

Report of the PBC Delegation Mission to Liberia
16-27 August 2010

I. Background

1. By a letter dated 27 May 2010, the Government of Liberia requested the Secretary General to place Liberia on the agenda of the Peacebuilding Commission (PBC). The Government of Liberia asked for targeted PBC assistance in three priority areas: strengthening rule of law; supporting security sector reform; and supporting national

6. During the two-week visit, the delegation met with over 500 people around the country, including a diverse set of stakeholders ranging from ministers to market women. (See Annex II for full mission itinerary). The delegation also met with UNMIL and other UN staff, key diplomatic missions, domestic and international civil society, members of the National Assembly, the private sector, and President Ellen Johnson Sirleaf. In addition to Montserrado County, the delegation visited the counties of Bong and Nimba, as well as Bomi County and the Guinean frontier. The delegation met with Liberian Government officials and Special Representative of the Secretary-General Ellen Margrethe Løj periodically throughout the trip to share and test initial impressions and ideas.

7. The delegation worked to identify a cross-sectoral approach to peacebuilding that can make concrete and meaningful contributions to all three priority areas, while remaining targeted. There was a high recognition of the importance of the political moment in Liberia and of the need to capture the imagination of the Liberian public – and a feeling among the team that offering fresh approaches could be helpful at this time. The delegation believes that the PBC has an important role to play in supporting homegrown, innovative initiatives that allow the Liberian state to seize its moment in history, further build the connective tissue that links the state to society and deliver an enduring peace to its citizens.

8. After leaving Liberia, the delegation continued collaborating with the Government of Liberia, SRSG Løj and others on formulating its recommendations, and shared this report with all those it consulted. The delegation will brief the PBC and make itself available to the Security Council and other interested stakeholders for further consultations in the coming weeks.

10. Seven years after the *Comprehensive Peace Agreement* brought active, armed conflict to an end, Liberia stands on the brink of another critical transition: from containing the most urgent threats to peace, to building a durable peace. The threat of imminent return to conflict has been significantly mitigated, especially by UNMIL's presence, but unease remains over the resiliency of peace.

11. There are distinct signs of promise. A great deal of foundational work has already been accomplished, with strong leadership in key positions of authority and visible progress everywhere – from new roads and construction, to improved public works yielding a cleaner capital, to increasing private investment and international donor presence. In 2010, Liberia reached the Heavily Indebted Poor Countries (HIPC) completion point, resulting in the forgivene

16. Lack of access to, and confidence in, the security sector and justice system is a daily frustration for many Liberians. There are a number of mutually reinforcing bottlenecks that cut across the entire justice and security chain and make it difficult to consider Rule of Law (RoL) and Security Sector Reform (SSR), however defined, separately from one another. Lack of capacity within the police, prosecutorial, judicial, and corrections functions (particularly in the rural areas) exists alongside the public's limited understanding of the justice system and Liberian laws, which impedes effective and efficient administration of justice. Weak police capacity on proper arrest and due process procedures and weak judicial sector capacity, especially at the magisterial and circuit court levels, have nearly ground the justice system to a halt throughout the country.

17. All of these upstream inefficiencies have led to an overflow within the corrections system, particularly in Monrovia, where conditions remain deplorable and pre-trial detainees constitute the majority of the inmate population. Rooms designed to hold 2-3 detainees were populated with prisoners and filled to a capacity of 10-11 people. The result is a crisis of confidence that degrades the ability of the justice and security systems to resolve conflict, encourages 'informal' approaches to conflict resolution such as mob justice and undermines public confidence in the government.

Armed Forces of Liberia (AFL)

18. The delegation heard competing views about progress with the Armed Forces of Liberia (AFL). Generally, people felt that this had been one of the more successful capacity-building efforts to date, and the US has committed to continue capacity building; however, many voiced concern about the current lack of clarity over the role of the AFL in the new Liberia. There was some concern over increasing desertions and dissatisfaction among recruits who remain relatively idle on their bases. On the other hand, the officer corps seems committed to building the AFL and eager to see the AFL carry out public service programmes.

19. The Government, UNMIL and key international partners are currently debating the role of the 2,000 AFL troops in a context of understandable hesitance to have the military play a major role in Liberia's internal security. The timeline for deciding how the Government of Liberia will deploy the AFL remains unclear. These developments should be followed closely to ensure strong civilian oversight over the AFL.

