rehabilitate
>
> the existing structures and build new ones around the same place?

Affirming the fact that the process was externally driven, Participant 016 also identified the

international actors who drove the decentralization of Liberia's criminal justice system:

> … I feel that it was more or less externally driven. Because there was a lot of
>
> support and influence from external actors, UNMIL, USAID, UNDP; these were
>
> key people that drove the system that made it functional. They were giving a lot
>
> of material and financial support. In fact, in certain instances, if they did not call a
>
> meeting it would not be held. There were a lot of issues, so you didn't see a clear
>
> cut willingness on the part of national actors at the time.

Participant 018 stated that:

> No doubt that it was led by the international partners. UNMIL has always been at
>
> the forefront making recommendations. They gave prescriptions on how society
>
> moved and developed. And so, all the prescriptions came from the international
>
> community, and that is where the money went. So, we didn't have money, the
>
> country didn't have money, so with all these programs crafted in Washington and
>
> Accra probably so there was no money.

Participant 019 said the process was externally driven and this has had a negative impact on the

Government of Liberia's commitment to the process:

> I think the decentralization process was mainly internationally driven.

… To some extent, it has been beneficial. There are still challenges. Again, in

everything there would be benefits. But for me, in my work, I have found more of

the challenges because this was internationally driven in my view; the

Government's commitment has been very little. And because the Government's

commitment has been little to nothing, people who are charged to carry out their

responsibility are faced with so many challenges.

Participant 023 cited the fact that international partners decided which parts of the criminal

justice system to strengthen as being the reason why some parts of the criminal justice chain are

strong and others weak, hence adversely affective the entire system:

In my mind, I think that it was internationally driven because there was a bit of

exclusivity from the internationals. If you have a good idea, that you want to see

everybody benefits, I think it is to bring people on board. People you want to see

on board who you think are good practitioners. But for example, UNMIL and

other international organizations, ECOWAS, USAID, invested so much into

prosecutions. And they overlooked even the public defense. The investment in the

prosecution was higher than the defense counsel. On the other hand, the

traditional justice system, how much support went there? So, it was

internationally driven, because when these internationals including UNMIL

withdrew their support, it became a challenge.

Participant 026 argued that the United Nations as the lead in the hubs project undermined the

Government's decentralize efforts as the project was not completed:

The United Nations had its own role in the design of the program, which

undermined the Government's efforts. For example, the UN knew that they were

going to build five justice and security hubs. ... and when the Government asked

them to … build the remaining four hubs after they had built the first hub, the UN

now came up and said, 'You know what, we cannot build the remaining hubs

because we no longer have the interest in dealing with any huge infrastructure',

which I think undermined the Government's ability to also decentralize justice

and security hubs as planned. So, in some cases, the donors themselves have their

own role to play in the situation, they do have their own interests and … once

they no longer have interest; they try to play around using different kinds of

politics. The Government can make justice and security a priority and really

understand what is required to decentralize justice and security … I know justice

and security is expensive, but they can do it in a more prudent way at their own

level … I think it is going to help. Instead of working with the UN and saying,

'we want this program and start a big program that the Government cannot

sustain, it becomes a problem. Sustainability is a key issue in the whole sector.

Participant 011 stressed how some international actors failed to align their interventions with

national plans:

The Government of Liberia had established a Plan of Action to decentralize the

criminal justice system. The United States will come and say, 'Yes you have your

specific actions and goals; we not supporting your specific actions, we will

support the goal in a different way'. But yet at the end of the period, we will come

and say this is how much we have spent on decentralizing your system ... and

sometimes, for example, the European Union will come and tell you I am going to

determine my own actions to support your projects or I will support your specific

action, but you must prefinance it.

Participant 021 cited the fact that officials of the criminal justice system were often trained abroad as evidence to back a claim that the process was externally driven:

I think it was externally driven. I say that because if you look at the police that are being trained, where are they being trained? And what training are they acquiring? Take for instance you send our police to China, America, or the sub region, you confuse them. Training in each of those countries are based on a different context. And also, if you look at some of the requirements for you to become a police officer and looking at the Liberian context, our level of education and all of that, I think it is too high. So, all that affects the decisions that we take. I think to a larger extent it was externally driven based on lessons learnt from our partners in other contexts.

Homogeneous approach to decentralization across Liberia. The following statements made by participants support the opinion that a homogenous, hence potentially externally driven approach, was adopted to decentralization across the various geographical locations in Liberia. Participant 001 stated that "… Liberia is a homogeneous country; everything was the same." On this question, Participant 003 stated that:

… it was a universal approach, because if you say you want to do things differently in each county, the whole thing will not come together smoothly. So, what happened is that, everything was done on a pilot and that pilot was done from one county to the next then to the next. So, you find that everything was uniform. And because it was uniform, it was easy to follow. As you know in Liberia, one county can have two or more tribes. … So yes, the whole idea was

that whatever was used in one county should be the same in other counties. Participant 004 stated that:

> we had a fair approach. Every county should get A, B, C, D criminal justice services or facilities. But that should not have been the case. We should have done some form of positive discrimination to bring the counties that were at the lower, lower level up to a certain level …

Participant 005 notes "I will say I saw very little sensitivity in terms of local cultures and situations in any of the reformed processes." Participant 006 stated that:

> I think to a large degree, what was done was replicated across but not necessarily in equal fashion. So, for instance it is not that every county got a prison. It is not that every county got a courthouse at the same time, it was not that there was some planning in relation to where best to have a police station, immigration. … So, there was the thinking that, 'we need to have the following' and then there was a whole lot of debate and negotiations towards who is going to support the development.

> According to Participant 013 "a one size fits all approach was being used across the board." Participant 019 stated that:

> So, for the most parts, they are only designing a one size fits all approach that does not really put the nitty-gritty of the issues into consideration. … I think the decentralization process was mainly internationally driven. It was not well thought out to take into consideration some of these issues. Looking at every county in Liberia is a unique place even though there are similarities. Yes, some of them can group together but they have unique cultures, unique societies that

have their unique way of thinking.

Participant 014 indicated that:

> In my view, it has not taken into consideration the uniqueness of the areas. I think
> it has been a lot of thinking of the people in terms of how to make the criminal
> justice system like you said in a homogeneous way. … because you know, you
> cannot design a system or laws that don't work. So, I don't think we considered
> the peculiarities of the various groups or areas of the country. You know it is a
> tough society to go through, to do one law for one set of people and another law
> for another set of people.

Participant 018 stated that "… there was no uniqueness. … There were no variations in terms of security." Participate 008 affirmed this view by noting that: "I think they treated them as homogenous." Participant 024 stated:

> … it was a homogenous approach. Basically, there was Monrovia the capital city
> and everything outside. And therefore, it is as if you do something in one county,
> you do it in another county without necessarily looking at the specific needs of
> each county. … I think that in retrospect we should have utilized the data that we
> had to inform the discussion a bit more. … understanding of how things worked
> in each county … Also, the approach of actors who were already there; I don't
> think we ever really took that time to consider the knowledge that we had or tried
> to get the knowledge from national actors, (i.e., what they had and what worked
> within the system from one county to another or bring people together from the
> various counties to understand what/how things have been working).

Reasons for a homogenous approach. Participants provided the following reasons for the one size fits all approach adopted in decentralizing Liberia's criminal justice system.

Nature of the legal framework and structure of Liberia. Participant 022 stated that:

Liberia is one country. It is also a small country. The legal framework applies to the country as a whole and the same laws apply to people everywhere. And that is not a bad thing especially if you limit the jurisdiction of the formal justice system to those very serious cases … The institutions that we are supporting are also national institutions. The Liberian National Police has police personnel in every county; … But I think these police officers, prosecutors and judges should be bound by these same rules that apply in other counties.

To promote unity and equality as well as due to the fear/possibility of entrenching ethnicity. Participate 008 stated that:

I think they treated them as homogenous because if you look at it being unique, then we have to now dig deep into the cultural and traditional aspect of those political subdivisions. Every county in Liberia is unique in a way. The cultural practices are different. And even in any political subdivision, you may find different cultural practices and traditional values. Now, in terms of the government, it is to promote unity. The criminal justice system has standard rules. It is not influenced by cultural and traditional practices. … So, all of these things are going into informing the type of structure you need to put there; perhaps I will even say the number of courts that you put there. … the cultural practices must not be the criteria in you determining what kind of structures that you should put there, or the judges you should put there, or the Public Defense that you should

put there; … To that extent, the Government has not done very well, because

there are some of the courts in some of these counties and there is nothing

happening there. I look at some for the returns; how many cases are being

processed in the town... But the plan, the architecture remains the same; there

should be a Circuit Court and there should be magisterial courts and lower than

that, you will find traditional courts that deal with the issues in various areas.

Participant 005 affirmed the assertion make by Participant 008 on the reasons for adopting a

homogenous approach:

I think there was a fear partially of enhancing tribalism, given the importance

of tribes or clans in the Liberian society and also in some cases strong, long

disputes between different groups. I think there was a fear that if you went

down that path, you would end up concentrating on the Bassa group and not

the significant other communities that lived in that county. And you just end up

concentrating on the majority of ethnic groups in any one county.

And I think this was especially important when you talk about the North-East of

the country where you had a long term dispute between three very important

groups who were intimately involved in the civil war. I think there was a real fear

of trying to avoid any form of favoritism.

Participant 014 stated that:

In the cities, where you have members of the Masonic Craft, and if you are not a

member, you cannot even discuss issues affecting the society. And the way people

treat each other has implications for the criminal justice system. For example, if a

nonmember of *Poro or Sandy* conducts themselves in a way against a senior

members of the organization, the senior member is given preferential treatment.

He is considered to be right over the nonmember. And so, a nonmember can be

taken advantage of by a member because they do not consider you a full member

of society. It is like being a nondocumented immigrant. How do you go to the

law? Your rights have been violated but you are even afraid to go to and report. …

in the Constitution, under Article 11, the law protects every citizen; there should

be equal protection.

Subtheme Six: The decentralization process was nationally driven.

The following are views shared by participants in support of their assertion that the

decentralization of Liberia's criminal justice system was nationally driven: Participant 026

stated: "I think that it was nationally driven". Participant 021 stated that: "The court was built

based on the principles of national ownership and leadership, …". Participant 020 stated that:

"the United Nations did not force everything down our throat." Participant 007 indicated that:

Decentralizing the criminal justice system is the Government of Liberia's

exercise. But external assistance was welcome; we needed their expertise; we

needed their money. But the Government is responsible to own their services; not

the NGOs, not the international governments, we were responsible for our own

services and projects in Liberia.

Consequences of not considering the context. Participants identified the

following consequences arising from the decentralization process not being influenced by the

context:

Hub concept abandoned due to implementation challenges. Participant 021 stated

that:

… initially the plan was to have 5 Justice and Security regional hubs in place. …

But unfortunately, in the middle of implementation, the infrastructure aspect was

not taken forward because the lesson learnt from the first construction in Gbarnga

is that it took longer than we expected. And so, our partners from the United

Nations specifically, the Peacebuilding Commission Chair spoke with the

Government and the Government bought into the idea and saw the need to

prioritize service provision rather than the physical infrastructure. So currently we

have not had infrastructure in all areas except for Bong County.

Participant 022 noted that: "… the hub approach has come to a standstill. Originally, the idea

was 5 hubs. But after the Gbarnga hub after the investments were made … the hub concept came

to a standstill. But the decentralization itself continued."

According to Participant 006:

The first hub in Gbarnga, it was designed to actually look at all the elements of

the criminal justice system from policing right through the criminal justice system

to prisons, and it was done on a regional basis. But it was set up and designed that

it would provide decentralized services in 3 counties. … It came with mixed

reviews but if we spoke honestly about it, we would say that the cost benefit

analysis didn't really deliver what it was intended to deliver. As we know, the

sustainability of justice and security services was very hard on Liberians at the

time. So, it had mixed results; whilst there was improved access to justice and

security, it was really servicing a county as opposed to the design and the premise

of having the ability to strengthen and extend to other counties, but it actually

didn't deliver as intended. Notwithstanding, there were improvements.

According to Participant 008:

> the Gbarnga project would have been the forerunner to all the other areas. First,
>
> there was an implementation problem in terms of the construction itself. And so,
>
> it did not proceed as planned. There was a delay in its completion.
>
> And it consumed a lot more money than it was originally intended. And because
>
> of that, it had an impact on the construction of the hubs in the other areas.

Participant 010 stated that:

> … the whole idea was to decentralize the system around the country. …; we were
>
> able to set up hub 1 with the intentions of setting up hub 2 but it never happened,
>
> because hub 1 was not even getting the support and so we could not have
>
> established hub 2.

Lack of planning. Participant 016 attributed the homogenous approach to the absence of planning. This Participant stated that*:* "Quite frankly, I don't think there was a clear roadmap."

Nonjudicious use of resources and sustainability challenges. Participant 005 indicated that:

> I think the most important thing is the elephant in the room (i.e., the decision to use
>
> Peacebuilding Fund money … to construct hubs in the regions). That was the Gbarnga
>
> hub; where they completely ignored the fact that the system operated on a county basis.

Similar views were shared by Participant 011 on the functioning of hub 1 in Gbarnga: According to this Participant, "Serious challenges. A lot of problems. It is not doing fine because the funds and support that used to go there is no longer going there; (i.e., funds from the Government of Liberia)." According to Participant 021:

> In the Gbarnga Hub right now, the ceilings are falling off, the walls are falling off

because they used substandard materials. In the court, they can be hearing a case

and suddenly you hear a boom! Something falls off. All these should have been

considered. … So, the hub is functioning, but it is challenged. Take for instance,

you used to feed officers three times a day and now the money has diminished,

just because the Government doesn't have capacity to do so. So, you put a lot of

strain on the officers.

Participant 016 gave another example of a donor funded project that ceased to operate when

donor funding ended:

… the World Bank decided to fund the Human Rights Office in the Ministry of

Justice for 5 years. When the World Bank funding lapsed, the Ministry of Justice

did not put any money in it. Equally is the ADR office. It was a trial period which

run for 3 years, I guess. After the international funding stopped, the ADR office

closed completely, and they are no more there. These are important factors but

then again if the priorities of the Minister or key financial decision makers are not

in that area then there cannot be funding. I think there was an appreciable move

on the part of the international community. They kept the fire blazing. They kept

the Librarian's feet to the fire. My disappointment is the fact that since they left,

there has not been any forward movement to enhancing the criminal justice

system. I am not saying there is no action but there has not been any strong move.

So, then I look at how did the international community prepare for sustainability?

On the operations of the hub in Gbarnga, Participant 014 stated that "the Ministry's budget has

not reached the point where it can handle that. Some things take time." Participant 015 stated

that:

… what is really the situation which you cannot blame the international community is to do with the issue of sustainability. That should be ownership. We just have to work towards sustaining it and getting it running. And we have challenges like any other country around the world. We just have to be committed in the process. You know there is no process that is exempt from error. There will be minor errors, but those errors are not significant to really change the concept and meaning of what was done.

Participant 017 indicated that:

I will say yes; it is functioning but with a lot of challenges. It ranges from logistics; right now, the issue at hand is food for the people. Like I said we have about 100 officers and initially they were fed three times, but as we went along, the feeding has reduced to once a day. And right now, we have a challenge of even having food for the officers. … It started during the last month to the elections in 2018, the middle part and then up to where we are now. Initially, the budget allocated for the hub as far as we are concerned was $750,000 that was covering up for food for the officers, vehicle spare parts, fuel to run the generator, salaries for the workers, cleaning materials, agriculture materials and what have you. But as we went along the line, it dropped and kept dropping. Now, it is around $200,000/$300,000 or so. … Every month we are supposed to conduct three patrols because of a few challenges and not having spare parts to service the vehicles, we have stopped the patrol component. So right now, what is working is response to security incidents.

Designing and implementation of ill conceived projects. According to Participant 005:

the rationale was to have one stop shop, where you had the police, immigration,

and also, the prosecution; the Public Defenders, judiciary based in one location,

and the courts. This was I think with hindsight an ill-conceived plan because

it didn't actually fix the local realities and the conceptualization of the

international or external actors especially the UN's Peacebuilding Fund.

According to Participant 018:

The just and security hubs are gathering dust because nobody is going there. They

are going to their farms. You have got to find out why people do things and what

will make them change. So, you say, 'in Nigeria or Ghana, the chiefs do this or

that; because we are all black, so we are supposed to think, alike right?' They

forget that Liberians are unique people.

Participant 009 stated that:

The problem we have is that, with the establishment of things, you do not have

any financial support, so if you have an institution established but it has no

support to carry out its work, then it becomes dead in a lot of ways. And the same

thing with the laws. The laws are passed; like we had the jury law passed but what

was never considered is how to roll out the jury law so that it becomes effective.

So again, there was no funding provided to ensure that these good intentions were

carried out. So, the same thing can be said with the Liberia Anti-Corruption

Commission; to say that yes, we have an anticorruption system to prosecute

people, but I can name on my two fingers how many cases have been handled by

them although we have such a huge Commission with quite qualified people in

there. If they are not given the financial support and the political will to ensure

that things are done; they will not make the desired impact.

Theme Two: Hybrid approach used to decentralize Liberia's criminal justice system

The following three subthemes flow from this theme:

Subtheme One: Decentralization process was a combination of context specific

interventions and solutions from abroad.

There was a category of participants who indicated that the interventions which were

used to decentralize Liberia's criminal justice system were influenced by internal conditions in

Liberia and solutions from abroad that were unsuitable for Liberia.

Participant 005 pointed out how the hub project was based on a regional structure akin to the

decentralized police structure. This structure is different from how the Judiciary and the

prosecutions are decentralized. In the words of this Participant:

> The structure of the reformed police was a regional structure, whereas the
>
> Judiciary retained the prewar county based structure. So, you had a little bit of
>
> disconnect between the chains of command; in the judicial process; the County
>
> Attorneys, the judges, and then the police structure which was semi decentralized.

According to Participant 029:

> Driving this process was not just a Liberia thing. Remember, we had the UN
>
> mission here; we had the United Nations police working along with us. The setup
>
> was such that it was in a way that it supported the entire system in whichever area
>
> you are looking at it. They supported everything to make sure they built capacity
>
> to ensure that they left a working system. … Were there extreme sensitivity put in
>
> it? To an extent! Could there have been further efforts to minimize unintended

consequences? Yes!

Participant 011 pointed out how, initially, there was an absence of a uniform concept of training

the police, hence each country that trained the Liberia National Police trained them according to

that country's police training doctrine, thus confusing officers of the Liberian National Police.

According to this Participant:

> … what we saw in the reform of the police, that in the initial stages, someone
>
> from Bangladesh coming to train the police with the Bangladesh police system.
>
> So, it became a mixture of so many other things to the extent that we had to sit
>
> down and outline what we do in the police so they can understand that we are
>
> doing …. Liberia is different and if we say we are going to follow what other
>
> countries do, it will not help us.

Subtheme Two: Homogeneous and nonhomogeneous approaches used to decentralize.

One participant indicated that a combination of homogeneous and heterogeneous

approaches was used to decentralize Liberia's criminal justice system in the various geographical

locations:

According to Participant 026:

> I think that initially the idea was homogenous; it was a one-size-fits-all situation.
>
> But then after the establishment of hub 1, it became clear that even in Liberia, the
>
> infrastructure system could not allow for the program to be implemented as
>
> homogeneously as we thought. For example, in hub 1, construction alone took
>
> about 2 years and then trying to replicate the program in the South Eastern region
>
> was a bit difficult and then based of the difficulty of building the hub in the South
>
> Eastern region, a lessons learnt workshop was held with stakeholders, which

informed the program that inasmuch as there was a need to construct the regional

hub in the South Eastern region, the South East was in dire need of justice and

security services so a two phased approach should be used. And one of those

phases were to ensure that we first deploy men and women and while the men and

women are working, we could build the hub later. Unfortunately, the construction

of the hub didn't happen. Participants were asked whether the decentralization

process was nationally or internationally driven. Their responses were mixed with

the most suggesting that the process was either internationally driven or both

nationally and internationally driven. In a few cases, responses indicated that the

process was solely nationally driven.

Subtheme Three: Interventions to decentralization were national and international.

Participant 011 stated that "it was a nationally driven affair with the support of

our international partners … They said, Yes, I will put money there, but I require this and that

before we invest our money. So, the only precondition was that the only way it can happen is

when you go my way." This view was shared by Participant 0025: "I think it was both. I think

everyone realized that this was something that was needed. So, I think it was both." Participant

027 cited various factors to support the assertion that the process was nationally driven:

Well, I think it's a combination of factors. Part of it is that the whole rebuilding

process or reform process was to build strong institutions grounded in the

principles of the rule of law to ensure that the laws are being followed. So, you

will see from the judiciary side; you have lawyers returning to their counties as

County Attorneys. These were new features in the Liberian legal system or

criminal justice system taking a court beyond Monrovia. And then of course the

United Nations played a significant role in coming up with this particular module

around the hubs.

Participant 003 stated: "It was both ... if you would remember everyone came to Monrovia for criminal justice services and they were tired of coming to Monrovia every time." In justifying the stance that the process was both internally and externally driven.

Participant 005 stated:

I think I will tend to favor both arguments. The reason being that undoubtedly, especially

when the United Nations Mission was preparing for its departure ... Transition was the

key issue. The United Nations provided many services in the counties than they did in the

capital anyway. So, one of the most important features of the whole Transition process

was deploying extra police to the counties, extra border guards, and also a process of

professionalization of magistrate courts, infrastructure buildings but also ensuring the

legally qualified magistrates will sit on the cases. But why I say both is because I think of

the concentration by the Government, the moment they realized the United Nations was

going and that they had a major problem if they don't actually address decentralization

rapidly … there was a strong Government driving it towards the end as well.

Participant 006 stated "I think a bit of both." Participant 008 indicated that:

No, that one is nationally driven because of the architecture. The law requires that

you have a Circuit Court. If there is a law in the Country commanding things to

be done, the partners most often will provide support in that area. They will not be

pressure for you to move away except if you do that in an amendment to the law.

So that was nationally driven. Now in terms of what do you do to give effect to

the intent of the statutes is quite another thing. Because the law says that statutory

courts should be established but it doesn't tell you how many judges you are

supposed to have there, how many lawyers or prosecutors you are supposed to

have there and whether they should sit every day from 8am-4pm those are

decisions that are made by the Government with the support of their partners. This

is driven by the financial support that you have. Most of our partners were a lot

interested in issues relating to domestic violence. So, they provided money to

expand the courts. So, for this decentralization, the architecture is nationally

driven but in terms of those elements for that architecture where focus needs to be

placed on, it is both nationally and internationally driven. Some of the

international partners looked at the immediate causes of the conflict, or maybe

their own interest.

Participant 009 also indicated that the process was externally and internally driven:

I think it was both. I think it was a good idea that came externally. Because I

remember … going to a meeting where all these fantastic ideas were shared. And

the reason why I think that it is both is that yes, the Minister at the time wanted

reform; she was dying because she could see all the difficulties in ensuring that

people in Liberia got access to justice. However, I think the development of the

 concept was done without first a baseline being done. So, the development I

figure was done by the United Nations or whoever it was at the time.

Participant 010 cited the need for partnerships and adherence to law as the reasons why the

decentralization process was driven from both angles:

 I will say both because we couldn't function on our own. Our international partners had

to come in to support in terms of funding and capacity building, in order to be able to

implement those projects. … I don't want to say that it was all international ideas. It was

like what we actually wanted as a country or for the criminal justice system. And we

didn't just sit there for all those ideas to be implemented in Liberia. Going by the

Constitution or laws, and so if there were new ideas, we had to ensure that those ideas

were in stream with the Constitution, of the Liberian law and once we did that, we were

able to amend the laws in order to implement that. … if we had decided that we wanted

to change anything, it would have taken a longer time for the project to come up. Even

though we could not afford the hub concept, our Government bought the whole concept

with the hope that the budgetary issues would have improved at that time to be able to

support instead of saying no. You see the hub is a big concept and once it made sense,

they embraced it with the hope that the economy will improve. So, I don't think it was an

imposition by our partners.

Participant 012 also affirmed the fact that the process was externally and internally driven: "It's

both in a way because the external factors and parties saw some inadequacies in the delivery of

the services that should make the criminal justice system viable." Participant 013 indicated that

there was a need for access to justice in Liberia and the international community facilitated the

actions of government agencies in this regard:

I could say both. You know initially when the reform started, the United Nations

Mission in Liberia was here, and other donors came in with different ideologies

but then at one point, the locals and citizens themselves felt that they need to get

involved; for example, initially when the reform started the decisions made by

government and partners were not coerced. But then after the civil society

working group came into being, from then it was perceived that locals needed to

get involved. So, I could say both. Initially, it was the internationals but later the

locals got involved.

Participant 015 highlighted how experiences and practices from other African countries were

accepted by the Liberian authorities:

It was both; nationally and internationally because we resolved to practice

international best practices. Because we live in a global world. Liberia is not

different from Ghana or Sierra Leone. So, the process was driven under the

arrangement that we had with respect to the restructuring …. Of course, the

the international community played a role in the process so that both were

involved. So, whatever was done was not done by the perceived imposition of

international staff, but it was a concept that we all agreed that this was the best

international practice and because we live in a global world and there was a need

to conform to that.

Participant 020 provided pointers to why the process was driven by both internal and external

actors. According to this Participant, "We (i.e., Liberians) had lots and lots of meetings as it

relates to how to make them functional and also participated in activities ..." Participant 012

shared similar views:

So, the process started by mobilizing and bringing together policy makers from

the Judiciary, Legislature and Executive to brainstorm on the needs – first of all to

identify the strengths and weaknesses of the justice and security system and then

to identify what the needs are.

Participant 024 stated that there was a push from both external and internal actors: "I think it was an external push, but I think that it was also a push by national actors." Participant 014 indicated that the process was not an external imposition:

It was not imposed because they were accepted by the locals. … In some

situations, … people were convinced about some of the things. ... So, the hub was

a good idea but the problem was how to sustain it, but we will take it because the

need is there. Even now, people are still considering decentralizing the hub idea

the Judiciary itself. So yes, it is a good idea, but do we have the budgetary

allocations for it?

Participant 015 indicated that there were a number of challenges with Liberia's criminal justice system and the international community was helping Liberians address the challenges hence the process was both externally and internally driven. According to this Participant:

The international partners came to provide support and so the support they were

providing was based on the concern of those different institutions. But

again, before the war, there were a lot of systems that were not functioning.

Take for instance the law that governs the police. If you look at the old law that

governed the police, I think that it was a full page document. The law that

controls the Police Academy in terms of what it is supposed to do is in two and

half pages. So, an institution that has that kind of critical function in ensuring

justice, in helping to enhance the rule of law will have a law that is supposed to

speak in entirety what they are supposed to do in terms of professionalism is just

defined on a full page document. You need to imagine what will happen. So, there

will be situations where they will need to operate the perception and discretion of

sometimes officers of the law. So, when the UN came, there was a huge task.

Putting a police system in place; doing capacity building, providing logistical

support, looking at the issue of infrastructure that was broken down, so that was

huge. So, what they did was that they were able to help us define the system in

terms of how we should proceed. And what we needed in order to make this

happen, they provided it to some extent.

Participate 029 held a similar opinion:

I will say both externally and nationally driven. Externally driven given the fact that most

of the funding comes from international donors, they had their own objectives and what

they wanted to achieve. And of course, the Government also has its own plan ...

Participant 030 also noted that "With the coming of UNMIL, I believe that the process of criminal

justice system accessibility is nationally owned and internationally driven."

Research Question 2.1: How can International Actors support Nationally Owned and

Inclusive Processes to Decentralize Liberia's Criminal Justice System?

For ease of reference, Tables 5 present recommendations to Liberia's international development partners on how they can support nationally owned and inclusive processes to decentralize Liberia's criminal justice system.

Table 5

Recommendations to Liberia's International Development Partners on How They Can Support Nationally Owned and Inclusive Processes To Decentralize Liberia's Criminal Justice System

Recommendations	Number of Responses (*n*)	Recommendations in percentages (%)
The international community should understand the context and avoid a pure legalistic approach to decentralize Liberia's criminal justice system	6	18
Promote the traditional justice system	4	11.8
The quest to advance national ownership and implement Liberia specific interventions must permeate all programming	4	11.8

(Table continues)

Adoption of a holistic approach to decentralize Liberia's criminal justice system	4	11.8
International development actors, must have a long-term approach and be patient when supporting access to justice processes in postconflict countries	3	8.8
Need for conceptual clarity of distinction between national ownership and local ownership	3	8.8
International development assistance actors to establish genuine partnerships	2	5.8
Development actors must support the design and implementation of geographic specific interventions to decentralize Liberia's criminal justice system	1	2.9
Priorities/approaches to decentralize Liberia's criminal justice system must be identified through a nationally owned process and international support must be channeled to support the priorities/approaches	1	2.9

(Table continues)

The government's ability to sustain internationally funded interventions when the support ends should inform the decentralization process	1	2.9
Liberia's government to take the lead in the decentralization process	1	2.9
Build a professional criminal justice system insulated from Liberia's partisan politics	1	2.9
Actors involved in making Liberia's criminal justice system accessible must learn lessons from similar contexts	1	2.9
Government of Liberia to evaluate previous engagements with the international community and learn lessons	1	2.9
Promote South - South cooperation in Liberia's decentralization process	1	2.9
Total Responses (*N*)	**34**	**100**

I present the statements participants made in support of the recommendations summarized in Table 5 and the ensuing themes and subthemes below:

Theme One: International Actors must Understand Liberia, Design/Implement Liberia Specific Interventions and be Patient

Ensuring that interventions are context specific is one way of upholding national ownership principles. To increase the chances that this happens requires, among other things, that actors (local and foreign) working on processes like enhancing access to Liberia's criminal justice system, understand Liberia. In this regard, participants were asked whether international actors who worked to decentralize the criminal justice system understood the Liberian context. From the answers provided below, participants held mixed views:

Subtheme One: Foreigners were Knowledgeable about Liberia and its Criminal Justice System

Only 2 participants held the view that foreigners working to make Liberia's criminal justice system accessible knew the country and system they were working in. Participant 001 believed that foreigners who had worked in Liberia for a relatively longer time eventually got to know Liberia better. This Participant indicated that "…for those who had stayed a little longer they got to understand Liberia and its people …". Participant 002 indicated that "I would say they did as most of them had worked and stayed in Liberia for a good period of time since the inception of the mission and the mission had the capacity to keep records to ensure continuity".

Subtheme Two: Foreigners were not knowledgeable about Liberia and its criminal justice system

Most participants felt that most of the foreigners who worked on reforming Liberia's criminal justice system had inadequate knowledge about the context in which they worked. Participant 003 stated "I don't think they really understood Liberia entirely. ... I can tell you that

most of them did not understand Liberians. They thought Liberians were not intelligent."

Participant 022 stated that:

> … you get to a Country and you are expected to hit the ground running. We often
> need a lot of time and space to really dive in and gain a proper understanding of
> what really happens. We talk in practical terms about what happens with police
> reports, prosecution files, courts and court cases etc. So, I will be self-critical and
> say that it will be good for us internationals to really try to get a good hand on the
> workings of the land in this justice system we want to strengthen or reform. In
> fact, when I arrived here … I found out that it was very hard to really get data
> needed to get a picture of how police officers work, how prosecution takes place,
> how many juveniles are in prison. ... That information is not available. If you
> were to ask the Chief Justice how many cases were heard in 2018, he will not be
> able to get it for you. In fact, if you even give him more days, he will not be able
> to get it for you. So, data collection is a problem for all of us.

Participant 001 stated: "those of us who did not come from the American legal system on which
the Liberian system is based, struggled with the American system, and were not able to make a
big impact." Participant 027 stated that:

> I am afraid most of the approaches used after conflict are driven more by
> expediency than they are deliberately designed to understand the nuances of
> culture, tradition and ensuring that these mechanisms are in direct response to
> cultural nuances. No. I think it is more about how after conflict international
> systems especially UN systems tend to apply the same approach used in previous
> missions to African countries, … they think all Africans are all the same. So, the

attitude of the UN to engage in an expedient fashion has undermined the effectiveness of most of the reform processes.

Participant 004 stated that:

> … you know, when we come in, we want to be seen achieving concrete, positive results. So, because our minds are made up, some of the nuances, we don't see, and we don't challenge it, but we don't make an attempt to understand and overcome it. … . If the Special Representatives of the Secretary General had made it a deliberate policy to spend at least two weeks every month or every other month in one of the counties; staying there, seeing to it that they resolve the challenges they faced; it would have brought more concrete results … Some foreigners understood but the vast majority did not understand. It is important that future … international support looks at how people are employed and the kind of people that need to be deployed to postconflict societies. It is extremely important.

On the same issue, Participant 005 responded:

> No! Because every single … international tends to think that whatever they do back home, and it is just as applicable to Africans as it was to anybody else; we think that the system that we have grown up with is the way to do things. That tends to put a lot of reluctance. But when you also bear in mind, if you want, the existing structures were fundamentally based on inequality, they were correctly questioning whether national structures remained appropriate. And I think that was legitimate questioning.

Participant 006 stated that:

> I am sure some did. But I'll probably say many didn't. Using myself as an
>
> example, I had little appreciation or understanding of what had gone on in
>
> Liberia, and really what was needed for Liberia. I bring my training and
>
> international experiences into a Liberia context, but we never had a roadmap to
>
> say this is an agreed position between government and the international
>
> community saying, this is the agreed pathway; one pathway with a whole list of
>
> priorities and people arrived to support that ... and so we had a schedule of work
>
> ahead of us. People just had to listen; spend time observing to try and shape and
>
> influence at the right time about change and a lot of times that takes time. You
>
> have got to build trust and a lot of people looking for a quick and easy way and
>
> never really had a long-term goal. And I think that was a real problem for us

Participant 007 stated:

> Our culture is a bit complicated and sometimes people don't know what they are
>
> expected to do in everyday activities. These internationals came with their own
>
> experiences and culture from their own countries. And anytime you do that, you
>
> will be making a very big mistake. Liberia's culture is complex, and the people
>
> are complex too.

Participant 008 stated that:

> Honestly, I don't think many of them fully understood the problems in Liberia,
>
> people who get into positions of authority feel that they know everything and
>
> have the answers to everything. And we really don't listen that much to our local
>
> experts. And many programs are also politically driven, and maybe driven by the

resources of the partners because we have not been able to really put our foot down; … in identifying national priorities and then telling our international partners that 'these are our priorities. You came here to help us; these are the things we will need'. And you cannot blame them also because very frankly, most of these international players who are coming are civil servants in their own countries, they want to do something that can raise their own profile with the institution that they work for. But we have not really put our foot down concerning national ownership because that will change everything as opposed to listening more to the person that has the purse.

Participant 009 stated that:

 No, I don't think they did. You know, what I love about research and documents and stuff, people seem to think that this is a postconflict country, so issues that happen in postconflict countries need to be replicated here. So, they are failing to look at Liberia as an individual country with individual problems. They looked at Liberia as a postconflict.

Participant 011 said that "no they did not understand Liberia."

