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Lessons Learned Evaluation: Access to Justice and Information

*Strengthening Citizen Participation in Government:
Access to Justice and Information*

Project Implemented by The Carter Center
Cooperative Agreement 669-A-00-10-00045-00

Evaluation Conducted By:
USAID/LIBERIA MONITORING & EVALUATION PROGRAM (L-MEP)
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JUNE 20, 2013

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June 20, 2013

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List of Abbreviations and Acronyms

ADR	Alternative Dispute Resolution
ATI	Access to Information
ATJ	Access to Justice
CAL	Community Awareness Liaison
CDRM	Community Dispute Resolution Monitors
CEMESP	Center for Media Studies and Peace Building
CJA	Community Justice Advisors
CNDRA	Center for National Documents and Records Agency
CSO	Civil Society Organization
EITI	Extractive Industries Transparency Initiative
FIND	Foundation for International Dignity
FOI	Freedom of Information
GOL	Government of Liberia
ICG	International Crisis Group
JCP	Catholic Justice and Peace Commission
LCRP	Land Conflict Resolution Project
LNBA	Liberian National Bar Association
M&E	Monitoring and Evaluation
MIA	Ministry of Interior
MICAT	Ministry of Information, Culture and Tourism
MOJ	Ministry of Justice
MPW	Ministry of Public Works
NDRM	National Dispute Resolution Monitor
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
NTC	National Traditional Council
PD	Program Description
RF	Results Framework
SOW	Statement of Work
TBO	Trial by Ordeal
TCC	The Carter Center
UNMIL	United Nations Mission in Liberia
USIP	United States Institute of Peace

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Access to Justice and Information
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1. EXECUTIVE SUMMARY

Study Background and Methodology

Purpose of the evaluation was to assess the Carter Center (TCC) project in Liberia, Access to Justice (ATJ) and Access to Information (ATI), from 2010 to mid-2013, and to capture lessons for potential future USAID programming. ATJ and ATI are two distinct projects under one USAID agreement. ATJ has roots back to 2006 in the customary justice sector, and absorbs 90% of the \$6.75 million budget; while ATI is an early-stage project which supports implementation of the Freedom of Information (FOI) Act (passed in 2010), in partnership with "pilot" public sector institutions led by the Ministry of Information. The study took place between April 22 and May 31, 2013, and included field visits to Grand Bassa, Bong, and Montserrado counties in Liberia; and a meeting with staff of Carter Center headquarters in Atlanta. Sixty-five persons were interviewed individually or in groups, including public officials, traditional leaders, civil society, and TCC officers and field staff delivering paralegal or information services.

Findings Common to ATJ and ATI

A common finding is the high regard and respect held by respondents for the Carter Center for its exceptional personnel, its skill in working in the justice sector, and its talent playing the role of honest broker. This observation applies both to the highest levels of government and to citizens in rural communities. Despite its position in the hierarchy of aid as a service-delivery NGO, TCC is often – at least as regards customary justice – a strategic leader in Liberia's post-conflict recovery and development. In part, this is due to its long history of commitment to Liberia: President Carter visited in 1979, and programs have been ongoing since 1996. Despite sometimes having little money to bring to the table, it has been an able policy advocate which its high reputation helps reinforce.

Finally, common to the two projects are the flaws in the Results Frameworks, which do not follow standard USAID terminology, do not always inform as to project results, and are sometimes confusing.

ATJ Findings

1. Customary justice is an integral, functioning, and essential part of the overall justice architecture in Liberia.
2. TCC has developed an effective development model for rural justice that combines legal education, mediation, and skill building for customary justice practitioners. Through this

approach, TCC is providing access to justice for thousands of rural Liberians, half of whom are women.

3. Areas “treated” by TCC show a major improvement in community legal knowledge, greater compliance with the law on the part of chiefs, and greater participation of youth and women in customary justice. Conversely, in untreated areas customary practitioners continue illegal practices such as hearing criminal cases and *sassywood*; for their part, citizens are ignorant of their rights under the law.
4. Lack of long term engagement/funding and geographic restriction on ATJ has limited its geographic reach and will create unevenness in the way customary justice is practiced over the long term.
5. The policy and legal framework for customary justice and harmonization with the formal sector are seriously lagging and militate against capacity building and sustainability. This will continue to be a serious impediment for implementers.
6. In the absence of a clear legal framework, there is a proliferation of mediators by NGOs and government agencies which in the long run may be duplicative, unsustainable, and potentially confusing as regards legal education.
7. TCC has developed excellent working relations with government and rural communities alike and effectively uses this as “working capital” to advance ATJ in terms of implementation and policy development.
8. Women (the majority of whom are also young and are considered youth) emerge as the primary clients and beneficiaries of the legal education and mediation services in terms of empowerment through knowledge of such laws as marriage and inheritance, and in resolution of disputes concerning domestic violence and child abandonment. However, women suffer from serious domestic violence and other forms of abuse the root causes of which ATJ cannot address.
9. TCC has engaged in “mission creep,” activities outside the scope of the justice sector and its USAID mandate (e.g., planned decentralization training, urban development policy).