Liberia National Police (LNP)

20. The lack of police presence and of public trust in the police was consistently among the top concerns of those interviewed by the delegation. The principal gaps in the LNP identified by the delegation relate to basic policing techniques, command and control, investigations, patrol and mobility, community outreach and resolution of public order offences. Of these issues, the questions around patrol and mobility (reach, especially outside Monrovia) – and effective resolution of public order offences (response) – are the most urgent concerns. Increasing LNP reach and response capacity are particularly urgent priorities in view of the upcoming elections scheduled for 2011 and the anticipated subsequent UNMIL transition. While the recently created UNDP Justice and Security Trust Fund (JSTF) can help to support the reform of the LNP, the BIN and Corrections over the medium term, there are a number of urgent issues that currently suffer from severe funding shortages and inadequate attention. These issues include effective policing beyond Monrovia, mitigation of sporadic violence and support for rudimentary border management. Quickly addressing some of these gaps can significantly boost the LNP's effectiveness in the short term as elections approach and could prove catalytic in garnering support through the JSTF for the medium-term.

21. Liberia still faces potentially destabilizing security challenges arising from mob violence, ethnic and communal tensions, competition for natural resources, land disputes, sexual and gender-based violence and armed robbery. Security incidents in the relatively recent past, such as the mob violence that burnt down police stations and religious establishments in Harper and Lofa Counties, raise serious concern over the risk that such disturbances will re-ignite conflict. Violence is most often sparked by minor incidents that quickly develop into large-scale security crises. Even such minor incidents easily overwhelm the effective response capacity of security institutions, which are dependent on constant UNMIL presence and direct UNMIL intervention on a number of occasions per year to ensure containment.

22. While undoubtedly much progress has been made on police reform in recent years, limited LNP capacity in terms of reach and effective response continually come to the fore as core concerns. Police mobility and presence beyond Monrovia is limited, resulting from a number of factors, including a poor road network, limited police infrastructure throughout the country and lack of police vehicles, communications equipment and effective training. Under such conditions, even routine tasks, such as transporting detainees to court, become challenges. The police's inability to react in a timely manner to civil unrest is of particular concern as the election year approaches. As LNP police officials freely acknowledge, their response capacity is almost entirely dependent on UNMIL, both for logistics and substantive support. At the same time, the capacity of other justice system actors to move cases along the chain of criminal justice administration is deficient. Delays in effecting justice on highly sensitive issues of concern to communities could heighten tensions and can have violent results if not properly managed.

23. The delegation also heard complaints that many police officers lack the necessary skills and resources to prepare basic crime reports, among other things, which impedes prosecutors from successfully prosecuting alleged offenders. In some stations the

28. The many challenges to strengthening the justice system in Liberia fall into two broad categories. First, access to the justice system is limited. Limited access to the justice system, in turn, results largely from both the limited presence of the justice system outside of Monrovia and also from limited knowledge among the population about the justice system. For Liberians unaware of their rights and obligations, the justice system is, in effect, not accessible.

29. Despite several innovative programmes conducted jointly by the Liberian judiciary and NGOs, such as the Carter Center, the justice system has limited capacity in much of the areas outside of Monrovia. Although it remains difficult to post sufficient numbers of competent judges, magistrates, county attorneys and public defenders to the countryside, the judiciary remains committed to its objectives for establishing courts in each county.

30. The second broad category of challenges the justice system faces is that, even where the justice system is available, it is often ineffective. Few cases make it to trial, and the ones that do move through the courts slowly. There are bottlenecks at many points in the system which frequently leads to what is, in effect, abandonment of prosecution but falling short of actual resolution of the case, leading to a lack of clarity which profoundly impacts on public confidence in the system. Given the ineffectiveness of the formal justice system, the traditional systems of justice are often where Liberians bring their disputes for some resolution. However, many Liberians state that they see the formal justice system as the place where they need and want resolution of serious crimes (such as rape and homicide). The need for the justice system to address serious matters is also underscored by ongoing human rights concerns with certain aspects of the traditional systems, including the use of 'trial by ordeal' such as surviving ingesting poison to determine innocence and the treatment of the rights of women in some traditional procedures.

