

**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 reconciliation. The Secretary General transmitted the request to the Security Council in a letter dated 14 June 2010.
2. The President of the Security Council wrote to the Chair of the Peacebuilding Commission on 19 July 2010 supporting the request of the Government of Liberia to be placed on the agenda of the Commission. The Security Council also requested the Commission's advice and recommendations, following close consultation with the Government of Liberia, on the requirements necessary to help accelerate progress in meeting key benchmarks, such as those set out by the UN Mission in Liberia (UNMIL), in the three priority areas.
3. A PBC delegation mission to Liberia was undertaken from 16-27 August 2010. In consultation with the Government, UNMIL and other national stakeholders, the delegation was tasked to identify the main challenges and risks to peacebuilding in the country, including current gaps, and discuss how best the PBC should support the Government of Liberia in addressing the peacebuilding priorities identified in the Government's 27 May letter and set out in the delegation's terms of reference, taking into consideration existing national instruments and mechanisms and ongoing international assistance. The PBC delegation was guided by the requests of the Government of Liberia and the Security Council that it focus on the priority areas of security sector reform, strengthening the rule of law, and fostering reconciliation.
4. The delegation was also guided by the PBC's objective of taking on strategic and focused efforts that can catalyze activity by other donors. The PBC's decision to engage in a country with an existing peacekeeping operation presents a unique opportunity to inspire greater interest in Liberia, including from non-traditional donors. The delegation expects that the PBC will use its good offices to urge all stakeholders to identify creative solutions to advance Liberia's path towards peace, through a transparent, inclusive, and collaborative process.

II. Methodology

5. In approaching its mission to Liberia, the delegation sought to hear a diversity of voices, build upon existing work and capture the moment. Prior to its visit, the PBC delegation conducted an extensive desk review of peacebuilding literature on Liberia. Key documents included Liberia's Poverty Reduction Strategy (PRS), UN Development

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.

III. Findings

General Findings

9. Liberia has achieved great success in the transition from a state of war to a strengthening, though still fragile, state. Now there is a growing desire for the peace dividend to reach individual Liberians – and for them to take collective ownership of their country's future. Progress is tangible, but worries remain.

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 forgiveness of USD 4.6 billion in debt. Hundreds of millions of dollars in foreign investment are pouring into the country, although investors remain concerned about medium-term stability and are operating on relatively short timelines for their returns.

12. Despite these impressive achievements, the Liberian people are getting impatient. They see the government being built in Monrovia, new concessions being granted to large corporations and talk of immense resource wealth and economic growth on the horizon. Yet many people's daily lives continue to be plagued by unemployment, malnutrition, and a lack of access to basic education, justice and personal security. To many, the dividends of peace seem elusive to all but urban elites.

13. Liberians across society provide two broad narratives to articulate their concerns at this moment in their history. In one, they speak of potential threats to peace, including land disputes, poor access to justice, a "missed" wartime generation vulnerable to political manipulation, and instability surrounding next year's elections.

14. In the second narrative, Liberians focus on the need for trust among Liberians, individual responsibility, accountability, and a shared Liberian identity. For many, the core of these concerns is a desire to be treated fairly and honestly by government officials and to have equal access to opportunity, security and justice. Indeed, for many, these are the foundations of reconciliation in Liberia. At the same time, many Liberians are absorbed in daily struggles and fears, and without seeing their fellow citizens commit to a common spirit of service, these people are unwilling to take the steps necessary for peacebuilding.

Security Sector and Rule of Law

15. Individual security remains a major concern for Liberians as evidenced by the creation of community watch groups, overwhelming public support for UNMIL's continued presence, and the desire for stronger security along the borders. The government agencies responsible for providing security have limited reach and effectiveness into areas outside of Monrovia. Capacity is weak across all agencies. However, the delegation heard particular concern about the capacity of the Liberian

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

Bureau of Immigration and Naturalization (BIN)

24. Security within the sub-region is calm but increasingly fragile as elections approach in several countries. UNMIL continues to monitor developments along the borders very closely, as well as recent events across the border in Guinea and Côte d'Ivoire, going so far as conducting cross-border maneuvers with their host-nation counterparts on the other side of the borders every month. Porous borders are a regional reality. UNMIL's presence represents a stabilizing influence in the sub-region and serves as a deterrent to illegal cross-border activities, including drug trafficking. UNMIL has also noted increasing availability of regionally-made guns, which are smuggled into Liberia. These are quickly becoming the weapon of choice for many criminals, including illegal rubber tappers and those engaged in illegal mining.