Discussion

In a country still in many ways recovering from conflict, one of the few constants is the customary justice sector. Chiefs and elders are to be found in almost every rural and peri-urban community linked, importantly, to each other in a hierarchy that stretches from a village elder to national paramount chief. Chiefs are popularly elected and are, by and large, highly regarded and trusted as arbiters of justice. Thus, unlike the formal sector where development money has yielded little returns, a development investment in the traditional sector offers the potential for high returns on relatively low investment. Using its model for developing the traditional sector, and empowering citizens through legal education, TCC has demonstrated that its approach yields positive results in providing Liberians access to justice and building peace.

This successful model should be scaled up to all of Liberia's 15 counties. The need for legal education and training of customary sector currently far exceeds the number of NGOs operating in the sector, particularly in light of the difficulty of accessing rural areas. However, the number of NGO actors is a concern and improved coordination is urged in terms of which counties/districts each organization works, establishing some common methodology and content for legal education, and establishing protocols for what types of land disputes are referred to the Land Commission. This coordination will maximize resources and prevent confusion among beneficiaries on the ground.

As TCC and other NGOs move forward in this sector, one of the major obstacles is — and will remain — the lack of a clear policy and legal framework for customary justice. Without a firm policy and legal framework, justice projects cannot set clear objectives, build institutional capacity, and plan sustainable exit strategies. Despite this impediment, implementers such as TCC will be able to accomplish much on the ground because the customary sector is a comprehensive and intact “institution” that enjoys broad popular support and because citizens themselves are keenly receptive to legal education and assistance.

ATI Findings

1. Evaluation of project results achieved is premature. The project is new and resources small (about \$200,000 per year). More time and resources will be needed to achieve the ambitious scope of public institution capacity building, and implementation of new, untested legislation which seeks to change government practice towards information access.
2. Data on requests obtained by the evaluation point to potentially weak political will in government to fully implement FOI, at least at this early stage.
3. The weakest link militating against successful implementation is the Information Commission, which to this point has not received government resources and thereby has little capacity to carry out its mandate to enforce, oversee and monitor implementation of the FOI Act.
4. TCC has successfully and strategically engaged the "Pilot" ministries. Using limited resources it has used a blitz of coordination, motivation, documentation, outreach and facilitation activities in support of implementation by nine "pilot" ministries.
5. The nine "pilots" are active and well-organized to test access to government information.
6. Public demand for information remains low, due possibly to low priority compared to citizen basic needs.
7. The force behind the FOI law was private media, intended to be used as a tool to expose corruption. Media has not as yet used the Act to investigate, with a few outstanding exceptions.

Discussion

The ATI project only targets government supply of information. Demand for information is via another USAID project outside the scope of the present study. The "blitz of coordination, motivation, documentation, outreach and facilitation" activities TCC engages in to support and help move forward FOI implementation is impressive. So far, this has not been an impediment to local ownership, but it is clear that without TCC presence, progress would be slower. Even despite these efforts, policy implementation reform is slow. Considerable resources would be needed to building capacity of even the "pilot" institutions implementing FOI reforms. The primary weak links in access to information are records management and political will, especially at the operational levels of bureaucracy. The oversight and enforcement functions built in the Information Commission remains untested. Currently, the Act lacks teeth. Demand is low, but the evaluation found a number of examples of information requests ignored or denied by government. Interestingly, requests targeting potential corruption are not the only ones ignored or denied, as seemingly harmless requests may not be satisfied.