31. The ineffectiveness of the judicial system is highlighted most vividly in the massive back-log of pre-trial detention cases in Monrovia Central Prison. Although innovative measures undertaken by NGOs in conjunction with the Liberian judiciary have begun to alleviate this back-log, hundreds of persons remain in custody, without clarity as to whether their cases will be dismissed or brought forward for a trial. The hurdles are numerous and systemic. For many detainees who have been detained on minor offences, a potential solution would be their release once they have been detained past what would be the maximum penalty if convicted. However, matters as mundane as missing case files may impede such solutions. For detainees charged with serious offences, especially homicide and sexual offences, the difficulties in

32. The ineffectiveness of the justice system is exacerbated by corruption, actual or perceived. Many Liberians see th

36. The failure to be clear about the roles a

41. Certain elements of the massive TRC report have become highly controversial, and broadly speaking, it appears that public understanding of what is actually in the report is not well developed. The delegation did detect strong desire among those informed about the findings to move ahead with key elements, such as the establishment of the new Human Rights Commission and support for the palaver huts programme. Many people also suggested a public outreach campaign to sensitize Liberians to the content of the report, as well as support for palaver huts and other venues where findings could be discussed in an appropriate setting. Such efforts should include engaging with women's traditional leadership structures as important resources for peacebuilding in rural communities.

42. The broad concepts of reconciliation seemed to be, for some, a way of addressing also the divide between the small, wealthy percentage of the population who lay claim to a disproportionate portion of the land and those, largely from indigenous groups, who struggle to identify even a small piece of land which they can cultivate and on which they can build their own. A senior LNP official emphasized that the inability of many ex-combatants and unemployed youth to achieve ownership over anything, beginning with land, as the core component of the sense of dispossession and alienation.

43. In some cases, the risk of conflict seems to be more the result of the absence of capacities for conflict mediation than of the existence of deep-seated grievances as, for example, with the Lofa County incident of 26 February 2010. A similar assessment was captured by the Priority Plan that served as a funding basis for the Peacebuilding Fund in December 2007. The Plan's three broad strategic areas were: i) fostering national reconciliation and conflict management, ii) critical interventions to promote peace and resolve immediate challenges and conflict, and, iii) strengthening state capacity for peace consolidation.

44. A comprehensive Mid-Term Review of th

49. Unemployed – or disaffected – youth in Liberia is a phrase used to include those as old as 40. The youth population is estimated to be up to 70% of the total population. Many describe this segment of the population as a “lost” or “missed” generation (or generations) who did not have the opportunity to obtain an education or job skills during decades of war and its immediate aftermath. This population includes ex-combatants, but also displaced persons and other victims of violence. The highest concentration of youth languish in the slums of Monrovia, and hundreds congregate in groups outside of shops and in the city center to beg and steal. The majority are ex-combatants, and many are amputees. Large numbers use drugs, including small quantities of heroin and cocaine, and a growing number have turned to armed robbery, causing rising violent crime rates in Monrovia. Many link this generation’s traumatic experiences and a lack of socialization to the high rates of sexual abuse and other criminal conduct. According to the Sexual Gender Based Violence Crimes Unit (SGBV CU) of the Ministry of Justice, the youngest SGBV victim was one year old and the youngest perpetrator was 14 out of the 231 cases analyzed from February 2009 to August 2010.

50. Liberians raise deep concerns that the large numbers of these unemployed and underemployed men constitute a serious threat to peace and stability. This concern is often raised in the context of the upcoming elections, as Liberians worry that this segment of the population is highly susceptible to manipulation by politicians and can be mobilized to quickly destabilize the country. This population, therefore, represents not only a threat to peace, but also a major risk factor that cuts across other threats; any relapse into conflict is likely to involve the mobilization of this population.

51. The Liberian formal economy is unlikely to absorb these unemployed youth in the immediate future, despite some optimistic growth projections, when even the government’s ability to sustain its present budget is in itself a challenge. The formal sector unemployment rate in Liberia has been estimated to be about 80%.

