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Community-based restorative justice in peacebuilding:

A case Study of Liberia's Palava Hut pilot project

A Research Paper Presented

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Abstract

This study is about the Palava Hut pilot project, a community-based truth telling program that arose from the Truth and Reconciliation Commission of Liberia's main findings and recommendations (2013). In line with the Strategic Roadmap for National Healing Peacebuilding and Reconciliation. The technique of Palava Hut is that within a local discussion place, people go to find solutions to wrongs that have been committed within the community. This traditional style of conflict mitigation and resolution (practiced among three ethnic groups in Liberia) has been adapted since 2013 for national purposes for reconciliation and peacebuilding. Looking at project documents and other official and unpublished materials, such as evaluation reports and newspapers the aim was to critically analyse the Palava Hut pilot project. Through a focused case study, this research analyses whether the Palava Hut approach was the best alternative for reconciliation. What other approaches have been proposed? Did it meet people's need for peace and restorative justice? How did issues of gender justice affect the participation of victims within the Palava Hut pilot project? And who seem to be the 'winners'? How was the concept of gender incorporated within the conceptualization of the Palava Hut pilot project and how have the concept of gender affected the roles and participation of women within the Palava Hut pilot project? The study concludes that some key elements missing from the Palava Hut pilot project include accountability, gender inclusion, and the engagement of stakeholders in identifying alternative justice needs, obligations and genuine truth-telling.

Keywords: Palava Hut pilot project: restorative justice: Liberia: peacebuilding: gender: victims.

Relevance to Development Studies

This research is very relevant to development as it findings contributes to global efforts on the implementation of UNSDG 16, Peace, Justice and Strong Institutions. Findings from this research broadens existing literature on UN SDG 16. And presents concrete recommendations of how strong intuitions can be built in post violent conflict society in quest for peace. This research based on the Liberian peacebuilding mechanism of the Palava Hut Project, offers two innovative ways for peacebuilding. Firstly, relevant ways to building sustainable peace and justice for victims and survivors after a civil conflict and contribute to the application of requisite justice needs and techniques that supports the process leading to the attainment of reconciliation. This research is a novelty within the Liberian peacebuilding process, findings from this research comes at a time when national policy makers are seeking ways to consolidate and make concrete Liberia peacebuilding efforts in other to continue the country's post conflict development process.

List of Acronyms

CPA   Comprehensive Peace Accord

CSO   Civil Society Organization

GC   Governance Commission

INCHR   Independent National Commission on Human Rights

MFDP   Ministry of Finance and Development Planning

MIA   Ministry of Internal Affairs

MOP   Ministry of Planning

PBC   Peacebuilding Commission

PBF   Peacebuilding Fund

SRM   A Strategic Roadmap on National Healing and Reconciliation

SDG   Sustainable Development Goals

TRC   Truth and Reconciliation Commission

UN   United Nations

UNDP   United Nations Development Program

UNSCR   United Nations Security Resolution

WIPNET   Women in Peacebuilding Network

Dedication and Acknowledgements

Chapter 1 INTRODUCTION

1.0 Introduction

From 1989 till 2003, Liberia fought two consecutive wars, with the first outbreak of direct violence from 1989 to 1996 and the second from 1999 till 2003. These two civil wars have been collectively classified as some of the bloodiest civil wars fought in Africa, claiming over 200,000 lives and displacing over a quarter of the country's nearly four million people (James-Allen et al. 2010). This research itself can be seen as a part of the peacebuilding process in Liberia, which started in 2003 and continues today.

My focus is on community-based restorative justice as a framework for peacebuilding, with specific focus on the Palava Hut project in Liberia. This research situates the Palava Hut project in relation to other concepts, including restorative justice, transitional justice and gender related issues specifically the involvement and participation of women and critically evaluates the Palava Hut pilot project as an approach to peacebuilding in Liberia. Within Liberia, the Palava Hut pilot project is linked to the concept of transitional justice and was situated within an 18 years transitional justice plan called *The Strategic Road Map for National Healing Peacebuilding and Reconciliation*, (SRM) which aimed to reconcile and transition the country towards a peaceful nation.[1] Many reasons have been given for the focus on non-punitive measures of transitional justice in Liberia. Firstly it is widely believed that the Liberian society is close knit and focuses on relationships. Another reason given is that past regimes which were aggressively removed from power through coup de ta or insurgences, give rise to violent civil war. Yet still, others believe that the perpetrators of these crimes are members of the community who are also victims.[2] The research also look at the concepts of restorative justice critically as embedded within the Palava Hut pilot project in relation to the three pillars of restorative justice.

> "As an analytical tool, gender has been deployed to great effect in dismantling perceived essential differences between men and women: differences conventionally use to explain and legitimate observed disparities in women participation, access to social resources and rewards" (Budgeon 2014).

In dealing with Liberia's violent past, reconciling its people, meeting their needs for justice and restoration and preventing the country's relapse into violent conflict in future, the research has examined the Palava Hut project as a tool for peacebuilding.

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[1] Original document: A Strategic Roadmap for National Healing Peacebuilding and Reconciliation

[2] Original document A Strategic Roadmap for National Healing Peacebuilding and Reconciliation

1.1 Research problem

The aftermath of violent conflict involves a long process of peacebuilding, many mechanisms are often put in place to stop the recurrence of the violence. The range of issues involve types of Peacekeeping, choices between retributive and restorative justice, accountability of state and other actors, state-building, forgiveness and reconciliation. All these are strategies employed to heal wounds, restore relationships, address the past, create the future, and maintain peace: in short they are part of peacebuilding towards sustainable peace (Lederach 2005). Community-based restorative justice is one such mechanism, and is the example considered in this study.

In 2003, the peacebuilding tool of restorative justice was introduced in Liberia as the Palava Hut pilot project which was developed as community-based truth telling forum after the end of the country's second war 1999-2003. Personally, I have observed, through conversation with some Liberians, who are direct victims of the civil war, that there is a concern, based on the country's history, that Liberians in general have grown weary and now question the validity of steps taken to heal wounds and strive for sustainable peace through community-based frameworks like the Palava Hut pilot project. This growing problem of disillusion, or lack of concern, leads to the questioning of the composition of those involved in both designing and delivering the Palava Hut restorative justice project, presented as an alternative to retributive justice in Liberia. There are also uncertainties about whether such methods, although presented as bottom up, can be elite-driven. Additionally, concerns about participation of Liberians in the process are also source of debate, including what kind of Liberian, will and should participate in the process: from which social, economic and political sphere do they come from? And although some Liberians have refused to participate in these talks citing that this would led to fresh memory of the war, producing neither justice nor peace, some are also concerned about the slow progress with implementation of the Palava Hut pilot project (Pul 2016).

1.2 Justification of this research

Prior to the outbreak of direct violence in 1989, the country history was set in political and economic inequality context. This structure is said to have been dating back to the 1800's, which set the trajectory for the predominately African American settlers, majority of which were freed slaves, to marginalised the country's vast and diverse indigenous population, setting the tone for the nation subsequent institutional and national development and forming a small circle of the country's political elite. This eventually sowed the seeds for popular discontent, animosity and grief which persists, predominately along 'ethnic' lines (Pul 2016). In 2003, Six weeks into the peace conference, the women of Liberia under the banner Women in Peacebuilding Network (WIPNET) stage a peaceful protest in Accra, Ghana where delegates from rebels groups, government officials and members of the international community were discussing a potential peace deal for Liberia. Angered by the slow pace of the peace talks, these women lack arms barricading the entry and exit of where delegates were demanding an immediate deal be develop and singed by all parties involve. This action lead to the speedy signing of the Comprehensive Peace Accord (CPA) was ended violent conflict and ushered in a period of relative stability (Gbowee 2009:2)

Based on the key role play by women in ending direct violence in Liberia, what I will seek to argue is that the role of Liberian women should not be limited to ending direct violence but be incorporated into the Palava Hut pilot project as significant stakeholders in Liberia's peacebuilding process. The Palava Hut pilot project was launched on October 19th 2013, but since that date, only two round of talks has been implemented, first in Lofa and then Grand Geddeh counties. Many reasons have been given for this slow progress, one of which is the constant questioning by citizens of the need for and relevance of the TRC, the body which suggested the Palava Hut pilot project in the first place, as an alternative peacebuilding tool for Liberia (Pul 2016: 47). However, as this discourse continues, the country is still considered to be highly polarized with citizens through various Civil Society Organizations, (CSO) particularly through the secretariat for the establishment of a war crime court in Liberia having ongoing campaigns for accountability by calling for the establishment of a war crimes court, economic retribution, couple with a propaganda of the Americo and Native Liberian dived. (Giahyue 2019).

Moreover, although the country has experience relative peace since 2003, other groups hurt differently in the civil war especially those from rural communities are yet to find room for reconciliation. They believe there is no room for genuine reconciliation, in the absence of not one perpetrators of crimes committed against humanity during the war been prosecuted by Liberians. They refer to these processes as elite-hijacking and not reflective of what they need. (Pul 2016). Based on these circumstances, this research has been conducted. Findings from this research are relevant to building sustainable peace and justice for victims and survivors of the civil conflict in a polarized post violent conflict country like Liberia. The research findings also contribute to the application of requisite justice needs and techniques that supports the process leading to the attainment of justice and perhaps reconciliation.

1.3 Background to the Proposed Study

The TRC final document recommended that a traditional Palava Hut method of conflict resolution be adapted and used to redress and atone for the wrongs of the civil war. The Government of Liberia has accepted this recommendation and charged the Independent National Commission of Human Rights (INCHR) with the responsibility of developing a context-specific methodology for the Palava Hut project, and overseeing the operation of the Palava Huts project. This important responsibility is formally incorporated into Liberia's Reconciliation Roadmap. It is envisaged that the Palava Hut project will promote healing and reconciliation at the community level, which in turn will provide the foundation for social cohesion and national unity.[3] There first phase of the Palava Hut project was implemented by the INCHR from 2014-2016 and was held in Lofa county, northern Liberia, a county generally referred to as the worst hit area of the civil war. And Grand Geddeh county, in the south east, a county which forms Liberia's boarder with Ivory Coast, and whose inhabitants were targeted and killed during the civil war. These session brought together in the terms of the report "victims and perpetrators", psychosocial counsellors, statement takers, chiefs and public outreach teams.[4] The Palava Hut pilot project, which commenced in January

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[3] Source document: A Strategic Roadmap for National Healing, Peacebuilding and Reconciliation

[4] Source: Final report of the first phase of the Palava Hut project.

2014, had as an implementation framework, a Community – Based Truth Telling, Atonement and Psychosocial Recovery Project. An important task within the Palava Hut pilot project is the notion that the use of this form of restorative justice, as a framework will attain reconciliation. According to Lederach:

> "The development of a framework for sustaining reconciliation is to build a peace constituency within the setting. Conceptually, at a very basic level this means that the international community must see people in the setting as resources, not recipients" (Lederach 1997:95).