In the words of Participant 013:

I can say no. Because when you are coming on a mission, you should be prepared in all angles. And this is not in the case of Liberia, but I think that there are learning lessons for other missions. You know when you bring in soldiers and police and they want to reform ... most of these guys that are brought in they are not specialists; ... so when you are starting a mission, those who attended the Security Sector Reform Course at the Folke Bernadotte Academy have a very broad understanding of how to reform. So, if you just come in and you don't have

a pool of expertise, you are going to find it difficult. For example, a decision was

made to dissolve the Armed Forces of Liberia completely and rebuild it. A

decision was also made to revamp the police and to make everyone resign and

start all over again. And that decision to us was not a very wise decision.

Participant 010 stated that:

I can recall when we were reforming the Police Act, a Ghanaian was contracted to

come and help; we felt that that should have been done alongside a local partner.

Maybe a lawyer or an officer who had experience. But it was fully handled by the

Ghanaian partner. So, they tried to impose their own system; … Most of the

things that were inside the document could not work with the kind of society that

we have.

Participant 029 held similar views about the knowledge of foreigners working to reform Liberia's

criminal justice system. According to this Participant:

I don't think they understood it fully. I hold this view because most of the international

workers had different views and thoughts when it comes to the way justice and security

services should be delivered. Some of them came from the British legal system. Some

American, some French, so different views, the way things are done over there is quite

different. So, most of them didn't have a strong grip on the justice system and so they also

had a problem in terms of how they were providing services.

Participant 016 stated "I think they understood Liberia to a limited extent. I don't think they

understood the culture, history because they had a fixed solution approach." Participant 021

stated that: "I think there were some that didn't understand."

Subtheme Three: Foreigners were partially knowledgeable about Liberia and its criminal justice system.

Participants who held the view that internationals who worked on decentralizing Liberia's criminal justice system were partially knowledgeable about Liberia and its criminal justice system expressed this view in the following statements. Participant 002 stated "I wouldn't think to the fullest. And in fact, this created some of the problems that we had." Participant 015 stated that:

The truth of the matter is that there were some that understood it, there were some that did not understand it. The majority understood it. Because the thing about it was that, it was not that they operated in isolation. … there were times that there were confrontations behind closed doors; we spoke to those who did not understand it and we spoke to them that this is how it is supposed to be done. And, as time went by, some of those who did not understand it, understood it.

Participant 012 stated that:

Yes, I think they understood based on best practices and experiences that they had because the UN has been around for more than 50 years. And Liberia is not the only country that has experienced war. Liberia is not the only country that has experienced a failed state. There are other states that failed before Liberia and there are experiences that the UN or UNMIL has generated from these contexts that were brought to bear on Liberia.

Participant 018 stated:

I think they understood to a point. Like all other projects. … they understood the challenges Liberia faced in terms of resources, manpower, and capacity, how to

fill up those gaps there are major laws that needed to be passed to reform the

society. They understood it but at the end of the day they had to show the

deliverables.

According to Participant 020:

To a little extent they did. What they had as their advantage was the fact that they

came with experiences of interventions in other areas and that gave them an urge

as to how to intervene here in Liberia. I mean they didn't really understand

Liberia's context 100 per cent but they understood how to engage and solve

issues.

Participant 014 stated that: "the thing is, most of the people that I know that worked with the

criminal justice system in Liberia were Africans and had some sort of similar challenges in their

own country."

Table 6 presents, and Figure 4 depicts participants' views on the knowledge of members of international actors about Liberia and the criminal justice system they were decentralizing.

Table 6

Participants' Views on the Knowledge of Foreigners About Liberia and the Criminal Justice system They Were Decentralizing

Themes	Number of Responses (*n*)	Responses in percentages
Foreigners were not knowledgeable about Liberia and its criminal justice system	16	64
Foreigners were partially knowledgeable about Liberia and its criminal justice system	6	24
Foreigners were knowledgeable about Liberia and its criminal justice system	3	12
Total Responses (*N*)	**25**	**100**

Foreigners/international actors knowledge of Liberia and its criminal justice system
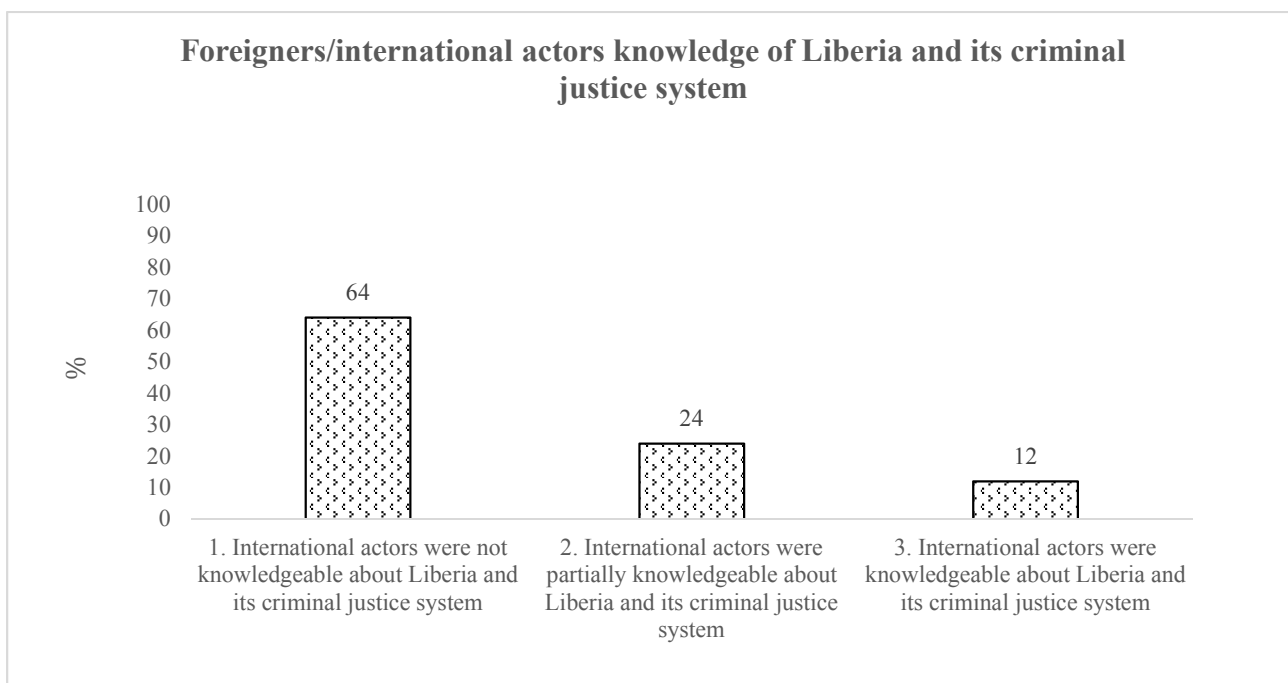
Figure 4 Foreigners/International Actors Knowledge Of Liberia And Its Criminal Justice System

Based on participants' opinions on the knowledge of international actors supporting the reform of Liberia's criminal justice system, participants made the following recommendations on how international actors can better uphold national ownership principles in decentralizing Liberia's criminal justice system.

Subtheme Four: Design and implement Liberia specific interventions

Participants recommended that the following principles and actions should inform the design and implementation of Liberia specific interventions.

The quest to advance national ownership and implement Liberia specific interventions must permeate all programming. According to Participant 004 national ownership principles should be central to the entire decentralization process:

> What I can say is that national ownership should be on top of the agenda at all meetings. It should be dear to the heads of organizations, the lower, middle and higher levels of government and of the UN system. And the idea should not just be that, we need to train, that if you bring in lawyers into the UN mission, can we make sure that when they are going, they have 30, 40, 50 or 100 other lawyers trained directly or indirectly to replace those who are going out.

Participant 021 expressed reservations over Liberia's partners' belief in promoting national ownership principles in their support to the decentralization process. This Participant impliedly advocated for Liberia's partners to demonstrate their support for such principles by ensuring that they do not approach the decentralization process with preconceived ideas. In this Participant's words, "Ownership is tokenistic! Because someone will come, they already have a blueprint of what they want to do. And because they have their own money, they want to come and persuade you." Participant 007 stated that "we had to determine what will work for us. ... Because nobody could impose their ideas …." Participant 002 asserted that "Liberia is very complicated, and the goal must begin with the government and then fight corruption and other related hindering factors to get any success in the decentralization."

Clarify conceptual distinction between national ownership and local ownership.
Participant 005 stressed the need for a clarification of the conceptual distinction between national ownership and local ownership in the design and implementation of all development activities, including decentralization of the criminal justice system. According to this Participant:

My feeling quite strongly is that, we in the international community and the

global rule of law community still does not understand the difference between

national ownership and local ownership. That is the difference between what the

state and elite want and what the population wants. And frequently, we found

ourselves satisfying the interest of the elite rather than satisfying the interest of

the masses. And I think that conceptually, we have yet to get our heads around

that. … I think we often mistook national ownership for local ownership. And we

didn't necessarily understand that they were potentially different. Sometimes they

are, sometimes they weren't. And I think that despite the fact that the topic of

local ownership is about 15 years old, it is still not really well developed. Because

local ownership should never be about supporting an elite per say. But on the

on the other hand, we obviously need to bring the elite on board otherwise it

won't work. So, a hybrid; a holistic approach is what is required.

Participant 024 made a similar observation: "I think that maybe the international community

when it speaks of national ownership focuses very much on government ownership rather than

national in a broader sense."

Understand the context and avoid an overly legalistic approach to decentralization.

Participant 027 recommended that the international community should avoid a purely legalistic

approach to decentralization of Liberia's criminal justice system:

I think the reform process was in the direction of legal experts and not expertise around

anthropology, expertise around sociology, expertise around community development

generally, these are the different expertise that in my view should be involved in rolling

out the justice and security hubs, rolling out the criminal justice system so that you go

into the community with the full knowledge of what are the forces that you are dealing with. What are the local traditions? What are the local customs? But it was all about law. But these kinds of reforms, when you are dealing with the traditional processes, it is more than just law. You are dealing with a way of life. You are dealing with culture. You are dealing with tradition. And so, anthropology is a very important factor in trying to position the law, in trying to ground the justice systems in local beliefs and traditions and identity. So, I will say the United Nations skipped that, the UN didn't involve that sort of thing and so all we have today is an abundance of laws that appear to be isolated in communities, a body of law that has no meaning to people. People are still embracing their local culture and tradition which they value and understand more.

Participant 006 observed that: "when we went in … we should have put a handbrake on, and we should have looked at processing what was in place and also what were the issues in relation to the criminal justice system previously in the Liberian context? What were the development needs and priorities?"

Similar sentiments were shared by Participant 029:

… I think they should have spent time to understand how the system works in Liberia. And that would have been fair information that we could build on in terms of developing a program. And I know most of the programs were derived from other countries and so they were a little difficult to implement. And some of them reflected national issues but again some didn't reflect national issues.

Participant 016 stated that:

… I am wondering, why would people be confident to go to the chief and not go to the court? And Liberia now; I don't know the literacy rate, but I don't think it's

even 20%. So how do you engage an illiterate population into a literate system?

All the facts have to be considered. It needs to be brought to the table for

discussion.

Participant 016 said "tailor the Liberians to a Liberia solution."

Design a citizen centered criminal justice system and involve citizens in the process.

Participant 020 advocated for Liberians to demonstrate an interest to adhere to national

ownership principles from the onset of the process:

… the internationals were the ones pushing Liberia to take ownership of the

process. Liberia did not pay attention and did not take ownership until it reached

the point where they knew for sure that the international community like the UN

was pulling out, before they came around to start to correct some things that were

needed to have been corrected, which of course if you had sufficient time to be

corrected.

Participant 006 recommended the involvement of trustworthy citizens/people who will work in

the national interest:

Had we brought in actors, Liberia's representatives who were going to be there in

Liberia's interest and not just pushing agendas. … less about corruption,

nepotism, crime conduct, and all these sorts of things. Had we actually got

genuinely nationally interested people in building Liberia, without bringing in

those individual biases.

Participant 019 advocated for the creation of a citizen centered criminal justice system for

Liberia, "the Legislature is making laws that they don't understand. That is the challenge.

Because you should make laws that take the citizens into consideration". Participant 014

advocated for the education of the population about Liberia's laws and the criminal justice system:

> I think one other thing to do is public awareness. You know, teaching the local
>
> people about the laws. Even if you decentralize services and people don't know
>
> about it, they will still practice the traditional justice system. An example is in
>
> Liberia, they have a limited number of police, limited number of magistrates, from
>
> my understanding, … they have a strong belief in the traditions over magistrates,
>
> over Circuit Courts. So, you have a low number of police reports coming from
>
> these areas. … For example, there have been cases where someone died of an
>
> unknown cause and they accused someone of being the murderer. Just
>
> because of their local traditions. Someone pointed out and they believed. … So,
>
> some people don't take matters to court. They used the traditional justice system
>
> to deal with matters. But they use the traditional justice system to make a case that
>
> should not be made. And because some of the actors who are working in the
>
> criminal justice system actually believes in the traditional system, a police officer
>
> will charge someone of murder, and they do think it is right.

Participant 023 recommended that the local community should be involved from the onset:

> Liberia is too small. So, if you are going to say people from the Central region,
>
> Eastern region, Northern region, bring them together and say to them, this is the
>
> idea that we have. Bring the leaders together and say this is something we want to
>
> do. Is it practical? Can we do it? And then they tell you, no, we don't think it is
>
> good.

Participant 005 made a similar recommendation by calling for early engagement with all levels of the Liberian society in the decentralization process. According to this Participant, "… the problem really was that there wasn't an engagement by the various levels of the Liberian society in decentralization until it was too late, and many decisions had been made".

Design geographic specific interventions to decentralize the criminal justice system. Participant 014 advocated for geographic specific interventions to decentralize the criminal justice system and allowing the existing infrastructure to inform the decentralization process:

> … in some parts of the counties, it could take you 8 hours to get to a magistrate court because of no roads or poor roads. Or it is just bush paths. And where the motorway exists, they have not been rehabilitated for 10 or 20 years, some since the war. And when it comes also to the police going to a crime scene, it is also a problem. So yes, access to the criminal justice system is also inhibited by infrastructure development. And then in other parts of the country also, there is no detention facility, so people who commit the crime are actually allowed to roam.
> … They also don't have access to medical facilities, they don't have access to schools for the children of criminal justice officials to go to. It is sort of connected to other services. … So, there are too many challenges throughout the country. The logistical challenges and the human resource availability are linked. So, without a deliberate design, those who live in areas that have logistical and infrastructure challenges are virtually left on their own.

Priorities to enhance access to Liberia's criminal justice system must be identified through a nationally owned process and Liberia's international partners must support the process and implementation of the priorities. Participant 008 advocated for a nationally led process to identify priorities that international actors support:

> … there is a need for national ownership in dealing with our partners. So, when you know your problem, and you do not identify those problems as your priorities when you get international support, then the support that you get will become driven by external partners. And this is what happened mostly in Liberia. And these challenges were caused by those who could pump money into the system. And in the name of national ownership the government did not come up to say, "this is what we want. If you want to help us, put the money there. If you cannot help us, then take your money away." No! It didn't happen that way.

Promote the traditional justice system. Participant 001 recommended support for processes that encourage the traditional justice system to resolve disputes. This Participant cited examples from the Maasai community in Kenya and stated that:

> ..., in Kenya, they have the Masai in their communities and they are a bit traditional. They are very conservative. And when you go to their communities, they still maintain their culture. If you look at their statistics, in terms of the number of criminals from that place, they are very few. ... They can resolve their own issues in their own communities. Very few referrals, in cases like murder, instead of bringing to the court, they prefer for the person to pay with many cows. That is the bad side of the method.

Participant 027 recommended the active use of the traditional justice system to resolve disputes including criminal cases:

> … I know Rwanda went on a reform with the Gacaca process. I don't have details but I think it was Gacaca, it has come to shape Rwanda's criminal justice system in a large measure. It might be good to see how they rolled out Gacaca courts to form the backbone of the criminal justice system in rural Rwanda.

Participant 019 stated that:

> I think the whole system needs to be looked at again in the context of South-South cooperation, giving it a more local context, looking at the traditional system in Liberia. Once, I was in the Pacific, … we were in a conference and one of the natives said, 'why are you using all your big knowledge against our traditional culture? Just understand that our tradition has been the keeper of the peace'. So sometimes this is the mistake that we make. We have a traditional system. Though there are lapses, it is also good to be measured.

Participant 023 pointed out how the formal justice system is considered alien to ordinary Liberians and how there is a preference for the traditional justice system:

> So, you go and plant a court and people think that they can resolve their problems and that is ok for them. So, they sit down and solve their issues the traditional way. Because they think that when the court comes in, you will put them in jail. They don't believe that the court provides fair justice. So, they will run away from the courts and you will see that in a day, the court will be empty, … the judge will be sitting at the court and have no work to do.

Adopt a holistic approach toward decentralization. Participant 014 recommended the adoption of a holistic approach to decentralization. Evaluating the approach adopted by the international community in Liberia, this Participant stated, "I think that with the police they started well in terms of training the police, but it took time with similar intervention with training lawyers …, by now, we would have had more magistrates and lawyers". A similar recommendation was made by Participant 025 who advocated for the adoption of a holistic approach that emphasizes service delivery as opposed to infrastructure and combines long and short-term objectives:

> …, for the immediate impact of the 5 hubs should have been implemented
>
> … focusing on services in the different regions rather than bricks and
>
> mortar. And with the holistic approach, making sure that you are not
>
> focusing only on the walls of the buildings but a focus on all the services
>
> and aspects needed for the rule of law chain in the criminal justice system.
>
> But also linking that to the whole long term approach to short term ones.
>
> … the international partners should have both a short term and a long term
>
> coordinated approach to support Liberia in doing that. An example of this
>
> is for police. You don't need to do much to ensure their presence. You just
>
> need some cars and uniforms, but you need to do that in a way that it is
>
> sustainable. So, you just can't give them cars, you need to ensure that
>
> there is a way to service the cars and all that stuff and have uniforms for
>
> the police, but then you need to link that to more long term measures in
>
> terms of police training and in terms of creating government institutions
>
> before the long term can take over and support this kind of step by step

strengthening of institutions around the country. And that then of course

needs to be put into the context of Liberian needs and conditions with the

traditional justice system and all these things. I think we should have from

the beginning tried to get a much more holistic approach both in the short

term and for the long term. Now, we did that after, much later on, and it

should have been something done from the beginning.

Participant 025 also stressed the importance of emphasizing coordination among actors

supporting the decentralization process from the onset "I think what one should have done at the

very onset was a much stronger emphasis on the coordination". Participant 006 also

recommended that attention should be paid to all parts of the criminal justice system in the

decentralization process. This Participant stated that "I don't think the same level of attention or

investment was made to all necessary areas. And like we mentioned earlier; the criminal justice

system was only as strong as its weakest link hence the challenges".

Interventions must be sustainable with funding from the government. Participant 010

was of the view that the Government must ensure sustainability of decentralized services:

Well the whole idea of national ownership was with the Government's willingness to be

able to work on the progress of the decentralization program. But the Government is not

willing to work along this line. And honestly, that is not national ownership. To have

national ownership, you must be able to take over and just move with the program. You

must be able to have the capacity to continue the program. But as the hub project stands

now it cannot be continued because of a lack of support for the process.

International actors should support the government to take the lead in the decentralization process. Participant 025 recommended that to promote national ownership, the international community must support the Government to take the lead:

> … sometimes, we were waiting for the Government to take the lead rather than helping them, guiding them, to take the lead at doing things. And I think that the place where Liberia was, Liberia would have needed better, stronger support from the United Nations and from the international partners in terms of actually moving things forward. So, national ownership in a postconflict country, one has to look very carefully at what all the international community have, and we should have had a rather stronger role in that …".

Participant 002 recommended that:

> I think the answer lies with the nationals interrogating the whole criminal justice system on their own at the right time … Again, who is a Liberian is it the Americo-Liberian or the Liberian, because this too is an issue. The Americo-Liberian wants to bring in the American systems.

Establish genuine partnerships (i.e., do not tell recipients what to do) and build trust. Participant 006 advocated for establishing trust and partnerships with ordinary citizens "so, you should actually make sure that you are working with the partners. Bringing people of trust that are really trying to work in the nation's best interest". Participant 007 called for "partnering with the actors in a comprehensive manner; fixing the system as a part of the whole system and having greater access to the people".

Participant 006 advocated for genuine partnerships between recipients of international assistance to reform criminal justice systems in postconflict countries and their international

partners. This Participant cited the Australian Government's approach to supporting such processes in postconflict societies:

> Australia has a large bilateral development program, and … invests a lot in enhancing these partnerships to boost regional security. … the work ... done is a good model of working in partnership not necessarily telling them what they need but also trying to look at locally designed solutions to the local based problems, and how we can best support them.

Have a long term approach and be patient. Participant 021 admonished the international community to have a long term approach and be patient:

> I think that everything in terms of the international community, in terms of in postconflict environment, somehow in peacekeeping, is always just too rushed. Everything is also rushed it is always immediate and it is always short term even if you are looking at three years, the yearly plan within that. And I think that is damaging because you are not looking at what you are trying to achieve in a longer term. You are just looking at immediate needs and priorities, which don't necessarily cumulatively add up to an overall result.

Participant 018 called for a gradualist approach to decentralization "I think it should have been gradual. Decentralize city by city, service by service; test it, evaluate it; it shouldn't have been a massive national rollout". Participant 022 observed the lack of patience on the part of the international community supporting Liberia. According to this Participant, building a justice system does not happen overnight, hence the international community should be patient and stay the course:

> In my view, I think what always happens is when crisis looms then the

international community is nowhere to be seen, so we allow it to explode then

there is a peace agreement then we get here then we come up with so much

money because we don't have any information and we have so much money and

we don't even know how to spend the money and before we know we are leaving.

… to establish a proper justice system, it takes a generation.

Build a professional criminal justice system insulated from partisan politics.

Participant 006 indicated that insulating criminal justice system appointments from

partisan politics and appointing competent people into positions within the criminal justice

system will promote national ownership:

We saw the influence and reach of the power of the President has, and so even

then, you have got people who are heads of agencies who were not supposed to be

there because they were not actually going to bring any significant

transformation; that is why there was the need to have separation of powers so

the criminal justice system would work without depending on the government.

Learn lessons from similar contexts. Participant 004 called on the international

community to learn lessons from similar contexts:

For example, the lessons learnt in Sierra Leone helped us with the implementation

in Liberia and I am sure certainly the same thing will apply in the future, the DDR

process in Somalia or even in South Sudan and of course in the Central African

Republic. The lessons learnt should be comprehensive; one shouldn't see it as a

defensive thing. One should be honest to admit mistakes because in this world,

mistakes are made, and they are there to be corrected. And at the UN level, they

need to share the lesson learnt across so that UN country offices, subregional

offices will be in the know. When senior officials are being appointed to certain

positions, as part of the interview processes, they must look at the lessons learnt

so that they don't come as greenhorns. You will need to read and understand the

challenges that their predecessors had …

The Government of Liberia should evaluate its engagements with the international community on decentralizing the criminal justice system and learn lessons. Participant 008 recommended that going forward, the Government should evaluate it previous engagement with its international partners to decentralize Liberia's criminal justice system to inform future the dealings between both parties**:**

So, moving forward, I think that it is important firstly, to look back within the

period under review; there are positive things that the Government did, there are

positive things that the international partners did, but there are still remaining

challenges. So why is it that we still have these challenges? It is those

shortcomings that will provide the guide we need.

Promote South-South cooperation. Participant 019 recommended that attention should be paid to promoting South-South cooperation in exploring options in decentralizing Liberia's criminal justice system:

We have better examples; Ghana, Nigeria. They may not have been super the way

you want it but I believe that you have to start from somewhere. Because of the

work that I do, I had to take Liberians on a work tour with some NGOs to the

United States. I refused! I told them I cannot take these people to the United

States. It will not make any sense. … Liberia is Liberia. And I said, 'why don't

you take them to Ghana?' And when they eventually agreed with me, even the

participants themselves didn't like it. They benefited more from going to Ghana

because they saw things and came to make things a little better. They could

identify with what they were dealing with here. Subsequently we took them to

Kenya, Uganda and some of the things were similar.

Research Question 3: How has Decentralizing Liberia's Criminal Justice System affected the System's Functionality and Liberia's Peace and Stability?

For ease of reference, Tables 7 and 8 presents participants' views on how decentralization of the criminal justice system has influenced the system's functionality and Liberia's peace and stability.

Table 7

Participants Views on the Effects of Decentralizing the Criminal Justice System on the System's Functionality.

Findings	Number of Responses (*n*)	Responses in percentages (%)
Decentralization has made Liberia's criminal justice system functional (but two participants said the benefits are yet to be felt)	20	69
Criminal justice system has inadequate capacity and is yet to be functional	9	31
Total Responses (*N*)	**29**	**100**

Table 8

Participants Views on the Effects of Decentralizing the Criminal Justice System on Liberia's Peace and Stability.

Findings	Number of Responses (*n*)	Responses in percentages (%)
Decentralization of the criminal justice system has contributed to Liberia's peace and stability	2	50
Decentralization is helping to address the root causes of Liberia's civil war	2	50
Total Responses (*N*)	**4**	**100**

I proceed to present participants answers to interview questions that aided me to answer research question 3. Participants painted a picture of the state of the criminal justice system prior to the period under review. This contributed to answering this research question. In this regard, participants were asked how decentralized the criminal justice system was prior to the civil war.

Theme One: The Traditional Justice System Primary Source of Justice for Majority of Liberians Particularly in Rural Communities

The following subthemes arise from this Theme:

Subtheme One: Before Liberia's Civil War, Criminal Justice Services Available in Monrovia and County Capitals

Very limited decentralized criminal justice system up to county capital. Participant 021 indicated that prior to Liberian's civil war, the criminal justice system was decentralized. This Participant asserted that:

> Yes, technically we will say it was decentralized. I am saying that because if you look at the criminal justice system; the police, immigration, courts, etc. were decentralized by having for example regional officers, regional commanders from the police placed in strategic areas. The courts and corrections system in a way were also decentralized, we had the justice and peace courts. And these were very low-level courts.

Participant 011 indicated that, "… it was decentralized before the war; it was accessible. … So, far as you have Supreme Court reports as far back as the establishment, it suggests to me that that component was working especially in the counties". Participant 009 stated that:

> The criminal justice system was decentralized, however, most decisions that affected the people in the rural areas were made in Monrovia. So, although we had the courts, the police and immigration and all those things there, they were not particularly working in collaboration with one another, nor were they able to sustain the workload that was required. Another reason why I say it was not decentralized is that services in Liberia are still not decentralized, they are

de-concentrated but it was never decentralized although we used that word, for

the term to say that the services are decentralized, they are not because they are

still concentrated in the capital city of each county. So that means that people in

the rural villages still had to travel many miles to come to get the services.

According to Participant 010:

Well, decentralized to a certain extent but not in total. Because at the time, if I can

recall, there were 9 counties in Liberia. And all 9 counties had police officers.

And others had the immigration officers. Like, there were districts in those 9

counties. But there were sections that the criminal justice system could not cover

at the time. And the criminal justice system could not have covered all sections

because of accessibility to those particular areas. We had no roads at all or

deplorable road conditions, and because of the culture in some of those

particular areas.

Participant 012 stated that: "By and large it was decentralized; it just needed to be strengthened

… We used to have regional and district commanders, because wherever a police station is, that

area becomes a decentralized area …". Participant 015 stated that, "we had circuit courts in all

the counties. We had magisterial courts in the counties and Justices of the Peace courts. The

police were also across the entire county". Participant 018 stated that, "we had magisterial

courts. We had circuit courts. So, because of that we can say yes ...". Participant 020 indicated

that, "well, not to the extent to which the hub was seeking to address. But it ran in an effective

manner then. They were able to dispense justice within the existing framework, …" Participant

024 stated that the criminal justice system had, to a limited extent, been decentralized at the

county level:

Well, I will say in theory but perhaps not in practice. I mean, they have it on the books. They have the criminal justice system in principle rather than in, maybe, infrastructure. … There is the provision for courts in every county. … correctional facilities in every county; again, in theory and then police depots in the county offices; ... So, I will say yes in theory, the system was set out to cover the entire country. In practice, of course, it didn't operate like that prior to the civil war - and also, subsequently after the civil war. But certainly prior to the civil war, there weren't many functioning. The criminal justice system wasn't functioning that way, either because of a lack of deployment of criminal justice actors or infrastructure or both.

Participant 011 stated that: "decentralized up to the county capital". Participant 013 stated that:

I will say, yes in a sense because we have the various courts, police stations all over, correctional institutions all over; so, in a sense yes, we had structures in all the counties. Except you want to qualify what you mean by decentralization. In one sense, yes you have it but, in another sense, most of the decision making was centralized. … Well, in all the counties there were police, etc. There was an attempt to create the criminal justice system throughout the country, at least at the county level but not beyond that.

Lack of infrastructure and human resources affected decentralization. Participant 008 stated that "prior to the war, accessibility to the justice system in Liberia was hampered because of the poor road conditions. And those poor road conditions also affected the government's response capacity and ability to provide services nationally".

Participant 021 stated that:

> Well, for the courts in locations outside Monrovia, they were not strengthened especially when it comes to the human resource capacity, and when it comes to even logistical capacity there were challenges. And then some of those who were judges were like apprentices; …

Participant 015 stated that:

> … we never had before the war the public defense system, where you have a Public Defender within the different courts in the different counties. Before, people were left alone to find lawyers to represent them. Those who did not have money to hire lawyers were at the mercy of the judge.

Participant 010 cited the lack of logistics as a reason for the criminal justice system not functioning:

> ... if a crime is committed and there is no vehicle to transport the police to the scene and they have to walk to be able to reach a particular village, it could take them days to get there. Even the judges are also faced with the same problem as well. Because I have heard that there are local judges walking for about 4, 5, 6 miles to court to be able to judge cases. How is that possible?

Decentralization of the criminal justice system is new to Liberia. Participant 023 asserted that, "when it comes to decentralization of the criminal justice system, it is quite new in the sense that a bulk of activities have never been decentralized". Participant 030 claimed that "Prior to the civil war and the intervention of UNMIL, I have not seen or noticed any phenomenal decentralization of the criminal justice system in Liberia."

The criminal justice system was dysfunctional. Participant 015 indicated that "before the war, there were a lot of systems that were not functioning". Participant 021 stated that:

Over the years, one of our serious conflict factors that led to the war was the weak

and a dysfunctional justice system. So, citizens didn't have trust in the system.

They saw it to be corrupt. They thought the system was also expensive to engage.

And then there was this common saying that there is no justice for the poor. So,

unless you have money, you cannot have justice. So, there is not much confidence

in the formal justice system. They prefer the informal justice system.

Justice of the peace courts were established to operate outside magisterial districts.
Participant 013 mentioned the role of the Justice of the Peace courts in providing criminal justice services in the local communities:

… what happened is Justices of the Peace were commissioned by the President … They

were just like magistrates, but they operated outside magisterial areas. They hear minor

cases just as the magistrates, but they were not actually paid by the government. So, in

order for them to survive, they have to pay themselves. And in doing so, they would

come down with heavy fines, they would put people in jail, they would take on heavy

fees. So, there were many things they were doing which the Chief Justice and other

people felt that it was not good and so they had to stop.

Legal framework not supportive of real decentralization. Participant 012 stated that:

We didn't have the structure in the law. The Act of the police was not too

elaborate until after the war where we decided to make it more formal by putting

it in the law setting out the structure of the Liberian National Police and that it

should be decentralized.

The criminal justice system provided services only in Monrovia. Participant 008 observed that:

> … there were a couple of other services which were more centralized in Monrovia. For instance, none of the counties had the capacity to handle a riot or a civil disobedience issue in other counties. Response had to come from Monrovia. Which means the process of investigation and prosecution was very slow. … We had about 8,000 police officers prior to the conflict.

Traditional justice is a major source of justice in rural areas. According to Participant 009:

> In Liberia, you have two justice systems. You have the formal justice system where you go through the courts and all that and then you have the traditional justice system where you have the chiefs and the elders, who manage the civil issues/non-criminal mostly in the counties; so, because of those two systems, you will then claim that in those villages, people had some kind of access to justice in those counties. And it can also be argued that because of the informal justice system, a lot of things were not done up to par. People were taken advantage of; it did not provide justice. Because if a murder for example happened, or a rape happened, you still had to seek justice which was miles away. Because those people were not equipped to handle those kinds of problems.

Participant 023 stated that:

> Liberia has a dual justice system. You have the customary system (i.e., customary laws) and then you have the formal system which is the formal justice system. So, in the rural parts, the informal justice system is practiced there and

then coming to the urban part, which practices the other part of the justice system

(i.e., the formal justice system). So, there's always been some kind of conflict

between the formal and informal justice system.

Now that I have established the state of Liberia's criminal justice system prior to the civil war, I present participants' views on the impact of decentralization on the functionality of the criminal justice system and peace and stability in Liberia.

Theme Two: Criminal Justice System Showing Very Basic Signs of Functionality and contributing to Liberia's Peace and Stability

The following subthemes emerged from Theme Two of the Research Question under consideration. The subthemes and statements made by participants in support of the subthemes are captured below:

Subtheme One: The Criminal Justice System not functional and its Capacity Inadequate many citizens yet to have access to the criminal justice system. Participant 004 stated that decentralization is yet to make the criminal justice system functional: "…

it has brought justice to some people. But it is not as large as I would have

expected it to be. So, there are challenges … and if it is managed, it can bring

about a lot more benefits to the people and Government of Liberia".

Participant 022 highlighted the slow progress made in the system's functionality "… some progress has been made but I think it is a slow process because you are coming up against self interest; people who don't like changing things". According to Participant 027 "… the human rights report on Liberia also reveals that there are still issues with the courts speedily looking into trials, there are still a huge number of pretrial detainees.

Criminal justice system lacks basic logistics. Participant 016, used a practical challenge encountered by people seeking criminal justice services to assess the impact of decentralization on the system's functionality:

> You encourage people to take their cases to the police, but he gets to the police and they
>
> say give me LD 2000 (i.e., $20) to cover the costs of the transfer of the accused to the
>
> court and you know he doesn't have it."

Participant 015 observed that the infrastructure deficit in the criminal justice system is affecting its functionality:

> … we still have challenges. We do not have the correction facility we should have in all
>
> the counties. Some of the counties right now do not have all the facilities. Even in those
>
> places where we have a facility the size of the inmate population … can no longer
>
> withstand the case load in terms of people who have been sent to prison after conviction,
>
> pretrial detainees, all of those are challenges.

Criminal justice system ineffective despite decentralization (i.e., effects of decentralization yet to be felt). Participant 021 acknowledged the fact that decentralization has made the criminal justice system functional, but suggests that it remains ineffective: "Yes, it is functioning, but effectively functioning I will say no". Similar views are shared by Participant 020:

> … there have been lots and lots of structural development. There have been more
>
> prosecutors out there, with the hope that it was going to help the system, but not
>
> as effectively or efficiently as it was intended to have been.