52. Since 2003, numerous programmes have focused on job skills training for this youth population, with varied results. These programmes have included the many DDRR programmes which began shortly after the peace agreement, as well a number of more recent skills training programme, including the “Volunteers for Peace Programme” (UNDP), “Small Grants to Support Initiatives for Peace Consolidation in Liberia” (UNHCR), and the “Liberian Youth Volunteer Service Corps” (UNDP). The delegation also learned of a new World Bank programme on youth skill development that will reach up to 45,000 Liberian youth across the country over three years. USAID also recently announced a jobs initiative for youth, with up to 3,000 apprenticeship training opportunities and jobs.

53. Many of those the delegation spoke with saw huge long term promise in efforts like these, that seek to begin providing Liberia’s “lost” generation with the skills and training required to become productive citizens. Sustainability remains a major concern however. The youth completing these trainings still lack the ability to establish a small enterprise or promote themselves in the private sector. There is a clear need to link these youth training programmes to immediate private sector opportunities, and provide follow-up

54. Given security concerns, male youth - particularly ex-combatants – have received the greatest attention in the aftermath of war. However, the needs of unemployed and underemployed women who also lost out on opportunities for education and job skills during the war years should be a principal focus of all efforts to address youth development. More targeted outreach is required to empower women to assume their critical role in the country's peacebuilding and recovery. Projects that place specific emphasis on skills training and entrepreneurship among female youth, such as those supported by the World Bank and Danish Government, need to be scaled up and replicated.

55. Many Liberians spoke about the need not

59. Overall, the delegation found many reasons for optimism over the potential for sustainability of PBC interventions. Government revenues are slowly increasing and the government is making a major effort to increase tax revenue collection. The economy is consistently growing year-on-year, and the government continues to sign major concession agreements and attract new investment, especially in the natural resource sector. The delegation expects that economic growth, increased private sector investment,

IV. Recommendations

60. Liberia faces a crucial moment. After seven years of post-conflict progress, Liberians must direct their restive spirit to the challenges of increasing access to security and justice as cornerstones for peace and reconciliation. As the international community continues its gradual transition from one of the largest and most successful UN peacekeeping missions to date, it is vital that all Liberians expand their sense of ownership and responsibility, especially in the area of public safety.

61. Liberia has made substantial progress in building the foundations of governance and development, but security is still problematic for many Liberians, especially outside of Monrovia. Additional pressures, such as ongoing resource constraints and the upcoming elections, pose significant challenges to the country's fledgling rule of law institutions.

62. At this critical juncture in Liberia's history, the engagement of the PBC may be most effective in the near term if it addresses the following issues: (a) strengthening the capacity of the LNP, BIN and the rest of the justice system for adequate, effective coverage throughout Liberia; (b) implementing a coherent set of activities to enhance the reach and effectiveness of institutions responsible for security and justice in the near term; (c) enhancing recr restive s.44 -slear 62(b); (c(b90.00-03 7 118.03 -1.1donegress in bui inten

62.

65. The five regional hubs should not be conceived and developed narrowly as “extending the reach of Monrovia” into the countryside, but rather as centers of security and justice services for all Liberians. This can be done by applying several key guiding principles. First, the regional hubs would bring together not only PSU units, but also a regional LNP headquarters (including a robust PSU element), BIN, elements of the justice system, including, over time, county attorneys, public defenders, magistrates and judges. Consideration could also be given to organizing post-conviction corrections facilities along regional hubs. The delegation recognizes that there may well be limits to such efforts to bring together resources, including the territorial jurisdiction of circuit courts and the need to preserve the independence of institutions, actual and perceived. Ultimately, the regional hubs would not be an end in themselves, but as a sustainable step towards establishing the infrastructure for security and justice services across Liberia.

66. Second, the regional hubs should be developed at every stage in a manner that encourages the Government and donors to focus on sustainability. Therefore, to the extent possible, agencies would share a common infrastructure, rather than seeking donor support for separate facilities. Shared infrastructure would seek to incorporate support infrastructure as well. The most significant of these would be a common barracks for staff at the regional hub. Other examples would include a shared logistics base and a vehicle maintenance facility that could be attached to the regional hub for the management, maintenance and repair of all government vehicles. Also, systems of direct payment (such as using cell phones for salary payments) should be encouraged. Where possible, such support infrastructure can build on parallel UNMIL infrastructure, in anticipation of UNMIL transition. The use of shared infrastructure would also break down some of the silo effect that has prevented cooperation among government agencies.