ATJ Recommendations

1. ATJ requires a multi-year, multi-million dollar commitment to expand services nationwide and properly plan for sustainable capacity development.
2. Develop a clear strategy that sets guidelines and parameters for how ATJ works with police, magistrates, and formal courts.
3. Close the West Point office and work only in rural areas or peri-urban areas where the customary sector can be strengthened.
4. Create a policy unit within a new ATJ project dedicated to advancing the policy and legal framework for the customary sector and harmonization of the formal and informal sectors.¹
5. USAID should adopt a more pro-active approach to advancing policy and legal reform on customary justice and harmonization of the formal and informal sectors.
6. Provide capacity building support to the National Traditional Council to enable it to fulfill its constitutional mandate, build ties with chiefs, and advocate with the government on policies issues.
7. In the long term, consider streamlining the customary sector by turning over CJA mediation to customary chiefs as their skills improve and allow CJAs to focus on community legal education and mentoring of chiefs.²

¹ For discussion relating to harmonization of formal and customary justice, see Recommendations ATJ (Section 6.4)

² CJAs currently provide legal education and mentoring in both formal and informal sectors simultaneously. Transferring the CJA mediation role to customary authorities will allow more time to observe and mentor chiefs (paramount and clan at a minimum) and poses no conflict. Ultimately, mentoring should be institutionalized in the MIA (until such function is transferred to the MOJ), in collaboration with the NTC, with some standards established

8. Develop strategies for better integration of youth in communities where youth pose serious problems.
9. Consider research (if not extant) on the socio-economic and cultural causes of violence against women in Liberia in order to find a long term solution to an ongoing problem.
10. Undertake a gender sensitization program for communities and chiefs to address violence and abuse of women.

ATI Recommendations

1. FOI should in the longer term be re-directed to its original intent: a tool to assist in fighting corruption. The present "pilot" project is preparing the ground by strengthening public institutions to be able to respond to information requests.
2. USAID should engage in policy dialogue with government and donors on public support to the Information Commission and regarding any other barriers to policy implementation.

Lessons Learned

The report discusses lessons learned under the themes of project impact and relevance to the USAID Democracy and Governance program, lessons of project design and implementation, and the views of partners and beneficiaries. The evaluation finds that despite being modestly-funded, the TCC project is relevant to USAID D/G programming, has influenced the policy environment for both ATJ and ATI, and has benefitted many Liberians at the community level. Project design (results framework) and reporting do not tell the complete story of its innovative work in customary justice.

for mediation and perhaps even formal certification at some point. Standards could also eventually include some oversight mechanism of chiefs.

2. INTRODUCTION AND BACKGROUND

2.1 Evaluation Objectives

As stated in the approved work plan, the study accents lessons learned, focusing on the specific objectives laid out in the SOW and Program Description. Lessons address all activities and objectives under the USAID Cooperative Agreement between 2010 and the present. Internal TCC data reports have been audited using qualitative assessments. The evaluation also makes recommendations for future USAID programming for the ATJ and ATI projects.

2.2 Study Team

Team Members: The three members of the evaluation study team include: **Frank Hawes (Evaluation Team Leader/Freedom of Information), Dr. Ken Lizzio (Customary Justice and ADR-Mediation), and Ms. Willa Reeves (logistics).** Mr. Hawes is a governance expert with extensive evaluation experience, who has also worked as field-based USAID Democracy and Governance team leader. Dr. Ken Lizzio is a D/G Specialist who has directed DG offices for three USAID Missions and holds a Ph.D. in anthropology. The Logistics Assistant, Ms. **Willa Reeves**, is resident in Liberia.

2.3 Evaluation Methodology

General Background: The study took place between April 22 and May 31 and included prior consultations with USAID/Washington and TCC/Atlanta and four weeks in Liberia. Three field trips (four days total) were conducted to Montserrado (West Point), Bong, and Grand Bassa counties. Other field trips to meet with more disputants did not take place for reasons outside the control of the team. Sixty five persons were interviewed in individual or group settings; approximately 20 additional unidentified persons participated in group meetings during field visits in relation to customary justice. More than 30 documents and reports were reviewed, including four important academic studies summarized in the next section. Some of the primary stakeholders were interviewed more than once to further refine observations and conclusions.

Field Site Selection: The two Liberian counties—Bong and Grand Bassa—were selected on the basis of representing differing geographical regions of the country, different ethno-linguistic groups in Liberia--the Mende and the Kwa—as well as being accessible from Monrovia. Because these are primarily rural and agrarian settings, the evaluation collected similar data in the urban area of Monrovia, Montserrado County, a different socio-economic setting.

Data Gathering Methods: Data gathering included three streams in justice and one in FOI (See Annex D for all questionnaires). Justice included: 1) Semi-structured interviews with disputants covered such issues as type of disputes, how resolved, attitudes towards CJAs, formal and customary options; 2) focus group and individual discussions with CJAs, addressing process, methods, training, workloads, and 3) focus groups and individual meetings with chiefs and elders, addressing, for example, their knowledge of the law, training received in ADR, criminal cases.

