

Peacebuilding Commission
Informal meeting of the Liberian Country Specific Configuration
12 April 2011

Chairperson's Summary of the Discussion

Background

On 12 April 2011, the Chairperson of the Country Configuration for Liberia, H.R.H. Prince Zeid Ra'ad Zeid Al Hussein, presided over the fifth informal meeting of the Configuration. The purpose of the meeting was to hear a briefing from Ms. Christiana Tah, Liberian Minister of Justice, who was in New York for the General Assembly thematic debate on "The rule of law and global challenges".

The Chair opened the meeting outlining the key areas for discussion: the Liberian judicial system, the Justice and Security Hub project, and national reconciliation. The Chair referred to the Liberian Peacebuilding Programme, that had been shared in advance of the meeting and encouraged members to review the document and share comments by the end of the week.

Briefing by H.E. Christiana Tah, Liberian Minister of Justice

The Minister made introductory remarks, which stimulated an array of questions from several Member States including the Chair. Member States sought greater insights into national reconciliation, the Justice and Security Regional Hub, youth, regional approach and UNMIL transition. In her comments, the Minister shared her views on how to build the Liberian security and justice institutions. She provided first hand glimpses into the realities of delivering security and justice in Liberia. Herewith is a summary of the information shared in both the introductory remarks and responses.

Throughout the discussion, the Minister emphasized the importance of simultaneously developing justice and security institutions. Some notable progress had been achieved to this end. However, the Ivorian crisis has plainly illustrated the remaining gaps, in particular the clear need for the Regional Hub. The Minister explained how the response to the crisis along the border with Côte d'Ivoire has had to be managed from Monrovia in the absence of a Regional Hub. In summarizing how the Hub would better equip the Government to respond, she first noted that the necessary personnel could have been deployed from Gbarnga, which is closer to the affected border areas. Presently, the most urgent need is accommodations for the staff, who would live in barracks in the Hub. She noted that 150 immigration and 150 police officers, who have been deployed in the area, are currently sleeping in random places including cars, schools in the absence of the barracks. From this perspective, she advocated for the Hub to be completed in a phased approach with the barracks as the first priority.

With regards to sustainability of the Hubs, the Minister noted that it will be challenging for the Government to incorporate recurring costs into their national budget. Nonetheless, the Ministry is working with the Ministry of Finance to ensure that the costs associated with the Hubs are gradually assumed by the Government. The Minister further noted that the location of the courts within or without of the Hub complex had generated considerable debate amongst concerned Government officials. She understood that a final decision had been taken and that a court would be constructed on the Hub premise but with a clear distinction made between the court and the security facilities. In view of the large land allocation made available for the first Hub, it was put forth that this would be

possible. On the matter of staffing, the Minister informed that for the first Hub, the majority of the staff that would deploy in the Gbarnga Hub had already been deployed in the area to respond to the Ivorian conflict. For Hubs in other locations, while staff was not presently available, it is foreseen for cadets presently enrolled in the National Police Academy to graduate and be available for deployment.

The Minister asserted that responding to the Ivorian crisis has been a daunting task. As a result of the Ivorian conflict three categories of people are entering Liberia: refugees, Liberian mercenaries and Ivorian combatants. The Minister clarified that the latter two categories of individuals are of direct relevance to her Ministry and for which additional correction space is needed. Liberian mercenaries, under Liberian penal code, can be prosecuted for their activities in Côte d'Ivoire. Alternatively, the Government is seeking to intern the Ivorian combatants. She noted that if additional prison space was available, prisoners in a Grand Gedeh County prison could be transferred enabling this prison to be used as an internment facility. This would convey a clear message, particularly to the Liberian mercenaries, on the consequences of taking up arms.

Prior to the Ivorian crisis, the Government had been working with UNMIL to prepare for the Mission's future transition. The Minister, however, was uncertain about the implications of the current security challenges that have arisen with the Ivorian crisis for UNMIL's transition, despite the arrest of the former Ivorian President. She noted that upon her return, the situation of UNMIL transition would be reviewed.

On the issue of corrections, she underscored that the Government does not want to warehouse perpetrators and is looking to find ways to rehabilitate them. Probation was recently introduced into the correction system. While the Government does not have the means for electronic surveillance, it is involving families and community members in a manner that is aligned with the Government's financial resources and the Liberian culture.

The Minister discussed the critical challenge of re-establishing norms and values in a post-war setting and its importance in building a system based on rule of law. She explained how the war dismantled traditional social institutions, citing an encounter with a youth who was imprisoned for murder. This prisoner questioned the Minister on why he should be detained for murder, which had been committed by many with impunity throughout the war. This prisoner's experience is illustrative of the larger challenge of helping youth, whose most formative years were shaped by the norms and values of the war, to distinguish between right and wrong. She advocated for a value system to be re-established and adopted by Liberian society, highlighting former fighters, who are not easily adapting into school structures or the market economy. Noting that punishment is not a sufficient response, the Minister argued that the task of re-orienting and rehabilitating young ex-combatants must involve not only the Ministry of Justice, but also the Ministries of Education, Youth and Sports and Family. She also referred to two recent cases of child trafficking, which she surmises would increase.

By providing a detailed historical narrative of immigration to Liberia and using her own personal family as an example, the Minister illustrated the intricacies of national reconciliation. Four main waves of immigration occurred to Liberia with the first being those of the settlers/ freed slaves from the United States. The second was of captured slaves, primarily from the Congo, who were intercepted at sea and freed in Liberia. Those were followed by the Indians from the Caribbean and latter groups from neighboring countries. Intermarriage between these groups and also with the indigenous

population has taken place over the years. Indigenous groups have also ascended to position of power and pursued formal education. As a consequence, the Minister finds that while ethnic terms continue to be used, their meanings have evolved in the recent past to be more reflective of socio-economic class e.g. American Liberian being viewed as an educated and upper class Liberian.

The Minister noted that land disputes were one of the drivers of conflict that also has historical dimensions. She outlined how the Land Commission is the key actor working to resolve the land disputes but that other actors in the Government were equally concerned including her Ministry. While acknowledging that resolution of these cases will not resolve all the root causes and drivers of conflict in Liberia, it will play a critical role in diffusing tensions. The Minister also drew attention to the issue of trauma within the population. This is an issue that needs to be approached in a multitude of ways. On the issue of the Truth and Reconciliation Commission's report, the Minister explained that the Government recognizes the importance of the report and the President has set up a committee to examine how to go forward. On the recommendation concerning prosecution, she hears conflicting views. Clarifying that prosecutions have not been ruled out, she emphasized that the matter needs to be carefully approached. She further agreed that history was an important element to reconciliation.

Commenting on the importance of regional approaches, the Minister enumerated an array of examples. She referred to bi-lateral assistance with different States, including training support from Ghana and Nigeria, as well as seeking best practices from neighbors on matters such as harmonization of traditional and statutory laws. She equally made reference to ECOWAS trainings and cooperation under the remit of the Mano River Union.

18 April 2011