67. Third, from the outset, the regional hubs should contemplate necessary administrative offices essential for sustainability. For example, budgeting and procurement, human resources, and finance offices should be considered a priority – again in a manner to be shared among the various government agencies, to the extent possible, rather than establishing one for each agency. Other necessary facilities might include the branch of a major bank the government relies on for payments and disbursements.

68. Over time these regional hubs could become functional government administrative hubs that also include the base for specialized capacity, such as expertise in border control and trafficking issues, investigations and case file management, and specialized forensic equipment. These hubs could also possibly develop legal aid offices, health care clinics and other social services in line with an expanded decentralization policy. Experience in other post-conflict situations has shown that co-locating security and other civilian services might sometimes deter people from using the latter, and conscious efforts must be made during programme planning to mitigate this risk.

69. In order to address many of the cross-cutting findings of the delegation, these hubs could be developed with the concept of providing services for all Liberians. To strengthen this concept, discipline should be applied to the extent possible to identify

70. Focusing on the LNP's use of regional hubs, these regional hubs could be equipped at the ou

74. Finally, it is essential that these hubs take special account of gender concerns and include a particular focus on women's access to security and justice. This includes locating and constructing the hubs from a gender sensitive perspective, as well as scaling up efforts like those of the Carter Center that conduct targeted outreach on women's rights and the services available to them under Liberian law in rural areas.

Justice System

75. Despite many promising initiatives, the justice system continues to face profound challenges due to lack of capacity, infrastructure, equipment, outdated laws, and limited funds. Progress in addressing these challenges is simply too slow; yet, the need for a holistic strategy in strengthening the justice system makes it difficult to achieve a significant impact in the near term. The delegation recommends that the PBC address the judicial system along several core principles, set out below, in articulating a strategy. The issues that would be tackled are generally not high-profile; however, success in these areas have great potential for improving the performance of the entire justice system.

76. First, the PBC could consider enhancing the effectiveness of the justice system by addressing fundamental administrative problems that are cross-cutting, plaguing all components of the system. Primary among these challenges is the need for a reliable case management and tracking system, from police investigation on through the corrections system or the satisfaction of a judgment. As noted above, missing and incomplete case-files are a major contributory factor to the pre-trial detention backlog. Absent a shared case system, with reliable means of verifying identity, it is even difficult to establish whether an individual is a repeat offender. A common case management system will not only help track individuals in the system, it can also highlight the roles and responsibilities of each component of the system. The progress achieved by the LNP and by UNMIL's Corrections Unit and the Ministry of Justice, as well by the SGBV Crimes Unit, in tracking cases and individuals in the system should either be linked, to the extent possible, or should be considered as bases for the common case tracking system. The creation of a reliable tracking system may greatly ease the practicality of incorporating other major reforms the government is considering, such as the use of probation and alternatives to incarceration.

77. Similarly, the PBC could seek means of addressing gaps in other administration and management requirements across the components of the justice system. Again, there are efforts underway to tackle these issues. UNPOL, for example, is seeking to bring administrative expertise to help the LNP build its capacity in areas like budgeting, finance, procurement and human resources. Where possible, such experts should train jointly the administrative staff of all components of the justice system, including the courts. Common administrative practices may, again, enhance the ability of system

78. Second, the PBC could consider making joint programming fundamental to any

82. These principles outlined above may risk spreading thin the PBC's focus. However, much can be achieved by building on, or linking, existing programmes. Indeed, the PBC's ability to work with existing efforts and to seek concrete synergies – as well as encourage other donors to do the same – may be essential to keeping a focus on sustainability.

83. Other urgent matters may need to be addressed by the PBC, the most prominent of these being the challenges in Monrovia Central Prison caused by over-crowding, as well as the lack of adequate corrections facilities in other counties. The Government suggested that a new Monrovia Central Prison be built on the outskirts of Monrovia. Enhancing judicial system access and effectiveness, as well as alternatives to incarceration should over time help reduce the pre-trial detention population. It is unclear whether, in the short-term, the PBC is best placed to make an intervention in corrections. It may wish to consider identifying other partners that can focus on efficient means of expanding corrections capacity, and enhancing hygiene and access to health care in the prison.

