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Judicial Reforms

The Analyst (Monrovia)

ANALYSIS

17 July 2007

Posted to the web 17 July 2007

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The absence of the rule of law or the selective application of the law, more than all other factors put together, precipitated the 14-year whirlwind of revolt that rocked the foundation of this nation.

Whether it is corruption, nepotism, or the culture of impunity that is most often blamed for the war, the spurring role played by the neglect and abuse of the law cannot be missed. Who then can leave judicial reforms out of the nation's recovery program?

No wonder the Johnson-Sirleaf administration, working with the Governance Reform Commission, has designed the blueprint for the reforms of the Judiciary.

The President has been around last week seeking the advice of and gauging the impression of legal practitioners to the contentment of observers. But some say the Bar was much of a discouragement than an edifier, raising eyebrows. "But was it?" is the question analysts are asking.

President Ellen Johnson-Sirleaf left a consultative meeting with members of the Liberian National Bar Association (LNBA), last Friday, feeling more challenged, if not stressed, observers have said.

Besides, they say, the opinions expressed and advice proffered by some judges and lawyers during the meeting did not only raise eyebrows but also indicated that though crucial to the nation's recovery and peace and reconciliation process, judicial reform will be difficult to come by unless the administration devised new approaches.

President Johnson-Sirleaf, introducing the meeting, told members of LNBA that her administration was making great but difficult strides in the areas of peace and security, the rule of law, good governance and infrastructure development and that there were encouraging prospects.

The Liberian leader however noted that at the heels of these strides were challenges which she said her administration was up to seeking and providing solutions for in accordance with the order of set national priority.

She said even though the government had designed policies by which it hopes to tackle the nation's many and competing problems in areas the administration has mapped out, it could not work in isolation.

It is on this note, the President said, that she was holding a series of consultative meetings with Liberian professional, opinion, and political groups, called stakeholders, in order to incorporate their pieces of advice in the process of nation building.

This goal, she said, her administration will not relent in pursuing. This call to participation in the governance process, observers say, should have exacted the best promises of cooperation and professional advisements from bar members present, but they say exactly the opposite happened.

Instead of sharing the urgency attached to the government's judicial reforms program, according to them, some members of the LNBA present tied the speed and quality of judicial reforms to the size and quality of the incentive packages the administration was prepared to offer.

In what seems their prevailing opinion, reports from the meeting said, it was not about restoring the rule of law in order to curb corruption, impunity, and other vices of governance and increase government revenue by aligning law enforcement with the politics of social services, but that it was about what was in there for those who practice law.

Observers say corruption, bribery, and abuse of the law remain serious problems for several years in the nation's courts, from a rural justice of the peace's court to the circuit court in Monrovia despite increased professional legal practitioners in the same period.

They therefore argue that while incentives often play major role in labor and professional output and input, it was love of country, the desire to see one's career play the central role in the rebuilding of the country, and the desire for better living were more crucial.

But reports from the President's consultative meeting with the lawyers and judges said many opted for gradualism, arguing that unless the government attracted professionals by improving incentives for lawyers, judges, and court administrators, judicial reform

in post-war Liberia would not be an overnight process.

"They missed the mark. The question is not that judicial reform should be done overnight. The question is for judges and lawyers to uphold the law and ensure that the law set the pace for fair labor practices, for a criminal justice system that delivers, for better law enforcement by police, and for the protection of freedom, liberty, and the security of justices through the courts.

It requires no better incentives to do what you went to school to do to contribute to the advancement of society and mankind," said University of Liberia senior economics student, Moses J. Varney.

Many agreed with Varney, calling his suggestion the national formula, but the National Bar members who attended the meeting observed that most trained lawyers were working with non-governmental and other institutions due to the lack of adequate incentives by government to attract their services.

They urged international partners contributing to the nation's legal process to redirect other funding sources to the recruitment of qualified Liberian lawyers who may be willing to return home.

Whatever this position brings to the debate that puts judicial reform ahead of any national restorative agenda is not clear, but the report said the idea of sacrificial, patriotic pioneering remains unpopular as the way forward amongst legal practitioners in the country.

By putting incentives before the reform of the judiciary and most of all the cleaning and strengthening of the criminal justice system that hold the key to raising government revenue generation, some say, the legal practitioners were blindly putting the cart before the horse.

With no doubts left, according to them, this casts doubt on the readiness of lawyers, judges, and court administrators to hearken to the nation's outcry for the rule of law.

And by bargaining for better living that is cash-intensive at the time the government was seeking commitment to nation building, others say, the bar members gave President Johnson-Sirleaf more of a stressful meeting, growing challenge, and a sense of further isolation than she may have anticipated.

"It is not clear what the President expected from the legal practitioners, but I don't think that the message that came back is what she wanted to hear and that is going to change approaches to reforms whether it is judicial, security, land, tax, or labor," said Benjamin S. David of Gardnersville who claimed to be a rule of law advocate.

He said rather than scheduling consultative meetings with sector stakeholders, the President would achieve a lot if she challenges them to design proposals for reform, which would then be discussed with relevant agencies of government.

"For instance," he said, "LNBA could work with the office of the Chief Justice to produce a timed reform program that would in turn be discussed by a panel comprising the producers, the designees of the Office of the President, civil society organizations, and representatives of interested international organizations.

It is only when the proposals for reform come from those who the government will rely upon to reform the country that it will get their cooperation, he said.

Meanwhile, the LNBA has promised to work with the government in getting the judiciary to standards, but analysts say success in this collaboration will have to rest in patriotism that they say currently seems overtaken by the demands for incentives.

But without saying how that would happen, the bar members pointed to the existence of statutory bodies such as the Law Reform Commission and the Register Land Law Act, which they say could address some of the prevailing issues of enforcement.

They also expressed the hope that the Law Reform Commission now before the Governance Reform Commission would be aligned to the existing bodies to achieve the desired objectives.

President Johnson-Sirleaf welcomed the observations and recommendations by members of the Liberia National Bar Association, and assured the body that suggestions advanced would form a part of an overall object to draw from the recommendations as a way forward to addressing some of the challenges the country faces.

Justice Minister Frances Johnson-Morris, who also attended Friday's meeting, said to ease the heavy burden of the courts, her ministry would encourage more out of court settlement for minor offenders.

Friday's meeting was the latest in a series of consultations President Johnson-Sirleaf is holding with stakeholders in Liberia on issues of national concern.

The President has already held consultative meetings with members of the Inter-Faith Religious Council, Traditional Council of Chiefs, the Bankers Association, Political parties, among others.

The President will on Monday meet members of the Liberian Chamber of Commerce in continuation of her Consultative meetings.