Decentralization has made the criminal justice system functional, but benefits are not visible. Participant 024 admitted that decentralization has improved the criminal justice system's functionality however the benefits are not visible:

… when I look at my own country, our criminal justice system is something that was and is a work in progress. And that is just because some things remain imperfect which is the case in Liberia; you have to have a starting point. And I think there was a successful starting point. I think the benefits of that are not necessarily readily available, but I think that perhaps in a way that the system might develop gradually over the years, it developed more quickly over a short period of years than it would otherwise have. But nevertheless, the impact of that is yet to be seen.

Participant 027 shared similar sentiments:

Well, at the very minimum I will say yes. The fact that these institutions didn't exist before, people had to come down to Monrovia. So minimally I will say the fact that this system now exists; … In terms of reporting rape cases, they have gone up; ... It is because you now have the infrastructure in our court system there and so, I will say minimally, yes, they have been effective.

Inadequate funding, human resource capacity and infrastructure affecting functionality of the criminal justice system. Participant 020 indicated that inadequate personnel and infrastructure are affecting the functionality of the criminal justice system:

… the police should have had barracks built in other areas so as to hold more officers in those areas. Because if you look at the deployment right now, the police proportion ratio, it's about 1 officer to 700 people. And if you even take

that ratio further as per the demography, you will realize that it goes as high as 1

to 2000 in some areas based on the lack of infrastructure for deployment or lack

of support to sustain the deployment even though the infrastructure was there. So,

there should have been more police barracks so as to decentralize the deployment.

Participant 020 highlighted how factors such as the outbreak of Ebola Virus Disease and the

economic downturn of Liberia's economy affected the decentralization of the criminal justice

system:

As you may be aware, the restructuring and reform process in the UNMIL

Drawdown Plan called for support of about 8,000 police officers. However, Ebola

and the economic downturn affected this ... up to 2017, the number still remained

around 5,000 officers which was way below the threshold. So, it made it difficult

to deploy … to cover most of the areas ...

Indicators and Reasons for Criminal Justice System yet to be Functional

This section captures the indicators participants used to support their views that the

criminal justice system is dysfunctional, and the reasons they assigned for this state of affairs.

Selective justice and impunity. Participant 023 asserted that justice delivery is selective,

and impunity is rife:

There are some people who are untouchable. They can commit a crime and you

don't touch them! But others, the very poor people on the streets that have no

means even to hire a lawyer. But in our Constitution, such people must have their

day in court and must also have legal representation. So, it is quite selective, and

it makes it more difficult for the rural parts of the country to really experience full

access to justice.

Participant 016 cited the inability of the criminal justice system to provide justice as an indicator of a nonfunctioning criminal justice system:

Somebody's daughter has been raped, your money has been stolen, someone has lost a relative and the institutions are not able to facilitate the next step. … It poses challenges. And besides that, when people are unaware of the next step, even aware of the processes, it creates mistrust in the system.

Participant 022 described the entire situation in Liberia as fragile with adverse consequence for the rule of law:

… for me the situation is still quite fragile politically, economically, socially, but also, when it comes to the rule of law situation. I mean there are clear indications from our civil society partners, especially outside Monrovia, that anybody can be bribed, that perpetrators can buy their way out of prison. Cases can be prioritized based on payments to judges, prosecutors, clerks, correctional officers, you name it. And obviously it doesn't hold very well for any justice system ...

Specialized criminal justice services yet to reach the vulnerable population.

Participant 020 lamented over the fact that the Women and Children's Protection Unit of the Liberia National Police, which was designed to be located very close to the vulnerable population i.e. women and children, to provide them with specialized services, continues to be centralized:

Take for instance the establishment of the Women and Children's Protection Unit within the police which should have been decentralized in all of the counties. Yes, they are at the headquarters level but when you start from the district level, it was not there. That's where we had most of the problems. They were intended to have

been there in all of those areas. Unfortunately, due to the capacity problem, lack

of support, that which was intended to be a benefit to the vulnerable in those areas

is now being restricted.

On the same issue, Participant 019 noted that:

Most of these works were done in urban areas within these counties. From my

own experience, it has not been really decentralized. It hasn't gone beyond the

county capitals for the most part. In one case though, it did. I had to devise a

strategy that went into real deep villages. I went ahead to design a program for the

Women and Children's Protection Unit and the Liberian National Police, … they

were able to go into deep villages.

High levels of pretrial detainees. Participant 005 cited the high number of pretrial

detainees as an indicator of a dysfunctional criminal justice system:

In reality, there was a massive backlog of pretrial detention …. There was never

an attempt to try and deal with bail. Liberia had a mechanism by which pretrial

detention could be considerably dropped. In international criminology, the

principle always is that if a crime is bailable, the principle should be that the

accused should not be incarcerated, unless there is a strong risk of the offender

fleeing or alternatively a security risk because they are violent and might

intimidate witnesses etc. So even though the bail system actually existed in

Liberia, it was not being used. Or if it was used, it was usually for corrupt

purposes.

Participant 021 also cited the level of pretrial detainees as an indicator of the weakness of Liberia's criminal justice system "One of the key weaknesses has been too many pretrial detainee cases".

Poor citing of the hub in Gbarnga. Participant 013 described the Gbarnga Hub as a failure because of its location:

Yeah it was a failure. If you look at the location of the Gbarnga hub, it is far away from the town. And security wise, you are to build the infrastructure close to the people where they can have easy access.

Lack of coordination amongst criminal justice institutions. Participant 016 lamented over the absence of coordination amongst criminal justice system institutions. This Participant observed that "in most places, there is no proper coordination between the police and the courts".

Lack of public confidence in the formal justice system. Participant 022 observed that public confidence in the formal justice system is low:

Public confidence in the formal justice system is low. This … system does not work for ordinary people; poor people. And if you compare it with the numbers for the informal justice system, approval ratings, of the informal justice actors and processes hit the roof 70+ and 80+ per cent across a wide variety of indicators in terms of stability, speed, the human rights record, in terms of executing decisions, rulings, judgement. So, they are the trusted 'go to' venue or forum. That is not a bad thing. Of course, we would like to see to it that the most serious cases (e.g., rape, murder), are channeled through the formal justice system. That is happening gradually. But there is still a very long way to go.

Hub dysfunctional due to unsupportive legal framework and lack of human resources. Participant 008 felt that the hub concept was not working as planned and attributed this to the existing legal framework:

> So, if you wanted to use the idea of the courts, it meant that you had to go and amend the laws and create hubs at the regional level which meant that we do not emphasize so much on the counties. … if we had done that, it would mean that there will be a higher court at the regional level that would have in a sense added to decentralization. It means that, all the cases originating from the Circuit Courts in Gbarnga, Lofa and Nimba will come to Gbarnga for review. But it did not happen that way.

Participant 004 indicated that the hub project has not yielded the desired results due to factors like inadequate human resources:

> … it didn't have the desired impact that we wanted. I am being frank with you, because first and foremost we didn't have the personnel … we never got that target police population ratio. And then the bulk of the resources, as you would know, was basically in the capital Monrovia, and a little bit of the resources trickled down to the capital of the counties.

Participant 005 attributed the poor results of decentralization on the functionality of the criminal justice system to the process being policy oriented and Monrovia-centric rather than dealing with the situation on the ground. According to this Participant, "that also reflects the fact that the job was very much Monrovia centered, and policy orientated, rather than looking at the processes on the ground".

Inadequate legal literacy amongst citizens. Participant 016 pointed to the population's lack of awareness of their rights and how the criminal justice system functions as a reason for the dysfunctional criminal justice system. This Participant argued that:

Because someone expects that when someone wrongs me and I go to the court, I expect that he will go to jail for 10 to 15 years; you find out that he does not even know that the accused person has the right to bail. … That is why we actually need paralegals that would help inform the people.

Lack of constitutional and judicial reform. Participant 005 opined that the lack of constitutional and judicial reform has had an impact on decentralization and the functionality of the criminal justice system:

I think in my personal opinion, although I may be tempted to be biased, the weaknesses in the criminal justice system in Liberia were largely due to the lack of a sustained and comprehensive reformed judiciary. But essentially as I said, that was prohibited or stopped at a point when the decision was made to retain the constitution rather than start off with a new constitution.

Multiplicity of institutions established with duplicitous mandates. Participant 005 noted the multiple institutions established by foreign organizations supporting the decentralization process. According to this Participant, establishing these institutions was uncoordinated and usually driven by the personal preferences of the officials and/or organizations involved in the process and this has resulted in a duplication of functions and a dysfunctional system:

… one of the frustrations I think, was that lots of the institutions were created and/or supported (e.g., Palava Huts and hubs) and these were actually created and

driven by internationals living in the capital. I remember we charted out all these

pieces of institutions, and a number were functional across the whole country.

Some would work in one place and not another place. Frequently, this reflected

the enthusiasm of those internationals frequently rather than serving the needs of

the locals who looked desperately for assistance and so would say yes to anything.

… There was extreme reluctance to say no to anything that was offered. And

there was a lack of sensitivity or common sense by any of the international

institutions and the local owners. And creating these structures were not

coordinated and reflected a nonholistic systemic approach.

Lack of equity in the allocation of resources to decentralize all parts of the criminal

justice chain. Participants expressed their views on whether, comparatively, there was a fair

allocation of funding across the various parts of the criminal justice chain. This is an indicator of

whether attention was paid to all parts of the criminal justice chain as this would affect the

system's functionality.

Unequal treatment of the various parts of the chain. The majority of participants were

of the view there was a deliberate policy to fund the police more than the other parts of the

criminal justice chain, with the corrections being the part that received the least support. This is

reflected in the statements below:

Participant 029 noted that:

… the government wanted to provide services across the counties so that the three

parts of the criminal justice chain and their services are fully functional. But

of course, with the limitation that comes with budgetary issues, they cannot. So, of

course, you will definitely find out that the attention was not equal.

Participants were asked which part of the chain reached the most attention. Participant 029 stated "I will say the police, the next one will be the courts and then you have the prisons and rehabilitation". According to this Participant this is evidenced by the allocations made in the budget:

> If you have the chance to download the budget between 2011/2017, you will see for example, the allocations made for the judiciary, the allocations made for the police, the allocations made for the corrections and rehabilitation; you will see a big difference.

Similar sentiments were shared by Participant 003:

> … the Judiciary did their own project. So, you find that they had built courts in several areas where they do not even have a means of transporting their own people that come in. How do you take the prisoner to such a faraway place? The courts, the police because they are upfront, people tend to pour more money into them.

Participant 005 indicated that the police received the greatest attention:

> I think policing received by far the biggest amount of support. And I think that was largely focused on the need to ensure some form of physical security. The neglected area was the prisons. They were the poor child at the door. And the Judiciary was somewhere in the middle. They did get some significant support but not as much as they would have liked. … I think it came down to priorities. And I think that overall, in a peacekeeping mission, there is always going to be an emphasis both from the Government and the international community for stabilization. And that is always going to happen and that emphasis sometimes

leads to neglect of the judicial/justice side and I think one of the things you can

say is that towards the end, the last few years, there was talk about the criminal

justice chain and trying to look at the reform process in a holistic manner. I think

had this happened in the beginning of the Mission, if there had been sustained

engagements with the Judiciary right in the early days, and the understanding that

you needed to reform the entire criminal justice chain in a coordinated manner, it

would have actually been a more successful venture.

Participant 006 also pointed to the police as the largest recipient of support:

There was much more investment in the law enforcement agencies … One of the

areas that did not get a lot of attention were the prison system … There wasn't

enough investment done in the prosecuting, public defenders so that there could

be a robust criminal justice system and trial process …

Participant 008 identified the police as the recipient of most of the support but also noted that the

Judiciary received adequate attention:

I still believe the Supreme Court received adequate attention in terms of funding.

Below that, the judges in the various courts got regular attention. But from an

institutional perspective, the police get more budgetary allocation simply because

of their size …. But the bulk of these vehicles were kept in Monrovia. So, on

paper, there may have been some budgetary allocation for the police, but the

management of the resources was a problem because most of those resources are

kept in Monrovia and they do not go to the various counties. … . The

prosecutorial department of the Ministry of Justice has always had the lowest

allocation. It is not properly staffed. The salaries are low. … the prosecutorial

budget is grossly inadequate. … Corrections are also the same. The facilities, and

in a way maybe people just seem to be less concerned about the prisons. People

are detained and we forget about them; that remains a major challenge. The

prisons are overcrowded and there is a lack of appropriate facilities. Even

Monrovia Central Prison, it is congested; it was built to have a capacity of

between 300 and 400 prisoners. But sometimes it goes to between 1200 and 1500

inmates.

Participant 010 rationalized the attention the police received:

… you cannot say the police received more. Honestly, the only reason why it

appears like the police received more support is because of the huge numbers,

which required more. But individually, as a police officer in terms of salary and

benefits, those are not there.

This Participant also noted:

Some parts received more. And that had a negative impact on the system also. If

you take the Judiciary; lawyers etc., and then the police, immigration, the salary

disparity was so huge. You pay a police officer very little and then you pay the

judges and lawyers far more than the rest. For example, if you don't have the

appropriate budget, the police officers not wearing proper uniforms and they are

not presented well, so their dignity is not protected, how do they function under

those kinds of atmosphere? If they are not paid on time and are paid very little,

how can they support their families? How can they send their children to school?

Participant 013 noted that "for corrections, I don't see much improvement to what obtained in

the past because you just have the prisons". Participant 011 noted:

Most of the attention was focused on the courts and the police components. By

the police component we mean institutions of police power (i.e., Liberia National

Police, … the Liberia Immigration Service … Drug Enforcement Agency). I will

clearly say corrections received the least.

Participant 012 noted:

They were supposed to receive the same attention but, in many instances, it was

not like that. For instance, the criminal justice system is between two branches of

the state. It is between the Executive and the Judiciary. And the Judiciary controls

its own budget. And so, they have their own control. …The amount you pay the

Judiciary is far in excess of what you pay a police officer.

Participant 013 noted "… but the police usually gets the bulk of it and maybe the Judiciary. The

security components of the police had the highest. The corrections had the lowest. I cannot

compare the rest because I do not have the figures".

Participant 014 stated:

 Corrections are always given low attention. The police get more attention because you

know the needs of the police are seen by local and ordinary people and by the politicians

… even the corrections people complain that even for example in the community, a

police officer is more respected than a corrections officer.

Participant 016 indicated that:

No! They were not treated equally. Sometimes it depends on how best you can

push your case to the Legislature. It also depends on the Minister of Justice's own

interests. We have had ministers whose key priorities have been the prisons. We

have had a Minister whose key priority was prosecution. We have also had a

Minister whose key priority was security. So, it depends where your interest lies.

If your priority is security, you push more for security.

Participant 018 affirmed the views shared by most participants: "in my opinion, as it stands, I don't know the budget for those areas, but you talk about the police, I see more attention in that sense; the cars, patrolling. In terms of the courts; I see new structures being built …" Participant 019 also noted:

… the police are the number one thing that they focused on. And I think the next

one is prisons; the Bureau of Corrections. And here is the tricky part. For the most

part again, these things were internationally driven. Some of the divisions of the

criminal justice system were created by our international partners. So, for example if you

look at the police, the Women and Children Protection Unit, that was created by UNMIL.

Bureau of Corrections, same thing. So even though you go and try to plant those

things in the interior, you will notice they have one or two officers responsible for

so many counties. Simply because the Government's commitment to these things

is not really there. They are actually still looking to the international community

to feed the system.

Participant 020 observed that:

UNMIL was concerned about having a security presence in the areas that security

was being withdrawn. … so, because the process was primarily to get uniformed

men and women in those areas, primarily the police, more of the funding went

more into getting the police in those areas. So, when you even consider the police

presence in those areas, there was physical presence. The police could make more

arrests. But were corrections available to deal with it? Was the immigration

component strong enough to handle whatever there was? So, as a result, the

system was not holistically strengthened. So, the police were dumping more on

the court, the court was dumping more on the corrections. So, as a result, there

was a disproportionate distribution of resources …

Participant 021 stated that "I think the police, immigration, and the courts received the most

compared to the corrections. Not in terms of preference but in terms of giving them priority. The

most I think is the police and the least will be corrections". Participant 024 corroborated

assertions held by participants above, on the prominent attention the police received:

Certainly not equal attention, no. If you look at the respective resources,

personnel and financial, dedicated towards the police compared to the corrections

system and compared to the justice system as a whole, you would see that would

be significantly different. Within the Government also, I think this is common in

most countries; the law and order part of the justice system is given greater focus

than those accused of crime. I think that being a postconflict environment,

certainly, there was a focus on maintaining peace and stability. There was quite a

significant focus on the law and order side of things.

Participant 007 noted that "…they did not receive equal attention. The police received the most

attention". In spite of the views shared above on which part of the criminal justice chain received

the most support, Participant 015 departed from the general view held by the majority of

participants and stated that:

Well, I can't really speak to equal support because I do not have the data in terms

of statistics … But I think it was done to the extent where if you really want to

detect in terms of who received greater support, there might be just a little gap in

terms of differences. Because as we were preparing the law enforcement

component, which serves as the entry when it comes to criminal cases, we were

also preparing the courts. And that is why there has been new courts constructed

in places where we never had courts in response to the decentralization of the

criminal justice system.

Subtheme Two: Decentralization has made the Criminal Justice System Functional

Participants shared divergent views on the impact of decentralization on the system's

functionality.

Criminal justice system functional due to decentralization. Participant 009 observed

that the criminal justice system "is functioning better because of two things; the access and the

fact that I feel that more cases are being heard. So, justice is not as delayed as it was before".

Participant 026 cited the fact that police officers are seen across the Gbarnga Hub region as an

indication that the criminal justice system is functional:

… if you take hub 1 just as a case study, just by deploying police officers in to

respond to criminal incidents such as mob violence and other cases, if you talk to

people in the region, they will tell you that, the system has been really supportive.

If you also look at the perception survey done by the Peacebuilding Office, the

two perception surveys, they can tell you that people's perception about

the criminal justice system has actually changed from negative to positive.

Participant 029 stated that:

... The police have improved in terms of the response time for incidents. They have been

very fruitful. We had a case last year where in the Lofa court facility was about to be burnt

down and we had officers from Gbarnga to respond effectively. While in the past, you had

to deploy people from Monrovia. … because we had people in Gbarnga, they responded quickly to address that situation. So that's one success story with the hub. … And so, because of that through the experience, the government decided to roll the program in the regions to ensure that services are closer to the people and that people can have unhindered access.

Participant 017 affirmed this view: "… they respond to the regional counties, because they are based at the hub in order to shorten response time unlike before when they respond from Monrovia".

Decentralization has enhanced the rule of law, access to, and oversight of, the criminal justice system. Participant 015 stated that the County and District Security Councils have improved security sector governance, access to the criminal justice system and oversight:

Their County and District Security Councils role is that they discuss issues that

they face … So, for example, if a community does not have a police station and

there is an issue of mob justice that continues to take place, people are being

confronted with issues and there are no courts and no police stations so the people

come together to see if that issue is of security concern, they elevate the matter to

the appropriate institution. … some of the places, we have never had a police

station, magisterial court. As a result of the County Security Council convening

and making policy recommendations to the central government, the government

was able to construct magisterial courts, police stations, deploy men into those

places thereby bring the rule of law into those communities.

Participant 027 indicated that, "if decentralization had not happened, we would still have been dealing with a system where in large parts of the country, you do not have a court, you do not

have lawyers, but I think there's been a lot of progress …" Participant 011 shared similar views "… it has become easier and more accessible. But that was not the case yesterday. In fact, in some of the counties, they don't even have the structures. Most of the counties never had correction facilities; now they do." Participant 024 cited the deployment of criminal justice personnel and building of infrastructure for the criminal justice system across the country as evidence of some functionality, because there is a presence of the criminal justice system across Liberia:

> Well, let me take the functionality of the system in the basic sense. In terms of having actors deployed, in terms of having functionality, in terms of having a place for a court to be, a police station presence in a county or district and having a facility to take people securely and safely, … I mean I don't think anyone who has been in Liberia in 2003 and came back again in 2018 could doubt the progress made in that, in terms of the functionality of the justice system in that way. I think that, by and large, the police are able to respond. Not in the way that will be expected for them to respond to individual cases and things like that, but I certainly, think that there is a better perception of the security that the police can provide. I think that the focus on community policing over recent years has improved. They are starting to improve the relationship between the police and the community; as providing a service to them. I think that the courts are more problematic, and I think they will continue to be …

Participant 014 cited the fact that impunity is being addressed by Liberia's criminal justice system as evidence of how decentralization has influenced the system functionality:

> ... people who before were powerful can now be arrested and jailed. And for a lot

of the local people that is a lot of achievement ... that the powerful now are under

the umbrella of the law. So that is quite important. ... So, in most of the places,

people who were acting with impunity are now careful of what to do because their

people are going to jail and staying there for a long period. And so gradually it is

serving as a protection mechanism for local people who were before powerless to

say, 'I will go to the police.

Participant 010 indicated that, "yes, it has become more functional than before because the

system did not reach out to certain areas. But now, they have reached out to other areas, far more

than it used to be". Participant 029 also indicated that decentralization of the criminal justice

system had enhanced the presence of the criminal justice system across Liberia:

Yes. … I will take the judiciary for example. Across the counties before, we had

people who were serving as magistrates but were not lawyers. With the

decentralization, they identified that as a critical problem and what they have

done is to introduce a training program to ensure that these guys go through a 1

year or 1 year 6 months training so that they get the basics of law before they can

serve as magistrates. So that has enhanced the delivery of the service so that they

can be delivered at the county or community level.

Participant 017 cited the reduction in the number of cases on the court docket in the Gbarnga

Circuit Court as evidence of the functionality of the criminal justice system arising from the

Gbarnga Hub:

Now what has happened is that; one, there has been more focus on the justice

delivery system. So, there is great improvement in terms of how justice is

delivered at the courts. The evidence is that, cases that are on the docket of the

Gbarnga Circuit Court has really reduced.

Participant 008 stated that:

Decentralization has also helped to hold the government to look at all of the

counties in a way, because allocation may not be sufficient. … because of the

political activity in Liberia, those representatives are now serving as a mouthpiece

to address the legal challenges that they may have in their county. And the way to

respond to their concerns is not to bring those people to Monrovia but to open

other avenues to get redress so it has opened the eyes of many people. And mind

you, the decentralization process has also gone with some level of advocacy, …

so, people are demanding; they are not just sitting down as passive.

Participant 016 indicated that the Gbarnga Hub has improved oversight and accountability of the

criminal justice system:

The County Attorneys, security, courts, have to give reports, and the

establishment of the hub brought in special offices that allows for mechanisms to

check judicial and security actors in the county. So, a police officer knows that he

or she is not above the law. Citizens can complain to the hub manager and the

case can be forwarded, and several disciplinary actions taken.

In the words of Participant 030:

… . The current structure of the criminal justice system has been the Women and

Children Protection Section in the Liberia National Police. Prior to the civil war,

the Liberia National Police did not have this Section. In Montserrado County,

Criminal Assizes D and E were created by legislative enactments thereby

increasing the criminal courts to five (criminal assizes A, B, C, D and E). Besides,

the Supreme Court of Liberia, in exercise of its authority under Article 75 of the

Constitution promulgated Judicial Canons that provide for the Judiciary Inquiry

Commission that investigates complaints of impropriety against judges and

magistrates and makes appropriate recommendations to the Chief Justice for

consideration of the Supreme Court Bench.

As an indicator of decentralization having made the criminal justice system functional,

Participant 030 listed the services that have been decentralized in the Gbarnga Hub. According to

this Participant:

As a result of the establishment of the Gbarnga Regional Justice and Security Hub

criminal justice services such as confidence patrol by the Police and Border Patrol

Officers of the Liberia Immigration Services (LIS) have been extended to the

towns and villages in those regions where the hub is established but this

decentralization involves huge budgetary support. With UNMIL full presence in

Liberia having ended, the criminal justice system in Liberia is as responsive as it

was when UNMIL and other donors provided material and financial support.

Participant 011 attributed the functioning of the criminal justice system to the new administrative

structures created to manage processes within the criminal justice system. According to this

Participant, "today, we have a different system of managing them. We now have court

administrators, and looking at these people and their qualifications, that is a different ball game

all together". Participant 026 said, "yes, I think it has reduced some of the tension that was being

placed at the central level, some of the areas never had magistrates, some of the areas never had

judges". Participant 018 stated that, "… the courts are looking better, magistrates are being

trained. … outside of Monrovia, at least some people now have access to the justice system. Some are close to the courts and the police". According to Participant 029:

> … decentralization has been beneficial in a lot of ways because they are able to enhance the delivery of services across the country; and so, people can now access different services in different parts of the country. But it has also created challenges when it comes to sustainability of the projects and programs. … And the government in most instances is not able to match up and sustain those services … the Government didn't roll out a plan to ensure that when the funding dried up, … So, it is actually a fault from the Government's point of view.

According to Participant 015, decentralization has engendered public confidence in the criminal justice system and promoted the rule of law: "it has developed trust in the formal justice system by our people. The second thing is, it has reduced mob justice because people feel now that they can go to court; the court is effective". Participant 021 claimed that decentralization has educated citizens on how to access the criminal justice system "… to an extent yes. Because if you look at the whole consciousness. The citizens are conscious minded compared to before". Participant 008 indicated that:

> … there has been some form of justice simply because of decentralization. So, because of that access to justice, access to the players that are in that system, enables people to benefit a little bit more from those elements of the justice process whether it is the right to appeal, or preserve their innocence and all those things.

Participant 008 also asserted that, "so, when you talk about decentralizing the criminal justice system within the Liberian context, it reinforced the structure that was there before the war but to make it more functional …" Participant 014 stated that:

> Well, there are a number of buildings in Gbarnga and prosecutors as well. They have the County Attorney. This means that at all times, there will be prosecutors both at the circuit court level and at the magisterial level. … From what I have seen, visiting Gbarnga, there are cases being heard. And then maybe because of its proximity to Monrovia, they are a little bit monitored and those who manage it know they are being monitored.

According to Participant 006:

> I will say in some parts of Monrovia, some of the courts were working well; functioning effectively more than others... a solid response, a solid investigation etc. Some trials were able to start … That is why I say aspects of it worked better than others.

Participant 014 indicated that, "the hubs have been established but they are yet to be functional in all the other parts of the country. The Gbarnga Hub so far, I think, is the best functioning and that is for central Liberia. It is well functioning with courthouses, magisterial etc."

Reform of legislation has enhanced the criminal justice system's functionality. Participant 011 indicated that the enactment of legislation for the Liberian National Police had enhanced the criminal justice system's functionality:

> Today, our Liberian police, which is the first component of the criminal justice system, at least have laws, unlike yesterday, when their jurisdiction was not spelt out. There are systems that are put in place that were not put in place before.

Subtheme Three: Criminal Justice Chain Working Together

Participants were also asked if the various parts of the criminal justice chain were working together. This was to ascertain how functional the criminal justice system is, their responses were mixed.

Participants expressed the following views in support of the opinion that the parts of the criminal justice chain are working together.

Participant 005 stated that on a day to day basis the various parts of the criminal justice chain were working together:

My feeling was that on a day to day basis, they worked relatively well together.
But there were clear examples why some of the things were disjointed. For
instance, judges were not considering the capacity of prisons to hold prisoners.
This was especially important in Monrovia, where petty criminals will often
be incarcerated and put in very unfavorable conditions.

Participant 010 expressed the view that the various parts of Liberia's criminal justice chain were working together as there was coordination amongst them. According to this Participant, "there is now coordination between the police, immigration and the courts". This view was also shared by Participant 012 who stated that "yes there is collaboration, coordination and cooperation among and between the justice and security institutions". Participant 026 stated that:

Yes, they are. If you went to Gbarnga for example and say there is a rape case, the
SGBV Crimes Unit will go and do an investigation, then the police will go and
arrest, then the police will turn the person to the court and the court will do the
investigation and then if the person requires going to jail, then they will send them
to jail. But of course, I am not denying the issue of prison overcrowding; they are.

It is a critical challenge which has several factors.

Participant 029 stated that the various parts of the criminal justice system are working together at the county and national level "Yes they are working. There is coordination between the various sectors both at the national and county levels. Yes, they are working". Participant 015 stated that:

Yes, they are working together. The only issue as I speak to you are the challenges that each institution faces. But with respect to the formal work, they have been working together. Before the war, if someone was taken to court, or the police station, the police conduct the investigation, and submit their findings with the person. But right now, when someone is taken to the police station, they have to ensure that you have a lawyer at the police station. So, it has improved. So that coordination is there. Years back, you had to find your lawyer when you came to court. But now once you get to the court and you do not have a lawyer, the a defense attorney under the public defense arrangement provides you that. … I agree there are issues. That is why I said, it is true the system is working but there are still challenges. …, under the law, they provide for release, after two Terms of Court, if you are not being brought before the judge for trial ... over the years, lawyers have been invoking that law. So, the law is working, and it is being applied. So, with respect to the full application functioning, I will continue to say that once the system is established and it is working, there are still gaps that we need to resolve. … All three parts have to be well functioning in order to be effective. All the components have challenges. They have capacity, logistical issues …

Subtheme Four: Criminal Justice Chain not Working and/or Partially Working together

Participant 022 stated that:

They have to, they don't have a choice. But I think the coordination and

communication can be a lot better. If you look at the performance of the

individual institutions, you will see some progress. But the performance of the

chain as a whole has some gaps (e.g., lack of coordination and even the attitude).

... The police investigation is done; prosecution does an excellent work and

everything is ready but then the courts mess up. The case doesn't appear on the

docket for whatever reason. Maybe it could be corruption or whatever

sluggishness. But that ultimately means that people who suffered as a result of

this crime will still be disappointed. Lost files etc. that really have a direct bearing

on the sector as a whole. There is still a lot of room for improvement.

Participant 023 cited existing conflicts between various parts of the criminal justice chain as

evidence that parts of the chain are not functional:

We have tried to see how, as a nation, we could be promoting criminal justice

practices. But you also see that they are in conflict with each other. The police and

prosecution, there is always conflict. The police think that they are not getting the

best of support because, for example, the lawyers are prosecutors, are to present

evidence to the courts for a crime that someone will be charged with. Now they

go to court without the real evidence. When a prosecutor loses a case, they think

that it is as a result of the fact that the police did not do their work. Because

assuming the police provides tangible evidence on that particular criminal case,

then they would have done their best in the courts. ... When you come to the

courts and the prisons, there is also conflict between the two. The prisons think

that the court is overburdening them. Budgetary allotment given them is quite

limited.

Participant 013 stated that:

They are playing their role, but how effective they are playing this role is the

issue. So, if you have overcrowded jails and prisons, it means something is

wrong. That means either the courts are not functioning well or because some

people just get lost in the system. So yes, they are working, individually per their

mandate but then there is a need to have regular consultation meetings to

exchange ideas.

Participant 014 expressed frustration over the lack of implementation of the bail system in

Liberia, because it was violating the rights of accused persons because they were being held in

custody for an inordinately long period:

… if someone comes to complain to the police that a crime has been committed,

and the police arrest the person and the person is charged and sent to court, it

happens that the person is in jail. So, the bailing system as it is now is not

effective. The complainant doesn't come to the hearing; the person stays in jail for

a long time without bail. To keep someone in jail for a long time, beyond 30 days,

is a violation of the person's rights. The rule of law should provide for that.

Participant 001 indicated that the various parts of the criminal justice chain are not working

together "I give a straight no! … Because if they were working together it means that processing

the case would be easier. Because they are not working together, the cases are not completed".

This view was shared by Participant 019 who stated:

… So, the police are doing one thing, the prisons are doing another thing. For

example, you will hear from the police that the reason why many people are going

to prison and are complaining is because of the prison being overcrowded. And it

is because the court is sending people there for very minor cases. … So, you see

the coordination is not there.

Participant 020 also cited the existence of overcrowded prisons as evidence that the parts of the

chain are not working together. "I just mentioned to you the issue of the overcrowded prison, the

stuck up dockets. So, they are not working efficiently." Participant 008, agreed that the various

parts of the criminal justice are not working together and attributed the state of affairs to unequal

budget allocation:

… clearly, this is where the budgetary allocation comes in. The budgetary

allocation into the system has not been uniform. Maybe, Monrovia receives a lot

more because that is where the capital is, maybe counties where you have

concessions will maybe receive a lot more. And there are counties where they are

really suffering. … So, this is the problem, the architecture is there, if you look on

paper, you will see that each county has a police post, has a court, it has a

prosecutor but none of these institutions work very well. If the appropriate

budgetary allocation is not given to them …this remains the challenge. Salaries

are very low and in some of the areas it is not forthcoming; it is not coming in

regularly, and some of them have nothing to work with.

Participant 025 indicated that:

… there was some problem with the justice system in itself because there had

difficulties cooperating with the Chief Justice and getting the program in place

and there were strong sensitivities between different parts of the justice chain and all these things rather than us working towards the various government institutions and developing programs for the different parts of the rule of law chain, we never got the holistic approach to solving the issues of the different parts.

Participant 009 observed:

No. Not anymore. But we did through 2011-2017, until the Minister of Justice Christiana Tah left, we worked in harmony because we had one goal; to ensure we had an integrated system, a holistic system, looking at it in a whole. She loved that word, holistic system, where all the chains were connected, and all was working in harmony; that's what she was aiming for. But is that what we got? No! Because when she left, and the acrimony set in, people then went back to thinking about their system, their institutions, so it became individual. But something that helped us again was UNMIL's drawdown. That helped us again in trying to work together in a holistic manner, trying to reform the system.

Participant 024 noted that the working relationship between parts of the criminal justice has improved even though the institutions/agencies see themselves as competitors:

I think they are working together better than they had been. I think that there are still limitations like before in each of the institutions and understanding their responsibilities and seeing it as a joint responsibility. And I still think that they still see each other as competitors for their resources. I do think they are more aware of each other's needs and limitations. I think that they are more aware that they can function more effectively if they were together.

Participant 0021 also observed that "they are working together, but there is a need for strengthening coordination. They are working but may not be effective".

Subtheme Five: Decentralization has Contributed to Peace and Stability

Participants shared varied views on the contribution of a decentralized criminal justice on Liberia's peace and stability.

Decentralization has ensured peace and stability. Participant 001 stated that citizens are resorting to the criminal justice system to resolve their disputes and this is contributing to peace in Liberia:

> Maintaining peace and security in Liberia, they have succeeded. Because the communities realized that they are able to solve some of their issues, but others can be solved through the criminal justice system. … they are able to solve it through the criminal justice court.

Participant 026 affirmed Participant 001 assertion by stating that:

> Yes, it has. Because we were able to deploy more lawyers, judges, more cases are being heard at the local level, and now when people have issues, they are able to go to the court rather than put the law into their own hands. So, if you look at the issue of mob violence, even though it is still happening, it has reduced considerably. Most of the cases in the various courts are being dealt with in a faster way as compared to before.

Subtheme Six: Decentralization is Addressing Some Causes of the Civil War.

According to Participant 008 decentralization is helping to address the root causes of the war: I think it has been beneficial to the Liberian people; the benefits that the people are entitled to in a democratic process, …, the very things we were trying to address have been identified as

the root cause of the conflict. Participant 021 stated that "yes, for the purpose of stabilization; for the purpose of sustaining our peace and in the light of consolidating out peace and also for the purpose of meeting elements of the Sustainable Development Goals". Participant 021 also stated that decentralization of the criminal justice system has helped to address the concerns of citizens "… in a way it helped to accelerate the process of addressing citizen concerns".