84. Developments in significant areas of the justice system may determine whether and how the PBC might assist in other ways. For example, the Law Reform Commission and other entities are considering issues relating to the traditional systems of justice and the subject-matter jurisdiction of the magisterial courts. Given the complex nature of the justice system's shortcomings, the PBC may be most likely to succeed in support of such efforts if it were to begin by maintaining an active "watching brief" over the development of these issues.

Land Tenure

85. Land tenure issues are of profound significance to reconciliation, justice, and the daily lives of Liberians. The Government is concerned that land disputes in Nimba County, in particular, could lead to a crisis and seeks the PBC's support in resolving those issues. Given the great complexity of the issues, however, the PBC may wish to conduct further study of the many efforts by the government, the private sector and NGOs to address land conflicts, before determining an appropriate intervention. Potential approaches, in the near term, may include supporting the Land Commission, which appears to be making progress; a means of leveraging support for their work could be considered as well. The PBC may also consider supporting further ad hoc commissions to address the land issues in a particular county, or supporting dispute mediation efforts and even basic technical issues such as GPS surveying.

Youth Empowerment

86. Liberian youth – whether disaffected ex-combatants or unemployed college graduates – are a major challenge for both security and national reconciliation. The majority feel excluded to varying levels from the benefits of citizenship and a state interested in promoting their well-being. The delegation recommends that the Liberia CSM encourage the establishment of a pilot project for youth with a focus on reconciliation and building civic commitment, a sense of Liberian national identity and vocational and life skills among youth.

87. The pilot project should be modest enough to reflect the many capacity challenges posed by a nationwide youth effort, but innovative enough to provide a peace dividend and to capture the imagination of the Liberian public. In this spirit, the programme should aim to support approximately 1,000 youth over three years. Participants should be drawn from all counties, ethnic groups, socio-economic strata, and ability levels, representing both genders equally, and providing a cross-section of society

88. In designing the pilot, focus should be placed on how best to feasibly scale up a successful pilot phase, including linking with large youth employment programmes supported by the World Bank and USAID. The development of such a programme must begin with a serious review of lessons learned and best practices from the many efforts to address dispossessed youth, from the earliest of DDRR programmes to current efforts by the World Bank, USAID and non-governmental organizations like the Carter Center. The programme will need to carefully take into account ongoing challenges such as low absorbency rates of semi-skilled labor and the labor forces' growing dependence on short-term work schemes. Given the already considerable effort in dealing with various rehabilitation and community-related aspects of post-conflict management with youth, the programme must also build on successful existing programmes such as, for example, the Tumutu Agricultural Center (run by Landmines Action), which has provided intensive agricultural and life-skills training to a wide variety of Liberian youth around the country, many of them ex-combatants. Special attention must be paid to ensuring gender equality, both in programme outreach and participation.

89. The delegation also recommends that any youth service pilot programme place a heavy emphasis on sustainability. This can be done in many ways, but at the outset, sustainability may be most dynamically established by having a service programme that matches existing sustainability gaps in the Liberian government's security and RoL sectors. Road construction and infrastructure programmes could likewise have output arrangements linked to the fundamental infrastructure needs of the LNP and BIN. This focus on linking youth skill development and output to practical Government (and private sector) capacity gaps holds not only for a possible youth service programme, but also for efforts like the World Bank's new youth employment programme. There should also be some form of alumni network/follow-up support to ensure sustainability and reinforce graduates' role as ambassadors of a new generation of Liberian youth committed to public service.

90. The youth service programme and related PBC efforts around Rule of Law and Security Sector Reform will make a major contribution to refreshing human resources for the Liberian government in critical areas. These efforts also take place in a context where others are being demobilized from government service. The delegation recommends exploring whether the youth service programme would benefit from a component that links more experienced public servants cycling out of government agencies to training programmes for the youth who are cycling in.

V. Conclusion

91. The Government of Liberia and the international community should seize this moment in Liberia to strengthen the country's efforts in making the transition from conflict to durable peace and long term development. This report's recommendations seek to contribute to that effort by improving the sense of ownership and public safety in Liberia and by producing tangible progress in a timely manner. The delegation hopes that the assessments and recommendations contained herein will inform the process, now underway, of preparing the Statement of Mutual Commitment between the PBC and the Government of Liberia which will form the basis of the PBC's engagement.