25. Without the support of UNMIL, border management of Liberia would fall directly to the Bureau for Immigration and Naturalisation (BIN). However, there has been little progress on border management over the past seven years, with the BIN being among the most neglected security agencies. Without UNMIL's support Liberia's borders would be effectively unprotected. Given the regional nature of conflict in West Africa (notably during election periods) and the spike in trafficking and smuggling witnessed in West African countries such as Guinea Bissau, support for the BIN is vital and is viewed by the delegation as a necessary upstream conflict prevention measure given the eventual UNMIL transition. Liberia's approach to transnational crime through the West African Coast Initiative (WACI), including the establishment of a Transnational Crime Unit within the LNP should be linked to BIN efforts and further built upon.

Justice System

26. The daily encounters of the average Liberian with a formal justice system they experience as corrupt, ineffective or unavailable generally exacerbates their unease over the resiliency of the peace. In the absence of basic assurances for their security, Liberians, remain vulnerable to rumors and false information which can quickly ignite incidents that risk destabilizing parts of the country, as occurred, for example, in Voinjama in February 2010. Poor communications infrastructure throughout the country exacerbates this vulnerability. The public's crisis of confidence in the formal justice and security systems has led many Liberians to turn to 'traditional' justice to fill the breach.

27. Many magistrates lack offices, legal training and, in some cases, even adequate literacy. Their reluctance to take first instance decisions on even petty civil and criminal matters has contributed to the backlog in the courts. Thanks to judicial inefficiency, corruption and antiquated legal regulations, most circuit courts are said to heard, on

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 locating witnesses, case files and other records become more significant impediments for the resolution of their cases.

32. The ineffectiveness of the justice system is exacerbated by corruption, actual or perceived. Many Liberians see the participants of the system, from police officers to the judges, as corrupt. Some Liberians refuse to take cases to court as they are unable to afford the bribes to have a case heard. Police officers expressed frustration that they would encounter on the streets persons they had arrested recently. Magistrates expressed frustration at what they saw as the inexplicable decision of prosecutors to terminate prosecutions and withdraw charges, particularly as they feared that the public would believe that it was the magistrates who were responsible for such arbitrary justice. While officials themselves deny that corruption exists in their profession, they often suggest that it may in fact occur at other points in the system, acknowledging, in short, that corruption does occur.

33. The ineffectiveness of the justice system results also from limited skills and practical knowledge on the part of many components of the system. LNP inspectors complain that city solicitors and county attorneys know little about how a criminal case is to be prepared and presented at court, leading to acquittals in cases that should be easy wins for the prosecution. Others complain that LNP inspectors prepare cases badly, leaving the prosecutor with incomplete evidence at trial. There are also complaints that magistrates and circuit court judges lack the skills to competently assess evidence.

34. At the same time, at least some element of the public perception that the system is corrupt arises from the public's own ignorance of the justice system. There is little public knowledge of fundamental criminal procedure, so that ordinary Liberians fail to distinguish between pre-trial custody and post-conviction detention. Lack of knowledge of the rules governing pre-trial conditional release on bail also leads to misunderstanding as a victim may see a suspect on the streets not long after police arrest. The ineffectiveness of the system serves here to create a vicious cycle – the unlikelihood that a suspect will ever actually be brought to trial renders the distinction between release on bail and termination of prosecution meaningless. Hence, a victim's lack of understanding of that distinction becomes moot.

35. In general, the Liberian public's lack of knowledge of the justice system, including their rights and obligations, aggravate existing difficulties. Magistrates and lawyers complain that victims and witnesses often fail to realize that their testimony will be needed at court and that providing information to the police is not sufficient to bring a case to resolution. As a result, the police and prosecutors frequently lack the evidence to prepare and prosecute cases successfully. This lack of knowledge affects not only the average citizen, but even professionals such as doctors, who refuse police requests to provide forensic reports, asserting that it is "police business." Such forensic information may even have beneficial impact that extends beyond strengthening evidence for trial. One inspector noted that there have been specific cases in which simple, scientific clarity as to the cause of death, if provided in a timely manner, can be effective in quashing highly destabilizing rumors. The absence of a Liberian forensic pathologist compounds this latter problem.