Research Question 3. 1: How can the Functionality of Liberia's Criminal Justice System be

Improved?

Table 9 below presents participants recommendations on how the functionality of

Liberia's criminal justice system can be improved.

Table 9

Recommendations and Actions to Improve the Functionality of Liberia's Criminal Justice

Institutions

Recommendations	Actions required
Undertake institutional reform and development of Liberia's criminal justice institutions/system	Provide adequate financial resources to implement the decentralization process
	Reform the criminal justice system's legal framework
	Address infrastructure gaps but abandon the hub concept
	Increase number of court terms, police officers and judges and the use of the traditional justice system
	Enhance coordination and oversight of the criminal justice chain.

(Table Continues)

	Deployment of criminal justice officials outside Monrovia
	Use technology to make the criminal justice system accessible
	Improve logistics
	Overhaul the entire criminal justice system
	Improve communication, outreach and legal literacy of the population about the criminal justice system
Change of attitude required	Cultivate strong culture of integrity in criminal justice officials, ensure coordination and oversight of the criminal justice chain.
	Decentralization processes must be Liberian owned as well as sustainable and international partners should remain credible.
	Focus on the population who are the intended recipients of criminal justice system services

The following opinions were shared by participants on how the functionality of Liberia's criminal justice system could be improved:

Theme One: Develop Criminal Justice Institutions and Modify Approaches to Making the System Accessible.

Two subthemes emerged from this Theme.

Subtheme One: Institutional Reform and Development

Overhaul the entire criminal justice system. Participant 005 called for a fundamental reform of the entire criminal justice system:

> … infrastructure is fine but when infrastructure is not accompanied by a
>
> systematic reform process, inevitably the reform process is flawed. By
>
> concentrating on infrastructure rather than engaging in systemic reform issues, I
>
> think Liberia lost an opportunity to really see the comprehensive judicial reform
>
> or a wider criminal justice reform.

Provide adequate financial resources. Participant 001 recommended "adequate resourcing for all the various parts or the criminal justice chain". Participant 003 shared similar views: "I think in order to have a functional system in any way, you need to pour resources into it". Participant 008 shared a similar "… provide adequate budgetary support". In the words of Participant 017 "the only thing that can be further enhanced is the budgetary allocation". Participant 006 advocated for an increase in funding to support the various decentralization processes "… we should have looked at funding support. We had to prioritize the building blocks and actually make sure that we are matching those capacity building and development arrangements with funding".

Undertaking law reform. Participant 008 advocated for law reform "look at the laws, there will be a need to reform some of the areas; criminal procedure laws". Participant 020 called for "law reform, increasing capacity and changing the existing law". Participant 029 noted that, "some of the laws are archaic and so there is a need to look at it and ensure that they reflect the common reality". Participant 019 called for legislation to strengthen coordination amongst criminal justice institutions: "One of the things I tried to do that we could not do was to look at the Ugandan example where they were able to do some kind of legislation that makes all the justice system chains work together".

Increase the number of court terms, police officers and judges as well as involve the traditional justice system. Participant 029 advocated for an increase in the number of court terms and judges as well as use of the traditional justice system for dealing with minor criminal offences:

> … increase the number of court terms or can we increase the number of judges in
> the court? Or is it possible to use the traditional justice system to address some of
> these petty or minor cases … we can use the traditional system to handle very
> petty cases that the chief in the town or elders can be able to settle.

Participant 016 stated that "you need more police stations and officers". Participant 030 noted that:

> The customary justice system as a parallel legal system is not well structured and
> given its rightful place in our justice system. There is a need to elevate the
> customary justice system by revising regulations, repealing and amending statutes
> relating to Liberian customary law and practices

Address infrastructure gaps but abandon the hub concept. Participant 008 recommended the abandonment of the hub concept because it has been overtaken by the passage of time. This Participant said that; "I think we have passed that stage now.". Participant 009 identified the need to address the infrastructure gaps within Liberia's criminal justice system: "we have infrastructural issues ... so it is not one thing that has to be addressed". This Participant recommended that infrastructure of the criminal justice system must be located close to beneficiaries. This supports Participant 008 recommendation to abandon the hub concept which, conceptually, is large scale infrastructure. Participant 029 also advocated for "… smaller ones than a huge infrastructure that is unsustainable".

Deploy criminal justice officials outside Monrovia. Participant 018 also recommended that criminal justice system officers should be deployed outside Monrovia. According to this Participant, "pretrial detainees are still there but lawyers are not encouraged to deploy outside where the services are decentralized". Participant 021 supported the call to deploy personnel outside Monrovia by indicating that the deployment must not be on paper but must result in the physical movement of criminal justice professionals. This Participant said, "you have got personnel in places on paper for instance you see that on paper about 102 police officers have been deployed to a location outside Monrovia but on the ground, they are about 4, and they are being paid …. They come back to Monrovia".

Improve communication, outreach of criminal justice institutions and legal literacy. Participant 027 advocated for an improvement in communication and outreach on the rights of citizens, the workings of, and services provided by the criminal justice:

I think there is still a need for a lot of communication; a lot of outreach. In some

places people still do not know that these services are available beyond Monrovia.

People need to be aware of that. People need to understand their rights. There is

still a lack of awareness on rights.

Capacitate civil society, the criminal and; traditional justice systems. Participant 022

advocated for an improvement in human resources and infrastructure for the criminal justice

system and the strengthening of civil society and informal justice system:

We should continue to support the employment of qualified staff for different

counties. A lot of magisterial judges/lawyers are not well trained, so training is

important in addition, beefing up of personnel should continue, but with

sustainability in mind because ultimately the Government will have to absorb that

cost (i.e., salaries and maintenance cost). There is the need to create a conducive

environment for these people to work in. So of course, there is the need for

infrastructure and office supplies, but at the same time, continue to invest in civil

society and the informal justice system because civil society plays an important

watchdog role and the informal justice system will continue to be the preferred

choice for the overwhelming majority of Liberians, especially when it comes to

the nitty gritty issues.

Participant 023 also called for training of criminal justice system personnel:

I think in my mind, even though they have done quite a number of crusades, there

has to be more training for criminal justice practitioners; the police, prosecutors

and judges. So now we are training judges and clerks because, in that way, the

courts become more functional and people can begin to trust the courts and there

could be accountability.

Participant 029 also recommended that the authorities, "ensure that people are trained to deliver services". Participant 004 advocated for the recruitment of qualified personnel to work in Liberia's criminal justice system:

> … any criminal justice system in the world, no matter how you design it, if it has
>
> no qualified professional men and women of high integrity, it can't work. … Most
>
> of the time in many postconflict societies which is what we find... you design
>
> something, and you don't have the men and women qualified, with experience to
>
> run it. ... so, you bring in foreigners who simply don't know the system, who
>
> simply don't know the culture. Example, Liberia is one of the Anglo-American
>
> systems, and also, they have a traditional justice system which you find across the
>
> rural part of Liberia. Liberia has a dual justice system, and the dual system can
>
> only work if you have qualified professionals.

Enhance coordination and oversight within the criminal justice chain. Participant 008 recommended that attention should be paid to all parts of the criminal justice chain:

> It is not enough to strengthen prosecution if you cannot strengthen the judicial
>
> process. Say you want to eliminate prolonged pretrial detentions; what does that
>
> mean? The police have a role to play with that; the judges have a role to play with
>
> that; the prosecution has a role to play with that. So, we need to have a system
>
> that will look at all the various organizations and we bring them up
>
> simultaneously; all of them have to operate in a parallel way …

Participant 009 highlighted the need to address institutional and systemic weaknesses of the criminal justice system:

> We got institutionalized blockages in our criminal justice system. If we are

looking at the system in a holistic manner; starting from the police going all the way to the prisons, we have institutionalized blockages. And ensuring that they work together as one and trying to unblock the system in all of these parts would help or hinder the functioning of the system.

Participant 008 recommended that criminal justice institutions should be strengthened:

So, if you look at the police, more work needs to be done. It is more than just numbers. They need to work. I can tell you the whole investigative process of the police is very weak. So, you need to strengthen those institutions. And strengthen them at the national and local levels. And when I say national level, I mean Monrovia, but also throughout the country.

Participant 014 called for bail to be used to ensure suspects are not held in custody for prolonged periods because this violates their rights. According to this Participant, "to keep someone in jail for a long time is a violation of the person's rights. The rule of law should provide for that".

Improve logistics. Participant 014 advocated for the provision of adequate logistics "I think providing logistical support. For example, if you have no vehicle for the Magistrate Sitting Programme ... there is a need for inclusion in the budgetary allocation". Participant 029 called for the introduction of mobile courts in the justice delivery process:

… in some counties, we can use the mobile court system - where we take the lawyers and judges and they go to specific circuits and sit there to handle some of the cases. So, there can be a mobile court that other counties use to enhance the justice system.

Use technology. Participant 015 recommended using technology to make the criminal justice system accessible:

Law enforcement itself has major components; the individual components and of

course the technological hardware that is needed to help you to be more effective.

Take for example, officers are in this day and time doing manual traffic control at

major intersections. It is supposed to be managed by traffic lights and cameras so

that if someone violates traffic regulations, his license plate is photographed by

the camera and his information is taken to a control center. So, we come to be

professional in investigation, getting fingerprints, and developing the evidence for

court. If you are challenged in those areas, it makes it difficult to do proper

presentation in terms of evidence before the court. So, then you bring the

prosecutor to a point where they have to go the extra mile in terms of proving the

accused person's guilt.

Participant 029 advocated for technology to be used for record keeping and tracking cases within

Liberia's criminal justice system:

… do we have a digital system where we can be able to track the cases across the

country? For example, if a judge comes to a court; if we have a digital system that

tracks the cases when they came in, and how they were defended, and you know

basically, to know the cases that are overdue.

Participant 022 cautioned against unbridled use of technology to decentralize Liberia's criminal

justice system:

I am personally not in favor of pushing for some sort of digital revolution maybe

also, because I have seen expensive attempts including in Timor Leste where

millions were invested and didn't really lead to any meaningful efficiency. …

Electricity is still a big problem in Liberia. Finance is a big problem. Facilities

like offices are not there to accommodate expensive equipment. And again, I will

also bring up the sustainability issue, we buy very expensive equipment for

instance solar panels. So, what happens when the machines break down in places

like Grand Kru. … You don't need anything fancy. Mobile phones are a very

important tool of communication in this country. Coverage is quite good and

cheap. It is important that staff in the field will also have phones and that they are

able to communicate; not that they are not communicating, they are with their

superiors in Monrovia. … So, I think that it is a bit early especially outside the

capital. I don't see how this could work.

Subtheme Two: Change in attitude and approach required

Decentralization processes must be Liberian owned, sustainable and international

partners should remain credible. Participant 008 called on Liberia to embrace local ownership

of the decentralization process: "Liberia also needs to support local ownership". Participant 018

advocated for attitudinal change amongst criminal justice officials:

You see most of the time people can change the law; you can reform it from

different angles, but how are people going to abide by it? Legal education, more

professional approach to work, everything is not politics. People must take their

work seriously. How much does it take to do that? … So how can people take the

job seriously? Be it a cleaner or a judge, you must play your part; do your best.

Participant 010 stated that projects must be sustainable:

 … I don't think the approach was balanced in terms of maintaining and sustaining the

hubs. And that the international community did not focus on it properly. An appropriate

approach will be to come back to the drawing board and look at the whole concept and

see what the challenges are and let the commitment be real, otherwise there will still be

problems.

Participant 016 highlighted the inadequate attention that was paid to ensure that the various

interventions geared towards decentralizing the criminal justice system could be sustained by the

Government of Liberia after international support had dried up "… the international community

should have discussed sustainability more. They should have conducted a lot of training for

qualified personnel to be able to sustain those systems". Participant 015 recommended that

Liberia's Government must ensure sustainability of activities to decentralize the criminal justice

system. According to this Participant, "what is critical right now is the issue of sustainability.

How can the government strategize to sustain what they themselves led to put in place"?

According to Participant 008, the involvement of nongovernmental organizations in the

decentralization process created challenges for sustainability of the projects after the

international funding ended. This Participant also stated that: "I wouldn't say the involvement of

NGOs affected the legitimacy, but it did have an impact on sustainability, especially long term

sustainability. Because when an international NGO comes, the time there is limited; they leave

when their time comes". Participant 022 explained the state of the Government's finances:

> … we know that the government budget has gone down in recent years especially
>
> after the Ebola crisis and there was a standstill in the Liberian economy. After
>
> 2014, it hasn't really seen that 7 or 8% growth that was there prior to Ebola. So,
>
> let's say $550 million a year. I mean it is a small country, but it is still not a lot
>
> of money to play with and between 70 and 80 million allotted for justice and
>
> security.

Participant 004 disagreed with the assertion that maintaining the hubs is too expensive for the Liberian government to sustain from its resources:

> I don't agree with that. Liberia has the resources to manage the hubs, ... The problem that we face as Africans is that, we simply don't put in the resources to the right things … We need to have a culture whereby every year we put 5 pens down and out of the 5 pens, we say we will use 3 pens of that to do this and that and keep the remaining 2 and save it and use it when there is an emergency.

Participant 027 identifies with the position that the Government of Liberia can fund the operations of the Gbarnga Hub:

> I think the question is, can the national budget maintain the hub? Yes, I think it can … I think we may be discussing the misallocation of resources, but I don't think that we can talk about the insufficiency of the resources …

Participant 020 talked about sustainability and recommended that Liberia's international partners should not have undertaken a total overhaul of the Liberia National Police. According to this Participant, the restructuring of the police should have kept some of the old experienced and skilled hands:

> … there was certain expertise that is no more there in the police. We never got it back. There is an old adage here that says, 'you sit on the old mat, to plait the new mat'. So, you cannot tear up the old mat and sit on the ground to plait a new mat. So, I believe that there was expertise that they threw away.

Participant 011 recommended that Liberia's international partners should remain credible and consistent:

> But let me just say this; partnership goes with confidence first and credibility. In

many instances where you see the goalposts being shifted in the middle of the

game and the rules changing in the middle of the game, there is an issue that

should be addressed. If it is not addressed, they become a problem with the

partnership.

Cultivate a strong culture of integrity in criminal justice officials, ensure

coordination and oversight of the criminal justice chain. Participant 024 opined that the

functionality of Liberia's criminal justice system can be achieved by getting each part of the

criminal justice chain to play its role and improving oversight and accountability within the

system. According to this Participant:

> … ensuring that people have the system move, which is partly to do with
>
> everybody playing their role, the police doing their jobs better, the prosecution
>
> doing their jobs better, the judiciary doing their jobs better, ... But I think the only
>
> way that that happens is when there is effective oversight, accountability, and
>
> improved management in the system.

Participant 016 also advocated for strengthening oversight and accountability measures within

the criminal justice system:

> There are a lot of complaints that cases are brought to the police station and they
>
> charge money or else they will not. All of those have to be stopped. We need
>
> strong disciplinary measures against police officers that fail to abide by the law.

> Participant 013 recommended that "people working there must be honest; must be

credible; and they must be professional. If we can get a high level of professional people, that

will make a difference. And of course, avoid corruption".

Pay attention to the recipients of criminal justice services. Participant 024 indicated that too much attention was paid to criminal justice service providers to the neglect of recipients of criminal justice services, a situation this Participant recommends must change:

> I also think that our focus was so much on the providers of the service rather than the recipients of the service. … there was very little focus on their responsibilities as the police, as the judiciary, as the prosecution and much more focus on what their needs were. And I think that the international community facilitated that thinking and also encouraged competition between the different institutions of the criminal justice system rather than a communal responsibility.

Participant 021 called for deliberate actions to build public confidence in the criminal justice system:

> Over the years, one of our serious conflict factors that led to the war was the weak and dysfunctional justice system. So, citizens didn't have trust in the system. They saw it to be corrupt. They thought the system was also expensive to engage. And then there was this common saying that there is no justice for the poor. So, unless you have money you cannot have justice. So, there is not much confidence in the formal justice system. They prefer the informal justice system. In fact, there is a survey … that alone indicates that the population has more trust in the informal justice system. They prefer to go to the chiefs and the community leaders for justice.

 Participant 025 recommended that the focus in the decentralization process should be on services rather than infrastructure "… in terms of the immediate impact of the 5 hubs, … the focus should be on services in the different regions rather than bricks and mortar".

Participant 020 also recommended the adoption of a conflict sensitive approach to law enforcement:

> … I spoke about a conflict sensitive oriented approach to law enforcement ... You know elections the world over there are serious challenges. Even in Liberia, the international community was seriously concerned that our first election was going to be handled solely by the Liberia police. And we didn't have time to theorize the whole concept, but we applied it and it worked. So, if this concept can now be theorized and officers can relate to it, I honestly believe that we can see a 100% delivery of criminal justice services as relates to law enforcement.

Participant 023 recommended the introduction of a paralegal scheme in Liberia:

> I have visited for example, Sierra Leone, Ghana, Malawi, South Africa; one of the things that they have done is to empower the criminal justice sector such as using paralegals. For me, they stand as a bridge between the population and decentralizing the criminal justice system. Because in Liberia right now, we still have a challenge of formally recognizing paralegals. We are still pushing this, and we hope that it will come... Because lawyers are assuming that if you were to give a go ahead to, or license paralegals …; … lawyers are going to be out of job because cases are not going to come up for prosecution and paralegals will be assumed as lawyers. … So, we are still trying to persuade them.

Participant 024 also recommended the establishment a paralegal program in Liberia:

> I think one of the principal things is the paralegal systems that have been used or established effectively in other parts of Africa but also specifically within West Africa. I think that in terms of accessibility and in terms of decentralization and

improving people's access to the justice system and understanding of the justice

system. I think there is obvious resistance to that in Liberia. But nevertheless, I do

think that there is something that could be learned from that, there are similar

problems across all of those systems and across other countries as well where

there aren't enough lawyers. You just don't have enough in the formal system to

process the kind of people that are coming into the system. And therefore, you

need to go out. And I think there are some really interesting approaches in other

places (e.g., Sierra Leone, Nigeria) … Liberia has got absolutely no real

justification for refusing to take this stuff forward.

Summary and Conclusions

In Chapter 4, I presented the data collected and the findings from 30 interviews

conducted for this study. Through the interviews, participants shared their views on the

approaches used to decentralize Liberia's criminal justice system, the extent to which national

ownership principles were upheld in the decentralization process, and how decentralization has

affected the functionality of Liberia's criminal justice system and Liberia's peace and stability.

Participants also made recommendations on what international actors supporting the

decentralization of Liberia's criminal justice system could do to ensure national ownership of the

decentralization process. As previously noted, 7 themes and 25 subthemes connected to this

study's research questions and the relevant literature were identified. Overall, participants

pointed out that actors supporting the decentralization process were both national and

international. National actors included the Government of Liberia, civil society organizations and

local communities. The international actors included the United Nations, the African Union, the

European Union and the Governments Germany, Ghana, Japan, Nigeria, Sweden, and the United

States of America. Whereas participants acknowledged the role of ordinary Liberians and their

Government, they believed the process was elite and foreign driven with local communities

being informed rather than consulted on the process. Participants observed the lack of national

ownership of the process and the challenges of sustaining the process after international support

has ended had affected the outcome of the process to make criminal justice services accessible

across Liberia. Participants were also critical about the neglect of the traditional justice system,

which is the main source of justice for ordinary citizens particularly those residing outside the

major cities. In Chapter 5, I discuss the results of this study, draw conclusions, highlight the

implications of this study's findings for social change, and make recommendations.

Chapter 5: Discussion, Conclusions, and Recommendations

*"... building state institutions and structures, without ... paying attention to developing relations between the state and its people, will not ... benefit peacebuilding in the long term ..." (*Gordon, 2014, p. 126*).*

Introduction

My purpose in this grounded theory qualitative case study was to identify the approaches used in decentralizing criminal justice services in Liberia to determine how inclusive and nationally owned the decision making and implementation of the decentralization processes were. I also ascertained whether decision makers were cognizant of Liberia's peculiar context (e.g., history, social structure, actors, resources, and legal framework) in deciding the approaches to be used to decentralize the criminal justice system. I also investigated the influence, if any, of decentralization on the functionality of Liberia's criminal justice system and her peace and stability as well as identified homegrown and tailored recommendations to enhance access to Liberia's criminal justice system. Further I was interested in knowing participants views on how international actors could support nationally owned and inclusive processes to decentralize Liberia's criminal justice system as well as how decentralization of the criminal justice system had affected the way the system functions and Liberia's peace and stability.

Research Questions

The following Research Questions were answered in this study:

RQ1. What approaches have been used to decentralize Liberia's criminal justice system between 2011 and 2017?

RQ2. How nationally owned and inclusive was the process to decentralize Liberia's criminal justice system between 2011 and 2017?

RQ2.1. How can international actors support nationally owned and inclusive processes to decentralize Liberia's criminal justice system?

RQ3. How has decentralizing Liberia's criminal justice system affected the system's functionality and Liberia's peace and stability?

RQ3.1. How can the functionality of Liberia's criminal justice system be improved?

A semi structured interview guide was used for data collection to answer the Research Questions. Seven themes and 25 subthemes connected to this study's research questions and the related literature were identified.

In this chapter, I discuss this study's Research Questions, draw conclusions, highlight the implications of the findings for social change, and make recommendations.

Interpretation of the Findings

Participants in this study identified the approaches used to decentralize Liberia's criminal justice system between 2011 and 2017, and they shared their perspectives on

whether the processes adopted were nationally owned and inclusive. They also shared

their views and on the effects of decentralization of the criminal justice system on the

system's functionality and Liberia's peace and stability. Participants made

recommendations on how the functionality of Liberia's criminal justice system can be

enhanced with homegrown solutions and interventions that are tailored to suit the

Liberian context.

In the following section, I discuss and interpret this study's findings. To facilitate

this, the finding(s) for each Research Question is/are summarized in separated Tables

which are presented under each Research Question.

RQ1: What Approaches have been used to Decentralize Liberia's Criminal Justice

System between 2011 and 2017?

Participants identified 4 broad approaches to decentralize Liberia's criminal

justice system. They are; building/forging partnerships**,** undertaking law and policy

development and reform, institutional reform and development as well as infrastructure

development.

Table 10

Findings - Research Question 1

Research Questions	Findings
RQ 1: What approaches were used to decentralize Liberia's criminal justice system between 2011 and 2017?	i. Institutional reform and development ii. Infrastructure development, including the Justice and Security hubs iii. Forging partnerships iv. Law and policy development and reform

Forging partnerships

Seven participants, including Participants 006 and 013, indicated that several actors were involved in decentralizing Liberia's criminal justice system and that these actors partnered the criminal justice chain (i.e., the police, judiciary, and corrections/prisons) to provide criminal justice services across Liberia. According to Participant 006, "… in all we were looking at a partnered approach and strengthening the criminal justice system." Thought situated in another context or society, this finding is supported by authors such as Gibbs and Ahlin (2013); Kasali and Odetola (2016); and Tumalavičius, Nikolayevskyy, and Endziņš (2017), who asserted that governments are increasingly recognizing the fact that they cannot monopolize security, hence are collaborating with local communities to deliver security. For instance, Tumalavičius et al. (2017) found that in Lithuania, partnerships between the police and the population

contributed to making the society safe. Lippman (2014) encouraged collaboration between the bench and the bar as one way of promoting access to justice.

Participants identified a partnership between the Liberia National Police and members of the community. They referred to this partnership as community policing initiatives. Community policing is an intervention that is often used in postconflict and other settings to enhance security. For instance, community policing was used in Sierra Leone to decentralize security structures (Bangura, 2018), it has also been used in Liberia (Bacon, 2015), South Africa (Super, 2014), Nigeria (Kasali & Odetola, 2016), Lithuanian (Tumalavičius et al., 2017), and in the United States (Bent-Goodley & Smith, 2017). According to Jacot-Descombes and Niklaus, (2016) it is an approach to policing that citizens can easily evaluate. The context in which community policing programs are to be implemented by be considered in their conceptualization and implementation (Bent-Goodley & Smith, 2017).

Participant 013 indicated that there were partnerships with Liberia's integrity institutions such as the Liberia Anti-Corruption Commission, the General Auditing Commission, and the Independent National Commission on Human Rights, as well as other public institutions such as the Drug Enforcement Agency and the Financial Intelligence Unit. Arguably, these partnerships may qualify, to an extent, to be described as third-party policing because they contribute to making the criminal justice system accessible. Mazerolle (2014) identifies third party policing as an approach that can be used to enhance access to the criminal justice system and the services it provides.

According to Mazerolle and Ransley (2005), third party policing involves a partnership between the police and an external entity (i.e., the third party), in which the legal powers of the third party, which may ordinarily not be available to the police, are used to prevent or control crime. There is a shift from encouraging policing models to establish third party policing relationships to making such relationships a requirement in policing models (Mazerolle, 2014). Though used to a lesser degree, in Liberia, the partnerships between the police and integrity institutions like the Liberia Anti-Corruption Commission could contribute to making criminal justice services accessible. This is because it increases the number of institutions or forums through which criminal justice services can be accessed or provided hence potentially increasing the chances of citizens receiving criminal justice services.

Ubink and Weeks (2017) asserted that customary justice systems are effective mechanisms for enhancing access to justice in rural communities in Africa because they are accessible, cheaper, use fewer formal procedures and speak languages that the local community speak and understand. Dandurand (2014) advocates for increasing the use of mediation as a dispute resolution approach. Though mediation is not synonymous to using customary justice mechanisms in dispute resolution, mediation is one of the processes used by the customary justice system in resolving disputes. Despite the prominent role the traditional justice system has in the lives of Liberians, particularly in the rural areas, no participant identified using the customary justice system as an approach that was used to make the criminal justice system accessible.

I am of the view that this is an opportunity for a partnership between the traditional and statutory justice systems, an opportunity that has been missed in Liberia. Most participants criticized the non-involvement and/or consultation of traditional leaders in the process to decentralize Liberia's criminal justice system. Inherent in this criticism, is an acknowledgment of the role and place of the customary justice system in Liberia. The reason being that traditional leaders are charged with administering justice in that system of justice. Not mentioning the use of the customary justice system as an approach to make the criminal justice system accessible, confirms the fact that little or no attention was paid to the customary justice system's role in access to justice in Liberia and/or that, even when it was considered, it was seen as a system which should not handle serious criminal matters. It also highlights the elite and Monrovia-centric nature of the decentralization process. Some participants confirm this assertion. For instance, Participant 004 indicated that "it (i.e., the customary justice system) wasn't given enough attention, and it reflected the reality of the state of Liberia; that there is discrimination against the rest of Liberia, and everything is in favor of Monrovia". Participant 005 also indicated that "I don't think very much consideration was made because of the traditional justice system. I think partly due to the elite's dislike of it. The impression I got … from many Liberians … about the customary justice was embarrassment".

In the words of Participant 027:

> … we realized that the advancement of the criminal justice system was happening in tension. There was a lot of tension with the traditional justice system, with the elders of the communities. …, some of the cases that were brought before the

court, there were conflicts over jurisdiction. Traditional leaders were saying no, this is a matter to be determined by the Chief, this is a matter to be determined by the high priest and this is not a matter for the Monrovia court. … the criminal justice system is encroaching on major territory that for a long time has been occupied by the traditional elders, by high priests and where the customary system of the Liberian tradition has been the prerogative or has been presumed to have the prerogative to handle the matter (i.e., matters that are now coming under the jurisdiction of the formal system). So, there is a lot of tension; a lack of understanding from the part of the traditional leaders in terms of where does their authority end? And where does the court begin? … That is a major problem.

The disinterest in making the customary justice system a forum for seeking justice in Liberia is confirmed by Bamidele (2017) who indicated that harmonizing Liberia's statutory and traditional justice systems was identified in the National Plan of Action for Gender Based Violence as one way to enhance access to justice particularly for women. However, the researcher observed that this was yet to be done. Participant 008 explained, in the following statement, why attention was not given to the traditional justice system:

> … cultural practices are different. And even in any political subdivision, you may find different cultural practices and traditional values. … The criminal justice system has standard rules. It is not influenced by cultural and traditional practices. So, if it is access to justice; if it is investigating crime, charging a crime, prosecuting a crime, sending someone to jail, (i.e., if you cannot find the bail)

those things are standard as you go around the country. The real challenge

remains the impact of the traditional and cultural practices on the formal criminal

justice system. So, if you were in Grand Kru and someone is arrested for rape and

the people who are resident there don't consider rape as a major crime, and they

want you to release the person, even when the law says the person is not

entitled to bail; …. Now if you go to another county, maybe for them, rape is

treated as a major thing that they cannot tolerate. … In some counties for instance,

they may want to do *Sayyewood* (i.e., Trial by Ordeal) to make you confess

judgement. But should we use that as a basis now? Now that we have a unitary

government; we have a justice system and we want to be homogenous.

In rationalizing the reasons for the lack of attention being paid to the customary

justice system to make the criminal justice system accessible, Participant 008 cited the

human rights violations that occur in the customary justice system's processes. This is

acknowledged by Ubink and Weeks (2017) who identified violations such as the absence

of legal representation. To address this, Ubink and Weeks (2017) advocated for effective

oversight over the customary justice system and the need to subject customary justice

systems to the constitution and other fundamental human rights norms and standards. As

Ubink and Weeks (2017) pointed out themselves, implementing this recommendation

may result in the customary justice system being formalized, hence losing its

peculiarities. However, there is almost no other option in any modern democratic state.

The fact that human rights violations occur in the customary justice processes is not a

sufficient reason to disregard the customary justice system as an option for enhancing

access to justice services, particularly in postconflict settings. After all, serious human

rights violations also occur in formal criminal justice systems and are even worse in

postconflict settings where there are other challenges that make the occurrence of such

violations the norm. These violations include detaining suspects for prolonged periods,

processes being affected by weak institutions, inadequate human resources and

corruption. However, these violations in the formal criminal justice system have not

formed the basis for not working with the criminal justice system to reform it and make it

accessible. What has always been done is to work at improving the criminal justice

system and making it human rights compliant. In any case, I think that involving the

traditional justice system in making criminal justice services accessible has the potential

of reforming the traditional justice system and making it a human rights complaint over

time. Like the case in the formal justice system, it is only in actively using the customary

justice system to dispense justice that the system evolves and improves. However, care

should be taken not to steer the evolution process in a direction that results in the

customary justice system losing its identity.

A distinction has to be drawn between human rights violations perpetrated by the

traditional justice system and the contempt that some people have for the customary

justice system as a system or source of justice. Such a distinction will result in the

customary justice system not being neglected as a partner in enhancing access to justice

or relegating it to the background, as appears to be the case in Liberia. It is also important

that challenges associated with using the customary justice system as a source of, or

forum for justice are not used, as a shield, by persons who are contemptuous of this

system of justice, to cover their real intentions. In postconflict societies, a refusal or failure to use the customary justice system as an avenue for seeking justice results in a violation of the right of the citizenry to justice. This is because of the inadequate capabilities of the formal justice system in postconflict settings. Indeed, Bacon (2015) observed that to get Liberia's customary justice system to uphold human rights, some unintended consequences occurred (i.e., prohibiting the customary justice system from assuming jurisdiction over certain categories of cases resulted in no justice for victims of those cases because the formal justice system is inaccessible in certain locations). These claims are shared by Participant 024 who claimed that:

> I don't think that we were looking at the environment in which they were working. And because we weren't looking at that environment, we didn't pay attention to the customary justice system. … we were also somehow undermining it in other ways by saying you shouldn't go to the customary justice system for X, Y and Z cases/subject matter (i.e., you should go and use the formal justice system for X, Y and Z cases/subject matter). Even though we knew that even in those situations, the formal system was failing. So, I think that we perhaps failed on more than one account in terms of paying attention to the customary justice system.

To deal with possible human rights violations perpetrated by the customary justice system, Malawian traditional courts deal with a limited number of civil cases and the formal courts deal with criminal cases and certain civil cases (Ubink & Weeks, 2017). Persons aggrieved by the decisions of the customary courts have the opportunity to

appeal in the formal courts (Ubink & Weeks, 2017). South Africa has adopted a similar

approach where customary courts deal with civil cases and minor criminal offences

(Ubink & Weeks, 2017). Determining these jurisdictional issues are highly political and

contentious discussions, as well as sovereign decisions that must be informed by the

history and culture of the context (Ubink & Weeks, 2017).

In addition to the possible human rights violations that are associated with having

a pluralistic justice system, it is important to highlight some consequences that have

occurred in other postconflict societies and may also occur in Liberia if the customary

justice system is actively engaged to deliver justice. For instance, Jackson (2013) claims

that coexistence between the statutory and traditional justice systems at the local level

reinforces the power dynamics at that level, entrenches the position of the local elite and

deprives the nonelite of having access to justice.

Law and policy development and reform

Participants indicated that law and policy development and reform is another

approach used to decentralizing Liberia's criminal justice system. According to

participants, legislation was amended and or enacted and policies were formulated with

the objective of making the criminal justice system accessible. Issues addressed through

law and policy reform include legal aid; a public defense program; legal frameworks for

the national police, immigration service and drug enforcement agency; and reform of the

jury system. These initiatives are reflected in the following statements from participants:

Participant 008 indicated that "there were laws made … to address some of the

immediate challenges that we were having; either dealing with cases of rape, domestic

violence …". Participant 013 also stated that "a new Police Act, Immigration Act, the National Security Reform and Intelligence Act, a new Drug Enforcement Agency Law …" were enacted. Participants 009 and 011 respectively indicated that: "… we had the jury law passed" and "… the jury management system was also decentralized". Krawczyk and Muhula (2018) confirm that, in Liberia, policy and law reform were undertaken to make Liberia's criminal justice system accessible. According to these researchers, a considerable amount of time was spent to develop plans, policies, legislation and projects to set the stage for decentralization in Liberia. It is obvious that important pieces of legislation were enacted to make criminal justice services accessible. What is unclear is the impact of this legislative reform. This may become clearer in discussing other research questions.

Infrastructure development

The third approach was identified by 10 participants including Participants 001, 004, 005 and 012. It is infrastructure development. These participants identified providing infrastructure as an approach that was used to decentralize Liberia's criminal justice system. The following statements capture some Participants' perspectives: Participant 001 said the following about the approach to develop infrastructure: "… improving infrastructure, particularly in areas where the corrections system was nonexistent…". Participant 004 indicated that infrastructure support to make criminal justice services accessible included providing "an office, a telephone, transport, in a few cases even accommodation …". Participant 005 noted that "one of the big changes was the construction of prisons … magistrate courts across the country with Quick Impact

Project funding". Participant 011 stated that "… go around the country, there are facilities in the localities" and Participant 012 noted that "… police stations were built in the counties; there had been infrastructure in the counties, but primarily in the county capitals".

Justice and security hubs

The Justice and Security Hubs project was a major intervention used to decentralize criminal justice services in Liberia. This intervention was touched on by almost all Participants, it straddled infrastructure and institutional reform and development. According to Participant 024:

> … the Justice and Security hubs was an initiative from a Joint Program which started in 2011 coming out of Liberia's Priority Peacebuilding Plan, which was putting a focus on decentralization of services or provision of services at the local level. And a large degree of funding, comparatively speaking, in terms of making funds available in Liberia at that time … was coming in from the Peacebuilding Fund, which was put specifically to support decentralization in terms of criminal justice … in addition to the various actors and infrastructure that I was talking about (i.e., things like the Sexual and Gender Based Violence Crimes Unit), which was a centralized office working in Monrovia for a number of years initially, was also extended to … certain counties to provide some support for survivors of SGBV.