The team had intended to conduct semi-structured interviews with at least 12 disputants in each county. However, after arriving in the field, the team found that meeting so many disputants proved impossible as they were not in a single locale and had to be visited in their respective communities which were far apart and poorly accessible. We thus interviewed a total of 12 disputants which nonetheless provided an important data point for informational and comparative purposes. Some of the specific cases encountered are described in this report. The same difficulty was encountered with respect to the chiefs who lived far from the field offices and had to be interviewed individually. One exception to this was a focus group discussion with three Paramount chiefs (one of whom was a woman) in Bong County. As a rule, half of the respondents were women and a quarter youth. To the extent possible, the questioner was a Liberian who spoke Liberian English.

For the FOI component, interviews were conducted primarily with government officials involved in the pilot implementation and civil society actors in Monrovia and counties visited. Questions are found in Annex D.

2.4 Program Descriptions

There are three Program Descriptions (PD) associated with the Agreement being evaluated, each with different and sometimes inappropriate program terminology (i.e., components, objectives, intermediate results, outcomes). The first Program Description (2010) defines the USAID/Washington (DCHA) initial project of approximately \$600,000 entitled, “Strengthening Indigenous Conflict Management Capacity in Liberia” which was essentially a project to train chiefs in conflict resolution and ADR. The second and third Program Descriptions administered by USAID/Liberia (2011-2013) with obligations totalling \$6.75 million, have the same title as the present study, “Strengthening Citizen Participation in Government: Access to Justice and Information.” *De facto*, the scope evolved into two projects, having different context, targets, and a different history (see Chapter Three).

Results are discussed and analysed in Chapter Four, based on the results framework as defined in 2011-12 documents. **Annex C outlines the framework** used to report results in terms of components, objectives, and outcomes. Terminology for project objectives and results have changed since 2010; however, it is the view of the consultants that the basic theme of access to customary justice is unchanged and that activities under the theme pre-date the current project

by some years. The issue of which objectives and results to evaluate did not affect the access to information component, which began in 2011 and has remained unchanged. Future projects in this sector should follow standard USAID terminology and methodology for the Results Framework.

2.5 Research and Policy Studies

One of the first policy studies of the Liberian justice sector was conducted by the **International Crisis Group (ICG)** in 2006, and many of its findings are by and large still valid. ICG found that after over a decade of war the formal justice sector was in shambles. The physical infrastructure had been destroyed and there were few trained legal specialists and court staff. What remained of the formal system was plagued by the same culture of impunity and corruption that had prevailed before the war. In part for these reasons, and the preference of many Liberians for community resolution of conflicts, it was found that up to 80% of Liberians used the customary system to settle disputes, including criminal acts. Notwithstanding this preference, discrimination and inequity within customary law forums were common. (This finding, however, was not corroborated by other, more empirical studies.) Chiefs also routinely presided over criminal cases outside their jurisdiction - such as rape- and sentenced people for crimes the statutory courts should handle. They also engaged in illegal practices such as Trial by Ordeal (TBO) called *sassywood*. While many of the customary courts operated under the auspices of the Ministry of Interior, there was little harmony between formal and customary justice systems.

In 2011, the **University of California's Berkeley School of Law** conducted a study on peace building in Liberia that examined *inter alia* the level of disputes, dispute resolution mechanisms, and attitudes toward them. Based on a random survey of 4,500 respondents, the report found that roughly a quarter of respondents had been in a local dispute since the end of the war. The most common form of dispute concerned land. Sixty percent of those who had experienced land-seizures since the war had consulted a village or town chief or elder to resolve the dispute in comparison to only 13% who had taken similar disputes to formal courts. Yet, land disputes were far less likely to be resolved than other disputes with only about half of adjudicated cases having been resolved. Domestic violence was a common occurrence, though it was unclear what percentage sought dispute resolution outside the family. Another important finding was that while ethnicity and ethnic divisions were one of the causes of the civil wars, few respondents (4%) identified ethnic divisions or tribal violence as current factors of insecurity and only 8% of the population reported experiencing problems along ethnic lines. Most respondents took their disputes—including land disputes—to customary courts for reasons of an expected favorable outcome, trust, and ease of access. While the town or village chiefs were rarely seen as appropriate to deal with murder or rape, a staggering 90% of respondents had little or no knowledge of the formal court system and only 36% trusted the courts. Access to

information had improved since the end of the war for a majority of the population (66%), but respondents in the southeastern part of the country continued to rely predominantly on informal sources of information (e.g., friends, family) due to poor access to media.