Additionally and also according to Lederach, citizen-based peace-making must be seen as instrumental and integral, not peripheral, to sustaining change. This point thus, posits the view that the key to a sustainable peacebuilding framework in contemporary conflicts is the middle range. Middle-range actors are positioned such that they are connected to, and often have the trust of, both top-level and grassroots actors (Lederach 1997: 94). Having provided this overview and background to the Palava Hut pilot project, and linked this with questions of restorative justice, reconciliation and peacebuilding, the next section will examine the Palava Hut pilot project in more detail.

1.4 Palava Hut pilot project

Palava (Palaver), a word with its origin in the Portuguese language is not a new concept in Liberia. Palava Hut talks were generally practiced amongst the Mel, Mende and Kwa speaking people of Liberia (INCHR 2015). During these talks, victims and offenders as well as selected members of the community come together either under a structure (in a community building) or in the open air (under a tree, for example). They discuss and hold a dialogue on issues within the community. The goal was to find a common ground and mend relations between the offenders and the victims in the presence of often esteemed members of the society, mostly male elders. The process was generally presided upon by a chief of the community or some other respected older man. It was also generally consider taboo to appeal the decision that were reached by all parties during the Palava Hut talks (INCHR 2010). During these talks, however, there have been issues related to blindness of gender justice through the exclusion and or limited participation of women. The power structures of these talks generally consisted of males and presided over by males. Additionally, if these talks had women participation, it was mostly women who brought complain against male perpetrators to pre dominantly male audience and presided over by male chiefs and or elders who were friends of the alleged male perpetrators. Thus, structurally, and victims identification wise, there has always been issues of how these talks were conceptualized and or implemented. However it is important to look at gender within peacebuilding activities as men and women experience war differently, a reality that has be acknowledged globally by UNSCR 1325 on women peace and security.

The Palava Hut pilot project will consist of Palava Hut talks organized in the same manner as practiced by some traditional groups in Liberia and is to be rollout through the entire 15 counties

of Liberia and its 5 regions.[5] During these talks, it is assumed that victims will give account of what happened during the civil war in the presence of the perpetrators, after which perpetrators will give an explanation and or accept what has been said and apologize to the victims for the wrong committed.[6] Others present during the talks would include, psychologist, or trauma counsellor, civil society actors, community members (from the first talks held, these were usually elder or chief), staff of the INHCR serving as note taker, journalist or media practitioner, and police officers.[7] The Palava Hut pilot project also made a distinction of the kinds of crimes to be heard during these talks and these crimes were consider lesser crimes. Surprisingly, the list includes crimes that often resulted in serious bodily harm and even death, including: looting and destruction of property, torture (except in extreme cases): humiliation (which can include sexual violence, such as being forced to undress other victims in public): arson: forced labour: desecration of traditional shrines, as well as displacement and physical assault. This list includes everything short of actual killing and rape. What I seek to argued, is that this list of crimes considered minor crimes to be covered by restorative justice is ridiculous and that those affected by these crimes might have alternative needs for retribution as well given what I consider the gravity of these crimes. In chapter 3 this assumption will be analysed further using Scriven's argumentation analysis to critically examine by reflecting on meanings elements and carefully draw out unstated assumption and conclusions from project documents. This form of analysis was used to ascertain whether the Palava Hut project is truly restorative or is a program design to pardon and reintegrate perpetrators in various communities.

However, others who had experienced other forms of crimes that are not within these categories are yet to be heard or found redress to their hurts and or needs for justice and or restoration.[8] This is then, the peculiarity of the Liberian context. Liberia in comparison to its neighbour Sierra Leone, have similar culture and both fought prolong civil war, 14 and 10 years respectively. At the end of these civil wars, both countries perceived restorative justice system as a key step towards peacebuilding. However, unlike Liberia, Sierra Leone included and implemented aspects of peacebuilding that addressed the needs for justice, restoration and reconciliation for most if not all of its victims of the war, these included, economic retribution, establishment of war crimes court and the 'Fambul Tok', krio for Family talk, which in its design is similar to that of the Palava Hut talks (Hoffman 2008). These components were collectively implemented after Sierra Leone 10 years of civil conflict, however in the case of Liberia although these components are both in the recommendations of the TRC, and are pillars within the Strategic Roadmap for National healing and Reconciliation, non-have been given much attention and or accepted and launched by national government except the Palava Hut pilot project.[9] As the central questions will elaborate, the issue is whether the Palava Hut pilot project can contribute meaningfully to peacebuilding for Liberians, in an inclusive way.

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[5] Source document: A Strategic Roadmap for National Healing and Reconciliation.

[6] Source document: A Strategic Roadmap for National Healing and Reconciliation.

[7] Source: Final report of the first Phase of the Palava Hut pilot project.

[8] Source document: A Strategic Roadmap for National Healing and Reconciliation.

[9] Original document A Strategic Roadmap for National Healing and Reconciliation

1.6 Key concepts and Analytical Framework

This research, is a case study, the distinct unit is the Palava Hut pilot project, which has been tied into four key concepts: restorative justice: peacebuilding and reconciliation. Gender is also a key concept, since a gender lens is applied in analysing the conceptualization and implementation of the Palava Hut pilot project. Works from the following scholars Zehr, Johnstone, Schirch, Lambourne, Bar-Siman, Nadler and Saguy, Bickford and Buckley-Zistel are used to discuss the key concepts and analytical framework in this research.

Restorative justice is a concept that derives from the need to find a justice system that adequately meets the needs of victims, offenders and community members. This concept of justice developed over the years as an alternative to the acknowledgement of limitations and failures of the western legal or criminal systems. One of such limitations involves the belief that the Western legal systems deepens societal wounds and conflicts rather than contribute to healing and peace. Restorative Justice then was introduced in the 1970's, to address some of these needs and limitations (Zehr 2015).

> "The term restorative justice encompasses a variety of programs and practices and provides an alternative framework for thinking about wrongdoing. Restorative justice has a central focus of victim needs and offender responsibility for repairing harm. The concept also have three pillars which includes, harms and needs, obligations and engagement" (Zehr 2015).

According to Johnstone, once the fact of a crime has been established, our priority should not be to punish the offender but to meet the victims needs and to ensure that the offender is fully aware of the damage they have caused to people and of their liability to repair that damages (Johnstone 2013: 1). Restorative justice practitioner further proposed that restorative justice is not a new concept. According to advocates like Zehr, Restorative justice was previously use by various communities in settling disputes (Zehr 2015). From this view, advocates of restorative justice are theorizing that restorative justice programs are use in various cultures and traditional and pre –existing ancestral practices that are known to the communities. Although this notion of using a justice mechanism familiar to group of people or community could be good and in my opinion has several benefits including local participation and ownership as well as emphasis on impacts of crimes and not necessarily intents or acts. I am also of the notion that it limits the effect of the restorative justice program to do the following: meet the needs of all victims, incorporate victims, perpetrators and community members in the justice process. Primarily because in its current state, restorative justice falls short of realizing power relations that exist in these cultures and traditions including social structures, hierarchy genders, economic and social status. And how these factors might act collectively to limit the effect of the restorative justice program in meeting the needs of all victims as well as incorporating victims, perpetrators and community members in the justice process.

Moreover, advocates of restorative justice presents the notion that crimes and harms committed are generally on interpersonal level involving individuals and communities. Thus, it seems that the current framework of restorative justice does not consider the power relations that exist in these cultures and traditions in which restorative justice programs are modelled. The current

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framework of restorative justice also provide limited opportunity for the realization that violence could be linked and experienced as a results of exercise of power during violent conflict. Restorative justice framework does not consider the social structural violence as well as other societal arrangements that creates the environment for these crimes to be committed. What I argued in this research is that in order for restorative justice to be truly transformative, advocates of restorative justice should advocate for a framework of restorative justice that does not view or limit violence and harms committed from an interpersonal spectrum involving individuals and communities. Violence and harms should go beyond an interpersonal view to include viewing harms and violence as an act committed on social structures, hierarchy and conditions including gender roles that reproduces inequalities which often leads to harms and violence. Moreover, advocates of restorative justice are also advocating for a transformative form of justice that does not adequately address social structures, hierarchy and conditions including the roles of all genders that reproduces inequalities and often leads to violence and harms.

The field of Peacebuilding was developed in response to the world's most severe cases of violence. It is a complex and wide field that encompasses actors in many different arenas, including community member searching for a better life: nonviolent activist pushing for human rights: peacekeepers separating groups in conflict and demobilizing combatants: religious leaders encouraging their followers to make peace with others: community mediators and restorative justice practitioners who facilitate dialogue between conflicting parties, are just a few actors in peacebuilding (Schirch 2008). As a post violent conflict process, Peacebuilding, seeks to prevent, reduce, transform, and help people recover from violence in all forms, even structural violence that had not yet led to massive civil unrest. At the same time it empowers people to foster relationships at all levels that sustain them and their environment (Schirch 2008).

According to Schirch, peacebuilding is linked to multiplicity of post violent conflict efforts that are geared towards building interpersonal relationships and addressing structural violence in order to avoid the recur of conflict (Schirch 2008:9). However, other scholars like Lambourne, view peacebuilding from a human security paradigm. According to Lambourne, "Peacebuilding are strategies designed to promote a secure and stable lasting peace in which the basic human needs of the population are met and violence do not recur" (Lambourne 2009: 3). Other scholars like Spencer, also argued that "peacebuilding is the idea of meeting needs for security and order for a reasonable standard of living and for recognition of identity and worth" (Spencer cited in Lambourne 2009: p4). This definition of peacebuilding which focuses on human security as provided by Lambourne and Spencer, incorporates Galtung concepts of negative and positive peace. Furthermore, I am of the opinion that this definition of Peacebuilding take the concept of peacebuilding further to include process and experiences of people affected by the conflict as significant part of the peacebuilding process.

Inclusion, from literature review, the concept of peacebuilding is multifaceted and involves stabilizing peace process after a peace agreement, addressing issues of structural violence as well as providing human security for individuals affected by the conflict. According to scholars and practitioners within the field of peace studies, when the actors of a conflict still encounter severe difficulties in overcoming built up bitterness and grievances of a protracted conflict and in altering their hostile perceptions and mutual fears. They may fail to stabilize peace relations (Bar-Siman

2004). Reconciliation is therefore a crucial factor in stabilizing peace after the resolution of a conflict and in transforming the relations between former enemies. Reconciliation then goes beyond conflict resolution and addresses the cognitive and emotional barriers to normalization and stabilizations to peaceful relations (Bar-Siman 2004). Scholars like Nadler and Saguy viewed reconciliation as the process of removing emotional barriers. According to Nadler and Saguy these include emotions that are associated with the parties' perception of having being victimized by their adversary and feelings of distrust that have accumulated during years of conflict (Nadler and Saguy 2004:30).