36. The failure to be clear about the roles and responsibilities of the Liberian public with respect to the justice system also leads to abuse of the system which, again, produces a vicious cycle of ineffective justice. Police, prosecutors and judges complain of Liberians who bring a charge against someone and then fail to attend to hearings or the trial, confident that their absence will not lead to the dismissal of the case against the suspect, but rather to ongoing pre-trial or post-trial detention. At the same time, the absence of even basic effective witness protection programmes also contributes to the failure of witnesses to attend at trial.

Corrections

37. Weak capacity in corrections has an impact cutting across the delegation's areas of focus, impeding an effective justice system and also contributing to insecurity. Monrovia Central Prison is significantly overcrowded. Some counties do not even have a prison, with police detainees being held in makeshift structures. Several recent prison breaks highlight gaps in security at most facilities.

38. At the same time, the poor conditions of most prisons risk human rights violations and the further brutalization of prisoners detained in these facilities. Many stakeholders were specifically concerned about the humanitarian situation in Monrovia Central Prison, and also saw its location in the center of town as a serious security threat, given its history of riots and breakouts. The Justice Ministry's Bureau of Corrections and Rehabilitation seeks to enhance its rehabilitative capacity, and the Ministry is also exploring the possibility of a probation system, as well as the viability of sentencing alternatives to incarceration. In general, many felt that more substantial rehabilitation efforts in prisons are required in order to have an impact on recidivism and continued high crime rates. New efforts to teach women sewing skills are underway, but they are minimal and unlikely to sustain their funding. Other ideas from educational opportunities to vocational training have been explored, although none have been implemented in a systematic or consistent fashion. While these rehabilitation measures, when ultimately implemented and continued, will alleviate the pressure on the corrections system, in the immediate and even medium term, weak capacity in corrections will continue to impede effective functioning of the justice system.

39. The prison in Sanniquellie, recently constructed under a PBF grant, sets a standard for corrections facilities in Liberia. However, it is unclear whether the construction of such facilities in each county is feasible or sustainable. Both Liberian and UN officials were unable to provide the delegation with an estimate of the monthly running costs of the new Sanniquellie facility. More recent efforts to construct modular prisons that begin as small-scale buildings and can be easily and cheaply expanded should be replicated throughout the country to the extent that they are sustainable.

Reconciliation

40. Reconciliation in Liberia is very much a work in progress, albeit one moving at a slow pace. Many Liberians spoke of the absence of a common, shared Liberian identity,

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 the Peacebuilding Fund revealed that, while modest, immediate peace dividends were created through changed attitudes and directing energy towards peace consolidation. Results were many, including diminishing violence in former "hot spots" (for example, through the Nimba and Grand Gedeh Reconciliation project) while increasing the number of ex-combatants who have taken up essential job skills (through the Tumutu Project) and engaged in inter-county reconciliation (through the Nimba and Grand Gedeh Reconciliation projects).

Land Tenure

45. Nearly all segments of society identified disputes and uncertainty over land tenure as a leading risk factor for return to conflict. Largely as a result of a justice system widely seen as dysfunctional and corrupt, land tenure in Liberia continues to generate uncertainty. Many citizens believe that the formal justice system will only resolve land conflicts for those who can pay, and are compelled to take disputes into their own hands. At the same time, land disputes generate criminal conduct that places further burdens on the struggling justice system. The rules governing land use are often overlapping, inconsistent and founded, in part, upon laws many believe antiquated. There is also, generally, a need to harmonize statutory and customary or traditional laws and practices. Uncertainty over land rights exists across the country and impedes the development of housing and public infrastructure as well as foreign investment until resolved.