Krawczyk and Muhula (2018) confirm the finding that infrastructure was provided across the country to facilitate the decentralization of Liberia's criminal justice

system. The authors observed that decentralization in Liberia has focused on "rudimentary activities" (p. 372) like rebuilding infrastructure at the county level. Inadequate infrastructure for the criminal justice sector is not exclusive to postconflict societies. For example, the Government of Brazil decided to construct prisons to deal with overcrowding in Brazil's prisons (Silvestre, 2016). Silvestre (2016) however concluded that in Brazil, the increase in the number of prisons did not successfully address the challenge of overcrowding in prisons. I made a similar finding in this study regarding Liberia. This is because Participants pointed out that new prison infrastructure did not limit overcrowding, citing this as an indicator of a dysfunctional criminal justice system. Whereas participants mentioned that infrastructure was built, it is important to use what existed after the war as the baseline (i.e., this should form the reference point and be an indicator of how much infrastructure was built in Liberia and whether the new infrastructure is capable of significantly improving access to justice in Liberia). This reality and Silvestre (2016) findings that in Brazil the increase in the number of prisons did not address the issue of overcrowding in prisons confirm the fact that improving infrastructure alone does not address challenges hindering the quest to enhance access to justice. There must be a combined approach (i.e., a holistic approach) to enhance access to justice in Liberia and other contexts.

The hubs project is a unique intervention because it departed from building small scale infrastructure in communities across Liberia. As previously noted, the hub project adopted a regional approach in which Liberia was divided into 5 regions and large scale infrastructure was planned to be built in these regions. Though the hubs were relatively

further away from the recipients of criminal justice services, this project was the biggest

effort to expand criminal justice services outside Monrovia. This project had very

laudable intentions, but it suffered implementation challenges leading to its modification

after the pilot phase in Gbarnga and its eventual abandonment. Participants shared the

following opinions about the hub project: Participant 022 stated that "… the hubs

approach has come to a standstill. Originally, the idea was 5 hubs. But after the Gbarnga

hub, after the investments were made … I think that the hub concept came to a standstill.

But the decentralization itself continued". According to Participant 008:

> the Gbarnga project would have been the forerunner to all the other areas. First,
>
> there was an implementation problem in terms of the construction itself. And so,
>
> it did not proceed as originally planned. There was a delay in its completion.
>
> And it consumed a lot more money than it was originally intended. And because
>
> of that, it did have an impact on the construction of the hubs in the other areas.

Participant 005 indicated that:

> I think the most important thing, the elephant in the room, was the decision to use
>
> Peacebuilding Fund money to finance the hubs and construct hubs in the regions.
>
> … where they completely ignored the fact that the system runs on a county basis.

Participant 021 stated that:

> the justice and security regional hub; initially the plan was to have 5 in place. …
>
> But unfortunately, in the middle of implementation, the infrastructure aspect was
>
> not taken forward because the lesson learnt from the first construction took longer
>
> than we expected. And so, our partners from the United Nations (i.e., the

Peacebuilding Commission Chair) spoke with the government and government

bought into the idea and saw the need to prioritize service provision rather than

the physical infrastructure. So currently we have not had infrastructure in all areas

except for Bong County.

On the hub project, Participant 008 indicated that; "I think we have passed that stage

now".

The reviews of the hub project questioned the judgement of the decision makers

at the time. The quest to decentralize the criminal justice system outside Monrovia is not

the source of concern raised by participants, it is the approach (i.e. dividing the country

into regions, contrary to the structure of the state). The other concern is putting up large

scale infrastructure and in locations which, though compared to Monrovia was closer to

the recipients of criminal justice services, but practically and in most cases inaccessible

by the population due to poor road networks and the long distances that ordinary citizens

have to travel, sometimes on foot to access services.

Below, in Figure 5, is a map of Liberia with the location of the Gbarnga hub and

the proposed locations of the 4 other hubs. The Gbarnga hub was to service three counties

Bong, Nimba and Lofa. The map provides an opportunity to appreciate the distance that

litigants and criminal justice actors had to travel to access justice or provide justice from

the Gbarnga hub. The impact of the heavy rains on the criminal justice system's

operations and the fact that ordinary citizens have to travel on foot for long distances to

access criminal justice services is confirmed by Bacon (2015). These Liberian challenges

should have informed the design, siting and implementation of the hub project. However,

it is practically impossible to decentralize an overly centralized criminal justice system immediately to the community level. It required time and other resources that were not readily available. Therefore, it is unfair to entirely blame decision makers for their decision to decentralize through the hub project. However, with hindsight, a combination of having criminal justice services and relatively small scale infrastructure sited on a regional basis close to the population to deal with the challenges already identified, like heavy rains and bad roads, would have been a preferable approach. This may have been resource heavy but would have had a greater positive impact. Priority could have been given to locations that were affected most by the challenges of access to the criminal justice system and poor infrastructure.
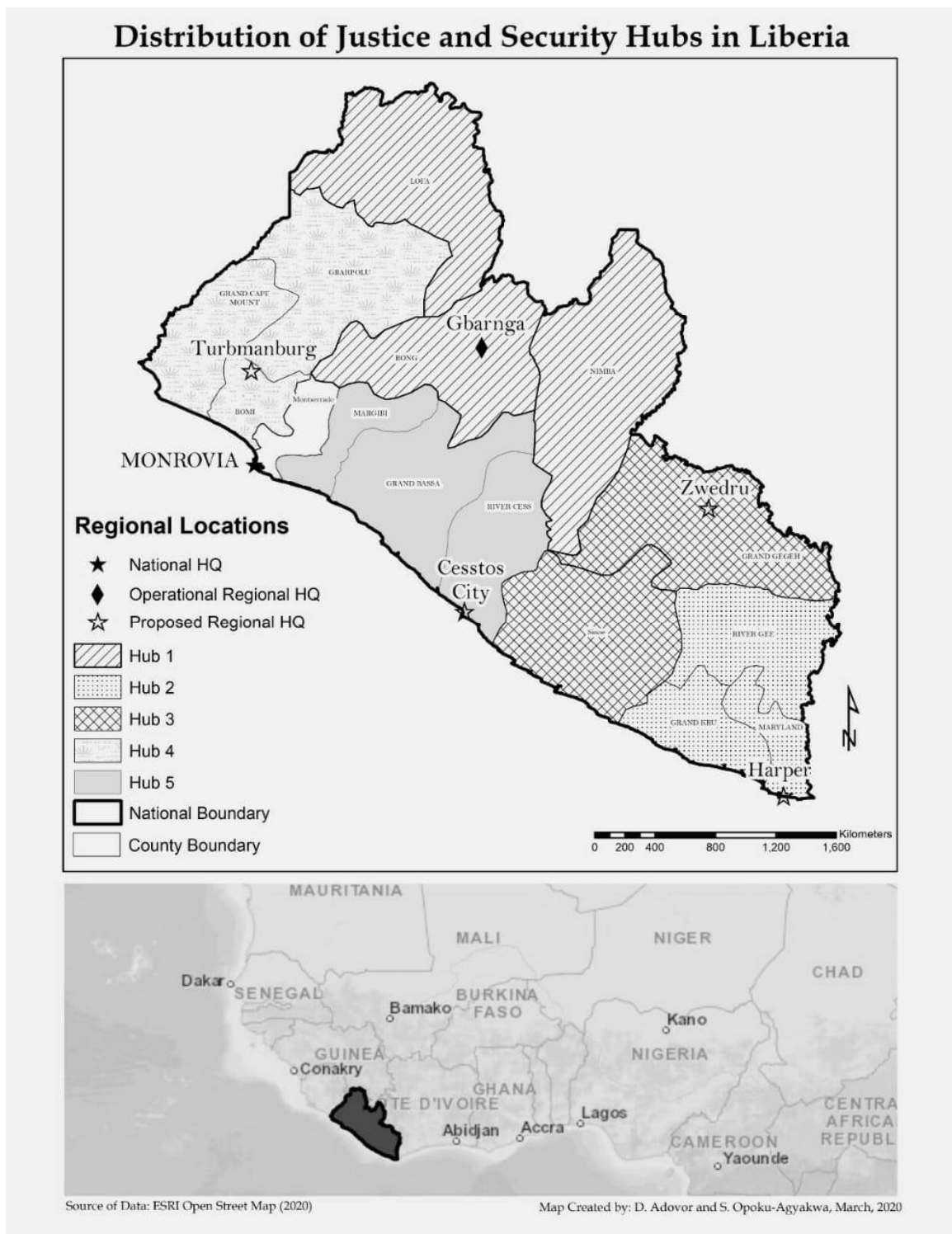
Figure 5 Map of Liberia

Institutional reform and development

This is the fourth approach that I found to have been used to make Liberia's criminal justice services accessible. Under this approach, institutions are revived, reformed and in some cases, established.

Participants identified interventions that were undertaken to develop Liberia's criminal justice institutions. One of them is human resources development (i.e., training, mentoring and capacity building/development). According to Participant 001 "capacity building was undertaken for the systems to become functional." According to Participant 003, "training was an approach to develop criminal justice institutions". Participant 004 mentioned "training of judges, training of lay persons as magistrates, … training of police officers, the training of correction officers, …." Participant 013 indicated that "the Judicial Training Institute is also training magistrates that is also helping to increase the number of judges, magistrates and defense attorneys." Participant 014 stated that "there has been police training, ... The law school is training more lawyers." According to Participant 016:

> … they were recruiting a lot of qualified lawyers to enter the justice system. All the County Attorneys in the country except for the county of Montserrado were non law school graduates while the law required that you needed to be a law graduate before you can practice law in Liberia.

This Participant also stated that "... moves were followed by the Judiciary where they subsequently began to recruit law school graduates to place them in as Public Defenders

in the counties." Participant 008 observed that "… the problem within these kinds of institutions is staffing. So, we had to go in and look at appointments, the issue of tenure …."

Participants also identified the creation of new offices/institutions within the criminal justice system as a category of interventions to decentralize Liberia's criminal justice system. According to Participant 013, "… for the police, we have the Women and Children Protection Section which has been decentralized. We also have the Professional Standards Division for complaints which has been also decentralized." Participant 009 stated that "the Sexual and Gender Based Violence Crimes Unit … works with Criminal Court E to ensure the prosecution of sexual violence everywhere. … before the war, it was mostly done in magisterial courts. … ."

Institutional reform is an endeavor that receives a lot of attention in criminal justice system reform, particularly in postconflict settings where systems and institutions have broken down and qualified human resources are either inadequate or non-existent. Fyanka (2014) observed that, as part of efforts to reform Liberia's police, additional police officers were recruited, trained and deployed outside the capital, although with almost no resources to work. Schroeder and Chappuis (2014) stressed the point that security sector reform takes various forms including strengthening oversight of the security sector and professionalizing institutions within the sector. Gribanova and Vulfovich (2017) highlighted the importance of designing policies that are geared towards creating safe, inclusive and just cities. Addressing the prevalence of gender and sexual violence related cases, resulted in the creation and decentralization of specialized

criminal justice institutions. According to Bacon (2015), in Liberia, interventions to reform the criminal justice system and make it accessible included establishing a specialized court, with jurisdiction across the entire country, to try sexual and gender violence cases and the decision to establish units of the Women and Children Protection Section across Liberia. The researcher also noted the establishment of the Sexual and Gender Based Violence Unit, a specialized prosecution unit, dedicated to prosecuting sexual and gender related cases. Bacon (2015) also found that between February 2009, when Liberia's specialized court was established to try sexual and gender-based violence related cases, and July 2011, only 34 out of the 200 cases reported had been prosecuted. Bacon (2015) further noted that out of the cases prosecuted, only 16 convictions were secured (i.e., 50% conviction rate). This conviction rate could arguably be seen as positive for persons using the rate of conviction as an indicator. However, prosecuting 34 out of 200 cases is discouraging given the number of interventions put in place and the amount of resources committed to deal with sexual and gender-based violence related cases. In any case the criminal justice system is not in place only to convict, hence using the conviction rate as an indicator of success is flawed, inappropriate and misleading.

Establishing County and District Security Councils is one institutional arrangement to provide an avenue for members of the local community to discuss and find local solutions to security challenges confronting them in their communities. These councils serve as early warning mechanisms and provide an opportunity for ordinary citizens to participate in the governance process. According to participants, the councils promoted peace and stability and allowed ordinary citizens who normally have no

opportunity to participate in decision-making to have a say in their affairs. Participant 007 stated that "… County and District Security Councils were set up … to get the local people involved." Participant 006 indicated that:

One of the other strategies was to have a localized approach to improving responses and information exchange around what was happening. So, the County and District Security Councils were established. … with representatives of typically the security agencies, which also had representatives from the broader criminal justice system coming together and … tried to have a better understanding of what crime and security in the counties were like; trends that were recurring and perhaps looking at what best responses were required ...

Participant 011 also mentioned that "the establishment of the County and District Security Councils actually came out of the consultation. That was part of the efforts aimed at inclusiveness". Participant 013 stated that:

… the feedback that we are getting is that that initiative is well placed. Because disputes that have created frictions in years are being resolved as a result of the County and District Security Councils bringing the people together. And areas where the conflict will erupt … and create insecurity, they are able to resolve it.

Participant 013 also stated that:

… the National Security Reform and Intelligence Act … talked about creating County and District Security Councils. … . When there are issues and the Council meet, and a justice institution is supposed to take that up, they are then mandated by those County Security Councils to act. For example, if it is a corrections issue;

overcrowding of the corrections, the issue is brought up …

Liberia's County and District Councils are akin to community safety mechanisms.

According to Gordon (2014), community safety mechanisms are an approach towards security and justice sector reform. Various jurisdictions label these mechanisms differently. Bastick and Whitman (2013) found that in Sierra Leone and Haiti, they are known as local security committees. Using community safety mechanisms could promote inclusion and address the challenges associated with the top bottom approach which characterizes donor led security sector reform interventions (Gordon, 2014 & Homel & Masson, 2016). It also contributes to increasing the chances of such interventions being sustainable, it promotes efficient, transparent, effective and accountable security sector institutions and improves the relationship between the government and the governed (Gordon, 2014). Gribanova and Vulfovich (2017) asserted that the proximity of city authorities to citizens and their familiarity with the local context put city authorities in a better position to develop solutions for crime prevention. Accordingly, crime prevention policies must adopt a decentralization approach, principally because they require proximity of actors for implementation (Gribanova & Vulfovich, 2017). The fact that the County and District Security Councils promoted peace in Liberia supports Arnusch (2010) assertion that not incorporating persons at the community level into security sector reform processes, in Liberia, could turn potential champions of security sector processes into spoilers (Gordon, 2014). Arnusch (2010) also claimed that in Liberia, community safety mechanisms which had filled the void in the absence of state justice and security institutions, were not incorporated into the processes seeking to reform the justice and

security sectors (Gordon, 2014). Though I found that the participation of local communities and actors in Liberia's criminal justice decentralization

process left much to be desired, there was no evidence, in this study, of Arnusch (2010) assertion. It is obvious that the community safety mechanisms referred to by Arnusch (2010) were not creatures of legislation (i.e., they were created by communities and not the state). This does not negate the veracity of Arnusch (2010) claim because my study was conducted almost a decade after the Arnusch (2010) research. The reason being, the National Security Reform and Intelligence Act, established the security councils, was enacted in 2011 i.e., a year after Arnusch (2010) was published. I will argue that, the fact that Liberia eventually formally establish the County and District Security Councils as a community safety mechanism, affirmed Arnusch (2010) assertion about the merits of having them as part of security sector, and by extension, justice sector, reform in postconflict societies.

Despite the positive case made for using community safety mechanisms, the literature highlights several limitations and cautions their use. They include the concern that incorporating community safety structures into security sector reform programming may institutionalize community structures and this may lead to the structures losing their essence and character. This is because the wide range of community concerns that these structures are designed to address risk being securitized (Gordon, 2014). Secondly, the bottom up approach to security sector reform that is associated with engaging community safety structures to security sector reform programming may result in these structures supporting a state-centric approach to security sector reform and defeat the objectives of

establishing them (Gordon, 2014). Donais (2008) also indicated that when community

structures are incorporated into security sector programming, donor support for operating

the structures may undermine the quest for local ownership of the activities of these

structures and negate the reason for establishing them (Gordon, 2014). Also, Donais and

Knorr (2013) citing Campbell (2011) stressed the point that the power differentials

between community actors and those at the state/national level may result in a co-

optation of the community (Gordon, 2014).

The aforementioned limitations, though valid, appear to focus on community

safety mechanisms that are not sanctioned by the government or are a result of

arrangements at the local level. The membership of Liberia's security councils is a

mixture of state and nonstate actors but tilted towards state actors. This suggests a

combination of a top bottom and bottom up approach to security sector reform.

In this regard, though the composition of Liberia's community safety mechanism

gives a character of a hybrid (i.e., state and community structure) the said limitations and

caution are relevant and need to be kept in mind by stakeholders as they have the

potential of influencing the process in Liberia.

RQ 2: How Nationally Owned and Inclusive was the Decentralization Process of Liberia's Criminal Justice System between 2011 and 2017?

The second research question gauged participants perception of the extent to

which in decentralizing Liberia's criminal justice system, national and local ownership

principles were upheld. Participants expressed mixed views, leading to my finding,

captured in Table 11 below that though the process to decentralize Liberia's criminal

justice system was driven by both national and international influences the international influence was stronger.

Table 11

Findings - Research Question 2

Research Questions	Findings
RQ 2: How nationally owned and inclusive was the process to decentralize Liberia's criminal justice system between 2011 and 2017?	Process to decentralize the criminal justice system was a combination of national and international influences but tilted in favor of international influences.

Participants answered a number of interview questions to aid me answer this research question. For instance, participants were asked to identify the actors involved in the process of decentralizing Liberia's criminal justice system.

They identified the following actors: Western and developed countries like Australia, Germany, Ireland, Sweden, Switzerland, United Kingdom and the United States of America. For instance, Participant 005 mentioned Sweden and the United States of America and Participant 007 identified Germany, Japan and China. In some cases, these countries supported the process through their development cooperation agencies such as United States Aid Agency (USAID), the Swedish International Development Agency

(SIDA) and Irish AID. Some African countries like Ghana and Nigeria also supported the process. Another category of actors that participants identified are supranational or intergovernmental organizations such as the United Nations and its agencies, funds and programs, the European Union, the African Union and the Economic Community of West African States. Participants also mentioned international nongovernmental organizations such as the National Democratic Institute, The Carter Centre, the International Committee of the Red Cross and the Norwegian Refugee Council. Local nongovernmental and civil society organizations including Prison Fellowship Liberia, the Liberia National Bar Association, Liberia National Law Enforcement Association, the Catholic Justice and Peace Commission, Prison Watch and the Trial Judges Association were also identified.

From the list of actors mentioned, it is evident that Liberians, Western/developed countries, neoliberal institutions, developing countries, nonstate actors (including local nongovernmental organizations) were involved in the process of making criminal justice services accessible across Liberia. Few participants mentioned local communities and nongovernmental organizations as actors in the process. Indeed, Participant 024 described the involvement of local communities and nongovernmental organizations as "… few and far between". The noninvolvement of citizens and local civil society organizations in the decentralization process reflects on the neglect/refusal and unwillingness of drivers of the process to engage with Liberia's and local communities/organizations as opposed to an inability and/or unwillingness of ordinary citizens and local organizations to participate in the process. The roles played by ordinary citizens and local

organizations in the decentralization process is a determinant of how nationally owned and inclusive the process was. This will be examined in the ensuing discussions.

Involvement of civil society, local organizations and traditional leaders

Participants assigned multiple reasons for involving civil society and local organizations in the decentralization process. Six Participants including Participants 015, 019, 021, 025 and 029 indicated that they were involved to promote oversight and accountability over the criminal justice system and the decentralization process. For instance, Participant 015 stated that, "… civil society has been involved, by raising concerns in respect of law violations; giving reminders as to what should be done; ... Making contributions with respect to how the restructuring should be done ..." Participant 019 stated that: "… the way Liberia is … and also because of the government's bureaucracy and corruption, at the end of the day, it seems the only option to really get to the people is really through the CSOs." Cubitt (2013) supports the finding that involving civil society in the process was to enhance oversight of the process and the criminal justice system. According to Cubitt (2013) involving civil society in interventions to reform the justice and security sectors serves as a check on possible abuses of power by the state and its agents (Gordon, 2014).

The second that 4 Participants including Participants 005 and 013 gave for involving local communities and organizations is to provide criminal justice services. In this regard, Participant 005 stated that "we did have NGOs being there in terms of service provision. You have had a number of NGOs over the years in partnership with UN agencies like the UNDP providing support in different aspects of the criminal justice

system." According to Participant 013, "… you know, the Government cannot provide for the entire country and so civil society

players are there to support Government's efforts." Bacon (2015) supports the finding that local nongovernmental organizations and by extension citizens were involved in providing criminal justice services. Bacon (2015) found that, in Liberia, only 2% of cases go to the formal justice system to seek justice while 45% of cases are resolved through the customary justice system. Isser et al, supported this assertion by stating that in Liberia, only 50% of sexual-related offenses are reported, out of which 28% are reported to informal settings (e.g., family heads, traditional leaders, elders and secret societies). Also, Denney (2014) asserts that in the developing world, nonstate actors play a prominent role in the lives of citizens because they are accessible, relatively less expensive in their charges and able to deliver the "locally valued currency of justice" (p. 254). Denney (2014) cited Albrecht and Kyed (2011) who asserted that "80 per cent of disputes in the global South are resolved by nonstate means" (p. 253). In Sierra Leone, traditional chiefs are responsible for providing justice and security services to over 80% of Sierra Leoneans and 85% of crimes and conflicts in Sierra Leone are first reported to traditional authorities (Jackson, 2013 & Denney, 2014).

The third reason, that 11 participants, including Participants 007, 008, 009, 012, 014 and 016, provided for the involvement of local organizations and communities is to promote national ownership and inclusiveness. Nonstate actors play an important role in the criminal justice system in postconflict settings, hence they cannot be ignored from processes seeking to reform sectors like the criminal justice system. Participants shared

the following views in support of this assertion: Participant 014 stated that "… there has always been some portion of civil society involvement. Sometimes, civil society organizations are invited. Whenever they have the criminal justice conference, civil society is invited." Participant 016 asserted that "they

(CSOs) have not been scouted for. I think that they see a need and they try to help." For Participant 009, "civil society organizations are invited because they represent the ordinary people."

There is evidence from the literature that supports the fact that the quest to promote national ownership and inclusiveness leads to involving local and civil society organizations. For instance, Nathan (2007) asserted that international efforts to reform the justice and security sectors must engage local actors as this will increase the chances of local actors not resenting the reforms and will sustain the interventions after international development assistance has ceased to flow (Gordon, 2014). The United Nations (2008) advocates that national ownership should involve "nationally led and inclusive processes in which national and local authorities, parliaments and civil society, including traditional leaders, women's groups and others, are actively engaged" (Gordon, 2014, p. 128).

According to 6 participants, including Participants 009, 018, 019 and 021, nongovernmental agencies, individuals, local communities and civil society groups were involved in decentralizing the criminal justice system to promote public outreach and awareness. In connection with this, Participant 019 stated that "We worked through various civil society organizations to provide awareness in about 6 counties". Participant

009 stated that "there were civil society organizations involved in outreach especially when it comes to that, it was people like Carter Centre, Prison Fellowship, and national and international NGOs." According to Participant 018 "… we worked more on awareness; making people aware of their rights in order for them to be able to exercise them and to ensure enforcement because when you are not aware you have these rights, exercising them will be difficult." Homel and Masson (2016), van Tongeren (2013) and Whitman (2013) support these findings. These authors recommended establishing mechanisms in communities to provide, amongst others, an avenue for information sharing about security and safety (Gordon, 2014).

The fifth reason, ascribed by 1 participant (i.e., Participant 008) is to implement projects on behalf of donors. Many reasons account for this. They include reluctance on the part of donors to use government agencies to implement projects. This is because of the capacity constraints and corruption that often characterize these agencies in postconflict settings. Participant 008 stated that:

> So, if the Americans or the Europeans want to support the hub for instance, they have to do it through institutions. And some of them want to do it but they don't want to give the money to the government. You see, that is another problem. They don't want to put that money into the national budget so that the government can do it. No! So, they put up these for companies and institutions to apply and the most capable people at that time based on their criteria is the international NGO.

Whereas this reason is attributable to only one Participant, it could be argued that it is a view shared by all Participants who attributed the involvement of the local community and civil society to activities related to making the criminal justice system accessible. For instance, civil society organizations providing criminal justice services or creating awareness in communities may often be doing so in implementation of donor-funded projects.

The last reason assigned by participants for involving civil society and local organizations in the decentralization process is to promote sustainability. Participant 011 stated that "… by virtue of you being a part of a process even helps to bring about some form of sustainability." Although only one Participant assigned this reason, it could be argued that the quest for sustainability is linked to the quest for national ownership and inclusiveness. This argument increases the number of participants assigning this reason from 1 to 12 participants. This in sync with Gordon (2011) call for interventions to reform the security sector to be locally owned (Gordon, 2014). According to Gordon (2011), this is the surest way to increase the chances of the project addressing community needs and yielding the desired results (Gordon, 2014). Oosterveld and Galand (2012) illustrated the consequences of not carrying the populace along in designing and implementing criminal justice reforms by referring to the ill fate suffered by a project to reform Timor-Leste's formal court system. Blease and Qehajia (2013) cited how the process to prepare Kosovo's National Security Strategy failed to uphold national ownership principles (Gordon, 2014). Jackson (2010) cited the United States' efforts to reform Iraq's security sector and the resultant creation of institutions considered alien and

unreflective of their history and culture by the local population, a situation which

negatively affected the project's outcomes and its sustainability (Gordon, 2014).

A distinction must be drawn between an intention and the reality. The fact that

almost half of this study's participants assigned the quest to promote local ownership and

sustainability as the reasons for involving the local population does not necessarily mean

that the objective was met. In fact, the level and nature of their involvement are important

ingredients for carrying the population along in the reforms. From Participants

statements, it is difficult to find evidence that supports a deliberate and extensive

involvement of the local population and organizations in the decentralization process to

rake in the benefits of local ownership and sustainability.

From the number of participants who assigned various reasons for involving the

local community and civil society organizations, it is obvious that the quest to promote

national ownership and inclusion is the foremost reason for involving civil society

organizations in decentralizing the criminal justice system. Promoting oversight and

accountability is the second highest reason assigned by participants. Despite the

overwhelming number of participants who cited national ownership, a close review of

what participants said in support of the quest to promote national ownership and

inclusiveness showed that to a large extent, participants invited themselves to the process

(i.e. there was no deliberate process to involve them) the quest for national ownership

was not actively manifested in the views expressed by participants. Their involvement

was to inform them about what was happening and not to consult them. Indeed,

Participants 008 and 006 respectively, described the engagement with the local

community as being "minimal" and "very little". Importantly, although, authors like

Gordon (2014) acknowledged that sustainability is an element of national ownership, the

fact that only 1 participant mentioned it is worrying and questions the extent to which the

various actors in the decentralization process considered sustainability as a major reason

for involving individuals, local communities and organizations. Later in this chapter, I

will examine the place of sustainability in the process to decentralize Liberia's criminal

justice system.

The fact that superficial consultation of local actors is unlikely to engender local

ownership and sustainability is suggested by 17 participants, including Participants 001,

003, 005, 008, 009, 019, 023 and 024, who indicated that individuals, local communities

and especially traditional leaders were not involved in the process. According to

Participant 023 "the international community came with funding. They needed to

showcase to their donors that the Government is willing to accept the hub concept. So,

they meet behind closed doors and whatever they talked about nobody knows."

Participant 009 indicated that "in the beginning in Gbarnga, it took us a while to get

people to understand because there was no outreach. Before outreach started, there was

construction …" Participant 003 said "one of the things here is that the traditional

authorities wanted to have a say within the system. They didn't like the part of the system

where they were being dictated to." Participant 008 indicated that "in my opinion, I don't

think the customary justice system, or the extent of the customary justice practices was a

factor in the decentralization process." In fact, this Participant suggests a deliberate

intention to exclude traditional leaders on the basis of the financial implications

associated with involving them. These realities led 11 participants, including Participants

010, 014, 021 and 029, to conclude that the process to decentralize Liberia's criminal

justice system was elite driven and/or Monrovia centric.

Denney (2014) explained the apparent reluctance to involve traditional authorities

and the traditional justice system in efforts to make criminal justice services accessible in

postconflict countries. According to Denney (2014), development partners supporting

reforms of the justice and security system in fragile societies gear their efforts to build

institutions and systems that replicate Western institutions, and this excludes nonstate

actors. This is because of the obligations of the Weberian state model in the affairs of

citizens. As a result of this notion, donors naturally prefer to focus on supporting state

actors and neglect nonstate actors. International actors like the Department of

International Development (DFID) in Sierra Leone, neglecting and/or refusing to design

their programmatic interventions to suit the context for which they are being

implemented, runs contrary to Kelsall (2008) "going with the grain" of African

development (Denney, 2013 p.7). This leads Kelsall (2008) to observe that the imposition

of such externally driven approaches for Africa's development are yet to yield the desired

results (Denney, 2013). This approach is an application of Western principles that do not

suit the context (Denney, 2013). Kelsall (2008) observations are confirmed by Denney

(2013), who found that as a result of DFID's approach to security sector reform in Sierra

Leone, the results of the interventions were limited.

There are challenges associated with working with traditional authorities to make

criminal justice services accessible. These challenges must be recognized in

programming and implementation. For instance, in Sierra Leone, chiefs contributed to the situation leading to the country's civil war (Denney, 2013). Leonard (n.d), acknowledged this challenge and recommended that "The challenge is not to terminate existing local and informal Social Contracts for the sake of Western models of security, but instead to make local governance more responsive and effective in a manner that accommodates the legitimacy of local institutions" (Ansorg, 2017 p. 141). Inherent in this recommendation is an advice that the dynamics on the ground in postconflict settings must be respected and managed in a manner that facilitates program implementation and observes Western values at the same time. This approach may be a useful middle path but operationalizing it may suffer practical challenges that may lead to undertaking justice sector reform in postconflict countries through a Western prism.

I have dwelt on not engaging with traditional authorities in the decentralization process in the last two paragraphs. This follows my conclusions that citizens were not consulted. Admittedly, this may have created an impression that citizens and traditional authorities are being used interchangeably. In spite of the fact that traditional authorities are citizens, nonstate actors and operate at the local level, I am not equating the lack of local engagement of citizens in the decentralization process solely with not engaging traditional/customary justice though there is an overlap.

As previously noted, participants identified Western countries and institutions as actors involved in decentralizing Liberia's criminal justice system. Western approaches to reforming criminal justice systems in postconflict societies are manifested in building courthouses, police stations and prisons and training personnel to work in these agencies

(Denney, 2014). Seeking to approach the processes through the lenses of the Weberian state model is synonymous to a blind transplantation of Western cultural practices and systems into postconflict societies, which are usually not Western, developing or failed states. The contexts are different and blindly engaging in such transplantation enhances the chances that it will not flourish in the new context.

In postconflict countries, nonstate actors have a huge amount of legitimacy which is grounded in religion and culture. This is not the case in Western modelled justice and security institutions, which are seen by the population in postconflict societies as alien and untrustworthy (Denney, 2014). In view of the place and role of traditional leaders in the justice and security sectors in postconflict settings, Baker (2005) advocated for engaging traditional authorities as a condition precedent to successful police and justice reform in Sierra Leone (Denney, 2013). Swenson (2018) informed readers that the progress made by nonstate actors in dispute resolution has resulted in some experts calling for forming coalitions with actors that are beyond the formal institutions to implement justice sector reform activities. Bacon (2015) shared this view in the context of Liberia. Dinnen and Peake (2013) indicated that, in Sierra Leone, policing services and other formal government institutions/services are concentrated in the urban centers and citizens in the rural areas rely on the customary law/justice system to resolve their disputes. This view is shared by Ansorg and Haastrup (2016), who believe that the Western approach to security sector reform in postconflict settings in Africa is elite and male driven and neglects females and female related organizations (Ansorg, 2017). It is worthy of note that Angola and Rwanda are postconflict countries described by Ansorg

(2017) as exceptions to the practice where security sector reform is an elite driven

enterprise. Ansorg (2017) also expressed concern over the negative impact on creating

security in postconflict countries which arises from international development actors

being disinterested and not being cognizant of local/traditional institutions. This is

because, potentially, local institutions can secure peace and stability in postconflict

settings (Ansorg, 2017). Westernman (2017) shares this view as the author posited that

the goal of security sector reform in postconflict situations is to create a workable and

sustainable security system that, amongst others, creates a democratic relationship

between the legitimate authorities of the country.

In this regard, Egnell & Halden (2009) argued that the approach adopted by

Western countries bars any possibility of adopting other practical and potentially more

effective approaches to reform the justice and security systems in postconflict settings

(Denney, 2014). As previously noted, Denney (2014) found that, in Sierra Leone, despite

the huge role traditional leaders play in providing justice and security, the British

Government funded programs to reform the security sector failed to actively engage

them. Denney (2014) attributed this approach to factors including the influence of

Western values on the United Kingdom's Department of International Development's

(DFID) programming, the fact that DFID dealt only with state actors and not informal or

nonstate actors like chiefs, and the nationality of technical staff recruited to implement

programs (i.e., most of them are citizens of donor countries who are mostly Western).

Denney (2013) argued that it is relatively easier to find the values that Western

institutions propagate within formal state institutions, hence donors' preference for

dealing with them. This rationalization is questionable as there is evidence that Western institutions have extended assistance to state actors whose respect for human rights and international law principles leave much to be desired (Denney, 2013). The absence of uniform standards in dealing with state and nonstate actors led Denney (2013) to observe that:

> The distinction made between the human rights abuses committed by states and those committed by informal actors is further indicative of the prism of political liberalism and bureaucracy through which DFID understands the world and models its development assistance. Justice, security, democracy and human rights thus become most effectively served by a centralized state authority, properly structured and rule-bound by legal-rationalism. Chiefs, conversely, represent unaccountability and a lack of oversight, rendering them unmanageable forces (p.20).

Tailoring interventions to fit the specific needs of the micro and macro level.

Conceptually, ownership of the process to decentralize Liberia's criminal justice system should not be limited to the micro (i.e., national) level. It should transcend to the macro (i.e., local) level as well. The existence of ownership and inclusion at the national level and not at the local level indicates an elite and/or externally driven process. Tailoring peacebuilding interventions to suit a particular context requires, inter alia, that each part of the geographical area affected by the conflict is treated as unique (i.e., the application of a one size fits all approach to peacebuilding across a particular postconflict setting may defeat the quest to adopt a context specific approach to peacebuilding

(Schultze-Kraft, Valencia & Alzate, 2016). In this regard, participants shared their

perspectives on whether interventions to decentralize Liberia's criminal justice system

were tailored to suit the requirements/imperatives of the context at both national and local

levels. Six participants, including Participants 004, 008 and 011 indicated that some

consideration was given to the Liberian context.