Additionally, from literature it seems, proponents of restorative justice advocates for a form of justice which involves victims, offenders and community members in an attempt to put things right. Based on this view, and in my opinion it can generally be accepted that restorative justice view crime as a violation of people and relationships, and not individuals: and that these violations create obligations that goes beyond the involvement of the state through a judiciary process. Although, these concepts thus placed emphasis on the incorporation of people into the peacebuilding process. It seems that reconciliation as viewed by both Bar-Siman, Nadler and Sagyu also places people as significant actors and integral parts of peacebuilding process with varieties of needs including emotional and social that must be included in transformational peacebuilding processes if sustainable peace is to be achieved (Bar-Siman 2004, Nadler and Sagyu 2004). It also recognizes the fact that violent conflict does not only destroy physically lives and properties but also harms relationships and societal perceptions which redefined boundaries within a post violent conflict. Viewing post conflict reconciliation as discussed by Nadler and Saguy is most appropriate in my opinion for the Liberian peacebuilding process, primarily due to the level of atrocities committed as well as the fragile interpersonal conflict that existed between Liberians prior to the civil conflict (Nadler and Saguy 2004). Transitional justice refers to a field of activity and inquiry focused on how societies address legacies of past human rights abuses, mass atrocities or other forms of severe social trauma including genocide or civil war, in order to build a more democratic just and peaceful future. Transitional justice generally involves a combination of judiciary and non-judiciary strategies such as:

> "Prosecuting perpetrators: establishing truth Commission and other forms of investigation about the past. Forging efforts towards reconciliation in fractured societies, developing reparations packages for those most affected by the violence or abuse, memorializing and remembering victims and reforming a wide spectrum of abusive state institutions in an attempt to prevent future violations" (Bickford 2004: 1).

The objective of transitional justice, according to Buckley-Zistel is to provide some sort of justice for those who rights have been abused, thus increasing the importance of addressing human rights violation after a repressive regime (Buckley-Zistel 2012: 154). This concept of transitional justice places the transitional era in a more legalistic framework. However, from the conceptualization of transitional justice from both Bickford and Buckley-Zistel, I am of the notion that irrespective of which from transitional justice programs take (retributive of restorative) the central idea is the provision of some sort of justice for people in post conflict societies. Gender is one of the most damaged relationships during war. War and masculinity during war re-establishes the gender hierarchies even after the end of wars, oppressive gender relationships continues. There are very limited literature on gender power relations in Liberia. However, for this research, I will

use the research work of a Liberian Professor Sayndee, which was carryout along with a Norwegian researcher Solhjell. And the work of K. Dahn from the University of Oklahoma, USA and Doe-Anderson. According to Sayndee and Solhjell, in Liberia, the power relations within the social, cultural and traditional setting is usually held by older men and men in general. Solhjell and Sayndee argued that there is a general societal perspective which view women as subjects own by their husbands and have certain obligations linked to household domestic duties (Solhjell and Sayndee 2016:12)

Additionally, it was also discovered in the research by Solhjell and Sayndee that in settling dispute, between women and men, both parties will speak separately to committee comprising of the same sex that is the male figure will firstly speak to an all-male committee, and then the female figure will speak to an all-female committee before they are brought together to be heard (Solhjell and Sayndee 2016: 12). This form of gender and power relations in Liberia, limits the participation of the female gender in public discourses and also affects their bodily integrity by limiting their movement from one social class to the other especially in public decision making process. More-over, the social cultural perspective on gender power relations within the Liberian society, also shows patterns of dominance- sub servant relations between genders.

These existing inequalities in gender power relations within Liberia, have been domesticated and not seen as part of the inequalities that are generally by public opinion one of the reasons of the civil war and therefore most of the transitional justice programs are focused on addressing more political violence that are being identified as root causes of the civil war. This view of gender power relation seems to form the basis of the assumption from which national policy makers developed transitional justice programs that reflect little or no mainstreamed approach of gender into the Liberian transitional justice process. According to Doe-Anderson, in the Liberian society patriarchy is the rule. Doe –Anderson in his research states that when male elders meet to delib-erate issues relevant to the town or village, the responsibility falls on the men. He also stated that these male elders make laws to govern all including women, yet women are not in the deliberations (Doe-Anderson 2005 cited in Dahn 2008: 47)

Moreover according to, Dahn Liberian cultural beliefs there responsibility of women is to have children, while a man responsibility is to provide for his family (Dahn 2008: 48). This form of gender power relations rooted in deep patriarchy in the Liberian society, shows a relationships of summing women's role to reproduction and male take on the role of production. What I will seek to argue in this study is that these general societal perspective and or biases of gender roles in Liberia, have been key sources for which policy makers have approached the role of women in transitional justice process.

1.7 Methodology

A case study technique was employed in this research. According to Della Porta, a case study based research should constitute

"…a distinct complex unit representing uniqueness… [which can] open more theoretical, systemic process analysis, and small number of cases, purposeful selection, analytical generalizations to a process, focus on process and sequence of events" (Della Porta 2008: 208).

This research thus investigated a contemporary single phenomenon (the Palava Hut pilot project) covering a time period from 2009 to 2017, within its real world theoretical context of restorative justice as one measure for peacebuilding among many others. Multiple sources of data, were used including scan original copies of the project conceptualization, design and implementation, and recent newspapers highlighting public opinions. Details of the specific documents that will be analysed in Chapter 3 are as follows:

(i) A Strategic Roadmap for National Healing, Peacebuilding and Reconciliation, July 2013 to July 2030. The (SRM) is a result of collaboration between The Ministry of Planning and Economic Affairs, and Ministry of Internal Affairs, the Governance Commission and the Independent National Commission on Human Rights, as well as civil society organizations including Liberia Peace Initiative. The whole process of drafting the SRM was supported by the United Nations.

(ii) Liberia's Truth and Reconciliation Commission report, was compiled by Liberia's TRC at the end of the TRC operations in 2009. This report contains recommendations for peacebuilding in Liberia.

(iii) Final Palava Hut pilot project implementation report, was compiled by the INCHR based on the outcome of Palava hut pilot talks held from December 2016 to January 2017.

(iv) Ethnography final report, is a report from the ethnography studies commissioned by the INCHR in partnership with the UNDP with funding from PBF. The purpose of the study was to set the pace for the implementation of the Palava Hut project. The study was conducted from October to November 2015.

(v) Gender responsive concept note of the INHCR. This concept note was develop by INCHR 2019 as a means of addressing the lack of gender inclusivity of the Palava Hut talks.

All of these documents were provided by the INCHR. With these sources of information, a single case study has been analysed, being the Palava Hut pilot project as the main unit of observation in this study. In order to understand this case study, one has to explore various aspects of the project cycle, from the collaborative process of designing, through to rolling it out in specific communities, and implementing the goals of the Palava Hut pilot project. The distinct unit of this research which is the Palava Hut pilot project was purposefully explore, using a gender lens from the program conception and implementation and was tied into five theoretical framework that is restorative justice, peacebuilding, transitional. Given the premise that the research use as data source huge amount of text generated through national documents, Argumentation analysis was employ in analysing and understanding the meanings, concepts and underlying assumptions employ by policy makers in the various documents. The form of argumentation analysis employed in this Research is Scriven's for case by case examination of texts to reflect on meanings, elements and carefully draw-out unstated conclusion and assumption (Scriven's 1976). The use argumentation analysis

was employ to answer the research questions by presenting findings in line with the logically reasoned claims by policy makers within the documents. Scriven's Argumentation analysis was employed in chapter 3 of this research, whilst analysing data.

1.8 Research objectives and question

The overall objective of this research has been to examine the Palava Hut pilot project as a form of community-based restorative justice, and to consider how appropriate it has been for peacebuilding in Liberia, given the wounds inflicted on people by the country's violent past. The research is concerned with how this pilot project has, or has not, met a felt need for justice and restoration amongst victims, perpetrators and Liberian society as a whole. Finally, the research starts from the point of view that since women helped to bring about peace in the country, alongside men, the gender implications of the Palava Hut pilot project are an important concern.

Central research question:

What efforts have been made, in implementation of the Palava Hut pilot project, to heal past wounds from the war and promote reconciliation among all Liberians?

Sub-questions

1. What other alternatives proposals have there been for practical peacebuilding in Liberia?
2. How can a gender lens add to a critical evaluation of the Palava Hut pilot project, and its recent redesign?

1.9 Positionality and Limitations

I had partly worked with the peacebuilding office of Liberia during its conduct of a national survey throughout the country. The aim of the survey was to identify conflict issues in the country. Whilst talking with respondent, during the conduct of the survey, one key issues I noticed is that people have identified impunity and lack of justice as one of the key triggers as to why there has been no reconciliation and thus they consent that impunity is an underlying conflict issues. Based on this real life experience of talking with victims I have empathize to believe the above mentioned notion. Still on the personal level, my family was greatly affected by the war economically and as part of the TRC recommendation there should be an economic retribution for people who were economically affected by the war. However, this and other recommendations have been downplayed with emphasis being placed on the Palava Hut pilot project due to its link to forgiveness. Therefore I am a bit sceptical that a forgiveness and reconciliation process that have limited component of retribution and covers partly the needs of other people hurt doing the civil war needs to be questioned and critically examine. Based on my absence or limited physical presence in collecting data, I envisage as a limitation issues concerning validity. Additionally, my main source of data for this research is secondary data. I am aware that secondary data analysed in this research might have had a subjective lenses of its previous author already applied before my analysis.

1.9 Chapter outline

This research consist of five chapters. Chapter one comprises introduction, research problem, justification of this research, background to the proposed study, overview of the Palava Hut project, key concepts and analytical framework , research objectives and questions, positionality and limitations. Chapter two comprise of theoretical framework and methodological strategies use in this study. In chapter two, more details were given on what literature are available in relation to the topic been research. Chapter two also situate the topic in a particular theoretical perspective and elaborates justification for using the selected methods for data analysis. Background of the Liberian conflict as well as key concepts of the Palava Hut project are in chapter two. Chapter three critically analysed the Palava Hut project as a community-based restorative justice analysing source document through the use of argumentation analysis. Chapter three presents findings from data collated and analysed. Chapter four provides new ways of imaging peacebuilding in Liberia. In chapter four general conclusion on what have been learn, observed and or established within Liberia's peacebuilding process is presented. Finally, chapter 5 presents research conclusions and makes recommendations.

Chapter 2 Healing past Wounds? Theories around Restorative Justice

2.1 Introduction

This chapter seeks to review and present what key theories around the various concepts central to this research, including transitional justice, gender, restorative justice, community-based truth telling, all of these in relation to the Palava Hut pilot project. The central theories are presented and the reader is informed about how these concepts will be used to analyse the findings in Chapter 3, through the lens of such concepts. According to the SRM, the following kinds of activities were to be implemented for sustainable peacebuilding : "Community-based Truth-telling, Documenting Mass Crimes, Historical Clarification and Inclusive Peoples History, Redefining national identity, Palava Hut: Atoning & Reparation, Transnational Dialogue, Political Dialogue, Accountability"[10]. Similar mechanisms and concepts are stressed in the TRC's Final Recommendations following the end of the war. A lot of concepts are included in this list, as well as some mechanisms. What this chapter will try to do is to ask how existing theories and concepts can be accommodated within the Liberian context of the Strategic Roadmap, in relation to healing past wounds. This chapter begins with the larger context of models of transitional justice and gender in Africa, and then narrows downs to the specificity of the research context of the Palava Hut pilot project in Liberia.

