

**Statement of the PBC Chair of the Liberia Configuration
Informal Interactive Dialogue, Security Council
10 December 2010**

Mr. President,

May I first thank you Mr. President for the opportunity given me to provide the Council with a briefing on my recent visit to Liberia, in my capacity as the Chair of the PBC's Country-Specific Configuration. I am also grateful to the Japanese delegation for having facilitated this briefing, which is very much in keeping with the spirit of the Council's Resolution 1938 (2010).

Mr. President,

To keep this briefing concise and to the point, I have posed to myself three questions which I will then answer. What were my principal impressions gleaned during my visit which took place between 7 and the 15 November? How can the PBC play an effective role in the light of what was seen? And to what extent can the future targets of the configuration assist UNMIL in meeting the benchmarks required for eventual withdrawal?

Turning first to my principal impressions

The *sine qua non* for hope to exist within a given community, hope for a better future, is the presence of capable people in positions of authority and that, I am pleased to say, we have in abundance in Liberia, from the President down through her cabinet appointments and beyond to county officials, and district representatives and up and across to the heads of independent commissions – the quality of public officialdom was high. I was also impressed by the leadership of the LNP and the BIN officials, and found the political parties and the legally-trained magistrates, whom I encountered to be able and under no illusions regarding the dimensions of the difficulties facing them.

I should also say in this vein and having worked with several SRSGs, Force Commanders and UN police commissioners over the course of 16 years, I believe the caliber of the UNMIL leadership in the field, headed by the SRSG, her two deputies, the Force Commander and the UNPOL Commissioner, to be exceptional. They were exceedingly supportive and helpful. And I owe them all, as well as my team drawn from the PBSO, DPKO and the OROLSI, a debt of gratitude. I was also accompanied for part of my visit by the Assistant Secretary-General for Peacebuilding Support, Judy Cheng-Hopkins and Liberia's Permanent Representative to the United Nations, Ambassador Marjon Kamara – both of whom were of invaluable assistance – and remain so of course.

In addition to the talents of the Liberian officials, it was equally clear to me that the challenges facing Liberia remain colossal, both in terms of the physical needs of the country and in terms of it attaining lasting reconciliation between its peoples. It will take many years before Liberia - like so many other post-conflict countries - can tip the balance more definitively away from war to peace.

When referring to the physical needs of Liberia, I speak of course of the three

priorities put forward by the government in its letter of request addressed to the Security Council on 27 May 2010, namely in the areas of: rule of law, security sector reform, and national reconciliation. What needs to be mentioned here is that it is entirely to the credit of the Liberian Government for highlighting these three points. It takes strength and courage to expose one's own weaknesses before the UN like that, and they should be commended for having done so.

Turning now to rule of law, it was clear to me during my visit the court system of Liberia is gravely ill and its condition becomes progressively worse the further one moves away from Monrovia – a point that converges with the conclusions of the PBC August Assessment mission.

Liberia is a common law country with a three-tier court system: the Magisterial Courts, the Circuit Courts and the Supreme Court. The Magisterial Courts can only process about a third of the cases placed before them because of a narrow jurisdictional regime and because there are only a few properly trained magistrates. Most cases, therefore, are sent up to the Circuit Courts if the relevant files are not lost altogether. While there is now an attempt to create a pilot case tracking system, given the poor state of the judiciary, it will require a great deal of effort before the entire process becomes properly functional.

Moreover, the trials held at the circuit level are jury trials and each trial averages 40 days. Therefore, only a very limited number of cases can be disposed of in a year.

To make matters worse, at both levels, the courts themselves barely exist. I was told by the Magistrates I met in Monrovia, there were some courts, in other parts of the country, which had to be situated in private homes due to a lack of infrastructure including no files, no pens or no chairs available. In a few cases, the court is presided over by an illiterate magistrate, which is a perfect breeding ground for corruption or at least in generating the perception among the local population that there must be corruption. The Circuit Court I visited in Gbanga had a roof seemingly about to collapse; the files were just dumped in a pile on the floor in a windowless room; and when it rained, as it does often in Liberia, the proceedings come to a halt. The net result of all of this is that the court system, which is, after all, world-over, the spine of a central nervous system we call a state, is exceedingly weak in Liberia's case. This results in a huge and growing pre-trial detainee population. Prisons, if they are not already over-crowded, will soon be so. Building more prisons is, of course, not the desired remedy here.