46. There has been some progress in tackling land issues. The recently established Land Commission has developed a reputation for expertise in the complex overlapping layers of claims to land and land use. As a result, its views have been sought in a number of cases, even though the Commission is not an adjudicative body. Efforts jointly conducted by Habitat for Humanity and the government are also slowly resolving a limited category of land claims. Other measures underway include steps to clearly articulate boundary lines between land holdings using GPS surveys. The Norwegian Refugee Council is now well-respected in Nimba and Lofa counties for its work in land reform, focused on surveying and mediation. The delegation also heard about new government initiatives to reform the deed registration process and archiving at the Ministry of Lands, Mines and Energy to address land rights and access that is supported by the Millennium Challenge Corporation and World Bank initiatives to address land rights and reform. However, progress in all these efforts will take time to bear fruit for the public. Public frustration is evident in the views of some that entire pieces of legislation governing land should simply be revoked. Given the lack of a strong state presence and the erosion of traditional structures of authority, normal conflicts – such as community boundary disputes– remain unresolved and potentially explosive.

47. Disputes are most pronounced in Lofa and Nimba Counties, and many worry that violence in those counties could spread throughout the country. Targeted efforts to address a particular county's disputes, such as the Special Presidential Land Commission in Nimba, have been met with controversy and mistrust among local stakeholders.

48. Progress in resolving land tenure affects the potential for return to conflict in many ways. Clarity on land tenure can, in itself, prevent conflict in some cases. Clarity can also permit the kind of land use and development opportunities that many of the dispossessed in Liberian society crave. Recent government efforts to address land issues more systematically in tandem with key international partners will be crucial to peacebuilding in the near term.

Disaffected Youth

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 only to provide job skills to youth, but also to transform youths’ attitudes around personal responsibility and civic-mindedness if stability is to prevail. People also frequently cited the need to reduce parochialism based on tribe/class and internalize a stronger sense of Liberian national identity among the youth and the population at large.

Sustainability

56. Across all sectors, capacity building and sustainability were consistent issues of concern. Inadequate salaries, lack of basic equipment, lack of communications, lack of infrastructure, lack of vehicles and lack of access to qualified human resources were problems cited by officials in nearly every department responsible for security and the rule of law. As a result, these government departments and agencies are all heavily dependent on UNMIL to carry out their functions. As they are currently organized and staffed, many of these government entities would fail basic responsibilities in the absence of UNMIL’s. In some areas, government agencies and UNMIL are not even able to calculate the costs of operations because they are so accustomed to the provision of support in kind from UNMIL and international NGOs and donors. In short, the sustainability gap is so broad that government and UN officials appear to be dissuaded from measuring it with rigor – making it impossible therefore even to define the gap accurately.

57. Senior government officials complain that the challenge of sustainability is exacerbated by the presence on government payrolls of staff members who lack qualifications and are “untrainable.” Both UNMIL and government officials recognize the need to tackle the challenges of sustainability during the window of both opportunity and necessity represented by UNMIL’s transition.

58. Sustainability concerns and opportunities are not limited to government. The delegation heard many people declare that addressing the widespread problem of disaffected youth is the most essential priority for ensuring Liberia’s peaceful future. Providing this next generation of Liberian citizens with the education and vocational

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, continued stability in Liberia and high-level political commitment will help ensure the sustainability of PBC efforts beyond the donor-supported stage.

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 reconciliation, through targeted support for land tenure issues and youth empowerment. Given the breadth and complexity of these issues, as well as the multiplicity of donors and partners already engaged in these areas, the PBC would be advised to seek focused and strategic interventions.

LNP Capacity

63. In the context of upcoming elections and UNMIL transition, there is an urgent need to enhance the reach and response capacity of the police and build a credible nationwide presence. Public safety is an ever present concern for all. Liberians are anxiously aware that the LNP cannot independently cope with outbreaks of violence outside of Monrovia at present. While public support for the police has improved, there is still much to be done in building national confidence in the institution and ensuring internal respect for rule of law and basic rights. Throughout rural areas in particular, the security and justice sectors are plagued by low public trust, low morale and low capacity. While the government continues the long and arduous process of scaling up rural service delivery, many people feel a sense that the state is absent or not working on their behalf.

64. The delegation recommends that the PBC consider an approach to strengthening public safety by focusing on three core objectives: (a) rapidly increasing rural police capacity; (b) improving public perceptions about security actors in their communities; (c) focusing on models of sustainability. More concretely, the delegation recommends that the PBC seek a shared strategy with the Government of Liberia and other key stakeholders to implement the LNP's existing concept of developing five regional hubs for the PSU to support its effective presence across Liberia.