2.2 Liberia: Wounds of Community-Based Violence

The Liberian Civil war begin on Christmas eve 1989, when a group of roughly 150 rebels crossed into Nimba County, Liberia from the Ivorian boarder. This group which became known as the National Patriotic Front initially enjoyed massive popular support from communities, with young men and women from communities across Liberia enlisting voluntarily, the cause was known as a popular rebellion or liberation from the ruling aristocrats and or set of privileged community against a predominately marginalized community (Utas 2003:10).

> "As the insurgency intensified, the cause once popular accepted by communities across the country saw a massive use of brutality by combatants against the communities and or civilians they claimed to serve" (Utas 2003: 11).

Rebels groups increase their terror against civilians, and a looting excursions increasingly became the reason for war there was also increase in acquisition of power in local communities by rebels group, members of communities who were part of the rebel groups leap from being a powerless community member to being a commander and leader with a gun, terrorizing fellow community members including elders, chief etc. and demanding respect through the use of guns (Utas 2003: 15). At the end of the war some of these rebels who were now disarmed and consider ex-

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[10] Source Documents: A Strategic Roadmap for National Healing, Peacebuilding and Reconciliation and Liberia's Truth and Reconciliation Commission report.

combatants, with no clear vision of how their lives would be in post fragile peace state Liberia, returned to those communities and hometowns for which they had terrorize (Utas 2003:10). In summary, at the end of the war in 2003, there was a complete breakdown of relations, an added weight of anger and hate was the relics left in communities across Liberia. In quest to address, these issues, without further hurting the already fragile relationship that existed in communities, National policy makers turned to the use of Community-based restorative justice as a solution to address the hurts and fill the existing gap left by the Truth and reconciliation process. The decision to turn to Community-based restorative justice, was generally thought to be based on the ideology that the Liberian society values relationships and communal life as well as the spirit of togetherness, through public opinion mostly by policy makers, it was believed that these are values that build the Liberian community. Moreover, although it is likely that a single transitional justice institution, might perhaps not be expected to complete all the work of peacebuilding, it is apparent in the Liberian context that there was a gap left behind by the Truth and Reconciliation Commission, thus the call for a community-based justice system. Additionally, the is a public general notion of communal life togetherness etc. as being foundations of the Liberian community, yet still what was generally perhaps not recognized was the level of brokenness and atrocities cause by the war and how it might have potentially redefine the boundaries of community in Liberia.

2.3 The concepts behind the Palava Hut pilot project

For the Strategic Roadmap, addressing past wrongs is not limited to wrongs committed during the 14 years civil conflict, and this differs from the TRC. Whereas the Strategic Roadmap's timeframe is from 1979 to 2002, the TRC wishes to address historic wrongs from 1847 to 2002. Key concepts in the Palava Hut pilot project include: reconciliation, restorative justice, community-based truth-telling and non-judicial accountability. Both the TRC Final Recommendations and the Strategic Roadmap reports reviewed in this section of the chapter were formative for designing the Palava Hut pilot project. They give key indications as to what is needed to institute peacebuilding efforts and start the process of reconciliation in Liberia. According to the TRC report, the Palava Hut's purpose and jurisdiction were as follows:

> "The Palava Hut is another form of justice and accountability mechanism with traditional orientation to foster national healing and reconciliation at the community and grass root levels creating the opportunity for dialogue and peace building and requires the participation of all perpetrators, their associates, warlords, financiers, organizers, activists: whether named or not in the TRC report but who have committed some wrong including assaults, destruction of property, forced displacement, looting, robbery, extortion etc."[11]

In summary, from the perspective of the TRC, key concepts of the Palava Hut pilot project include accountability and forgiveness of crimes committed during the civil war and the era from 1979 to 2002. Another document conceptualizing the Palava Hut pilot project was the Strategic Roadmap for National Healing Peacebuilding and Reconciliation (SRM). The SRM has an 18 year implementation period (2013-2030).The SRM states that the Palava Hut pilot project should be

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[11] Source Document: Liberia's Truth and Reconciliation Commission report.

implemented within this timeframe as well. The SRM added accounting for the past through addressing past wrongs as additional concept for the Palava Hut pilot project. As was mentioned earlier, the project started only in 2014. Reflecting on these key concepts, the following assumptions can be seen as employed by policy makers. The TRC envisaged that a major peacebuilding effort would involve forms of accountability that would not destroy the already fragile relationship that existed amongst Liberians after the war. The form of reconciliation recommended would be not only to heal individual hurts, but also community suffering as a whole. Thus a community-based truth-telling initiative that was restorative and respectful of traditional institutions among Liberians was viewed by the TRC as the key to successful peacebuilding in Liberia. The reasoning is that according to the Strategic Roadmap the war resulted from how Liberia was constructed as a state from 1847.[12] In chapter four, this timeframe along with opportunities, challenges and prospects on Liberia' transitional justice process will be analysed. Moreover, reflecting on the SRM, I am of the opinion that including an extended historical period in the proposals for implementing reconciliation was based on the assertion that since Liberia's historical formation many reconciliation efforts had failed, a notable example being the 1945 initiative by then-President William V.S. Tubman. When he tried to incorporate a national unification plan for both indigenous Liberians and Americo-Liberians, although this led to the adoption of a national unification day, the country remained polarized and divided. Thus according to The SRM, reconciliation in the Liberian Context means

> "…building an inclusive and national identity, by transforming institutions and changing national symbols which perpetuate the Americo-Liberians and Indigenous divide, it also includes addressing inter-ethnic conflict exacerbated by the Civil war, economic empowerment of the marginalized poor and those made destitute by the civil war: and building responsive and accountable structures of governance.[13]"

The SRM also included restorative justice as a concept within the Palava Hut pilot project, Restorative Justice was envisage as: "transforming individual, community and societal mind-sets and rebuilding and strengthening inter-group relations.[14]" There is also a need for non-judiciary accountability within the Palava Hut pilot project as evident from available literature, however, there is a variation within available literature, the kind of non-judiciary accountability to be afforded, to survivors and or victims. All of these concepts are to be incorporated into the Palava Hut pilot project, which according to The SRM will transform mind sets and rebuild relationships. Generally, literature available on the Palava Hut are coherent on the various concepts of the Palava Hut pilot project. However, there is variations on the time period for which these concepts are to be implemented. Underlying Assumptions of these concepts are discussed further in Chapter 3.

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[12] Source Document: A Strategic Roadmap for National Healing Peacebuilding and Reconciliation

[13] Source Document: A Strategic Roadmap for National Healing Peacebuilding and Reconciliation

[14] Source Document: A Strategic Roadmap for National Healing Peacebuilding and Reconciliation

2.4 Questioning Community-based justice: Ubuntu and beyond

Community and restorative justice as justice paradigms are often use interchangeably. According to scholars like, Crawford and Clear: these terms connotes the following: a local or neighbourhood level operational focus, seeks to involve and empower ordinary citizens, relies upon private and parochial forms of social control and operate within a problem solving approach to social issue (Crawford and Clear 2003).

As coined by Clear and Karp (cited in Crawford & Clear 2003: 214) community-based justice is concerned with what it is like for a person to live and work in the community: and that crime affects community life, thus whatever is done the handling of criminal cases in neighbourhood and communities is justified on the basis of how the strategy in question affects what is like to be in that community or place (Crawford and Clear 2003: 215). Community-based restorative justice provides an opportunity to draw on local practices and values and ensure greater proximate access to justice than a court or litigation process. And as argued by Cockwell, enduring peace must be based on the indigenous society resources for inter-group dialogue, corporation and consensus (cited in Park 2010 p.107). Additionally, community-based restorative justice system has been use in other post conflict system, like Sierra Leone and often cited as an example is Rwanda post-genocide introduction of *gacaca* court. The 11,00 *gacaca* court, although not completely free from criticism is generally considered a success and was built on a combination of western judiciary and Rwandan customary practices, these *gacaca* courts were designed to lift the burden on the formal courts and reduced prison population, reconciling community members and Rwandans in general (Park 2010).

In summary, it is generally proven by available literature that community-based restorative justice, present a view of justice that focuses on maintaining a communal relationship in communities after crimes have been committed, and although these ideas resonate and might have been considered success when applied in Sierra Leone and Rwanda: however, what makes the Liberian case different, is that community within Liberia before the outbreak of civil conflict was already almost built with lines of social economic, political power relations that marginalizes and placed one community against another which might perhaps been one of the causes of the civil war. Thus what it is yet to be concluded or established is the question of defining what community, and how such notion of community and or ownership provide both sources of advantages and disadvantages as well as the ability of said community to adequately employ the use of community-based restorative justice in the Liberian context. Ubuntu as an African philosophy, has a plethora of meanings and is often difficult to attached a single view and or meaning to this philosophy. However, according to Battle, the Xhosa expression: '*Umuntu ngumntu ngabanye abantu*' which translates to mean, individuals humanity is ideally expressed in relationship with others: is the basis from which the concept Ubuntu originates (Battle 1996: 99).

According to Mabovula, the word Ubuntu consist of the prefix ubu and the stem ntu-ubu which evokes the idea of being in general, thus Ubuntu is the fundamental ontological and epistemological category in the African thought of the Bantu speaking people (Mabovula 2011:40). Although the term Ubuntu is rooted in Bantu speaking languages, scholars like Khoza (cited in Roux &Coetzee) describe the concept "Ubuntu as an African view of life or an African world-view" (Roux & Coetzee 1994). According to Khoza, Africans have a distinctive collective consciousness,

shown in African Behavior patterns, expressions and spirituality which values brotherhood of Africans, sharing, treating others as humans (Roux &Coetzee 1994). Khoza also argues that Ubuntu as an African value system means 'humanness or being human' characterized by such values as caring, sharing compassion, communalism, and related predisposition (Khoza 2006:269).

In summary, Ubuntu as a concept is predominately linked to the African metaphysical world as well as societal values of togetherness and living for a cause that is beyond one personal interest. It intertwines with the concept of building a community and that whatever affects a neighbour affects all. The concept of Ubuntu has thus been a basis of community-based restorative justice in Africa, most notably in the Truth and Reconciliation process of South Africa, and gained focus in South Africa and beyond when former President of South Africa Thabo Mbeki, called for an African Renaissance, this search for an African philosophical explanation of the experience gained from South Africa's Truth and Reconciliation Commission added momentum to the use of such transitional justice programs and or technique(Nabudere 2005).

In the Liberian context, growing up as a child amongst the Kpelle speaking people of Liberia, I can relate the concept of Ubuntu, through the Kpelle expression of "*Kukatonuoe*" which means we are "one". Within the Kpelle tribe, which is also a part of the Mande ethnic group, and one of the three ethnic groups from which the process of Palava Hut talks originates in Liberia and is practiced: the expression is use to show togetherness, unity and brotherhood (Winker 1997). However, the African Philosophy of Ubuntu have not been without questioning. According to scholars like Metz, (cited in Lutz 2009: 3) the concept of Ubuntu is vague and could mean anything one choses.