I am worried about this Mr. President and I think SRSG Loej would share this opinion. Unless, there are unanticipated developments stemming from the Special Court for Sierra Leone, it is unlikely, though not impossible, but unlikely that Liberia would suffer an armed insurrection or rebellion in the immediate future. However, the country may well become the focus of transnational organized crime as UNMIL draws down. With rule of law centering on a court system on the side of collapse, organized crime, which finds oxygen more in a weak state than a state in the UN emergency room, may soon see in Liberia an easy, even if unwilling, client. This situation could ultimately lead to armed insurrection and war.

Turning to security sector reform and the LNP, the BIN and Corrections, in all three areas I saw signs of unmistakable progress owing to the efforts of the UN, the donor community and international civil society. The training of police at the National

Police Training Academy, for example, appeared to be solid. When we interviewed a young female police officer whose responsibility centered on gender-based crimes I was impressed by her knowledge and professionalism. Nevertheless, in all three professions the salaries were low by Liberian standards. There were very few uniforms and the means of transport, as well as that of communication, were almost non-existent. The infrastructure generally was markedly short of where we hope one day it will be.

Liberia's borders are also porous to any well-planned infiltration. It will be exceedingly difficult for the Liberian authorities to monitor them unless much more work is done in this regard. We visited a border crossing with only a mud hut and a rope stretched across the road separating Liberia from Guinea. At sun down the officials leave for the evening, leaving behind only the rope separating Liberia from its neighbour.

Moreover, in our discussions with the AFL, and notwithstanding the considerable efforts by the international community to have the army become operational in 2012, as has been reported in previous reports of the Secretary-General on UNMIL, the AFL leadership themselves were doubtful they could meet the target date of 2012.

Moving on to national reconciliation, which is arguably the most challenging of all objectives before us. Challenging, because hitherto the international community has, in all other parts of the world needing rehabilitation, traditionally just thrown cement at the problem. It rebuilds the physical infrastructure – roads, bridges, institutions - and then trains police, military personnel, administrators and the like, hoping that national reconciliation will more or less take care of itself. I believe this to be a game of dice, however. In some parts of the world, over the last 150 years, amnesia may have seemingly worked when rapid economic progress was its companion. Yet memory too is deep and long and can easily be made fresh and raw by a charismatic bigot or negationist philosophy – we all know this. Before there can be true reconciliation there must be a reckoning – a reckoning of the sort where you reckon with your own conduct toward the other and not focus on what others may have done to you in the past.

In Liberia's case, the general hope is that by settling the tens of thousands of land disputes, and by forging a sense of national solidarity in the form of a carefully-thought out youth employment programme, the Liberians with our help can build a national consensus on what it means to be Liberian. And I too believe in this. But I also think it important we assist them with memory. For a sizeable part of the population, the origins of the country require a deeper reflection. In their eyes, there is an original sin, which requires thoughtful, serious discussion. Liberia, like so many other countries, has no National Archive, in the full meaning of the word - containing the documents of the State beyond land deeds and narrower information; where documents are vetted; portions of text redacted; and other documents cleared. It needs one and I believe we should help them establish it.

Finally the report of the Liberian Truth and Reconciliation Commission was raised in a number of meetings I had with Liberians of all political schools. I made clear that this falls well within the scope of Liberia's sovereign decision-making process and that all countries had a rhythm to their culture which would dictate when they could best take a longer look at the more painful episodes of their recent history. But we can help with ideas that deal more broadly with the subject.

Turning to my second question: how could the PBC help given what the earlier assessment mission and I saw. Clearly we need to do three things building on what UNMIL, the UN family more broadly speaking, and the international community have already achieved, which is very substantial. We must mobilize further resources for Liberia. Second we must provide it with advice on how they, the Liberians, could better marshal resources themselves. Third, we need to give expression to the strengthening of judicial and security services in regions beyond the capital Monrovia by supporting the creation of five (5) security/justice hubs throughout the country – beginning with the first in Gbanga to which I will get to shortly. I will now touch in greater detail on all three points.