For instance, Participant 004 claimed that:

Yes, it did influence the decision. The point about influence and implementation is the

challenge. You influence the decision, you plan what you want to do, and in the

implementation process, you don't do it with the strength of the influence.

Eight participants including Participants 002, 021, 025 and 029 indicated that a

nonhomogenous approach was adopted to decentralize criminal justice services across the

various geographical locations in Liberia. In support of this assertion, Participant 029

stated that "I think each part was treated as unique. So, the needs in Bong are different

from the needs in Margibi or probably in Lofa. So, it is dependent on the individual

circumstances of a specific geographical area." Twenty three participants, some of them

foreigners) including Participants 001, 004, 005, 006, 020, 021, 023, 026 and 027 were of

the view that no consideration was given to the Liberian context and that the

decentralization process was externally driven by foreign actors. To back this claim,

Participant 001 stated that "I will say it is externally driven. … because it was forced to

take place, Liberians were influenced where they went." According to Participant 020:

… law enforcement cannot be devoid from the culture. You can bring the

international best practices and look at the culture of the people and see what is

quite applicable. I believe that one of the mistakes that was made was the international practices without consideration of the culture …

Participant 029 stated that "no attention was given to that. Though they recognized those traditional criminal justice systems that were in place, but then they were cautioned not to try and refine or reform the processes around that …"

These views confirm the earlier finding that the local communities and groups were not consulted and that it was an elite driven process. However, 4 participants indicated that the process was nationally owned and driven. Participant 026, for example, said that "I think that it was nationally driven."

One size fits all approach adopted across Liberia

Contrary to the views held that the approach to make criminal justice services was not homogenous, 12 participants including Participants 001, 003, 004, 005, 006, 014 and 019, said that a homogenous approach (i.e., a one size fits all approach was adopted in the decentralization process). Participant 001 stated that: "… it was a homogeneous country; everything was the same." Participant 004 stated that:

we had a fair approach. A, B, C, D criminal justice services or facilities. But that should not have been the case. We should have done some form of positive discrimination to bring the counties that were at the lower, lower level up to a certain level …

Participant 005 noted "I will say I saw very little sensitivity in terms of local cultures in any of the reform processes." In the words of Participant 013 "a one size fits all approach was being used across the board."

Majority of the perspectives expressed by participants confirm the absence of context specific interventions, local ownership and nonconsultation of the local communities, a situation Chanaa (2002) describes as the "conceptual-contextual divide" (Schroder & Chappuis, 2014, p.135). The finding that international efforts to decentralize criminal justice services in Liberia ignored national and local ownership principles is mirrored by the findings of Dursun-Özkanca (2018) in evaluating how much local ownership considerations influenced Kosovo's foreign funded rule of law programs. According to the researcher, a top down approach was adopted by the European Union and United Nations in addressing only serious crimes and this neglected the local community. In this case, local ownership was restricted to some aspects of the reform process. It is worth stressing that this is not to suggest that adopting a top-down approach is necessarily a bad thing.

Designing and implementing security sector reform interventions to suit the context for which they are intended has been an enduring challenge for reform efforts and has hindered the implementation of security sector reform programming (Schroder & Chappuis, 2014). This assertion informed Ginty (2010) conclusion that security sector reform is an imposition of Western ideas (Schroeder & Chappuis, 2014). No wonder authors like Ansorg (2017), Dinnen and Peake (2013), Gordon (2014) and Westernman (2017) believe that designing and implementing untailored interventions has, in some cases, been deliberate, to satisfy parochial objectives. This claim also confirms the fact that reforming the justice and security sectors, particularly in postconflict settings, is an interest-driven endeavor between and amongst donors and recipients of donor support

(Gordon, 2014 & Schroder & Chappuis, 2014). For these reasons, Kostovicova (2008) recommended that security sector reform processes must be joint exercises to provide technical solutions to development problems and create relationships between the government and the governed (Gordon, 2014). According to Peake, Scheye and Hills (2007) these imperatives are ignored in security sector reform processes, so the politics of the process is on the altar of finding technical solutions to the problems (Schroder & Chappuis, 2014).

Participants assigned two reasons for the one size fits all approach adopted to decentralize Liberia's criminal justice system. Participant 022 cited Liberia's legal framework and the structure of the country. According to this Participant, "Liberia is one country. It is also a small country. The legal framework applies to the country as a whole. And the same laws apply to people everywhere." The second reason was provided by 3 Participants (i.e., Participants 005, 008 and 014). According to these Participants, a homogenous approach was used to promote unity (i.e., addressing concerns over entrenching ethnicity) and equality. In support of this claim, Participant 005 said "I think there was a fear partially of enhancing tribalism, given the importance of tribes or clans in the Liberian society and also in some cases strong long disputes between different groups …"

Evidence and consequences of conceptual contextual divide in Liberia.

According to participants, not tailoring interventions to suit the Liberian context had the following consequences: Five participants, including Participants 006, 008, 021 and 022 mentioned the fact that the hub concept, which Participant 024 described as

the flagship project for making Liberia's criminal justice system accessible, has been

abandoned due to implementation challenges. The following statements made by

participants reflect their perspectives of the hub project: Participant 021 stated that:

the justice and security regional hub; initially the plan was to have 5 in place. … But

unfortunately, in the middle of implementation, the infrastructure aspect was not taken

forward because the lessons learnt from the first was that construction took longer than

we expected. And so, our partners from the United Nations (i.e., the Peacebuilding

Commission Chair) spoke with the government and the government bought into the idea

and saw the need to prioritize service provision rather than the physical infrastructure. So

currently we have not had infrastructure in all areas except for Bong County.

Participant 022 noted that "… the hubs approach has come to a standstill. … after the

Gbarnga hub after the investments were made … I think that the hub concept came to a

standstill. But the decentralization itself continued." Participant 006 stated that:

> The first hub in Gbarnga; it was designed to actually look at all the elements of
>
> the criminal justice system; from policing, right through the criminal justice
>
> system to prisons and it was done on a regional basis. But it was set up and
>
> designed that it would provide a decentralized service in 3 counties. … It came
>
> with mixed reviews but if we spoke honestly about it, we would say that the cost
>
> benefit analyses didn't really deliver what it was intended to deliver. As we know,
>
> the sustainability of justice and security services was very hard on Liberians at the
>
> time. So, it was mixed results; whilst there was improved access to justice and
>
> security; in the mind, it was really servicing a county as opposed to the design and

the premise of having the ability to strengthen and extend to other counties, but it actually, didn't deliver as intended. Notwithstanding, there were improvements. According to Participant 008:

the Gbarnga project would have been the forerunner to all the other areas. First, there was an implementation problem in terms of the construction itself. And so, it did not proceed as originally planned. There was a delay in its completion. And it consumed a lot more money than it was originally intended. And because of that, it did have an impact on the construction of the hubs in the other areas.

Reviewing participants' comments on the hub project leads to the conclusion that in Liberia, the hub project is one manifestation of what Chanaa's (2002) referred to as "conceptual-contextual divide" (Schroder & Chappuis, 2014, p.135).

Seven participants, including Participants 005, 016 and 021 identified the third impact of not designing and implementing context specific interventions. According to these Participants, ignoring the context results in a non-judicious use of resources and creates challenges for sustainability.

Three participants including Participant 005 and 009 also identified the design and implementation of ill-conceived projects as being a consequence of ignoring the context.

Decentralization process was a combination of context specific and externally driven interventions (i.e., hybrid local, national and internationally driven efforts/approaches). Seventeen participants including Participants 003, 005, 006, 009, 010, 011, 012 and 029, claimed that interventions to decentralize Liberia's criminal justice system were informed by the needs of Liberia and external/international interests. According to these Participants, this approach was manifested in the homogenous and nonhomogenous approaches adopted to decentralize Liberia's criminal justice system. For these Participants, the choice of approaches/interventions was a hybrid between the imperatives of the context and demands from international partners who were funding the process and projects. The following statements capture participants perspectives on this:

Participant 005 claimed that the hub project was based on a regional structure akin to the decentralized police structure, but which is different from how the judiciary and the prosecution's decentralized structure:

> The structure of the reformed police was a regional structure, whereas the judiciary retained the prewar county based structure. So, you had a little bit of a disconnect between the chains of command; in the judiciary process, the County Attorneys (prosecutors), the judges, and then the police structure which was semi decentralized.

According to Participant 029:

> Driving this process was not just a Liberia thing. Remember, we had the UN mission here; we had the United Nations Police working along ... The setup was such that it was in a way that it supported the entire system in whichever area you

are looking at it. They supported everything to make sure they built capacity to

ensure that they left a working system. … Was there extreme sensitivity put in it?

To an extent! Could there have been further efforts to minimize unintended

consequences? Yes!

Participant 011 stated that "it was a nationally driven affair with the support of our

international partners … They said, Yes, I will put money there, but I require this and

that. So, the only precondition was that, the only way it can happen is when you go their

way." Participant 006 stated "I think a bit of both." Participant 012 noted that "It's both

in a way because the external factors and parties saw some inadequacies in the delivery

of the services that should make the criminal justice system viable." Participant 020

indicated that "We (i.e., Liberians) had lots and lots of meetings as it relates to how to

make the system functional and also participated in activities to make it functional ..."

Participate 029 held a similar opinion:

I will say both externally and nationally driven. Externally driven given the fact

that most of the funding came from international donors, they had their own

objectives and what they wanted to achieve. And of course, the Government also

has its own plan.

The views expressed above are those of most participants. This is an indication that

the approach to decentralize criminal justice services in Liberia was a hybrid between local

needs and international demands. This is in keeping with recommendations in the literature

on how to mitigate the variance between practicalizing the quest for national ownership in

justice and security sector reform in postconflict settings and what happens in reality. For

instance, Murdoch (2015) canvassed a middle path that upholds the practice of allowing programming to reform the criminal justice system in postconflict settings not to ignore standards, principles and practices from the West, because this will enhance the impact of the reforms. Gordon (2014) cited Donais (2009) who claimed that despite the case made for upholding local ownership principles in such reforms, upholding these principles need not be total and immediate (i.e., making local ownership principles influence programming in justice and security sectors in war ravaged societies is a process and not an event; this process cannot be forced but requires an element of being deliberate and right timing).

There is also a need to keep a balance between the level of national ownership and quantum of international demands required at each stage of the process. Jackson (2011) and Caparini (2010) claimed that a hybrid between the top down approach and the bottom up approach are critical to operationalize security sector reform in a substantive and inclusive manner (Gordon, 2014). Mac Ginty (2011) affirmed this view as the researcher also noted that a hybrid approach fulfils the imperatives of "local ownership" "participation" and "sustainability" (p. 133) in security and justice sector reforms in after conflict settings (Gordon, 2014). Supporting this claim, Homel and Masson, (2016) called for a connection between the top bottom and bottom top approaches. Krawczyk and Muhula (2018) recommended adopting a bottom up approach to accountability to engender citizen participation in local government and decision making in Liberia. I will discuss the outcome of adopting the middle path approach to decentralizing criminal justice services in Liberia in discussing research question 3. Suffice it however to note for now, that, despite the overwhelming claim made by participants that a middle path

approach was adopted, as earlier noted, I found that local communities and organizations were hardly consulted but, in some cases, they were informed about the decentralization process. This raises questions about the presence and quality of the middle path approach adopted in Liberia. By quality I am referring to how much of the decision making and implementation was influenced by Liberia and Liberians. From the findings on the involvement of local communities and civil society organizations, it is evident that in Liberia the so called hybrid between local requirements and external or international influences was skewed in favor of the demands and interests of the international community, hence raising doubts about how middle the path/approach was in Liberia.

However, the practical challenges highlighted by Oosterveld and Galand (2012) on how the urgency associated with implementing such reforms makes it difficult to engage in extensive public consultations must not be ignored (Gordon, 2014). Despite Donais (2009) positing that timing is key in meeting the requirements of the hybrid approach, there should be minimum standards or requirements for upholding local ownership principles, at every stage of the process and that should be benchmarked and form the basis for regular monitoring.

RQ2.1: How can International Actors Support Nationally Owned and Inclusive processes to Decentralize Liberia's Criminal Justice System?

In discussing the findings under Research Question 1, international actors were found to have been actively involved in decentralizing Liberia's criminal justice system. As previously noted, the literature reveals that international support to decentralize criminal justice services must be nationally owned and inclusive. To be inclusive and

nationally owned the interventions must be context specific; designed and implemented

at the micro and macro levels. This must be done from a position of knowledge (i.e., both

technical knowledge and knowledge of the context). Knowledge of the context is

acquired from extensive consultations with various shades of opinion and interest groups

at national and local levels and these consultations must continue to inform the

decentralization process.

The following findings are gleaned from recommendations made by participants

on how international actors can support nationally owned and inclusive processes to

make criminal justice services accessible in Liberia. Table 12 presents recommendations

(i.e., 12 of them) made by participants.

Table 12

Findings - Research Question 2 (1)

Research Question	Findings
RQ 2.1 How can international actors support nationally owned and inclusive processes to decentralize Liberia's criminal justice system?	i. The international community should understand the context and avoid a pure legalistic approach to decentralize Liberia's criminal justice system.
	ii. Promote the traditional justice system

(Table Continues)

iii. The quest to advance national

ownership and implement Liberia

specific interventions must permeate all

programming

iv. Adoption of a holistic approach to

decentralize Liberia's criminal justice

system

v. International development actors,

must have a long-term approach and be

patient when supporting access to

justice processes in postconflict

countries

vi. Need for conceptual clarity of

distinction between national ownership

and local ownership

vii. International development

assistance actors to establish genuine

partnerships

(Table Continues)

vii. International development actors must support the design and implementation of geographic specific interventions to decentralize Liberia's criminal justice system

ix. The government's ability to sustain interventions that are implemented to make criminal justice services accessible in Liberia when international development support ends should be considered when

making choices on which interventions to adopt to make the criminal justice system accessible

x. Liberia's government to take the lead in the decentralization process

xi. Build a professional criminal justice system insulated from Liberia's partisan politics

(Table Continues)

xii. Actors involved in making Liberia's criminal justice system accessible must learn lessons from similar contexts

First, participants recommended that international actors should design and implement interventions that are Liberia specific. Participants identified condition precedents to successfully implementing this recommendation. They are:

- That national ownership principles must permeate all programming (i.e., national ownership principles should be central to the entire decentralization process);

- That there is the need for a conceptual clarification of the distinction between national ownership and local ownership. Schroder and Chappuis (2014) acknowledged the challenges associated with conceptualizing what national and local ownership is. According to the authors the vagueness inherent in the concepts arise from the fact that, there is no clarity on whose interests should influence the analysis. Similar views are shared by Krogstad (2013) who indicated that there is still an absence of consensus on what constitutes local ownership (Gordon, 2014).

● That the context must be understood and an overly legalistic approach to
decentralization should be avoided. Understanding the context requires that
foreigners must be knowledgeable about the context in which they work.

Participants had mixed views on how well foreigners who supported and/or
worked to decentralize Liberia's criminal justice system understood Liberia and the
criminal justice system they were working to make accessible. Only Participants 001, 002
and 014 indicated that foreign/international actors were knowledgeable about Liberia and
its criminal justice system. Even this Participant stated that *"… for those who had stayed
a little longer they got to understand Liberia and its people …"* Participant 002 indicated
that "I would say they did as most of them had worked and stayed in Liberia for good
period of time since the inception of the mission and the mission had the capacity to keep
records to ensure continuity." Participant 014 claimed that: "the thing is, most of the
people that I know that worked with the criminal justice system in Liberia were Africans
and had some sort of similar challenges in their own country." It is instructive to mention
that Participant 001 and 002 attribute the knowledge of the context to the fact that it had
been acquired over time. It could be argued that these knowledgeable foreigners were
initially not knowledgeable, and this affected the design, implementation and outcome of
the interventions they championed to make the system accessible. Inherits in Participants
001 and 002 statements was an acknowledgment that not all foreigners were
knowledgeable about Liberia and its criminal justice system. Participant 014 impliedly
indicated that foreigners from African countries were knowledgeable because they came
from countries with similar challenges. Whilst this rationalization may be true, the fact

that no two contexts are the same must not be lost. This becomes more acute when dealing with a postconflict setting where the dynamics are different. Also, these knowledgeable Africans who worked in Liberia may have been working for organizations who had their own approach and interests, and this would have affected how much the fact that they came from countries with similar challenges like Liberia's influenced their work and its outcomes.

Sixteen participants, including Participants 001, 003, 004, 005, 006, 007, 008, 009, 011 and 027, indicated that foreign/international actors were not knowledgeable about Liberia and its criminal justice system. They said so in the following statements: Participant 003: "I don't think they really understood Liberia entirely. ... I can tell you that most of them did not understand Liberians. They thought Liberians were not intelligent." According to Participant 001, "those of us who did not come from the American legal system, we struggled with the American system, and were not able to make a big impact." On the same issue, Participant 005:

> No! Because every single … international tends to think that whatever they do back home, is just as applicable to Africans as it was to anybody else; we think that the system that we have grown up with the way to do things.

Participant 007 stated:

> Our culture is a bit complicated and sometimes people don't know what they are expected to do in everyday activities. These internationals came with their own experiences and culture from their own countries. And anytime you do that, you

will be making a very big mistake. Liberia's culture is complex, and the people

are complex too.

Participant 011 said that "no, they did not understand Liberia". Participant 016 stated

that, "I think they understood Liberia to a limited extent. I don't think they understood

the culture, history because they had a fixed solution approach". Participant 021 stated

that: "I think there were some that didn't understand". Though referring to another

context, the finding that foreigners who supported the processes were not knowledgeable

about Liberia and its criminal justice system is shared by Denney (2014). Denney (2014)

attributes the standardized approach adopted by donors to reforming the justice and

security sectors to the small pool of international experts (e.g., former police officers and

lawyers) who are engaged to reform these sectors as well as these experts being

knowledgeable about the design and functions of Western justice and security systems.

Six participants including Participants 018 and 020, indicated that

foreigner/international actors were partially knowledgeable about Liberia and its criminal

justice system. For instance, Participant 018 stated:

I think they understood to a point like all other projects. … They understood the

challenges Liberia faced; in terms of resources, manpower, and capacity; how to

fill up those gaps there are major laws that needed to be passed to reform the

society.

According to Participant 020:

To a little extent they did. What they had as their advantage was the fact that they

came with experiences of interventions in other areas and that gave them an urge

as to how to intervene here in Liberia. I mean they didn't really understand

Liberia's context 100 per cent but they understood how to engage and solve issues

From the number of views expressed, participants were of the view that the knowledge of

the foreign experts that supported the decentralization process of Liberia's criminal

justice system, about Liberia and the criminal justice system, left much to be desired.

This certainly affected the design, implementation and results of the interventions they

championed to make Liberia's criminal justice system accessible.

A second recommendation was made by 4 participants including, Participants

016, 027 and 029. Participant 027 stated that the international community should

understand the context (i.e., Liberia) and avoid a purely legalistic approach to

decentralization of Liberia's criminal justice system. In some respect, this

recommendation is akin to the approach adopted in the design and implementation of

police reforms in Bougainville where New Zealand, the main international actor

supporting criminal justice system reform/development, supported an approach that

departed from the orthodoxy of postconflict criminal justice system reform in which

international experts impose a top bottom approach from textbooks and blueprints from

other jurisdictions (Dinnen & Peake, 2013). Also, recommending an approach that is not

entirely legalistic re-echoes Peake, Scheye & Hills (2007) assertion that security sector

reform processes are political processes as well, hence actors should refrain from

adopting a purely technical approach to reform (Schroder & Chappuis, 2014).

For the third recommendation, participants called on international actors to design

a citizen centered criminal justice system and involve citizens in the design,

implementation and operationalization of the process and system. A criminal justice system cannot be described as citizen centered if women are ignored. Such a system is incomplete and unresponsive. To successfully design and implement a citizen centered criminal justice system, priorities to enhance access to Liberia's criminal justice system must be identified through a Liberia owned and led process with international support being channeled to support those priorities. Ironically only 6 participants; including 006, 019 and 020; out of the 30 participants in this study made this recommendation despite the general criticism that local actors were excluded. I expected to see this recommendation being made by majority, if not all, participants. Researchers like Gordon (2014) recommend the establishment of citizen centered criminal justice systems. According to this researcher, "Efforts focusing on building state institutions and structures, without sufficiently paying attention to developing relations between the state and its people, will not, it is argued, benefit peacebuilding in the long term" (p.126). Gordon (2014) assertion highlighted the utility of recommendations made by participants on promoting ownership and sustainability. Bacon (2015) found that in Liberia donors were not keen to work with the traditional justice system because they concentrated their interventions in the capital even though the majority of the citizens, of which women outnumbered men, lived in villages outside the capital.

Fyanka (2014) supported the view that there is the need to ensure that priorities are nationally identified in an inclusive manner. Accordingly, Fyanka (2014) advocated for programmatic interventions to reform Liberia's criminal justice system to be influenced by the challenges confronting Liberia's criminal justice system, because this increases the

chances of a positive impact and reduces the challenges of promoting sustainable peacebuilding. Ansorg (2017) also noted that to ensure the acceptance and sustainability of reform efforts in postconflict settings, there is the need for the local population to be informed about the reforms. Having a citizen centered criminal justice system has several advantages including promoting national ownership, designing context specific interventions and increasing the chance of the interventions being sustained after international development assistance has run out.

Participant 014 (i.e., only 1 participant) also recommended that international development actors must support the design and implementation of geographic specific interventions to decentralize Liberia's criminal justice system. Bacon (2015) and Jackson (2017) support this recommendation. Jackson (2017) for instance, noted that the work of the international community working in postconflict countries is concentrated in the capital cities because donors are not willing to work in parts of the country where the state lacks legitimacy. This reason is not applicable to Liberia because during the period that this study is focusing on (i.e., 2011- 2017), the Liberian government was generally in control of the entire country. However, there is the possibility that international development assistance focused less outside the capital because of the inaccessible nature of those geographical locations, particularly during the raining season and other resource challenges. Another possible reason is the fact that the systemic challenges of the criminal justice system had to be resolved by the leadership of these institutions who were based in the capital. Indeed Bacon (2015) noted that in Liberia the inaccessible nature of the roads during the raining session affected the delivery of projects to enhance

access to the formal criminal justice system in those locations and this affected access to justice for women as they had to undertake long journeys, sometimes over days, often on foot, to access services provided by the formal justice system.

Participants also recommended promoting the traditional justice system. This recommendation was made by 4 participants including Participants 001, 023 and 027. This recommendation came from few participants despite the suggestions by many participants that the traditional justice system was neglected in the decentralization process notwithstanding its prominence as a dispute resolution mechanism for many Liberians. This irony may be a reflection that the majority of participants, although knowledgeable about the place of the traditional justice system, are not in the category of the population that ordinarily patronizes the services provided by this system of justice. As previously noted, in Liberia, donors were reluctant to work on or with the customary justice system (Bacon, 2015). Denney (2014) made similar findings about DFID's support in Sierra Leone. According to Baker and Scheye (2007) international actors and approaches to reform the justice system, in postconflict settings, erroneously assume that the absence of a formal justice system amounts to a lack of access to justice, that citizens in postconflict settings prefer seeking justice from the formal justice system and that the formal justice system is more sustainable compared to the customary justice system (Jackson, 2013). The customary justice system in Liberia is strong and prominent in the affairs of the citizenry, particularly those residents in the rural areas. The system is accessible, credible and cheaper. Although the traditional justice system may in some instances violate human rights, ignoring their role as a credible source of justice is at the

peril of Liberians, the government and its partners, including the international community.

Three participants including Participants 014 and 025 called for the adoption of a holistic approach to decentralize Liberia's criminal justice system. The criminal justice system is made up of various parts that work together to get the system function. The tendency in postconflict settings is to pay attention to security, law and order. This results in resources being channeled to support the police to the neglect or near neglect of other parts of the criminal justice system. As a result of this, there is an uneven development of the various parts of the system and this negatively affects the functionality of the entire system. As will be demonstrated in discussing research question 3, in Liberia, participants indicated that the Liberia National Police was the largest recipient of resources and corrections and the prisons system received the least, a fact that negatively affected the system's functionality. The finding that in Liberia most of the resources was spent on security related activities is mirrored by Jackson (2013) who found that in Sierra Leone, there was a focus on security (i.e., the police) and less on justice and this adversely affected reforms of the justice part of the criminal justice chain. This reality in postconflict justice and security sector reform makes a strong case for a holistic and well coordinated approach to reforming the criminal justice system.

Participants also recommended that consideration should be given to the Government's ability to sustain interventions to make criminal justice services accessible in Liberia, particularly when international development support ends. This consideration must be informed by the choices made to make the criminal justice system accessible.

Paradoxically, this recommendation was made by only 1 participant, (i.e., Participant 10) even though participants acknowledged the need for interventions to be sustainable and they admitted that this was lacking in Liberia's reform processes. Perhaps the number of participants making this recommendation is an indication that participants adopted a realistic view on the sustainability question, the reason being that in postconflict environments like Liberia, the government's ability to effectively assume financial responsibility for sustaining interventions put in place with resources from abroad has run out is doubtful and will remain so for the foreseeable future. Liberia's economic situation became worse because of the drop in world prices of rubber, Liberia's main export, and the impact of the outbreak of Ebola Virus Disease, which resulted in the exit from Liberia of some foreign private investors (World Bank, 2016). These factors have affected the country's finances and its ability to maintain existing projects and programs.

Related to the recommendation on sustainability is Participant 025 counsel. This Participant advocated for international actors to support Liberia's government to take the lead in the decentralization process. This recommendation is at the heart of seeking to ensure that internationally supported projects in Liberia are sustainable and owned by Liberians. Krawczyk and Muhula (2018) supports this recommendation as the researchers asserted that adopting a sustainable approach to decentralization is the surest way to reap maximum benefits from decentralization. To achieve this, projects and programs must be nationally owned/driven and tailored to fit the context where they are being implemented (Bacon, 2015 & Dinnen & Peake, 2013).

Their recommendation called on international development assistance actors to establish genuine partnerships. Specifically, it called on international actors not to tell recipients of their assistance what they should do, it also called for a deliberate effort to build trust. Two participants (i.e., Participants 006 and 007) invited the international community to resist the natural tendency, as funders of efforts to decentralize Liberia's criminal justice system, to be overly prescriptive in their interventions. The fact that international actors are overly prescriptive in their assistance is reinforced by Denny (2014) who criticized the practice in overseas development assistance where blueprints are replicated in various postconflict settings whether they were successful or not. This recommendation seeks a shift from the norm and wants to see national ownership and interventions tailored for Liberia rather than using blueprints from other contexts. Though practically difficult to implement for varied reasons, including the interests of international development assistance actors and the dynamics in postconflict settings, implementing this recommendation remains possible. As previously noted, Bougainville is a setting in which this approach was successfully adopted by New Zealand (Dinnen & Peake, 2013). This may be just one example, but it is still a practical manifestation that the approach is doable and requires the political will particularly on the part of international actors.

Three Participants (i.e., Participants 018, 021 and 022) recommended that international development actors must have a long term approach and be patient when supporting access to justice processes in postconflict countries. This recommendation highlights the fact that making Liberia's criminal justice system, and criminal justice

systems of postconflict societies, accessible is a process and not an event. As noted by Jackson (2013), reforming the legal system takes time and a lot of investment, hence all actors, including those spearheading the reforms and the intended beneficiaries, must be prepared to endure. In this regard, the quest to show progress and/or to quickly move to other conflict affected settings, for whatever reasons including competing demands on scarce resources or the pursuit of national interest, must be resisted as this results in unfinished business, raises questions about sincerity, results in imprudent use of foreign taxpayers' money and increases the chances of postconflict settings sliding back into conflict because the triggers of the conflict and the mechanisms to avert a recurrence have not been properly dealt with and/or put in place. This is why this recommendation is appropriate and must guide international development actors in deciding when to withdraw their support to criminal justice reform in conflict ravaged countries. It must however be acknowledged that the tendency for recipients of international development assistance to be inordinately dependent on external resources is high and this becomes entrenched with the effusion of time (i.e., when international development assistance becomes the norm and dependency a way of life), recipients make no efforts to assume their sovereign obligations. Since international development assistance is finite and assuming responsibility for providing criminal justice services is part of the Social Contract, a balance must be struck between dealing with the challenge of creating a dependency culture and leaving unfinished business behind. This balance should be established objectively and in advance through a deliberate, inclusive and planned process.

Another recommendation gleaned from the data collected called for building a professional criminal justice system insulated from Liberia's partisan politics. This recommendation was made by Participant 006. This recommendation does not advocate for a criminal justice system insulated from politics but rather from partisan politics. This distinction is important because, at a certain level, the criminal justice system all over the world encounters politics. It must be acknowledged that in postconflict, settings factors like the lack of trained human resources, effective oversight and accountability, and interference by politicians in the affairs of state agencies, affects the ability of these agencies to be professional and this affects ownership and sustainability of the reform process. The criminal justice system is operated by human beings, for the system to provide services to everyone who seek the same, the human and other resources of the system must be professional and equipped. There should also be a legal framework providing a professional criminal justice system/institution.

When I discussed research question 1, participants alluded to the enactment of legislation for some criminal justice institutions and the various institutional development initiatives adopted to make the criminal justice system accessible. All these suggest that efforts were made to professionalize Liberia's criminal justice system. However, building a professional criminal justice system in Liberia like other advanced countries remains a work in progress even so requires time. The pace and the success of building a criminal justice system insulated from partisanship depends on the political class and their commitment to building a professional criminal justice system. The population must demand and insist on this. A criminal justice system operated by professionals will build

public confidence in the criminal justice system and, in a postconflict setting, contribute to peace and stability. It will also justify the investments of donors.

Participant 004 recommended that actors involved in making Liberia's criminal justice system accessible must learn lessons from similar contexts. At the heart of this recommendation is an invitation to ensure that interventions are tailored to suit the Liberian context. This recommendation also advocates that the phenomenon of international actors and experts replicating blueprints used in other contexts must cease. Researchers like Ansorg (2017), Bacon (2015), Bent-Goodley and Smith (2017), Denney (2013), Dinnen and Peake (2013), Gordon (2014), Schroeder and Chappuis (2014), and Westernman (2017) support this recommendation. This recommendation, among others, means that experts deployed to support efforts to make criminal justice services accessible in Liberia and by extension other postconflict countries must learn from previous experiences and avoid repeating mistakes. It is important that this recommendation is not understood to mean that participants were calling for a blind replication of interventions that have worked in other settings or a jettisoning of interventions that failed in other contexts. The reasons being that, it may well be the case that an intervention that failed in one context will have a positive impact in another. For this recommendation to be effective, international experts must be knowledgeable about Liberia and the criminal justice system they are seeking to make accessible. The most effective way to understand Liberia is to genuinely and actively involve Liberians at all stages of the process and to allow the knowledge gained to influence policy choices and programmatic interventions.

Linked to the immediately preceding recommendation is one made by Participant 008, who called on the Government of Liberia to evaluate its previous engagements with the international community and learn lessons. This recommendation seeks to evaluate the engagement between Liberia's Government and its international partner, with the aim of informing future dealings. This examination is vital to ensure ownership and to maximize the benefits of the relationship.

Four participants (i.e., Participants 004, 022, 023 and 029) recommended the development of the capacity of criminal justice system actors, the traditional justice system and civil society organizations. In this regard, Participant 023 indicated that:

I think in my mind, even though they have done quite a number of crusades, there had to be more training for criminal justice practitioners; the police, prosecutors and judges. So now we are training judges and clerks because, in that way, the courts become more functional and people can begin to trust the courts and there could be accountability.

Participant 029 said "ensure that people are trained to deliver services." Participant 004 stated that:

… any criminal justice system in the world, no matter how you design it, if it has no qualified professional men and women of high integrity, it can't work. … Most of the time in many postconflict societies that is what we find... you design something, and you don't have the men and women qualified, with experience to run it. .... so, you bring in foreigners who simply don't know the system, who simply don't know the culture. Example, Liberia is one of the Anglo-American

systems, and also the traditional justice system which you find across the rural

part of Liberia. Liberia is a dual system, and the dual system can only work if you

have qualified professionals.

The last recommendation was made by Participant 019. It is a call to promote

South-South cooperation in decentralizing Liberia's decentralization process. This

Participant recommended that attention should be paid to promoting South South

cooperation to explore options to realize their objectives. Actors in decentralizing

Liberia's criminal justice system include a few countries from the Global South. These

countries have similar challenges and are potentially in a better position to assist Liberia

make the right policy choices to make her criminal justice system accessible. However,

the reality is that most countries from the Global South lack the resources to lead

international assistance in postconflict settings. Where they are involved, it is on a very

low scale or they are coopted or employed by the West and other developed countries

and/or neo-liberal institutions. In which case, they are required to design and implement

interventions that affirm their paymasters' interests and choices, thus no change in

approach occurs. Williams (2018) shared this view with respect to the peacekeeping

model that the international community has adopted in Somalia.

I now turn to discuss the findings of this study relating to research question 3.

RQ 3: How has Decentralizing Liberia's Criminal Justice System Affected the

System's Functionality and Liberia's Peace and Stability

As previously noted, Liberia's criminal justice system, like other criminal justice

systems, is made up of various parts including the police, corrections/prisons, judiciary

and oversight mechanisms. These parts play independent but mutually reinforcing roles to get the system to function. Where one or more of these parts malfunctions, it affects the system's ability to function as a whole. The goal of decentralizing Liberia's criminal justice system is to make the system's services available to the population across Liberia (Krawczyk & Muhula, 2018). The availability of the services provides an opportunity for the population to seek redress for their grievances Nyei (2014). It also shows the presence of the state in the lives of the population and contributes to Liberia's peace and stability (Schultze-Kraft, Valencia & Alzate, 2016).

State of Liberia's criminal justice system prior to the war

In determining how decentralizing the criminal justice system has affected the system's functionality, there is the need for a baseline to compare the current state of access to Liberia's criminal justice system to. In this regard, participants asked to share their views on the state of the criminal justice system prior to Liberia's civil war. The period prior to the war is used as the baseline because although Liberia's conflict ended about eight years prior to 2011 (i.e., the reference year of this study) efforts to decentralize criminal justice services were intensified from 2011 with the hub projects. As stated earlier, the hubs project which was part of the strategy leading to the exit of the United Nations' peacekeeping operation. Participants shared the following views:

According to Participant 024, prior to the civil war, the criminal justice system was decentralized from Monrovia to the county capitals. Participant 008 indicated that the criminal justice system lacked infrastructure and human resources, and this affected decentralization. Participant 013 claimed that to enhance access to the criminal justice

system, Justice of the Peace Courts were established to operate outside magisterial districts. Participant 012 claimed that decentralization of the criminal justice system was hindered because the legal framework did not support real decentralization. Participant 008 also described the criminal system as a system that provided services only in Monrovia. Participant 009 indicated that traditional justice was the primary source of justice in Liberia's rural areas.