2.5 Victim's Needs in Liberia: Gender and restorative justice

At the end of the first phase of the Liberian civil war, 1989 to 1997 it is approximated that between 60,000 to 200,000 Liberians were killed, (Hoffman 2004). This figure is not inclusive of those who were maimed, raped and or property got destroyed, with the dollar figure on damaged infrastructure incalculable. From 1989 to 1997, the total number of combatants lie between 40,000 and 70,000 both men and women (Utas 2003) and at the end of the first phase of civil conflict in 1997, the United Nations Humanitarian Assistance Co-ordination Office counted 24 percent of the 60,000 to 200,000 combatants figure as child soldiers both male and female (Utas 2003:14). Although, there is a plethora of data on the final figure from the second half of the war 2000 till 2003, it was estimated by the TRC, that over 200,000 Liberians died, with a quarter of the 4million population displaced . This figure also preclude, survivors who were raped, maimed and or whose properties got destroyed etc. At the end of the TRC operations in 2009, the TRC acknowledged and presented in figures that they collected statement from 17,000 survivors of the war who also participated in the TRC process as witness. These 17,000 survivors give information of about 90,000 victims of the war, and over 160,000 separate acts of violence all-inclusive of both male and females' survivor, perpetrators etc. In summary, whilst the 17,000 figures as well as all other figures given by the TRC is extensive, it is important to note, that these 17,000 individuals were the ones courageous enough to explain their ordeal as well as those of others who were dead and or alive, in spite of the possibility of societal shaming and or prejudice. At the end of the TRC

operation in 2009, the 5 Commissioners which headed the process, recommended and or recognized that too many scars of the war existed and that the peacebuilding process of Liberia should include a mechanism to address victims: heal relationships from the past and build community that could host both victims and there over 200,000 combatants and remaining warlords who will all have to live and function in the same space. Thus the TRC recommended the use of restorative justice mechanism as an alternative to justice needs, closely designed in line with the traditional Palava Hut talks in Liberia.

Restorative Justice, according to Zehr originally begin as an effort to rethink the needs which crimes create, as well as the role implicit in crimes. He argues that restorative justice advocates were concerned about needs that were not being met in the usual justice process. Some proponents of restorative justice also argues that restorative justice should be as much if not more about seeking to create non-violent social relationships, and building a sense of community(Sullivan et all 1998:14).). Additionally, Johnstone state that other debates around restorative justice, is that restorative justice might be a medium in which victims are not being empowered or restored but victims being use as mere props in programs designed mainly to reintegrate offenders (Johnstone 2013). Moreover, there is also a debate amongst advocates of restorative justice programs, that restorative justice programs which are restricted to reacting to crimes committed are likely to be developed more rapidly than restorative justice program which aims to revive neighbourhoods (Johnstone 2013:19) In his book entitle, The Little Book of Restorative Justice Zehr argues further, that the view of needs and roles is at the origin of the restorative justice movement (Zehr 2015: 13).

From the 1970's till now there is a lot of views and models of what a restorative justice program is. This research has established that there is also not necessarily a specific definition of the term, however there are generally agreeable three principles on which the restorative justice movement exist. As proposed by Zehr, these three main principals are: harms and needs, obligations, and engagements (Zehr 2015: 13). Thus restorative justice focuses on harms and understands that crimes first of all harms people and communities, that wrongs or harms results in obligations, therefore emphasizing offender accountability and responsibility and finally, restorative justice promotes engagements and or participation, this principal according to Zehr suggest that primary parties affected by crimes, which are victims, offenders and members of the communities are given significant roles in the justice process (Zehr 2015: 24). Based on these concepts, principals and or debates, within proceeding chapters, the Palava Hut pilot project will be analysed.

2.6 Gender in transitional justice: an overview of research

Gender can be viewed as a social institution that establishes patterns of expectations for individuals, orders the social processes of everyday life, and is built into the major social organizations of society such as the economy, ideology, the family and politics and is also an entity in and of itself (Lorber 1996). In this sense, there are no studies on gender in transitional justice, and most available transitional justice literature views gender in terms of 'women'. In this sense, transitional justice is seen from a binary perspective, with the focus being placed on women as victims and men

as perpetrators, although often men are left out of such studies. Gender analysis is also mostly missing from the United Nations Security Council UNSCR 1325, which began a period in the field of transitional justice of the formal international and political recognition that both political violence and its resolution are gendered, or at least acknowledging women in peacebuilding and the armed forces.

With this binary view of gender in transitional justice, there is a problematic tendency that individual experiences would be reduced to a single view which would reinforce stereotypical gender categories, perpetuate gender biases rather than identify, challenge and transform these biases to ensure social reconciliation, nation building and the reconstitution of the past based on shared narratives (Scanlong & Muddell 2009). Since there is not much literature that brings together gender and transitional justice, three key texts have been identified (Scanlon & Muddell 2009: Buckley-Zistel & Zolkos 2012: O'Rourke, 2013). Over the past decade, different model of transitional justice have been introduced in Africa as a means to address the mass human rights abuses that have occurred during conflict. These transitional justice mechanism can be both judicial and non-judicial to include, Truth Commission, legal mechanism, reparation, security sector reform efforts and community-based traditional mechanism (Scanlon & Muddell 2009). By employing these mechanism, the concept of transitional justice envisage constituting towards attaining range of goals and ends. These include amongst others the restoration of the rule of law, judicial retribution designed to contour a culture of impunity, recompense and the restoration of dignity to victims, reform of institutions, social and political reconciliation, nation building, and the reconstitution of the past based on shared narrative (Scanlon & Muddell 2009). In regards to its temporal focus, transitional justice is at one and the same time oriented towards the past, present and future, as a past oriented practice it address wrongs that have been committed during a conflict: as a present oriented practice it establishes a new ethical and institutional framework of post authoritarian and or transitional politics for interpreting the past and through this it seeks to prevent the future occurrences of gross injustices and violence (Buckley-Zistel & Zolkos 2012). The adoption of the resolution on women peace and security ushered in an era that marked at the highest international level, the need for political and legal recognition: that transitions from political violence should be transformative for women and is the closest of an international document to a gendered dimension of peace and security and or transitional era. Thus the increasing questioning of what role do transitional justice process plays for gender?

Scholars have underscored that transitional justice within its relatively new gendered dimension, has a potential within a transitional era of a post conflict society to transition from violent conflict or rule to transform the status of women and gender relations. According to Catherine O'Rourke the extreme social disruption caused by political violence that transitional justice era seek to address, can within the transitional era allow for some loosening of gender norms and create space for women to take up atypical gender roles (O'Rourke 2013). O'Rourke asserts that these roles can be assumed either through the death and absence of men, context of political violence can afford new opportunities for community leadership by women. Extreme poverty and deprivation can motivate mass mobilization amongst women to meet daily needs, to oppose political power holders, and to demand that greater attention be paid to the needs and rights of women (O'Rourke 2013). According to Bell and Coomeraswamy, when an end to political violence is being either imposed or negotiated during an era of transitional justice, mobilized groups of

women may be well placed to make demands for women's right and equality on political elites (Bell & Coomeraswamy 2005).

Moreover, according to scholars like Scanlon and Muddell, transitional justice through compensation and memorialization fulfil a number of practical and symbolic purposes of acknowledging the harm inflicted among victims and has the potential to facilitate the rebuilding of women's lives, by driving post conflict transformation of social-cultural injustices, and political and structural inequalities that shape the lives of women and girls (Scanlon & Muddell 2009). Other research has however shown that transitional justice initiatives are often devised in a way that reduces gender concerned to those of victim hood. Scanlon and Muddell states that the view of victim hood from transitional justice initiative perpetuates perception of women passive role during conflict and also silences other aspects of their experiences and assumed the role of men as mostly perpetrators (Scanlon & Muddell, 2009). Based on this view in transitionaljustice, victim hood, sexual violence is seen as a women's problem whilst men and boys who have suffered from sexual based violence has been ignored. Leading to the creation of environment that has allow many to overlook and deny the structural issues that causes violence (Scanlon & Muddell 2009).

Another view on transitional justice and gender is that, when incorporating concept of gender, transitional justice view crime as harm generally committed in the public and that doing these era of transitional justice the focus is on addressing political violence that were seen as the causes of the conflict thus, crimes committed in the domestic arena are not often view as political violence and or considered crimes (O'Rourke 2013). In summary, literature available on gender in transitional justice, basically allude to the potential of transitional justice era, as a period to provide an opportunity for violent and or fragile conflict, society to transformed gender relations: thus societies transitioning from a post violent era might experience a shift in gender roles including during peace negotiations and security sector reform. However, what is yet to be established widely within the field of transitional justice as a post conflict mechanism, is how adequately these transitional era tackle the extensive gender based violence in pre conflict and post conflict societies on the continent. Such limited prove could be, that gender as seen within the transitional era places more focus on women and victim hood then it embodies the entire concept of gender. Within the following chapters within this research, gender in transitional justice will move beyond the analysis of equating gender with women, victimhood, sexual violence and domestic crime or men as perpetrators only but incorporate an inclusive and holistic view of gender in transitional justice.

2.7 Conclusion

Finally, from the various theories and concepts reviewed above, the following can be deduced: what is mostly available as a view on gender and transitional justice, is that countries in transitional era have the opportunity to change gender roles and or gender stereotypes that might have existed in these societies within a particular political era which might have been a potential cause of the conflict. However, little of such change has been effected I would conclude based on the available literature because gender is usually viewed or interpreted to mean women. Moreover women as within the literature are seen as victim and whilst any reference made to men are usually view as perpetrators. This thus perpetuates the binary way in which gender has been viewed and incorporated into transitional justice mechanisms. Within Liberia, from available literature, the concepts

of reconciliation, addressing past wrongs, accountability and national healing are the key concepts within the Palava Hut pilot project. However, from the literature available, there has become an increased polarization of the time period of which the various concept within the Palava Hut pilot project should cover, with some of the Palava Hut pilot project originators calling for a time period from 1989 till 2003, others are calling for a time period of 1847 till 2003, with this difference in view it is with great interest, that this view will be a part of the theory of what the proceeding findings in this research have discovered in terms of addressing wrongdoings of the past as one of the key concept of the Palava Hut pilot project

From literature available, community-based restorative justice and Ubuntu although different terms and origins, have quite an emphasis on how people live in spaces with each other, after crimes are committed. With the latter being more concerned about values that define people's way of life and a bit philosophical, the former leans more towards how people continue to live in spaces after crimes have been committed and how those said crime being addressed may affect relationships in those communal spaces. In the following chapter, we explore how membership of these communities, i.e. who has or does not have these obligations, values or notions of solidarity, affects or impacts peacebuilding processes and transitional justice, in design as well as in implementation, in the specific case of Liberia. From available literature, it is also seen that the Truth and Reconciliation Commission of Liberia, left a gap that needed to be fill, this gap according to literature review was the obligation to meet victims' needs as a means of peacebuilding in Liberia. However, given the multiplicity of needs that arise after a civil conflict, it is still unclear as to what is needed and what has been addressed or left out. Through the case study of the Palava Hut community-based restorative justice mechanism, I hope to examine these issues. Thus, the literature reviewed within this chapter has set the basis on which findings from studying the Palava Hut pilot project documents, can help to answer the general research question and thus meet the overall aims of this study.