We have a Statement of Mutual Commitment already agreed to with the Government of Liberia. The document was adopted on 15 November and drawn up on the basis of an excellent report provided by the aforementioned PBC assessment mission led by the United States in August. A Joint Steering Committee created for the purpose of an earlier disbursement of funds by the PBF will now be reconfigured to work with the PBC and adopt a priority plan reflecting the Statement of Mutual Commitment. Following this, a project list will be drawn up and targets will be in place – hopefully by the third week of January.

In view of Liberia's needs in these three areas, nothing presently in the PBF or in the Justice and Security Fund could come remotely close to satisfying them. I believe, however, there is considerable room to broaden the donor base and am formulating ideas on how best to approach new potential donors. Liberia is fortunate to have a number of natural resources and has been successful recently in signing concession agreements. This provides a sound basis for future discussion.

Second, I believe it is important for the Liberians to have a clear top-down strategy when it comes to raising the necessary funds themselves from the international community, quite beyond the President's own herculean efforts, to cover the start-up costs of new projects or the maintenance costs of existing projects. And this they can do, need to do, with the right people in the right posts and all anchored in a well-thought through strategy.

While I was in Gbanga, in Bong County, the central part of Liberia, I had also the honour of breaking ground for the first Hub designed to be the pilot Hub – in the presence of senior government officials, the ASG for the Peacebuilding Support and senior UNMIL officials. As members of the Council will recall, the concept of the Hubs came from the LNP Strategic Plan. A sum of \$3 million has now been approved by the PBF as initial financing and UNOPs is leading in the building at the chosen site. Some local 300 youth will be immediately employed to create the materials necessary for building and a further 100 with building skills will also be drafted to help, coming from other parts of the country. And this is a crucial point. When I met with the Gbanga Motorcyclist Union - young ex-combatants who used their DDRR money to purchase motorcycles and run courier and passengers services - it was clear that if they were not gainfully employed it would not be difficult in time to recruit them for other activities. We hope that a youth employment project, formulated following the completion of a study of recent attempts by UNDP and the World Bank to do the same, will begin a process of soaking up as many of the unemployed youth as possible.

Mr. President,

I shall be in Liberia this February to check on progress in the building of the Hub and we hope it will be completed by June. It is expected to contain a Circuit Court room, offices for the LNP, Customs and BIN as well as barracks for the Police Support Unit of the LNP. All of these offices will cover three (3) counties: Lofa, Nimba and Bong. In June, I also intend to have a configuration meeting in Monrovia hoping, indeed expecting, many of the members here in New York to travel there. We also hope work will also begin in due course on the other hubs.

Two days ago, the configuration met and adopted a work plan for the next half a year. I intend to meet the representatives of the IFI shortly in the New Year and then travel to Abuja to meet with ECOWAS officials followed by meetings in Brussels.

Finally, the third question, to what extent could we mesh the PBC's activities, once the priority plan is in place and the project list is rolled out, with UNMIL's benchmarks to ensure a smooth and gradual draw down of UNMIL? It is perhaps worth mentioning at this stage that the SMC was put together with the UNMIL benchmarks in mind. As long as UNMIL is in Liberia, the PBC will endeavour to help it fill in as many of the remaining gaps as possible. Where those gaps demand funding, we can do so only to the extent that funds will be available. Therefore, in the initial phase our expectations must be modest. Once we are able to expand the resource base, and I am confident we can, we will be better able to direct a number of the PBC activities to the remaining UNMIL undertakings under the benchmarks. We are also fortunate that while UNMIL exists it has the requisite experience and numbers of quality personnel to help us integrate our efforts into their work.

Finally Mr. President,

Perhaps the most poignant part of my visit was our stopping at a Peace Hut established by an extraordinary group of women calling themselves WIPNET – known the world over for their courage in bringing the fighting to a close in 2003 and bearing pressure on the delegates in Accra during the peace talks. They are an extraordinary group of activists both formidable and kind bringing stability and common sense to their community. They met us with a rhythmical chant with touches of sweet melody. They sang “we want peace no more war, we want peace no more war.” I think, Mr. President, we can help them.

I thank you.