The foregoing views paint a picture of a criminal justice system which was accessible to only a few, located in Liberia's capital and to some extent the county capitals. To a very large extent, the criminal justice system could be described as designed and working only for inhabitants of Monrovia who were mostly the elite, with a traditional justice system providing justice for inhabitants of Liberia's rural communities and perhaps some major cities (Bacon, 2015). While this may on the face of it appear discriminatory, it needs to be acknowledged that Article 65 of Liberia's Constitution provides for a dual justice system that should operate across Liberia. The courts are required to apply both statutory and customary law in the administration of justice. Hence, the traditional justice system being the source of justice in rural areas will is not in itself discriminatory. However, there is evidence from data collected of a deliberate effort to encourage Liberians to use the formal justice system although it lacked a presence in many parts of the country. Participants like 024 alluded to this and described it as deliberate efforts to undermine the traditional justice system in favor of the formal justice system.

Criminal justice system is showing signs of basic functionality and contributing to Liberia's peace and stability

The picture painted by participants about the reach of the criminal justice system prior to the civil war served as the baseline for determining how the decentralization process has affected the criminal justice system's functionality. Broadly, participants indicated that decentralization has made the criminal justice system manifest very basic signs of functionality and is contributing to Liberia's peace and stability. This finding is informed by the mixed views that participants shared on the current state of Liberia's criminal justice system's functionality. One view expressed by 3 participants including Participant 004 was that the criminal justice system is yet to be functional because, according to Participant 004, many citizens are yet to have access to the criminal justice system. Two participants including Participant 016, indicated that the criminal justice system lacks basic logistics, another 2 participants including Participant 021, indicated that in spite of the efforts to decentralize the criminal justice system, the system remains ineffective. Participant 020 (i.e., 1 participant) claimed that the criminal justice system is plagued with challenges that are affecting its functionality. These challenges include inadequate funding, human resources and infrastructure.

Participant 020 went further to explain how factors like the Ebola Virus Disease and the downturn in Liberia's economy affected the decentralization of the criminal justice system and 3 participants including Participants 016 and 022 described the process of decentralizing the criminal justice system as being characterized by selective justice and impunity. Also, 2 participants, including Participant 019, stated that specialized

criminal justice services are yet to reach the vulnerable population. Another 2

participants, including Participant 021, described the criminal justice system as being

beleaguered with high levels of pretrial detainees. Participant 013 described as poor the

siting of the hub in Gbarnga, far away from the population (i.e., the recipients of the

services it provides). This is because its location was affecting the system's functionality.

Related to this, another 3 participants indicated that the hub in Gbarnga was

dysfunctional due to the existence of a legal framework that does not support it and

inadequate human resources. Participant 016 lamented over the lack of coordination

amongst criminal justice institutions. Participant 022 indicated that there was a lack of

public confidence in the formal justice system. Inadequate legal literacy amongst citizens

was cited by 1 participant. Participant 005 mentioned the lack of constitutional and

judicial reform and the multiplicity of institutions established with duplicitous mandates

as an indicator and reason for the dysfunctional criminal justice system. Explaining this,

Participant 005 indicated that foreign organizations and international experts supporting

the decentralization process established multiple institutions in an uncoordinated manner.

According to this Participant, this was often driven by the personal preferences of

officials/organizations involved and has resulted in the duplication of functions and a

dysfunctional system.

Resourcing parts of the criminal justice chain

Resources are important to build a functional criminal justice system. As

previously noted, depending on how much resources are allocated to reform the various

parts of the criminal justice chain and how the resources are distributed to the various

parts of the chain, the entire chain, including the part that receives most of the resources, may remain nonfunctional. In this regard, participants had the opportunity to share their views on resource allocation in the decentralization of the criminal justice system. Participants indicated that there was no equity in the allocation of resources to decentralize the various parts of the criminal justice chain. Sixteen participants including, Participants 007, 018, 019, 021, 016, 020 and 024 indicated that most of the resources were allocated to the police, the

judiciary being the second highest recipient of resources and corrections getting the least. In the words of Participant 024

> I think this is common in most countries; the law and order part of the justice system is given greater focus … I think that being a postconflict environment; certainly, the focus is on maintaining peace and stability. There was quite a significant focus on the law and order side of things.

This claim is supported by Jackson (2013) who found that in Sierra Leone, the postconflict reconstruction efforts placed premium on security and less on justice (i.e., more on the police) and this had an adverse effect on the outcome of the reforms of the justice part of the criminal justice chain across local and central levels of the country's structure. The reforms in Sierra Leone focused on the police and neglected other parts of the criminal justice chain (Jackson, 2013). In spite of this, Howlett-Bolton (2008) asserted that the Sierra Leonean police was ineffective (Jackson, 2013). This proves the point that strengthening one part of the criminal justice chain and neglecting other parts

results in a dysfunctional criminal justice system despite the resources channeled to

support that part of the chain.

Comparing the state of the criminal justice system prior to the war and its current

state suggests that there is very little difference between the two periods. For instance, the

finding that specialized services were yet to reach the vulnerable in Liberia is confirmed

by Bacon (2015) who found that in 2011 out of 71 female officers of the Women and

Children Protection Section (i.e., a specialized unit of the Liberia National Police

dedicated to respond to sexual and gender related offenses) only 5 (7%) were located in

rural communities. Participant 022 confirmed the presence of the traditional justice

system in rural Liberia and the preference of the majority of

Liberians for this system of justice. This Participant referred to the outcome of a public

perception survey conducted in 2018 which found that over 70 % of respondents

preferred and used the traditional justice system. Dinnen and Peake (2013) found that,

similarly, in Sierra Leone, policing services and other formal government

institutions/services are concentrated in the urban centers and citizens in the rural areas

rely on the customary law/justice system to resolve disputes. The lack of adequate

infrastructure and human resources in Liberia is striking because in discussing research

question 1, infrastructure and human resources were found to be two of the approaches

adopted to decentralize Liberia's criminal justice system. It is either that there was a real

dearth in human resources and infrastructure, so the results of all the efforts after the civil

war to address these challenges have only been a drop in the ocean. The other possible

explanation is the gestation period of getting these resources to reach a level that

positively affects the system's functionality. Also, a combination of all the factors identified above could explain participants' claims of inadequate human resources and infrastructure in Liberia's criminal justice system despite efforts to improve them. The finding that human resources and infrastructure were inadequate in Liberia's criminal justice system is supported by Fyanka (2014) who found that policing was ineffective in Liberia because there was a disconnect between efforts to reform the police, inadequate human resources to support the criminal justice system's operations and an absence of the criminal justice system across Liberia, especially in Liberia's rural parts. Krawczyk and Muhula (2018) also found that weak human resource capacity is a challenge confronting decentralization in Liberia. Unfortunately, the hub concept, which was intended to be the most far reaching effort to make Liberia's criminal justice system accessible, received mixed and often negative reviews by participants and this may be part of the reason why infrastructure and human resources remains a systemic challenge. These explanations should not be interpreted to mean that the challenges of any criminal justice system, particularly in postconflict settings, can be resolved overnight. I will therefore argue that even if the hub project and other interventions yielded the desired results, some of the challenges or indicators used by Participants to describe the criminal justice system as dysfunctional would have been present, though, perhaps in less prominent quantities. As has been revealed above, the inequitable allocation of resources to support the various parts of the criminal justice system in the decentralization process and the fact that the police received the largest allocation, is not unique to Liberia.

Decentralization has made Liberia's criminal justice system functional

Despite the views expressed above, some participants were of the opinion that

decentralization has made the criminal justice system functional. In this regard, 2

participants, including Participant 009, observed that the criminal justice system "is

functioning better because … I feel that more cases are being heard. So, justice is not as

delayed as it was before." Sixteen participants including, Participants 006, 011, 015, 018,

021, 026 and 027 indicated that decentralization has enhanced access to, and oversight of,

the criminal justice system and enhanced the rule of law in Liberia. According to

Participant 027 "if decentralization had not happened, we would still have been dealing

with a system where in large parts of the country, you do not have a court, you do not

have lawyers, … there's been a lot of progress."

Participant 024 indicated that:

> I don't think anyone who's been in Liberia in 2003 and came back again in 2018
>
> could doubt the progress made, in terms of the functionality of the justice system
>
> in that way, I think that by and large the police are able to respond, not the way
>
> that will be expected for them to respond to individual cases and things like that,
>
> but I certainly think that there is a better perception of the security that the police
>
> can provide.

Participant 011 (i.e., 1 participant) indicated that legislative reform has enhanced the

criminal justice system's functionality and 2 participants (i.e., Participants 024 and 027)

indicated that the criminal justice system is functional, but the benefits of decentralization

are yet to be felt.

The number of participants who indicated that the criminal justice system was functional exceeds those who indicated that the system was showing signs of functionality. On the face of it, these findings appear contradictory. However, if they are interpreted within the wider context of the data collected, particularly the various indicators that participants cited as evidence of a dysfunctional criminal justice system, I am of the opinion that these apparent opposing perspectives are reconcilable and can be rationalized. Given the gestation period of criminal justice reform in postconflict settings, the state of Liberia's criminal justice system prior to the war and the state of affairs at the time of collecting data, I have concluded that decentralization has resulted in Liberia's criminal justice system showing basic signs of functionality. The reason being that participants who indicated that they system was functional may have been measuring the state of affairs to what it was before, which is natural but not an appropriate indicator to inform programmatic interventions that seek to make the system really accessible.

As previously noted, the criminal justice system is made up of various parts, who play individual but reinforcing roles to get the system to function. In this regard, participants were asked whether the various parts of the criminal justice chain were playing their respective roles in the criminal justice system. I posed this question to test participants perspectives on the functionality of Liberia's criminal justice system. Answering this question, 6 participants, including Participant 005, 010, 012 and 029, indicated that the various parts of the criminal justice chain were working together. For instance, Participant 012 stated that "yes there is collaboration, coordination and cooperation among and between the justice and security institutions." Twelve participants

including Participants 001, 009, 022, 023 and 024 said that parts of the criminal justice

chain are not working and/or partially working together. In the words of Participant 024:

> I think they are working together better than they had been. I think that there are
>
> still limitations … I still think that they still see each other as competitors for their
>
> resources. I do think they are more aware of each other's needs and limitations. I
>
> think that they are more aware that they can function more effectively if they were
>
> together.

Since working together is a work in progress in every criminal justice system,

expectations should be measured in postconflict settings. To increase the chances of this

improving in Liberia, there is the need to improve how the parts of the criminal justice

chain and criminal justice institutions work together. They need to see themselves as

complementary and not competitors. There should be a reward and sanction system as

well as a mechanism to actively encourage this to happen. The mechanism must have the

capacity and political support to get criminal justice institutions to work as a system. The

need for such a mechanism to be capacitated is supported by Krawczyk and Muhula,

(2018) who found that in Liberia, these public institutions have weak coordination

capacity.

How decentralization has affected Liberia's peace and stability

Jackson (2017) claimed that there is agreement among researchers that a link exists

between decentralization and conflict though there is no consensus over the nature of the

relationship. Schultze-Kraft, Markus and Morina (2014) held similar views as they

asserted that despite the fact that decentralization is used as a peacebuilding intervention,

the evidence to support a nexus between decentralization and development is minimal

even in stable environments (Schultze-Kraft, Valencia & Alzate, 2016).

Participants 001 and 026 (i.e., 2 participants) claimed that decentralization of the

criminal justice system has contributed to Liberia's peace and stability and another 2 (i.e.,

participants 008 and 021) indicated that the decentralization process is helping to address

the root causes of Liberia's civil war. According to Participant 026:

> Yes, it has. Because we were able to deploy more lawyers, judges, more cases are
>
> being heard at the local level, and now when people have issues, they are able to
>
> go to the court rather than put the law into their own hands. So, if you look at the
>
> issue of mob violence, even though it is still happening, it has reduced
>
> considerably. Most of the cases in the various courts are being dealt with there in
>
> a faster way as compared to before.

Participant 021 stated that "yes, for the purpose of stabilization; for the purpose of

sustaining our peace and in the light of consolidating our peace and also for the purpose

of meeting elements of the Sustainable Development Goals." This Participant also

claimed that "… in a way it helped to accelerate the process of addressing citizen

concerns." Peace and stability are manifestations of the rule of law. This is supported by

Hamann (2012) who claimed that "Decentralisation will make a contribution to

establishing rule-of-law structures if the population concerned is given a genuine

possibility of participating and if it strengthens the responsibility and accountability of

the individual" (p. 37/569). The fact that Liberia continues to enjoy peace and stability

after the brutal civil war is a sign that the rule of law is being entrenched.

Jackson (2017) also asserted that, the presence of a strong local government in postconflict settings engenders lasting peace. Manor (2006) backed this assertion as, according to this researcher, making decentralization an important part in postconflict reconstruction increases the chances of public services reaching the poor and governing inclusively (Jackson, 2017).

Decentralizing the criminal justice system could result in the extension of the state's authority and presence into parts of the country which have never felt the presence of government (Dinnen & Peake, 2013; Edwards & Yilmaz, 2016; Escobar-Lemmon & Ross, 2014; Hamann, 2012; Krawczyk & Muhula, 2018; Schultze-Kraft, Valencia & Alzate, 2016; Tang & Huhe, 2016;). Extending the justice system in postconflict settings assures the private sector of the security of their investment, hence encourages private investment (Schroder & Chappuis, 2014). According to Denney (2014), the World Bank claimed that a reformed criminal justice system encourages the population to resort to the criminal justice system to address their grievances. The United Nations also emphasized the point that reforming the criminal justice system is a contribution to enduring peace and development (Gordon, 2014). Bigdon and Hettige (2003) claimed that decentralization has the potential to mitigate conflict because it provides a peaceful approach "to manage inter-group tensions, increases representation and participation, and improves service delivery, all of which reduce the likelihood of conflict" (Jackson, 2017, p. 751). Ligthart and van Oudheusden (2011) augured that a link exists between decentralization and trust in public institutions (Esteller-More´, 2013). According to

Romeo (2002) decentralization is a way of "demilitarizing politics in divided societies" (Jackson, 2017, p.752).

Where the conflict trigger is inequality or marginalization, decentralization has been found to contribute to enduring peace (Edwards & Yilmaz, 2016). In Sierra Leone, decentralization was used as a tool for stabilization and resulted in progress in its postconflict recovery phase (Edwards & Yilmaz, 2016 & Jackson, 2017). Schroder and Chappuis, (2014) hold the view that in postconflict environments justice sector reform is seen as a tool for stabilization. According to Jackson (2007), Sierra Leone's central government operated a system that focused only on the capital, neglecting the rest of the country, and this led to the civil war (Edwards & Yilmaz, 2016).

Despite assertions about the case made for decentralization in postconflict reconstruction, it must be pointed out that authors like Edwards and Yilmaz (2016) posit that there is an absence of agreement on the advantages of decentralization in postconflict reconstruction and stabilization. According to Edwards and Yilmaz (2016), one theory indicates that decentralization deepens internal conflicts and the other argues that decentralization mitigates conflict. Brinkerhoff (2005) and Schou and Haug (2006) shared similar sentiments (Jackson, 2017). The root causes of a particular conflict is an important determinant of how decentralization will affect peacebuilding processes in that society (Edwards & Yilmaz, 2016). Where ethnicity (Edwards & Yilmaz, 2016) or political rivalry Bigdon and Hettige, (2003) cited in Jackson (2017) is the conflict driver, decentralization worsens the situation (Edwards & Yilmaz, 2016). Bertrand (2004) found

that fiscal decentralization in Indonesia fueled violence because of the local elite's quest for control over resources (Edwards & Yilmaz, 2016).

According to the report of Liberia's Truth and Reconciliation Commission, Liberia's civil war was largely driven by exclusion of the indigenous population by the settlers. Like Sierra Leone, Liberia's Truth and Reconciliation Commission found that this resulted in a system of government which treated Monrovia, inhabited by the settlers, positively differently from the indigenous population who lived outside the capital (Government of Liberia, 2010). This system had been perpetuated for well over a century, leading to numerous conflicts with the 14 year civil war being the most serious. Given the triggers of Liberia's civil war, it can be argued with a great degree of certainty that the fruits of the quest to decentralize Liberia's criminal justice within a larger project to decentralize public services will lead to peace and stability in Liberia. This is because, decentralizing the criminal justice system does not result in the distribution of resources, particularly money, as Bertrand (2004) noted was the case in Indonesia (Edwards & Yilmaz, 2016) and there is consensus that the criminal justice system must be accessible across. However, the methodology used to decentralize criminal justice services can derail the benefits of decentralization. For instance, in Liberia, the finding that the traditional justice system and leaders were deliberately ignored in the process to decentralize Liberia's criminal justice system, must be watched as this could be the Achilles Heel of the efforts to decentralize Liberia's criminal justice system. Table 13 presents participants views on how decentralizing Liberia's criminal justice has affected the system's functionality and Liberia's peace and stability.

Table 13

Findings - Research Question 3

Research Questions	Findings
RQ 3: How has decentralizing Liberia's criminal justice system affected the system's functionality and Liberia's peace and stability?	i. Decentralization has made Liberia's criminal justice system functional (but two participants said the benefits are yet to be felt) ii. Decentralization of the criminal justice system has contributed to Liberia's peace and stability and is helping to address the root causes of Liberia's civil war

Research Question 3 (1). How can the Functionality of Liberia's Criminal Justice System be Improved?

In discussing research question 3, I concluded that the functionality of Liberia's criminal justice system still leaves much to be desired. To answer this research question, I solicited participants views on what should be done to improve the system's functionality. The primary objective of answering this research question was to solicit the perspectives of participants, the majority of whom are Liberian, to proffer solutions that preferably have elements that depart from the orthodox approach to criminal justice

reform in postconflict societies. Participants made 2 broad recommendations and several

subrecommendations. Implementing the subrecommendations would aid the

implementation of the broad recommendations. The 2 main recommendations are that

there is the need to further reform and develop Liberia's criminal justice

institutions/system and that there is the need to change the approaches and attitudes used

to make Liberia's criminal justice system accessible. Table 14 presents recommendations

on how to improve the functionality of Liberia's criminal justice system.

Table 14

Findings – Research Question 3 (1)

RQ 3.1: How can the functionality of Liberia's criminal justice system be improved?	i. Undertake institutional reform and development of Liberia's criminal justice institutions/system. ii. All actors involved in the decentralization process must change their attitude towards the process.

Reform and develop Liberia's criminal justice institutions/system

This recommendation is an acknowledgement that institutions of Liberia's

criminal justice system still require reform and development. This is an indication that

criminal justice system reform is an evolutionary process, which requires patience and

time, particularly in postconflict settings. Hence, despite the resources and time that have been committed to make Liberia's criminal justice system accessible, there is still work to be done. Going forward, the reform process requires that some of the approaches that have been used to decentralize Liberia's criminal justice system should be pursued. Participants also recommended a change in approach and in the attitude of actors involved in the process. Participants recommended the following actions to reform and develop Liberia's criminal justice system: -

Participant 005 (i.e., one Participant) called for a complete overhaul of Liberia's criminal justice system. This recommendation highlights the need to focus on dealing with the systemic challenges plaguing and clogging Liberia's criminal justice system. According to this Participant, the process of making the criminal justice system accessible has over focused on improving infrastructure with less attention being paid to addressing the systemic challenges of the justice system. This recommendation also emphasizes the need for a holistic approach to criminal justice reform and confirms Silvestre (2016) finding about the negative unintended consequences of the Brazilian government's decision to focus heavily on building prison infrastructure to deal with the huge prison population and not addressing other challenges within the criminal justice system.

Three participants, including Participant 029, called for steps to be taken to address the infrastructure gap in the criminal justice system through the construction of small-scale infrastructure closer to the population they are expected to serve. In this regard, this Participant advocated for "… smaller ones than a huge infrastructure, that is

unsustainable." Closely related to the need to improve infrastructure is the recommendation made by 3 participants including Participants 014 and 029 that logistics for the criminal justice system need to be improved.

Five participants, including Participants 001, 008 and 017, called for the allocation of adequate financial resources to implement initiatives to decentralize Liberia's criminal justice system. Decentralization processes require resources to implement. With limited resources particularly in postconflict countries like Liberia. This reality casts doubts on the possibility that adequate resources can be provided to decentralize Liberia's criminal justice system. It is my considered view that calling for the provision of adequate resources to fund the decentralization of Liberia's criminal justice system is, respectfully, a wishful request which has almost no certainty of being realized. Liberia's government will have to find creative ways of being efficient in using its limited resources. It is in this light that the orthodox approach to criminal justice reform in postconflict societies must be questioned and/or revised. Maximizing the use of limited resources requires, among other things, tailoring interventions to suit the context. It also requires a middle path between the quest by international actors, who are supporting the process, to promote certain interests and values and the realities on the ground. Keeping this balance must be done through a thoughtful process, with innovation as a guiding principle. It requires a

departure from the norm and being exhibiting some degree of altruism, a call though achievable is likely to remain utopian for the foreseeable future.

The third recommended action calls for reforming the criminal justice system's legal framework. Participant 029 and 3 others shared this view. According to this Participant, "some of the laws are archaic and so there is a need to look at it and ensure that they reflect the common reality." The foundation of the rule of law is certainty and this is partly achieved through legislation which is published and enforceable. Having legislation which does not reflect the demands of the time makes the quest to entrench a rule of law culture in Liberia a mere slogan. Because of the civil war, Liberia is confronted with criminal conduct that hitherto was unknown to it and its legislation is not in touch with this reality.

During Liberia's civil war, normal processes like law reform slowed down or came to a standstill and existing legislation was overtaken by changes that occurred. To address this requires legislative reform and intervention. One issue requiring legislative reform that Participant 029 identified is the need to reform the Judiciary Law to increase the duration of Court Terms to enable courts sit for longer periods, thereby increasing access to justice. Another area that participants want attention to be given to is for judges of the formal justice system to collaborate with the traditional justice system to dispense justice. This will require policy and legislative reform and an overhaul of the criminal justice system's processes.

Participants 008, 009, 014 (i.e., 3 participants) recommended the enhancement of coordination within the criminal justice chain. To this end, Participant 008 observed that:

It is not enough to strengthen prosecution if you cannot strengthen the judicial process. Say you want to eliminate prolonged pretrial detentions; what does that

mean? The police have a role to play with that; the judges have a role to play with

that; the prosecution has a role to play with that. So, we need to have a system

that will look at all the various organizations and we bring them up

simultaneously; all of them have to operate in a parallel way …

Participant 009 stated that:

We got institutionalized blockages in our holistic system. If we are looking at the

system in holistic manner; starting from the police going all the way to the

prisons, we had institutionalized blockages. And ensuring working together as one

and trying to unblock the system in all of these parts would help the functioning

or dysfunction of the system.

Participant 027 (i.e., 1 participant) recommended the improvement of the

knowledge of the population about the criminal justice system. This Participant called for

improved communication and legal literacy amongst the population. This

recommendation seeks to improve the interaction between the criminal justice system and

the population and the population's appreciation of their rights and obligations as well as

how the criminal justice system works. A population whose legal literacy skills are

enhanced will potentially be an effective partner of the system and contribute to making it

functional, accountable and accessible.

The last recommendation was made by 2 participants including Participant 015. It

advocates for technology to be used to make the criminal justice system accessible.

Participant 015 recommended the use of technology to perform law enforcement

functions such as traffic related duties (e.g., traffic lights and close circuit cameras) can

be used so that scarce human resources that are being used to perform traffic control duties can be freed up to perform other duties. Holmberg (2014) and Jacot-Descombes and Niklaus (2016) shared this recommendation. However, Participant 022 cautioned against unbridled use of technology to decentralize Liberia's criminal justice system. This Participant stated that:

> I am personally not in favor of pushing for some sort of digital revolution, maybe also, because I have seen expensive attempts including in Timor Leste where millions were invested and didn't really lead to any meaningful efficiency. … Electricity is still a big problem. Finance is a big problem. Facilities like offices are not there to accommodate expensive equipment. And again, I will also bring up the sustainability issue, we buy very expensive equipment for instance solar panels. So, what happens when the machines break down in places like Grand Kru. … You don't need anything fancy. Mobile phones are a very important tool of communication in this country. Coverage is quite good. I think it is important and also, cheap. It is important that staff in the field will also have phones and that they are able to communicate; not that they are not communicating; they are with their superiors in Monrovia. … So, I think that it is a bit early especially outside the capital. I don't see how this could work.

This Participant's caution does not reject the use of technology to make Liberia's criminal justice system accessible, it only advocates for circumspection in determining the level of sophistication of the technology that is deployed. This recommendation is supported by Parkin and Wedeking (2016) who argued that technology must be harnessed

to enhance access to justice. Watson, Rukundakuvuga and Matevosyan (2017) claimed

that, in postconflict societies, technology can be used for case management as was done

in Rwanda. Also, technology can be used to make the judiciary accessible (Parkin &

Wedeking, 2016).

Bagaric, Hunter and Wolf (2017) advocated for replacing the traditional

approaches to incarceration with technology for certain offences, excluding sexual

offences. The researcher argued that this may contribute to reducing recidivism and aid

rehabilitation. According to Bagaric, Hunter and Wolf (2017) technological incarceration

could reduce the cost of incarceration by half or one third. Using technology to

incarcerate has disadvantages including breaching the rights of convicts. Whereas the use

of technological incarceration may come with advantages, the infrastructure required to

implement this form of incarceration is undeveloped even in the Western world let alone

a postconflict republic like Liberia. Hence, using this approach in Liberia is imprudent or

to say the least requires time, resources and further advancement/development of the

country. Creating, operating and maintaining a website that provides vital information to

the population is one way to enhance access to Liberia's criminal justice system with the

aid of technology. However, in a society where illiteracy is rife and internet penetration

low, this will be beneficial only to the elite.

The caution expressed by Participant 022 should not be discounted. Even though

the world is moving towards digitizing a lot of processes, in the name of national

ownership and tailoring solutions to suit the Liberian context, an attempt to digitize

Liberia's criminal justice system's processes to enhance access to justice must be

measured but at the same time bold. A realistic balance needs to be kept between the need and/or quest to digitize and the ability of such interventions to be sustained with public resources generated within Liberia.

All actors must change their attitude and approach

The second broad recommendation participants made, called for an attitudinal change by all actors working to make criminal justice services accessible in Liberia. These include overseas development actors. As will be revealed in the actions suggested to implement this recommendation, participants all called for a departure from the orthodox approach used to reform criminal justice systems in postconflict societies. The following are the specific actions that participants identified to be taken to implement the second recommendation.

First, 2 participants (i.e., Participants 008 and 018) advocated for national ownership of the decentralization process (i.e., Liberians need to own the processes to enhance the system's accessibility to the population). In this regard, Participant 008 said "Liberia also needs to support local ownership." Practically, this should, in part, translate into Liberians owning the process and the international community supporting them to be in the driver's seat. It will not be easy nor immediate but needs to be done. At what stage that this is done (i.e., the timing) is important.

The second action that 8 participants including Participants 010, 015 and 016 advocated for, was to ensure that processes to enhance access to the criminal justice system are sustainable. In support of this recommended action, Participant 016 stated that "The international community should have discussed sustainability more. They should

have conducted a lot of training for qualified personnel to be able to sustain those systems." Participant 015 believed that "what is critical right now is the issue of sustainability. How can the government strategize to sustain what they themselves need to put in place?" As previously noted, a major challenge confronting Liberia's criminal justice system is the inability of the government to sustain projects that were initiated and supported through international development assistance. This challenge is a recurring theme associated with criminal justice reform processes supported with international aid in postconflict societies (Denney, 2014). Krawczyk and Muhula (2018) acknowledged the link between ensuring that interventions to decentralize public services are sustainable and reaping the maximum benefits of the decentralization process. In this regard, Dinnen and Peake (2013) and Bacon (2015) claim that decentralization processes that are nationally owned/driven and tailored to fit the context where they are being implemented are projects that are likely to pass the sustainability test.

Participant 024 called for a focus on the population who are the intended recipients of criminal justice system services, an approach this Participant observed was missing in Liberia. This Participant claimed that:

> I also think that our focus was so much on the providers of the service rather than the recipients of the service. … there was very little focus on their responsibilities as the police, as the judiciary, as the prosecution and much more on what their needs were. And I think that the international community facilitated that thinking and also encouraged competition between the different institutions of the criminal justice system rather than a communal responsibility.

As previously mentioned, Kostovicova (2008) asserted that security sector reform processes require creating relationships between the governed and the government so the governed have a "say in it" (Gordon, 2014). This recommendation has the added advantage of bolstering public confidence in the criminal justice system. Chappuis and Heiner (2009) also observed that in Western liberalism, security sector reform provides the basis for statehood to create "people-centered security" (Schroder & Chappuis, 2014, p.134). Gordon (2014) noted that "Efforts focusing on building state institutions and structures, without sufficiently paying attention to developing relations between the state and its people, will not, it is argued, benefit peacebuilding in the long term" (p.126). Denny (2014) promotes an approach to security sector reform that focuses on the end user of justice and security services. According to this researcher, this approach recognizes the relationship between providers of justice and security services. Knight (2009) also called for security sector reform processes to have a Social Contract element since this will create a situation where the focus is on the relationship between the state and the citizenry (Gordon, 2014). A citizen or user centered approach will move the debate from whether to deal with state and nonstate actors to an integrated approach to reforming the justice and security sectors (Gordon, 2014). Adopting the end-user approach to security sector reform results in a bottom-up approach to security sector reform and takes criminal justice reform processes out of the hands of the elite in postconflict societies (Gordon, 2014). The call that security sector programming should abandon the dichotomy between state and nonstate actors is a positive one because, potentially, it promotes inclusion, national ownership and acknowledges the dynamics on

the ground in postconflict countries as opposed to the current theoretical approach that

inordinately promotes the Weberian approach to state building.

Two participants called for the deployment of criminal justice officials outside

Monrovia. This recommendation is linked to the previous one relating to an approach that

seeks to focus on the users of the criminal justice system. In this regard, Participant 018

observed that "pretrial detentions are still there but lawyers are not encouraged to deploy

outside where the services are decentralized." As noted earlier, Bacon (2015) found that,

in Liberia, donors focused their attention in the capital even though the majority of the

population was located outside the capital. Jackson (2017) shared similar views because

the author indicated that the international community supporting reforms in postconflict

countries are not enthusiastic about extending their support beyond the capital.

Practically, this approach of the international community adversely affected the interests

of Liberia's rural population because they did not benefit from the support provided to

the formal justice system and the traditional justice system that supported them did not

receive the desired support from the international community's support.

However, the international community cannot bear the entire blame; if national

actors believed in supporting the traditional justice system and matched this interest with

demands on their international partners, the neglect of the traditional justice system

would not have been so palpable. As claimed by Participant 005, some of Liberia's elite

appear to be inwardly embarrassed about being associated with the traditional justice

system. Supporting and involving the traditional justice system in dispensing justice,

complemented by the deployment of officials of the criminal justice system, has the

potential of addressing the challenge of access to justice in Liberia's rural areas and Liberia as a whole.

According to Denney (2014), a working relationship between both systems of justice is manifested in a situation where a judge of the formal justice system refers a matter to the traditional justice system for arbitration and chiefs refer electoral related matters that are before them to the police. For this to occur and be effective, actors within both systems of justice must be trained, this is even pertinent in operationalizing Article 65 of Liberia's constitution which enjoins the courts to apply both customary and statutory laws in the administration of justice. Five participants including Participants 004, 022 and 029 called for training of personnel delivering justice services. For instance, Participant 029 invited Liberia's authorities to "ensure that people are trained to deliver services."

Collaboration between state and nonstate actors in postconflict settings to provide access to justice is in line with Denney (2014) and Jackson (2013) who called for abandoning the approach to criminal justice reform that draws a dichotomy between state and nonstate actors with foreign actors gravitating towards working more or only with state actors. Boege, Brown, Clements and Nolan (2008), shared this view because they noted that in postconflict countries nonstate and state actors collaborate to provide public services under a framework described as "hybrid or non-Weberian political formations" (Podder, 2014, p. 215). Jackson (2017) also noted that "… in postconflict environments the relationship between these former local government organizations and nonstate

providers; that may include armed actors - is critical in terms of providing services like security" (p. 751).

When the population does not feel the presence of the state, nonstate actors step in to fill the void, hence working with nonstate actors in postconflict reform processes is not only sensible but an imperative. In other words, attempting to create a security architecture along the Weberian style in postconflict settings is futile, an imprudent use of scarce resources and flies in the face of national ownership principles (Denney, 2014; Podder, 2014 & Homel & Masson, 2016). Collaboration amongst actors in the criminal justice system including the traditional justice system requires that they communicate. This is acknowledged by 2 participants. Dandurand (2014) stated this recommendation. According to this research, due to the complexities of the criminal justice system, actors within the system must collaborate and communicate to be effective and generate the public's confidence in the system. There is however a caveat that, when involving nonstate actors, all sections of the society including women and youth must be represented (Gordon, 2014) because the reform processes must resist any attempts to preserve discriminatory practices that characterized the preconflict and conflict periods (Jackson, 2013). This recommendation is also supported by Dinnen and Peake (2013) who found that, in Bougainville, police reform processes actively engaged women, and this resulted in an increase in the number of women police officers.

Related to the recommendation for a citizen centered criminal justice system is the call by Participant 025 for the efforts to enhance access to Liberia's criminal justice system to focus more on the delivery of services rather than infrastructure. This

recommendation affirms the soundness in the decision to abandon the hub project as initially conceptualized for an approach that focuses on service delivery whilst building small scale infrastructure to house and dispense criminal justice services. Services provided by paralegal have been used to make criminal justice services accessible in postconflict countries (Swenson, 2018). According to some participants, attempts to establish a paralegal scheme has been largely resisted in Liberia. According to Participant 024:

> I think one of the principal things is the paralegal systems that have been used or established effectively in other parts of Africa but also specifically within West Africa. I think that in terms of accessibility and in terms of decentralization and actually, improving people's access to the justice system and understanding of the justice system. I think there is obvious resistance to that in Liberia. But nevertheless, I do think that there is something that could be learned from that, there are similar problems across all of those systems and across other countries as well where there aren't enough lawyers. You just don't have enough in the formal system to process the kind of people that are coming into the system. And therefore, you need to go out. And I think there are some really interesting approaches in other places. Sierra Leone, Nigeria, and other bits and pieces… Liberia has got absolutely no real justification for refusing to take this stuff forward.

Swenson (2018) referred to paralegals as barefoot lawyers. Paralegals work with lawyers to provide criminal justice services (Jackson, 2014). They are nonstate actors

who have proved effective in providing access to justice in postconflict countries

(Swenson, 2018). The United Nations has endorsed using these barefoot lawyers to

enhance access to justice in postconflict countries (Swenson, 2018). In Sierra Leone, they

actively providing services that enhance the population's access to the criminal justice

system. They provided legal literacy skills, advice on how to navigate the criminal justice

system and mediation (Denney, 2014 & Jackson, 2013). Stomseth, Wippman and Brooks

(2006) claimed that "Paralegal assistance seems to offer that ever-elusive commodity: a

do-no-harm intervention with capacity to improve both the state and nonstate justice

sectors in almost any setting, including postconflict societies" (Swenson, 2018, p. 52).

According to Maru (2006), paralegals are cost effective services that are sustainable

(Swenson, 2018). Baker (2010) also indicated that in postconflict environments,

paralegals bring state and nonstate justice together (Swenson, 2018). In Timor-Lestor,

Swenson (2018) found that paralegals assisted in resolving disputes in a shorter time

compared to the formal justice system.