Chapter 3: The Palava Hut pilot project: community-based restorative justice?

3.1 Introduction: identifying key source documents

This chapter uses argumentation analysis in analysing data collected during the research. Data presented in this chapter are analysed concisely in line with the theoretical framework and body of available literature presented both in chapters 1 and 2. To remind the reader, as discussed in Chapter 1, the data as used in this chapter includes the following source documents, obtained through the researcher's contacts inside the INHCR:

(i) A Strategic Roadmap for National Healing, Peacebuilding and Reconciliation (SRM), after the 2003 Accra Peace Accord on Liberia, there was a stalled in the Liberian Peace process. As Schirch argues, peacebuilding is strategic when resources, actors and approaches are coordinated to accomplish multiple goals and address multiple issues for the long term (Scirch 2008:8). An example of this, as mentioned in Chapter 1, was the SRM which was produced by two government ministries, two government Commissions, one national peace initiative and conglomeration of civil society organizations in Liberia and the whole process was funded by the UN. One problem in Liberia was multiple peace initiatives that were on-going, but with little or no coordination between institutions implementing those initiatives. Thus the SRM was produced as a means to meet the goal of strategic peacebuilding, and to improve inter-governmental and CS collaboration in the process. The SRM has become a key means to address the stalled peacebuilding efforts and restart the whole process of restoring a sense of justice through dialogue and truth-telling. The SRM, produced in 2013, is supposed to be operational from 2013 till 2030. The Government of Liberia and its international partners advance in the implementation of two of the three pillars, however, efforts on reconciliation and peacebuilding stalled due to the lack of coherent strategy and coordination framework to organize the multiple government and civil society initiatives on peacebuilding and reconciliation. Thus, the SRM was develop as a response to this gap.

(ii) Liberia's Truth and Reconciliation Commission report, at the end of its operation in 2009, the TRC made a total of 47 main or major recommendations with additional 277 recommendations on the way forward for sustainable peace in Liberia. These recommendations covered areas of economic, social, cultural rights, reconciliation and transitional justice in Liberia. According to the TRC, these recommendations were made due to statements collected from both victims, witness and perpetrators during the TRC operations. The TRC was chaired by Cllr. Jerome Verdier Sr. along with seven other Commissioners, which the composition included three women and four men with one of the women Dede A. Dolopei serving as Vice chair of the TRC. On January 10, 2014 the first of the Palava Hut pilot project was implemented. Over the period of 42 days, community-based truth telling Palava Hut talks were held in 23 communities and were covered by public outreach in Lofa, Grand Geddeh and Montserrado counties.

(iii) Final Palava Hut pilot project implementation report Final Palava Hut pilot project implementation report of the Palava Hut pilot project gives an account of the 8 Palava Hut committees that were restructured, trained and functional, two pilot Palava Hut hearings, conducted in

Lofa and Grand Geddeh counties and the 354 victims and offenders that participated in the Palava Hut hearings. The report was produced by the Independent National Commission on Human Rights, which also led the implementation of the first phase of the Palava Hut talks in collaboration with the National Civil Society Council, Ministry of Internal Affairs, Ministry of Gender, Children and Social Protection, National Traditional Council of Liberia, Liberia Peacebuilding Office, UNDP, UNMIL and UNWomen.

(iv) Ethnography final report, the purpose of the ethnography study was to learn the various methodologies and guidelines use by the Kwa, Mel and Mande ethnic groups in developing and conducting Palava Hut talks in their respective traditional communities. From this study the structured and methodologies of the Palava Hut talks were developed. These were the structures and methodology used in conducting the first phase of the Palava Hut talk.   And

(v) Gender responsive concept note of the INHCR. Was developed by the INHCR in 2019 as a means to address gender gaps within the Palava Hut talks and addressing gender inclusivity.

In addition to these documents, additional data was collected from current news making headlines in various daily's in Liberia, namely FrontPage Africa and Daily Observer, two of the leading newspapers in the country.

3.2 Remedying a significant silence? The Gender Concept Note

From data collected during the conduct of this study, it has emerged that gender has been significantly silenced, within Liberia's transitional justice process, and specifically in the Palava Hut pilot project. Policy makers had approached the concept of gender as women equated to victims, poor and marginalized or children and youth. Gender inclusion within Liberia's transitional justice process is from a Women in Development (WID) approach. Generally, throughout the document argumentation analysis suggests that gender is not taken that seriously in the Palava Hut project, and perhaps in Liberia's transitional justice and peacebuilding process generally. For example, the report includes the following: Statements from women participants who are victims; advocacy for the economic empowerment of poor and marginalized; addition of a vice chair position to be occupied by a woman. This is seen as gender mainstreaming. The problem with this is that whilst women are being compensated as victims, there is little idea of women as social actors, in relation to men, and women's active role in peacebuilding.

Another weakness, within Liberian peace building and transitional justice is that transitional justice is viewed as limited to recognition of wrongs committed against women during the civil war. It is not necessarily viewed as a time of transforming gender stereotypical roles in the country. In contrast, some scholars like Catharine O'Rourke, suggest that transitional justice should be viewed as an opportunity to challenge traditional gender roles in society. Moreover, from data analysed, the role of men during the conflict is viewed as only perpetrators, again reinforcing age old stereotypes of men as equated to aggressors. This then limits the opportunity to change gender stereotypes and address these through the transitional justice and peacebuilding process, neglecting the longer-term gender justice needs of both men and women.

From data analysed, the strength of Liberia's transitional justice process is that policy makers have come to understand the importance of including women into the various transitional justice processes, as a result of the Palava Hut pilot project experience. However, this inclusion is mainly viewed as a means to address past wrongs and crimes that were committed against women during the war. Such a restricted view matches the gender mainstreaming framework of most major donors, like the United Nations Development Program and Liberian Peacebuilding Funds. Due to the significant silence on gender within the Palava Hut pilot project, the Independent National Commission on Human Rights (INCHR) as lead implementers of the Palava Hut pilot project in 2019, developed a concept note. This document envisage the inclusion of a gender responsive Palava Hut pilot project. This is a notable effort of the recognition of the importance of gender in transitional justice process in Liberia as well as the absence of gender within the transitional justice process since 2003. However, with in the concept note, gender is still view from a WID perspective and thus still has a significant silence. The below quotation from the concept not, summaries the need and objective for the inclusion of gender within the Palava Hut pilot project. I will analysed the key component of the concept on gender inclusion in the Palava Hut pilot project which is found in the below quotation.

> "With the advent of the civil war and the massive displacement of populations, Liberian women and girls bore the high costs of civil war which included not only the devastating effects of sexual and gender based violence, but also the social costs of primary responsibility for caring of the elderly, the wounded, and children. With the return to peace, Liberia began the process of addressing both the past and looking toward the future. In making this transition, recommendations from the Truth and Reconciliation Commission Report highlighted the need for the traditional Palava Huts and other emerging transitional justice mechanisms be modified to redress, and resolve community conflicts left in the wake of the civil war, while also taking into consideration the protection of survivors of various forms of violence."[15]

The concept note on gender inclusion within the Palava Hut talks, in addition recognizes that there are separate community-based truth-telling talks ongoing that are separate from the Palava Hut talks. Two of the talks noted in the concepts are: the women peace hut programs and the county peace hut committee which are operating separately from the Palava Hut pilot project and are not inclusive within the National Peacebuilding and transitional justice plan of Liberia

Figure: 1 Step-wise analysis and paraphrase of key concepts for gender inclusion in the Palava Hut pilot project.

Key concept divided into sections	Comments on meanings, clarity and unstated conclusions
"…..Liberian women and children bore the	This phrase, suggest that women and children were mostly victims. Although there is not a clear disaggregated figure by sex from available literature on the victims of the Liberian civil war.

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[15] Source Document: Gender responsive concept note of the INHCR.

high cost of civil war"	There is generally an acceptable consensus that due to the widely use sexual violence act as weapon of war, victims of the war are mostly women and children.
	Unstated conclusion: Women and children are mostly victims.
"Protection of survivors of various forms of violence".	This phrases recognizes that an array of harms were committed during the civil war.
"Liberian women were severely violated during the civil war".	Unstated conclusion: Victims (mostly women and children) should be put into the Palava Hut talks for protection of their rights that have been violated during the civil war. This phrase also recognizes that harms were committed during the civil war particularly against women. The phrase suggest that there is a high level of violations committed against women. This phase suggest that the harms committed although they were against women also affected the entire Liberian community.
"This dishonour of women brought shame to all ethnic communities and Liberia as a whole".	Unstated Conclusion: Women were directly victims of the civil conflict. Harms were harshly carried out against them, however, although these harms were targeted at women, the effects are far reaching across the Liberian society. Thus women should be incorporated in the transitional justice process in order to correct the wrong of "dishonour" that the harms committed against women in Liberia has caused the Liberian society in general.

Source: Author's own construction using argumentation analysis. From data collected from Gender responsive concept note of the INHCR.

These talks are separate efforts by civil society organizations funded by international donors. Thus within the Palava Hut pilot project gender responsive concept note, a gender responsive Palava Hut talks will include Palava Hut pilot project coordinating with the Women Peace Committee and Peace hut talks in what is referred to as "harmonization" process of all the multiplicity of peace projects that exits. It is stated within the gender responsive concept note of the Palava Hut talks, that a key objective of the gender responsive concept is to aligned the Women Peace Committee and the Peace hut talks as a means of coordinating gender support the Palava Hut pilot project. Thus gender inclusion within the Palava Hut pilot project is view by policy makers as a process of coordination between separate peace initiatives, although these intuitive has different goals and objectives from that of the Palava Hut pilot project, which is a National initiative. Moreover, the type of coordination required is totally absent within the gender responsive concept note of the Palava Hut, thus it is quite vague how these peace initiative are going to coordinate with a the Palava Hut talks as a community-based truth telling restorative justice process.

3.3 Origins of the Palava Hut: Healing and reconciliation in SRM

The SRM, identified as critical concepts for genuine reconciliation in Liberia, a multidimensional process of overcoming social, political and religious cleavages. While mending and transforming relationships within the SRM the key component for reconciliation as proposed in this statement

> "Reconciliation includes addressing the horrific past of the civil war. Reconciliation is the Process of building collective and inclusive national identity by Transforming institutions and changing national symbols which perpetuate the americo-liberian and indigenous divide. Reconciliation is addressing inter-ethnic conflicts exacerbated by the civil war: Reconciliation is economic empowerment of the marginalized poor and those made destitute by the civil war: Reconciliation is building responsible and accountable structures of governance."[16]

I have analysed key components for national healing and reconciliation in Liberia as identified from data collected in Figure 2 below.[17]

Figure: 2 Step-wise analysis of key concepts for national healing and reconciliation of the SRM.[18]

Key concepts divided into sections	Comments, on meanings, clarity and unstated conclusions
"Addressing the horrific past of the civil war". "…process of building collective and inclusive national identity". "Transforming institutions and changing national symbols which perpetuate the America-Liberian and indigenous divide".	"Addressing" as use of term is favourable or a praise, suggesting that there's a need for action "Horrific" as use of term is a criticism of Liberia's history. Suggesting that the period from 1979 to 2002 abolish healing and reconciliation. Unstated conclusion: wrongs committed have not gone unnoticed "Collective" and "inclusive" as a use of term is favourable suggesting that there is an existing divide within the Liberian society that needs to be bridged gradually. "National identity" suggest that there is currently none or/and there are outsiders imposing one that needs to be rejected and therefore a new communal identity require. "Transforming" as a use of term is favourable, suggesting altering of historical foundations of the country.