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 outset to access remote areas and to enable rapid dispatch of officers, including PSU officers when necessary. This will entail providing a limited number of troop carriers, jeeps, and motorbikes, as well as communications equipment. LNP officers could also receive support for pre-paid cell-phone cards, which they are currently paying for out of pocket.

71. For meaningful police presence across Liberia, the hubs could be designed and implemented with priority placed on implementing police capacity. The delegation recommends piloting the establishment of the five hubs early, including attempting to break ground on one hub this year, with a view to expediting the expansion of the hubs prior to UNMIL's transition. While the 340 member Emergency Response Unit possess the ability to deal with riots and disturbances in Monrovia, no such capacity exists beyond Monrovia. Therefore, the LNP with support from UNMIL has agreed to put in place a 600 strong PSU by June 2011 across the country, increasing to a force of 1,000 by the end of the year. The delegation proposes supporting the PSU to become fully operational at five regional hubs by December 2011. In addition to basic training, deployment and barracks, the PSU will also need specialized training, vehicles, communications equipment and the provision of both lethal and non-lethal weapons. As of September 2010 there is a 65% financing gap that needs to be urgently filled in order to put the PSU in place in time for the 2011 Presidential elections.

72. While the LNP should be a major focus of attention, the delegation believes that given the regional dynamic, support for BIN is also essential. The PBC may wish to identify a specific focus through which to support the BIN, and also help the Government identify a suitable partner that can address the BIN's broader needs. In addition to housing BIN officers and providing BIN services at the five regional hubs, basic equipment (including uniforms, border crossing infrastructure and some vehicles) is also needed by BIN officers at strategic border crossings (there are 36 official border crossings in total as outlined in the BIN strategic plan – 19 of which require urgent support). A deactivation programme to enable old or unskilled BIN officers to leave the service would take a significant and necessary step towards sustainability of any improvements at the BIN. It is estimated that up to 600 staff should be deactivated under such a programme.

73. It is important to note that building the capacity of local government institutions to support the hubs may require a considerably increased international (including the United Nations) presence in the countryside, especially in the near term. Building LNP capacity

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 contribution it makes to training across the justice system. At a minimum, joint training for inspectors and prosecuting counsel, for example, on the collection and assessment of evidence, should be carried out systematically. Where appropriate, public defenders and magistrates and circuit court judges should be included in the training as well. The objective would be to foster a common understanding of Liberian law and jurisprudence and also to foster essential professional relationships across components of the justice system.

79. Third, the PBC could explore means of supporting effective oversight bodies. Accountability mechanisms are needed across the justice system, both to ensure competence, but also to build public confidence. While a Judicial Review Commission does exist, it needs to be strengthened. Likewise, clarity is needed on the appropriate review body for the work of prosecuting counsel and public defenders. The LNP's Professional Standards Division may be the most developed of the relevant oversight bodies, but that too requires further support. Building a culture of scrutiny of government officials by the public will undoubtedly take time, but the public should have clarity as soon as possible as to where they can lodge complaints about any element of the justice system.

80. Fourth, a robust public information campaign could be considered which underscores education on how the justice system should work and the roles and responsibilities of citizens in that system. Such a campaign could build on successful NGO programmes that disseminate knowledge of legal rights and engage the population in discussion, especially over laws that may conflict with traditional norms. One example that should receive additional support is the Carter Center's initiative to explain land and inheritance law to local populations. This campaign would also build on an existing radio programme of the Ministry of Justice, thereby generating actual synergies by developing topics raised through those programmes. In addition, such a programme could be based on a radio format to reach as wide an audience as possible, using and supporting existing community radio programmes. By covering actual court proceedings, the programme could both demonstrate to Liberians the realities of engagement in the judicial process, while also opening the courts to public scrutiny. To capture the need for ordinary Liberians to claim more ownership of their systems, even a call-in aspect to these information programmes should be encouraged.

81. Fifth, capacity weakness throughout the justice system, especially in the countryside, could be examined. The enormity of this challenge might be best addressed by scaling up or extending several promising existing programmes. The Judicial Institute's Professional Magistrates programme for training associate magistrates who

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.