There are challenges that are associated with using paralegals to enhance access to

justice. According to Swenson (2018), lines of accountability between paralegals and

certain actors like their donors, local/traditional authorities and state authorities are

blurred, and this creates multiple lines of accountability and management. Secondly,

decisions arrived at by paralegals are not binding, hence may result in delays in bringing

closure to disputes and fuel impunity (Swenson, 2018). This is because the powerful in

society will disobey their orders thus affecting the vulnerable in society, especially

women (Swenson, 2018). Also, operating a paralegal scheme automatically increases the

forums for dispute resolution and creates an opportunity for abuse by litigants who may

mischievously engage in forum shopping (Swenson, 2018). The lack of human resource

capacity to operate paralegal schemes and the fact that they usually operate in remote

locales, away from the eyes of oversight structures, may affect the quality of justice they

dispense (Swenson, 2018). In connection with the challenge of lack of oversight,

Castillejo (2009) found that in Sierra Leone, the presence of other nonstate actors, like

civil society organizations, working on access to justice issues provided oversight over

paralegals (Jackson, 2013). For paralegal programs to be successful, they must be

supported by the elite and powerful in the community (Swenson, 2018).

As earlier noted, Participant 024 claimed that lawyers in Liberia, who are part of

the elite in every society have been reluctant to support the introduction of a paralegal

scheme in Liberia. This is in spite of the access to justice challenges confronting

Liberians. Given the reasons provided by Participant 024 for the resistance, it is evident

that Liberian lawyers are engaging in an act of self-preservation. The unsuccessful

attempts to introduce a paralegal program in Liberia despite the highlighted benefits,

confirmed Swenson (2018) assertion that support from the society's powerful and elite is

a condition precedent for establishing and implementing a successful paralegal scheme in

postconflict settings. What is at stake in Liberia is a conflict between satisfying the

parochial interest of a few which is packaged as seeking the interest of the larger society.

The quest for, and right to, justice that is sought by most of the population has been

ignored. The inability of the formal justice system to provide access to justice in the

foreseeable future must energize the government to weigh the interests at stake and work

collaboratively to get various actors on board, failing which leadership is required to uphold the interest of the majority of citizens for access to justice (i.e., to introduce a paralegal scheme in Liberia while addressing the excesses associated with its introduction).

The interests at stake in the discussions to introduce a paralegal program in Liberia is one instance where the conceptual challenge of what constitutes national ownership is manifested. This confirms Gordon (2014) and Schroder and Chappuis (2014) assertion about the interest driven nature of criminal justice system reform even in postconflict settings. The debate over introducing a paralegal scheme in Liberia also highlighted the battle between national and local ownership and what happens in such contests (i.e., often national ownership prevails). Residents of Liberia's local communities, who are mostly the poor and vulnerable will be better off receiving paralegal services, but at the national level there is opposition and the voice at the national level being that of the powerful and elite is, so far, holding sway. This must change! The desire to introduce a paralegal program in Liberia to enhance access to criminal justice services, is an example of an instance where programs that have been successfully implemented in other contexts can be tailored and implemented in another context with similar challenges.

Two participants including Participant 016 and called for coordination and oversight of the criminal justice chain. According to this Participant, "There are a lot of complaints that cases are brought to the police station and the police charges money or else they will not follow up on the case. … We need strong disciplinary measures against

police officers that fail to abide by the law." It is important that criminal justice reform

processes are holistic and coordinated to ensure the judicious use of resources and that all

parts of the criminal justice system receive the required attention. These will increase the

chances of reaping the intended consequences of the decentralization process. As noted

earlier, the consequences and manifestations of an uncoordinated criminal justice reform

process was found in Sierra Leone where the postconflict reconstruction process focused

heavily on security and less on justice and this adversely affected the justice part of the

chain and, as observed by Howlett-Bolton (2008), the effectiveness of the police was also

negatively affected (Jackson, 2013). As part of a holistic and coordinated approach to

decentralizing Liberia's criminal justice system, oversight mechanisms need to be

strengthened. Effective oversight and accountability are features of every modern

criminal justice system operated by countries who are developing a democratic culture

(Nall & Mamayek, 2013). When criminal justice systems are decentralized, their

interaction with the population increases and this increases the chances that human rights

abuses will occur, particularly in postconflict countries. This creates a compelling reason

for Liberia to enhance oversight and accountability of its criminal justice system. For a

postconflict society, these challenges have implications for building enduring peace and

stability and can also defeat the purpose of having an accessible criminal justice system.

Establishing an effective oversight and accountability mechanism contributes to

enhancing public confidence in the criminal justice system. The need for democratic

civilian oversight in Liberia's security sector is recognized by Fyanka (2014) because the

researcher recommends that security sector reform processes in Liberia must be designed and implemented in a manner tailored towards civilian oversight over the sector.

In furtherance of the overarching recommendation for attitudinal change Participant 11 called on international partners to remain credible and consistent in the decentralization process. This Participant indicated that:

> But let me just say this; partnership goes with confidence first and credibility. In many instances where you see the goalposts being shifted in the middle of the game and the rules changing in the middle of the game, there is an issue that should be addressed. If it is not addressed, they become a problem with the partnership.

Credibility is key in every partnership, more so when it comes to upholding national ownership principles in delivering international development assistance. Being consistent requires that international actors stay committed to genuinely upholding national ownership principles in the assistance they deliver. It also ensures that when agreements are made between international actors and recipients of their assistance, parties stick to their commitments with enough room to jointly change course should there be a change in the situation. The need to remain credible and consistent is also required of national actors. According to Gordon (2014), the fact that local actors lack the political will to support reform processes is acknowledged by Heaped (2012). Underlying this absence of political will are interests of local actors that may be adversely affected by the ongoing reforms (Gordon, 2014). Jackson (2013) affirmed the need for consistency and commitment amongst actors in criminal justice reform processes in postconflict settings,

by drawing the attention of those leading the reforms and the intended beneficiaries, to accept the fact that the process is time and resource consuming and requires endurance.

Theoretical Framework

The results of this qualitative study validated the theoretical frameworks used to conduct this research and brings clarity to the research questions. Structural Functionalism and Realism theories were used to conduct this study. Realism is used to analyze the behavior of states (Dougherty & Pfaltzgraff, 2001). According to Realist Theory, states are emboldened by their power to act in pursuit of their national interests. The following assumptions underpin the Realist Theory: that the international system is state centric; that the conduct of states in international politics is conflict driven, hence anarchic; that states are sovereign and have different capabilities and sizes; that states are rational and unitary actors in pursuing their national interest; and that a state's power determines, predicts and explains its actions. Structural Functionalism theorists claim that social entities such as organizations, are organisms that are comprised of different parts. Each part plays a unique role(s) and these parts work together to contribute to keeping the organism alive and functional (Babbie, 2015). In this regard, where a part malfunctions, the ability of the organism to function according to its design to achieve the objective(s) for which it is designed is adversely affected and makes the organism incapable or ineffective (Babbie, 2015).

This grounded theory qualitative study found that the majority of the actors involved in decentralizing Liberia's criminal justice system were states, quasi-state institutions and inter-governmental organizations. Almost all of the actors were Western

and/or developed countries and institutions oriented towards the neoliberal ideology. These states committed resources to support Liberia's postconflict recovery processes, including enhancing access to the criminal justice system. The processes championed by these actors promoted neoliberal institutions and values. Institutions that were created and the reforms that were undertaken sought to or replicated neoliberal institutions without due regard to the specificities of the Liberian context. For example, the traditional justice system, which is the primary source of justice for most of the Liberian population, at best received negligible attention, even though the huge resources committed to reform the formal justice system are yet to yield the desired results. I also found that nonstate actors, ordinary citizens, traditional leaders and civil society organizations were hardly consulted in the decentralization processes. As indicated in the literature, this is a common occurrence in postconflict reconstruction because international actors seek to promote the Weberian style of security sector reform which has a state centric approach (Denney, 2014). The recurrence of this mistake in security sector reform in postconflict reconstruction has resulted in authors like Schroder and Chappuis, (2014) questioning the appropriateness of the Weberian-style model in postconflict peacebuilding processes. That approach furthers the interests of the countries funding the reforms, hence the likelihood that they will abandon it despite its apparent inappropriateness, in favor of approaches that suit the Liberian context, is almost nonexistent and confirms the realist theorists' explanation of how states behave.

With respect to the appropriateness of Structural Functionalism for this study, it is evident that participants held the view that, for understandable reasons, the process of

making Liberia's criminal justice system accessible focused more on the police and less on other parts of the criminal justice chain. This approach had a negative impact on the criminal justice system's functionality. The benefits of investing in the Liberian National Police were acknowledged by participants in a recently conducted public perception survey whose report is yet to be published. Results of the survey indicates that the performance of the police was rated higher than other parts of the criminal justice chain. However, the same report highlighted participants dissatisfaction with the entire criminal justice system and expressed a preference for the traditional justice system. Thus, confirming the fact that where one part of the system is strengthened, in Liberia's case the police and the others neglected, no or little progress is made. This raises the question about the extent to which resources committed to reform Liberia's police were judiciously used, vis-à-vis the functionality of the criminal justice system.

Focusing relatively more on the police and less on the other parts of the criminal justice chain, confirms assertions by proponents of the Structural Functional Theory that the inability of a part of the system or organism to function makes the entire system dysfunctional. For the avoidance of doubt, the disproportionate amount of support channeled to the police compared to the other parts of the criminal justice chain is not the sole reason why Liberia's criminal justice system was found to be far from functional. Other reasons for this state of affairs have been revealed in discussing research questions 2 and 3.

From the foregoing, it can be concluded without equivocation that participants reinforced the underpinning assumptions of both theoretical frameworks used for this study and confirmed the appropriateness of the choice for this study.

Limitations

The following limitations were associated with this study: first, despite the fact that the majority of participants indicated that ordinary citizens were informed but not consulted in the decentralization process, the majority of Liberians who took part in this study were the elite and actively involved in the decentralization process, hence their perceptions that the process was not inclusive may be reflecting their position, as elite Liberians vis-à-vis the international actors and not in relation to ordinary Liberians vis-à-vis their involvement in the process. Thus, talking to ordinary Liberians may have enriched this study's findings. Therefore, this study may have perpetuated the elitism associated with the process to enhance access to Liberia's criminal justice system. Whereas the majority of the participants being Liberian could be the basis of answers that reflected the true state of affairs, these participants belong to the elite, schooled and socialized in Western liberal thinking, and this certainly shaped their perspectives, perspectives that may not be shared by ordinary Liberians who form the majority of the population. Also, at the time of collecting data, there a government had just assumed office and some participants may have been dissatisfied with the direction the new government was leading the country in general, and the criminal justice sector in particular, and this could have clouded their judgement and their answers. Also, some of the participants had left their public office functions in the criminal justice system, much

earlier on, and so may not have been current on the happenings of the criminal justice

sector. Some of the participants may also have shared perspectives that were outside the

period that this study focused on. It must however be noted that changes in the criminal

justice system, particularly in postconflict settings, have a long gestation period so

sharing views that are not so further away from the period under review will not

fundamentally affect the accuracy of the perspectives shared nor my findings.

Furthermore, the fact that a relatively limited number of foreigners participated in this

study and this deprived this study of other perspectives from foreigners who implemented

international development assistance programs. The inability to recruit more foreigners to

participate in this study was due to a number of factors including the fact that they were

often bound by confidentiality requirements linked to their employment contract and/or

they were not available or disinterested. In addition to the said limitations, participants

were disproportionately drawn from parts of the criminal justice chain and this may have

skewed answers in favor of parts of the chain they worked for. The last limitation of this

study arises from the limited number of female participants. This deprived the study of

the views of women who form most of Liberia's population, belong to the vulnerable

group, were active in the peace process and would be the prime beneficiaries of an

accessible criminal justice system.

Recommendation for Future Research

The following recommendations are made for future research:

1. Conduct a similar study as this study but use quantitative and/or mix-method

   methods with a larger sample size because this will reflect better the views of

ordinary Liberians.

2. What kind of criminal justice system does Liberia need and can afford?

3. What will be the impact of efforts to promote the rule of law culture in Liberia if the customary justice system is resourced and receives stronger backing from Liberia's elite to use it as a system of justice?

4. What will it take to prepare formal justice actors to accept traditional justice actors as partners in justice delivery?

5. What will it take to have a citizen centered criminal justice system in Liberia?

6. Beyond paying taxes, how can the private sector contribute to decentralization of the criminal justice system, without the system feeling beholden to them?

7. Conceptual clarity on what constitutes local and national ownership.

8. Conceptual clarity on terminology (i.e., referring to indigenous systems of justice as informal justice systems rather than customary or traditional justice or even non-formal justice systems).

Recommendations

Making criminal justice services accessible in postconflict societies is a complex endeavor with many actors involved and a multiplicity of interests to be satisfied. It is a process and not an event. It evolves and requires patience. Desires for quick fixes and showing impact/progress are natural but unrealistic and unhelpful. Despite the high level of interest national actors demonstrate and no matter how much resources are channeled; their absorptive capacity is limited but grows over time. Where this is forced, negative unintended consequences will arise and place burdens on all actors, with ordinary

citizens, particularly the vulnerable, being the worst affected. If the objectives of reforming criminal justice systems in peacebuilding efforts are going to be achieved all actors should be seen as important parts of a system working in various but reinforcing ways towards the ultimate objective of enhancing access to justice. This requires genuine partnership, not devoid of seeking to satisfy parochial interests, but also not sacrificing the primary goal of enhancing access to criminal justice services for all, no matter the geographical location in Liberia. Seeing change will require several actions, most of them I identified during discussions regarding research question 3(1).

Within the afore-stated realities, the following recommendations are made for all actors in Liberia's criminal justice decentralization process:

First, there is the need for an evaluation of all approaches that have been used to decentralize Liberia's criminal justice system. This should involve all actors with the Government of Liberia in the lead. The evaluation should be honest and thorough, and its findings should inform the way forward as well as the design and implementation of a strategic plan to enhance access to justice in Liberia.

A nationally led and inclusive conversation to answer the question: what kind of justice system including the criminal justice system does Liberia need and can afford? should be convened, with appropriate time and resources allocated for its preparations. Women, youth, civil society, ordinary people and traditional authorities must be represented in this dialogue and their views taken on board. This conversation must be informed by the past and promote Liberia's national interest and uphold its international commitments. It must not seek to mimic other contexts blindly but rather project

Liberia's unique identity. This exercise should not be overly legalistic; so, must have perspectives of sociology, anthropology, history, reality and political judgement, which must culminate into designing a criminal justice system that is citizen centered and reflects Liberia's history, culture and post-civil war demography.

Efforts to uphold and operationalize the constitutional imperative of operating a dual justice system in Liberia must be intensified with study tours undertaken to jurisdictions with similar challenges/systems/structures as Liberia. In this regard, I strongly recommended that Liberia's authorities and its partners undertake a study tour to Bougainville to have a first-hand opportunity and feel of the system operating there. This will help clarify the conceptual challenges relating to how to involve the traditional justice system in dispensing criminal justice services in Liberia. This is because, from the data collected, there is an absence of conceptual clarity on how this can be done in a modern democratic state. Traditional leaders must be recognized as allies in dispensing justice in Liberia. This recognition should create partnerships. It will be long, painful and require enormous amounts of resources but in the long run worthwhile. Extending the criminal justice system's reach to adequately cover the entire country will remain a work in progress in our lifetime. Even when this becomes a reality, the reasons for the population's preference for the traditional justice system over the formal justice system will not have been addressed, hence the traditional justice system will continue to be a prominent forum and source of justice. This questions' the prudence of the decision to channel limited resources on decentralizing the formal justice system which is not the preferred forum for seeking justice by the majority of Liberians.

The traditional justice system is steeped in culture, religion and tradition and inherent in this are cultural notions of fairness. Whereas, it is true that there are human rights violations that arise from its practices, the same can be said about the formal justice system. Efforts must be made to address these human rights violations and the temptation resisted to unnecessarily use foreign standards of human rights and fairness to harshly judge the traditional justice system. There is no doubt in my mind that, parallels of international human rights standards can be found within local traditions and cultures. Alternatively, efforts to find a hybrid between international standards and values vis à vis those arising from indigenous Liberian culture should be undertaken. This outcome will have to be allowed to evolve so should not be forced. Liberia's traditional justice system should be allowed to operate in a modern state within reasonable legal limits. It should interact/work with the formal justice system. However, it must always be remembered that the traditional justice system loses its identity when it is overly codified, hence a lot of caution must be taken in determining how the traditional justice system operates within a modern democratic state. In this regard, a middle path approach must be adopted. Certainty and predictability are cardinal principles of the rule of law. Arguably, the absence of codification of processes of the traditional justice system is not synonymous or amount to, an absence of certainty and predictability. It is worth stressing that in recommending a middle path does not mean that I am advocating an alternative or additional system of justice for Liberia. I am only advocating for an operationalization of Article 65 of Liberia's Constitution as envisaged by its framers of having a dual justice system (i.e., customary and statutory systems of justices).

Third Party Policing should be actively used in Liberia. I did not find this approach to policing being used in Liberia, in spite of indications by Mazola (2018) of a shift towards using this approach in law enforcement. Liberia's traditional and religious leaders have an enormous amount of social capital which the police lack. The police can harness the moral authority that these leaders have to carry out their functions.

Liberia and its partners must actively explore South South cooperation in seeking support and options to make the criminal justice system accessible. This would be helpful for Liberia as there is a greater chance that technical support and advice from Third World countries are more likely to be practically aligned to Liberia's challenges, thus also addressing the challenge of sustaining these interventions when international development assistance ceases.

There is also the need for urgent, coherent and holistic constitution and law reform in Liberia. This recommendation is linked to previous ones on holding a national conversation on Liberia's justice system and the need to operationalize Liberia's dual justice system. Legislative reform is a huge undertaking and requires a deliberate effort and dedicated resources. It should harmonize overlapping legislation, address the systemic challenges which are making the criminal justice system weak and dysfunctional. It must repeal archaic legislation and bring Liberian legislation and practice in conformity with Liberia's international obligations. In this regard, the Legislature is an important actor which must be involved very early in the process. The role of the Legislature rarely came up in the data I collected. This is of real concern for a postconflict country trying to build a rule of law culture. Efforts must be made to mitigate

this perceived lack of relevance of the legislative body in the criminal justice reform process. Another actor who was not mentioned, but very relevant for implementing this recommendation, is Liberia's Law Reform Commission, which is charged with leading and coordinating criminal justice system reform.

Participants cited the high levels of pretrial detainees and overcrowding in Liberia's prisons as indicators of a dysfunctional criminal justice system. This situation does not only suggest a dysfunctional criminal justice system but also amounts to an abuse of the rights of inmates. It is also an unnecessary charge on the taxpayer. Therefore, in addition to addressing the weaknesses in legislation and practices that are causing this challenge, serious consideration should be given to reintroducing and/or strengthening processes or approaches like restorative justice, alternatives to incarceration, parole, probation, noncustodial sentencing and community service into Liberia's criminal justice system. Effective oversight of the various parts of the criminal justice system is important for addressing the issue of overcrowding in Liberia's prisons. Therefore, steps should be taken to strengthen oversight mechanisms of the criminal justice system.

Civil society and members of the community must be strengthened to actively participate in the reform processes. They must be considered partners in the process and must be consulted and not informed about the process as was revealed by participants as the practice. They must assist in being the watchdogs and hold the government and its international partners accountable. For this to happen, they must be knowledgeable and resourced; in a setting like Liberia this will require external help, which may result in

cooptation and defeat the objectives of supporting them. However, if the objectives of decentralizing Liberia's criminal justice system are to have a chance of being achieved, this is an important recommendation that must be implemented. This recommendation does not seek to replace the need for the classical oversight mechanism that every criminal justice system must have. The point that Liberia's criminal justice chain requires strong oversight cannot be overemphasized. A number of the pointers that participants provided as indicators of a dysfunctional criminal justice system and some of the challenges of the criminal justice system can be addressed by effective oversight mechanisms.

Peacebuilding efforts in Liberia must adopt the territorial peace approach. This approach has the objective of ensuring that interventions to decentralize Liberia's criminal justice system do not adopt a one size fits all approach across the country (Schultze-Kraft, Valencia and Alzate, 2016). It calls for a macro level approach to decentralizing Liberia's criminal justice system. Treating the entire country as the same and replicating elements of the entire criminal justice chain without regard to the specificities of the various geographical areas defeats the quest to promote local ownership. According to Schultze-Kraft, Valencia and Alzate (2016) the territorial peace approach fuses elements of decentralization, access to justice and security as well as rural development.

Technology should be employed to make Liberia's criminal justice system accessible. This recommendation must be implemented with considerable caution. Liberia is a postconflict society with several challenges which pose challenges on using

technology including in the criminal justice system. As previously noted, Liberia should explore using technology for record keeping, case management, traffic management and security, DNA testing and other forensic support for investigations, and creating websites with information such as legal texts, cause lists and decided cases. This can enhance access to the criminal justice system and improve the administration of justice.

Implications for Social Change

In this study, I found that the decentralization process was not inclusive as it did not consult ordinary Liberians, civil society and traditional leaders. I also found that the decentralization process has resulted in some semblance of functionality although there is still a long way to go. However, the existence of the state/government through the presence of criminal justice institutions, although limited, was found to be contributing to Liberia's peace and stability. Participants called for a change in attitude and approach in how international development assistance is delivered and received in reforming Liberia's criminal justice system. Specifically, the need to ensure that nonstate actors such as traditional leaders and the traditional justice system are involved in the process and that interventions are context specific and sustainable, were highlighted as important changes required to making the criminal justice system functional and ensuring Liberia's peace and stability. Liberia's traditional justice system has been identified as an important player in justice delivery that is being suppressed by officialdom partly due to human rights abuses associated with its processes and the contempt that some members of the privileged class have for this system of justice. Specific recommendations were made to reverse this trend and the attendant benefits highlighted.

These findings offer an opportunity for all actors supporting processes to enhance access to criminal justice services to pause and rethink their approach. International development actors must focus on local ownership and sustainability and act according to the tenets of both concepts (i.e., local ownership and sustainability). This will require a balance between the quest to achieve their national interest objectives and ensuring that resources committed to reform Liberia's criminal justice system result in tangible benefits to Liberians. The outcome of implementing this recommendation may result in taxpayers in donor countries being satisfied with the progress their resources are bringing to Liberia.

The findings and recommendations of this study call for a fundamental shift in how criminal justice reform processes are implemented in postconflict countries. If acted upon, they will reduce the threshold of how much national interest considerations inform such endeavors and potentially create an opportunity for ordinary citizens to actively participate in decision making on issues affecting them. This will increase accountability in public service, a culture which is nearly absent in postconflict settings. This will, in turn, reduce the dependency of recipient countries on international development assistance, enhance progress towards a democratic culture and contribute to enduring peace. Ultimately, access to the criminal justice system in Liberia will contribute to achieving SDGs 11 and 16, which seek to make cities and human settlements inclusive, resilient, safe and sustainable as well as promote peace, justice and strong institutions.

Conclusion

This study investigated the approaches that have been used to decentralize criminal justice services in Liberia, how inclusive and nationally driven/led the process to decentralize Liberia's criminal justice has been, and the impact of decentralization on the functionality of the criminal justice system and on Liberia's peace and stability. It also focused on soliciting participants views on how to enhance the functionality of Liberia's criminal justice system. This study contributes to filling the gap identified in the literature and has the potential of enhancing social change if the recommendations are implemented. The need for national ownership and inclusive processes in criminal justice reform in postconflict settings has eluded many peacebuilding efforts. The call for attitudinal change in how these interventions are delivered through international development assistance is known but this change is yet to occur. Peacebuilding efforts in a postconflict setting are shared efforts and change in attitudes and approach is necessary to ensure that they do not perpetuate conditions that triggered conflict.

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Appendix A: Invitation To Participate in Study on Local Ownership of Decentralization

of Criminal Justice Services in Liberia

Dear XXX,

I am a student in the Criminal Justice PhD program in Walden University. As part of the requirements leading to the award of a doctorate in criminal justice, I am required to conduct a study and write a dissertation on my area of study.

In this regard, I am conducting a qualitative study in which I am seeking to answer three research questions. They are: What approaches have been used to decentralize criminal justice services in Liberia between 2011-2017? Have the approaches to decentralize criminal justice services in Liberia been influenced by Liberia's peculiar context? and what has been the impact of decentralizing criminal justice services on the functionality of Liberia's criminal justice system? The title of the study is **National ownership in decentralization of criminal justice services in postconflict societies: Liberia in retrospect (2011-2017).**

To assist me answer the said research questions, I am seeking persons who are experts on the subject of my research to participate in an interview. From my previous work in Liberia's criminal justice system, I am aware that you are/were involved in the process of decentralizing the services of Liberia's criminal justice system during the period under review. Would you be interested in participating in this study?

The process will include you completing an Informed Consent statement which is attached to this e-mail; and allowing me to conduct an *in-person interview or an interview via the telephone*. The whole process should take no more than 90 minutes of your time.

Please let me know if you would like to participate. I hope to collect data for this study within the first two quarters of 2019.

You can contact me by phone +233244635418, e-mail samuelopoku-agyakwa@waldenu.edu if you have any questions.

Thank you.

Yours sincerely,

Samuel Opoku-Agyakwa

Appendix B: Consent Form

CONSENT FORM

You are invited to take part in a study that is investigating whether Liberia's peculiarities influenced the strategies/approaches, between 2011 and 2017, that were aimed at making Liberia's criminal justice system accessible. The study also seeks to acertain the impact of decentralization of the criminal justice system on how the system functions. The researcher is inviting adults who have been involved in decision making/implementation to decentralize criminal justice services in Liberia. These adults will be drawn from the international community who worked on access to justice issues in Liberia between 2011 and 2017, the Ministry of Justice, the Judiciary, police, civil society and individual citizens of Liberia to be in the study. This form is part of a process called "informed consent" to allow you to understand this study before deciding whether to take part.

This study is being conducted by a Samuel Opoku-Agyakwa, who is a doctoral student at Walden University. You might already know the researcher as a former staff of the United Nations Mission in Liberia, but this study is separate from the role he played in furtherance of the implementation of the mandate of the United Nations Mission in Liberia.

Background Information:

The purpose of this qualitative study is to identify the approaches used in decentralizing the services provided by Liberia's criminal justice system, to ascertain whether the approaches were cognizant of Liberia's peculiarities. Also, the study seeks to ascertain the impact of decentralization on the functionality of Liberia's criminal justice system.

Procedures:

If you agree to be in this study, you will be asked to:

- participate in an interview that will last for approximately 90 minutes.
- if applicable, participate in at most two follow up enquires after the interview to clarify certain statements made during the interview. The follow up enquires will be conducted via email or telephone (subject to your preference) and may, on each occasion, last no more than 10 minutes.
- The interview will be recorded and transcribed and the researcher may take notes during the course of the interview.

- Or the interview questions will be handed over to you for you to write out your answers. If applicable, participate in at most two follow up enquires after your answers have been reviewed. The follow up enquires will be conducted via email or telephone (subject to your preference) and may, on each occasion, last no more than 30 minutes.

Here are the interview questions:

- What are the approaches that have been used to decentralize Criminal Jusitce System (CJS) services, in Liberia, between 2011-2017?

- What kind of criminal justice services were decentralized in Liberia between 2011-2017?

- Who are the actors/partners supporting the process of making Liberia's CJS accessible?

- Are non-state actors involved in the decentralization of the CJS? If no why not? If yes, who are the non-state actors involved in decentralization of CJ services in Liberia? E.g. are they national, religious, cultural, etc?

- Would you say the approach to decentralize CJ services treated the various geographical parts of Liberia as homogenous or each part was treated as unique?

- In decentralizing the CJS, would you say the various parts of the system received the required or equal attention? Why do you hold this view?

- In deciding on the approach to decentralize the CJS, was consideration given to the presence or absence of the customary justice system/practices and how this system could impact the decentralize process, why do you say so?

- How did this consideration influence the choices made to decentralize the criminal justice system?

- Was the process to make the CJS accessible nationally driven, an external imposition or both? Why do you say so?

- How involved has the local community or ordinary citizens been in decentralizing the CJS?

- Were the processes that were undertaken to make the CJS accessible and the institutions that were built/created cognizant of Liberia's history and culture, why do you say so?

- Have these processes and outcomes been beneficial or created challenges for Liberia's government and citizens?

- Would you say internationals working on reforms of Liberia's CJS, understood Liberia and the CJS they were working to make accessible? Why do you hold this view?

- What homegrown solutions can be used to decentralize Liberia CJS?

- What has been the impact of decentralization on the CJS' functionality? i.e. how has decentralization impacted the operations of the CJS?

- Are the various parts/components of the CJS working together across the criminal justice chain?

- How should the international community supporting the decentralization of Liberia's CJS have approached the decentralization process? Why do you say so?

- How do you think the functionality of Liberia's CJS can be enhanced?

Voluntary Nature of the Study:

This study is voluntary. You are free to accept or turn down this invitation. No one in your organization will treat you differently if you decide not to be in the study. If you decide to be in the study now, you can still change your mind later. You may stop at any time. Please note that in spite of our previous relationship arising from the fact that I worked for the United Nations Mission in Liberia, your decision not to participate in this study will not affect our existing relationship. Please note that in spite of the fact that I worked for the United Nations and was involved in reforming Liberia's criminal justice system, you are at liberty to freely speak even if you end up indicting the work I was involved in executing during my work in Liberia.

Risks and Benefits of Being in the Study:

Being in this study involves some risk of minor discomforts that can be encountered in daily life, such as feeling under some pressure to recall discussions of the past. However, being in this study would not pose any risk to your safety or wellbeing. The primary beneficiaries of this study are the government of Liberia and its citizens as the findings of the study would provide information that should aid policy making with respect to putting in place interventions to make the criminal justice system accessible. It will also equip the government of Liberia, with emperial data to strengthen its position in its negotiations with its international partners on assistance to reform the criminal justice sector. The findings from this study will also aid civil society organizations in their advocacy on issues relating to access to justice for ordinary Liberians. Most importantly, Ordinary Libeirans will be better equipped to hold government accountable. Finally, this study's findings will provide information for

the international community in shaping the direction of their engagement in making criminal justice services accessible in post-conflict societies, in general and Liberia in particular.

Payment:

As a result of participating in this study, all expenditures directly attributed to your participation in this study will be reimbursed. For instance transportation to participate in the interview will be reimbursed at 10 dollars.

Privacy:

Reports coming out of this study will not share the identities of individual participants. Details that might identify participants, such as the location of the study will not be shared. The researcher will not use your personal information for any purpose outside of this research project. Data will be kept secure by storing electronic versions of the data on a device which the research does not share with anyone and the file will be password protected. Hard copies will be stored under lock and key in a drawer in the bedroom of the researcher. Names of participants will be coded using an alphanumeric format. Data will be kept for a period of at least 5 years, as required by the university.

Contacts and Questions:

You may ask any questions you have now. Or if you have questions later, you may contact the researcher via +233244635418 and/or samuel.opoku-agyakwa@waldenu.edu or samagyakwa@gmail.com. If you want to talk privately about your rights as a participant, you can call the Research Participant Advocate at my university at +1612-312-1210. Walden University's approval number for this study is **04-04-19-0668917** and it expires on **April 3rd, 2020.**

Obtaining Your Consent

If you feel you understand the study well enough to make a decision about it, please indicate your consent by signing below or replying to this email with the words, "I consent."

Date of consent   _____

Participant's Signature   _____

Researcher's Signature   _____

_____

Date:
2019.11.25
12:43:38
-06'00'

WALDEN UNIVERSITY

Appendix C: Interview Guide/Questions To Answer the Research Questions

1. Can you please briefing tell me about yourself and your involvement in the decentralization of Liberia's criminal justice system between 2011 and 2017?

2. Was Liberia's CJS decentralized prior to the civil war? Why do you hold this view?

3. Is there a difference between the current structure of the CJS compared to the pre-civil war era?

4. What kind of criminal justice services were decentralized in Liberia between 2011-2017?

5. What are the approaches that have been used to decentralize CJS services, in Liberia, between 2011-2017? i.e. between 2011-2017, what has been done to make Liberia's CJS accessible?

6. Who are the actors/partners supporting the process of making Liberia's CJS accessible?

7. Were nonstate actors involved in the decentralization of the CJS? If no why not?

8. Did Liberia's circumstances influence the choice of approaches to decentralize the criminal justice system?

9. If yes, who are the nonstate actors involved in decentralization of CJ services in Liberia? E.g. are they national, religious, cultural, etc?

10. What is the reason for involving nonstate actors in decentralization of CJ services in Liberia?

11. How involved has the local community or ordinary citizens been in decentralizing the CJS?

12. Would you say the approach to decentralize CJ services treated the various geographical parts of Liberia as homogenous or each part was treated as unique? And what was the reason for the approach chosen?

13. In decentralizing the CJS, would you say the various parts of the system received the required or equal attention? i.e. would you say that decentralization was across the criminal justice chain? Why do you hold this view?

14. In deciding how to decentralize the CJS, was consideration given to the presence of the customary justice system/practices in Liberia and how this system could impact the decentralize process, why do you say so?

15. If yes, how did this consideration influence the choices made to decentralize the criminal justice system?

16. Was the process to make the CJS accessible nationally driven, an external imposition or both? Why do you say so?

17. Were the processes that were undertaken to make the CJS accessible and the institutions that were built/created suitable for the Liberian context? Why do you say so?

18. Have these processes to make the criminal justice system accessible and outcomes been beneficial or created challenges for Liberia's government and citizens?

19. Did the foreigners/internationals who worked on reforming Liberia's CJS, understand Liberia and the CJS they worked to make accessible? Why do you hold this view?

20. How should the international community that supported the decentralization of Liberia's CJS have approached the decentralization process?

21. What Liberian solutions can be used to further decentralize Liberia CJS?

22. Do you know of other approaches that have been used in other countries to make the CJS accessible that can be used to decentralize Liberia's CJS?

23. Are the various parts/components of the CJS working together across the criminal justice chain?

24. What has been the impact of decentralization on the criminal justice system on the system's functionality? i.e. how has decentralization impacted the operations of the CJS?

25. How do you think the functionality of Liberia's CJS can be enhanced?

26. Is there anything else you want to tell me about national ownership and decentralization of Liberia's CJS between 2011-2017?

Appendix D: Demographics of Participants

Participant number	Liberian/Foreigner	Gender
001	Foreigner	Male
002	Foreigner	Female
003	Liberian	Male
004	Foreigner	Male
005	Foreigner	Male
006	Foreigner	Male
007	Liberian	Female
008	Liberian	Male
009	Liberian	Female
010	Liberian	Male
011	Liberian	Male
012	Liberian	Male
013	Liberian	Male
014	Liberian	Male
015	Liberian	Male
016	Liberian	Male
017	Liberian	Male
018	Liberian	Female
019	Liberian	Male
020	Liberian	Male
021	Liberian	Male
022	Foreigner	Male
023	Liberian	Male
024	Foreigner	Female
025	Foreigner	Male
026	Liberian	Male
027	Liberian	Male
028	Liberian	Female
029	Liberian	Male
030	Liberian	Male