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[16] Source document: A Strategic Roadmap for National Healing, Peacebuilding and Reconciliation.

[17] Source document: A Strategic Roadmap for National Healing, Peacebuilding and Reconciliation

[18] Source document: A Strategic Roadmap for National Healing, Peacebuilding and Reconciliation

"Addressing inter-ethnic conflicts exacerbated by the civil war".	Unstated conclusion: institutions and symbols that exist in Liberia are sources of conflict and serve as underlying conflict factors.
"Economic empowerment of the marginalized poor and those made destitute by the civil war".	"Empowerment" as a use of term is positive but vague. Which could suggest many things, actions, steps etc. relating to economic of finances. "Marginalized poor" is also a positive term that tends to suggest victims needs and could be associated with women based on the incorporation of the term "poor"
"Building responsible and accountable structures of government".	Accountable structures as a phrase is positive and vague and doesn't clearly states types of accountability is needed. Unstated conclusions: Accountability has been lacking in Liberia, thus Liberia's future needs accountability.

Source: Author's own construction using argumentation analysis, from SRM.

Firstly, within this statement the concept of reconciliation is too broad and includes almost everything, from inter-personal relationships to regional diplomacy and restorative justice in relation to victims of past violence, from 1979 onwards. Although it also clear that the drafters are trying to develop a multifaceted approach to the process of reconciliation in Liberia, which in my opinion is a good start, perhaps they needed to be more selective given the complexity of issues and the generally very wide meaning adopted of reconciliation. Scholars sometimes also suffer from such very broad (I would suggest too broad) definitions of reconciliation (see for example Bar-Siman, 2004).

3.4 Accountability for Past Wrongs: the Palava Hut Report

The community-based truth telling, atonement and psychosocial recovery project , which is the implementation framework of the Palava Hut pilot project, identified the concept of addressing past wrongs in Liberia to include the following: community-based healing and reconciliation through the utilization of traditional justice and accountability mechanism, public disclosure, acknowledgement and apology of human rights violation, mass abuses committed during the civil war in local communities and build foundations of social cohesion and national unity.

In order to achieve the following concepts of addressing past wrongs, the Palava Hut pilot project had a jurisdiction to accommodate the following: looting and/or theft of property, destruction of properties and torture, humiliation, arson, forced labour, desecration of traditional shrines, displacement and physical assault, these are to be admissible and granted pardon within the Palava Hut talks hearing. From data collected, the above listed are the key concepts and jurisdiction of the Palava Hut pilot project as a medium for addressing past wrongs. I will analysed the above

listed key concepts as well as the jurisdiction of pardon and accountability in line with Zehrs' three pillars of restorative justice.

Figure: 3 Step-wise analysis and paraphrase of key concepts for national healing and reconciliation of the SRM.

Key concepts (number of times mentioned)	Comments on meanings, clarity and unstated conclusions.
Community-based healing and reconciliation.	"Community-based" is a positive phrase suggesting that the programs recognizes that harms or wrongs have been committed not against individuals but against communities. "healing and reconciliation" are also positive terms that recognizes that the form of justice needed, is one that focuses on relationships after the wrongs or crimes have been committed.
Accountability mechanism	"Accountability" as a use of term also acknowledges that harms and/or wrongs have been committed and responsibility should be acknowledged.
Apology	"Apology" as a use of term is a linguistic choice that suggest the main form of accountability is an apology from the perpetrators. The use of this term in my opinion serve a purpose of limiting perpetrators understating of the harm committed. It also limits offenders understanding of the consequences of their behaviour. Unstated conclusion: in order to address past wrongs, emphases on obligations of perpetrators should be limited, more emphases should be placed on forgiveness.
Build foundations of social cohesion and national unity.	"Build foundation" is a linguistic choice, that is considered positive term and suggest engagement of both victims, perpetrators and community plays significant role in Liberia's peacebuilding process.

Source: Author's own construction Final Palava Hut pilot project implementation report.

From data collected on the Palava Hut pilot project, the strength of the Palava Hut pilot project is that that the project has incorporated the harms and needs pillar of restorative justice as proposed by Zehr. The Palava Hut pilot project has also incorporated the pillar on obligations. Although one of the weakness of the Palava Hut pilot project is that the obligation pillar is hugely expected from the survivors then the perpetrators, there is limited attention, through concepts or the construction of choice of words within the Palava Hut pilot project documents that gives a

picture of how perpetrators will understand and comprehend the consequences of the harms committed. Another weakness of the project is that accountability is quite vague and seems through the choice of words within the documents promote issues of forgiveness through apology from victims and not accountability of any type and/or form from perpetrators. The Palava Hut pilot project concept also assume that crimes that heard through the Palava Hut pilot project are minor and thus need only one response from victims and perpetrators which is apology and forgiveness. Through the Palava Hut pilot project, it is assume by its crafters that apology is the obligation of perpetrators and the hearing of such apology by victims and the subsequent issuance of forgiveness will met the victims and community needs for restoration.

Another weakness within the Palava Hut pilot project is the promotion of engagement or participation. Although this was incorporated within the Palava Hut pilot project, the promotion of engagement and participation within the Palava Hut pilot project is that all parties should participate to attain peaceful futures. Much emphasis is thus place on what happens or how these parties co-exist in having future relationships. Although, this is important and could also be seen as a strength and opportunity towards achieving Liberia's sustainable peace, it is considered also by me a weakness as it neglects engagements and participation that addresses the past, through a justice process that covers all needs for both parties involved. It also limits the parties involves in the process of deciding what justice requires in the process, thus the program present a platform where victims, perpetrators and community members are seen as actively engaging and participating in the process but in a marginal way looking only at future prospects not fully addressing the past that had brought these parties together within a community-based truth telling setting.

3.5 Implicit Gender Stereotypes in the Palava Hut pilot project

Data from the first phase implementation report of the Palava Hut pilot project presents the following information: (i) that there were female fighters during the civil war; (ii) that female fighters were fewer than men; (iii) that female fighters usually occupied higher positions within the rebel groups they represented and generally commanded huge respect; (iv) that these female soldiers were drugged in order to withstand pressures from their male counterparts. These are the words used as general descriptions for the role of women during the civil war within the Palava Hut pilot project document. Through these description, the document acknowledged the participation of women in the civil war. I will analyse the above listed key concepts, describing how the document constructs an overall set of arguments about the role of women during the civil war.

Figure: 4 Step- wise analysis and paraphrase of key concepts of women participation in the civil war.

Key concepts	Comments on meanings, clarity and unstated conclusions.
"There were female fighters during the civil war."	This sentence acknowledged the active participation of women during the Liberian civil war.

"Female fighters were lesser in numerical strength…[but] they represented and commended huge respect".	This phase also acknowledge the participation of women but, however, numerically small. The use of the word 'they' refers to Female fighters. 'Commended huge respect' is a phrase suggesting that female fighters were in position of authority.
"…female soldiers were drugged in order to withstand tension from their male counterparts".	The use of the word 'drugged' suggests women had less agency in decisions they made and were influenced by a third party. 'Withstand tension from their male counterpart' is a phrase which suggests that there was a hostile atmosphere between male and female fighters. The last phrase is also vague, as it does not clearly state whether these male counterparts were in the same rebel group as the female fighters or if these male counterparts were rivals. The unstated conclusion seems to be: There were a
"during these talks, survivals statement shows that there were female fighters in rebel groups…[where percent], such females headed rebels bridged"	small number of females who participated in the Liberian civil war. Although these female fighters held high position, and despite 'very high status', had relatively limited agency in what they did. They often faced confrontation from male fighters. Therefore, although they were fighters, they were also victims who acted unwillingly.

Source: Author's own construction from Final Palava Hut pilot project implementation report.

There were at least three women generals or commanders in chief of various armed groups (not the national army) who were very well-known and feared in Liberia during the war. One of these three was the infamous Martina Johnson, who have been indicted in Gent, Belgium for war crimes in Liberia (BBC, 2014). From these documents, a stereotypical notion, of victimhood is tied to link to women participation in the civil war. However, according to Utas:

> "Even where forced recruitment took place, most of the young people still joined rebel groups voluntarily. Making Liberia much different….[than others] such as Revolutionary United Front of Sierra Leone and the Lords Resistance Movement/Army of Northern Uganda" (Utas 2003:9).

One of the blanket stereotypical notions in the Palava Hut Report is that all women who participated as fighters were forcibly integrated, and never took up arms voluntarily. Although the document acknowledges the authority exerted by female fighters, the documents also allude the notion that these women were influence, thus they are victims and not active perpetrators. Implicit within the gender concept note, is a binary perspective on women and men, where women are eternal victims, men always and everywhere perpetrators. Women are poor and marginalized and need to be empowered; men are perpetrators who need forgiveness. Men should offer an apology and women should forgive after the apology has been given.[19] Additional gender stereotypes visible

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[19] Source Document: Final Palava Hut pilot project implementation report

within the documents, is the approach used by policy makers which generally views the inclusion of women in the Palava Hut talks as a means to address the wrongs that have been committed against women during the civil war. This justification of women's inclusion within the Palava Hut talks by policy makers alludes to the generally acceptable view that women are considered as the majority among victims of the Liberian civil war. Although this might be true, the persistent recognition of women as only victims, limits the opportunity of meeting other needs and appreciating the contributions women can make to transitional justice in Liberia. Not all women were victims. Some were perpetrators and others were significant figures of authority within their various rebels group, with in-depth knowledge of the entire conflict era. This makes some women excellent sources of detailed information on the history of the war.

Thus the stereotypical portrayal of women participation in the Liberian Civil war as victims only, and or perpetrators acting through the influence of a third party, limits the opportunity for broader approach to Liberia's transitional justice mechanism. The view of male as perpetrators also limits the opportunity for the realization of a full justice needs by men who might have been victimized during the civil conflict. Thus hindering national healing and meeting the alternative justice needs for all Liberians irrespective of their genders. Additionally, Women's movement for peace, settling examples for men acting as role models in Liberian history of war and post war is not reflected within the peacebuilding process, women have been reduced to victims mostly.

3.6 Conclusion

Based on these underlying assumptions within the Palava Hut pilot project, there seem to be some contradictions. Primarily because results from this research suggest that the Palava Hut pilot project seems to have too many goals. Which includes achieving both individual responsibility, providing alternative victims need for justice and also collective approach towards the restorative process by propagated National healing. This chapter also concludes that the ethnographic studies, gender concept note and the Palava Hut pilot project report recognizes the importance of mainstreaming gender within the entire Palava Hut talk's process. However, policy makers approach gender mainstreaming form a WID approach. Policy makers call for attention to be placed on women issues primarily because they are considered the sector of the population that were highly victimize. Therefore they should be integrated into the Palava Hut talks to share their stories of survival, and receive apology for the wrongs committed against them. Moreover, gender mainstreaming is view from a typical binary view that is men and women.

The Palava Hut pilot project is generally transitional. It has incorporated memorialization as an outcome of the talks in recognition of the many victims of the war. It also incorporated economic reparation for those referred to as poor and marginalized. The Palava Hut pilot project is also transitional and places emphasis on future prevention of crimes and violence through the promotion of state-building and good governance. The Palava Hut pilot project include, is reconciliatory and recognizes the existing divide and aim to bridge the divide by gradually addressing sources of conflicts within Liberia beginning with the country's historical foundations through the re-writing of history books and national symbols. As a strength, the Palava Hut pilot project has incorporated in-depth Zehr's first pillar of restorative justice (Harms and Needs). It has also marginally incorporated, Zehr's second pillar of restorative justice (Obligation).The Palava Hut pilot

project recognizes that obligations have arisen due to the harms meted out during the civil war. However, as a weakness of the restorative justice obligation pillar, the Palava Hut pilot project largely emphasize the obligations of survivors to forgive perpetrators. There is limited emphasis on the responsibility of offenders to comprehend the consequences of their behaviours and actions. Much emphasize is placed on symbolic responsibility of offenders through offering "Apology". There is no emphasis on the obligation of offenders to take responsibility to make things right concretely. As a strength of the Palava Hut pilot project, Zehr's second pillar of restorative justice (Engagement) is incorporated in the Palava Hut pilot project. Victims, Perpetrators and Community members have a role in the Palava Hut talks.

The Palava Hut pilot project is also reconciliatory. It aims to begin a process of state building that incorporates systems which would oppose all forms of oppression and all human rights abuse. Building of institutions that promotes the rights of all Liberians. The Palava Hut pilot project, also incorporates other elements of reconciliation to include a reconciled National and Diaspora Liberians as well as building positive diplomatic relationships amongst Liberia and its immediate neighbours that is Sierra Leone, Guinea and Ivory Coast. Additionally conclusion made on the Reconciliation within the Palava Hut pilot project, is the need for accountability. However, within the Palava Hut pilot project, this form of accountability, tends to focus on the future rather than past wrongs, and centres mainly on state- and institution-building. The Liberian transitional justice process, have no alternative form of practical Peacebuilding. Policy makers approached the peacebuilding process as a multifaceted process of both restorative and retributive justice mechanism. This view of peacebuilding as multifaceted in my opinion is a strength. This view of a multifaceted approach, acknowledged firstly the fact that peacebuilding is a conglomeration of activities and that no single activity can holistically results into sustainable peacebuilding. This approach also recognizes that there are different kinds of hurts within the Liberian society and that people would prefer different medium to heal and that there is no unilateral way of national healing. However, as a weakness, there has been little or no concrete commitment from National Leaders to implement the retributive aspect of the transitional justice framework in Liberia, unlike the restorative mechanism (Palava Hut) which has achieved a commendable amount of support.

Chapter 4: Peacebuilding and gender justice in Liberia

4.1 Introduction

Based on the key findings from this research, which are summarised in this chapter, it seems that in Liberia peacebuilding and community-based restorative justice system is link to the notion of togetherness, which is linked to the humanistic African philosophy of Ubuntu. As discussed earlier in the research, the Ubuntu philosophy defines individuals in terms of his or her relationships with others (Gathogo 2008:5). In Liberia, within the Palava Hut project the philosophy of Ubuntu as a notion of togetherness seems to be linked to forgiveness. This chapter briefly reimagines peacebuilding, whilst integrating gender justice into that vision. I start by summing up implications of the key findings about the Palava Hut project, as in Chapter 3. I reflect on possible lessons to be drawn about peace-related future goals in Liberia, and return briefly to literature on gender and peacebuilding, revisiting the concept of Ubuntu.

4.2 Reimagining Peacebuilding and Gender Justice

This research argues that within the Palava Hut project, survivals have been identified as significant partners in restoring togetherness and healing in affected communities by forgiving perpetrators. This act of forgiveness has been seen as a Nobel act that would promote the spirt of togetherness amongst individuals whose relationships have been affected by the civil war. Although this serves an important role of providing a space in which members of affected communities can interact. As well as an important peacebuilding tool that is familiar to their cultural, social and metaphysical environment. As Lederach argues, meaningful peace needs to be built on 'the cultural and contextual resources for peace and conflict resolution' within the society emerging from conflict (cited in Park 2010, 107), However, ensuring Peacebuilding needs to go beyond the primary justification that survival becomes a better person by simply forgiving perpetrator in the act of promoting togetherness within a community broken by it's past. Irrespective of if that is the proper motive or not. Furthermore, as stated by Gathogo,

> "determining who belong to us and who does not belong to us is a tricky one, as 'our people' could mean blood relative, tribesmen, clan mates, political camp mates, social camp mates and so forth: and as the world tout into a global village an emphasis on 'our people' versus 'them' maybe difficult to account" (Gathogo 2008).

Community-based justice as a tool for peacebuilding should aim to define community in Liberia, as it seems currently in Liberia as in the country's past, defining community is complicated. Therefore, community-based justice as a tool for peacebuilding in Liberia should firstly identified and address issues that have segregated the country.

This research argues that restorative justice as a tool for peacebuilding has been incorporated in the Palava Hut project as a process of healing and addressing past wrongs and is seems to be more as a survivor responsibility than a perpetrators obligation. Zehr argues that one of the three pillar of restorative justice is obligation and engagement (harms and need is the remaining one).

The obligation pillar requires the process of realizing that harms committed results in responsibilities. Zehr further argues that the engagement pillar requires all parties be involved within the justice process (Zehr 2015). From data collected, this research has established that there is no medium for perpetrators, victims or community members to collectively decide justice needs. Justice needs have already being established by policy makers and is presented to victims, perpetrators and community members during the palava hut talk. Additionally there seems to be no concrete obligations given to perpetrators. Therefore, in quest to be a mechanism for peacebuilding in Liberia, the Palava Hut project should place significant importance on acknowledging wrongs committed by perpetrators. The Palava Hut project should also include victims, perpetrators and community members as significant partners in the process of deciding requisite justice needs. Failure to do so, this research argues that the Palava Hut project will be seen as an avoidance of accountability or what Johnstone refer to as a process of reintegrating victims into the community (Johnstone 2015).

Solhjell and Sayndee argues that there is a subservient domestic view of gender power relations in the Liberian society (Solhjell and Sayndee 2016:12). Therefore, this research suggest that the Palava Hut project as a mechanism towards peacebuilding, should incorporate men and women in the process based on their lived experiences, and as equals in order to achieve a gender just peacebuilding process. This should be done through holistic participation, interactions etc. Moreover, consideration of gender from lived experience, holistic participation interaction etc. might shift the Palava Hut talks in its design, implementation and proceedings thereby creating a deeper understanding of the conflict. Which in my opinion is the first step in analysing conflict, addressing underlying conflict factors and peacebuilding. It would also provide an opportunity to change gender damaged relationship that persist in post conflict society, particularly Liberia. It is also a key opportunity to transform the existing gender biases of domestication of certain crimes.

4.3 Conclusion: tentative lessons for reconciliation

From the data collected and analysed: The research present the following findings:

(1.)   A reconciled Liberia is a nation that have systems which opposes all forms of abuse and or human rights violation.

(2.)   A reconciled Liberia is also a nation that have a national identity and symbols which all Liberians, irrespective of their origins can be identified by.

(3.)   A reconciled Liberia, is also a nation where the fundamental rights of women children and youth are respected

(4.)   A reconciled Liberia, is a society with mutual relationship between its diaspora community and those residing in Liberia

(5.)   National healing for Liberia is addressing conflict issues that existed before the civil war

(6.)   A reconciled Liberia is a nation that has included issues of economic redistribution and has addressed victims' economic needs.

(7.)   A reconciled Liberia includes accountability, yet this accountability tends to focus on the future rather than past wrongs, and centres mainly on state- and institution-building.

(8.)   A reconciled Liberia, includes a nation that has positive diplomatic ties with Sierra Leone, Guinea and Ivory Coast and is not a breeding ground for instability in the Manor River Union.

Chapter 5: Conclusions and Recommendations

5.1 Reviewing the Findings

This research has examined a particular case of restorative justice in Liberia, known as the Palava Hut pilot project. Tied in with concepts of transitional justice, peacebuilding, restorative justice and gender, the research analysed key documents related to the Palava Hut pilot project. Chapter 3 elaborated on questions of how appropriate this approach has been for peacebuilding and for dealing with Liberia's violent past, so far. The research also studied the Palava Hut project and how it has met the need for justice and restoration among both victims, perpetrators and the wider society. Finally, the study stressed the importance of taking into account the need for gender analysis of how the Palava Hut pilot project was designed, implemented and how it can be evaluated.

To remind the reader of the main research question, this was as follows: "What efforts have been made, in implementation of the Palava Hut pilot project, to heal past wounds from the war and promote reconciliation among all Liberians?" And there are two sub-questions: "What other alternatives proposals have there been for practical peacebuilding in Liberia?" and "How can a gender lens add to a critical evaluation of the Palava Hut pilot project, and its recent redesign?"

One conclusion of this study is that there remains a segment of the population who were hurt during the civil war and yet who are left out of this part of the peacebuilding process (Giahyue 2019). This includes both women, and members of communities not benefiting from the project because they lie outside the geographical area where it was implemented as a pilot. Specifically because the Palava Hut pilot project does not cover their hurts and the transitional justice process towards peacebuilding have presented the Palava Hut pilot project as the main ultimate goal to attaining, reconciliation and sustainable peacebuilding.[20] Through the use of case study technique and the use of Scriven's Argumentation analysis to analyse the secondary data use in this research, findings on the Liberian transitional justice process were presented in Chapter 3. Based on findings in chapter 3 and subsequent discussion in chapter 4, the below recommendations has been made. These recommendations are in no way absolute solutions to transitional justice process in Liberia, it is envisage that these recommendations will however be incorporated in existing programs in order to achieve sustainable peace.

5.2 Recommendations:

1. That during the implementation process of the Palava Hut talks, victims, perpetrators and community member's roles should include engagement as significant partners in deciding the alternative justice needs.

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[20] Source: A Strategic Roadmap on Reconciliation, Peacebuilding and National Healing.

2. That the obligation pillar of the Palava Hut pilot project be reconceptualised to include obligation for perpetrators that goes beyond the issuing of apology, to include other forms of non- judiciary obligation.
3. Based on the gender power relation in Liberia, the transitional justice process should be transformative in its quest to main streamed gender. I would recommend this be done by structuring transitional justice programs to focus on impacts of the civil war and not only acts and intentions of crimes committed.
4. That in post violent conflict societies, restorative justice process should consider gender power relations, as a cross-cutting tool that influence the extent at which alternative justice needs are meet for all parties within a restorative program.
5. That restorative justice programs consider gender power relations as an important tool which influence how victims, perpetrators and community members identified their requisite justice needs, specifically in post violent conflict societies.

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