Two other recent academic studies of justice systems in Liberia concluded that the *customary justice system and other forms of ADR have a positive role to play*. A 2012 study conducted by the **Oxford University Centre for Study of African Economies** drew on data from 4,500 dispute cases taken to a range of formal and informal systems in Liberia. Researchers found that disputants were overwhelmingly more satisfied with verdicts of informal justice systems over those of formal ones. Generally only when a litigant perceived an advantage to be gained was the case taken to the formal court. Significantly, of 1,877 criminal cases, only two percent were taken to a formal court; 45 percent to an informal forum; and 53 percent to no forum at all. With regard the Carter Center's pro bono mediation and local legal advisory services, Oxford found that: 1) the CJP/Carter Center mediation activities delivered by CJAs offered substantial socioeconomic benefits (e.g., increased food security), and 2) that such benefits result when the formal law is brought into the local institutions and not the reverse.

By far the most comprehensive and analytically rigorous study of formal and customary justice systems in Liberia was conducted by the **U.S. Institute of Peace (USIP)** in 2009. It found that Liberians overwhelmingly preferred customary to formal courts for reasons of greater affordability, accessibility, fairness, and timeliness. While most chiefs were aware of the formal system's jurisdiction in criminal cases, they felt that the customary courts were better able to handle criminal cases including rape. The USIP also found that customary courts did more to address the underlying social causes of a dispute – which led to social reconciliation – while formal courts engaged only in punitive measures. Finally, government attempts to limit the jurisdiction and certain practices of customary courts [i.e., rape, TBO] were having unintended adverse consequences. All of these studies share strikingly similar findings, namely:

- widespread dissatisfaction with the formal courts over corruption, cost, and inaccessibility;
- Liberian, especially rural Liberian, preference for customary justice as being fairer, less costly (usually free), and more accessible;
- the user-friendly nature of customary justice and other forms of ADR such as TCC's.

Notwithstanding these findings, the studies also found a dual system posed particular problems that required nuanced solutions, such as the persistence of Trial-by-Ordeal (TBO), the continued handling of criminal cases by customary courts, and the larger question of harmonizing the two systems over the long term.

3. MAIN FINDINGS

3.1 Access to Justice Results Achieved

In our literature review and discussions with justice actors from ministry officials down to community members, the picture that emerges of customary justice in Liberia today is that it is uniformly subscribed to by rural and peri-urban Liberians and still practiced in some urban areas. By and large, communities trust customary justice providers and routinely seek them out for dispute arbitration. Chiefs generally represent their community's interests. They were popularly elected in the general election in 1985 (although there have been parliamentary and presidential elections since then – in 1995, 2007 and 2011); or in ad hoc elections to replace outgoing chiefs. Increasingly, women, youth, and elders are also elected by popular consensus. The next general election (including chiefs) may be in 2016 or 2017, following passage of Local Government legislation. Elections, which establish chiefs' legitimacy, are supervised by the National Elections Commission. The election, tenure, and scope of chiefs' activities is certainly an issue which Liberian stakeholders need to consider.

The importance of customary justice in resolving local disputes cannot be over-estimated, especially in light of the failings of the statutory system. It is a system intact, ubiquitous, mostly no cost, and requires relatively little investment to reform. The customary courts are currently administered by the Ministry of Internal Affairs; because the MIA is under the President, such an arrangement is unconstitutional. Eventually, the customary courts need to be placed under the jurisdiction of the judiciary. One cannot estimate at this time when this will occur but it is an important policy and legal issue which should be addressed and which the ATJ project can help advance. In our fieldwork, we observed a clear practice of some superintendents overseeing the chiefs. The tendency for this will probably increase when chiefs obtain local government authorities under the proposed legislation.

Because of its effectiveness in promoting peace, the customary system is nonetheless in need of reform in terms of: 1) legal education; 2) improved justice techniques such as mediation, and 3) greater harmonization with the formal system.

Overall, TCC has been highly effective in advancing legal education and improving customary justice practice (TCC has a limited mandate for #3 under this IR). Moreover, it has pioneered a methodology for working with individuals and communities and in the process has earned the respect of GOL ministries and NGOs working in this sector. TCC has leveraged this trust to overcome implementation and policy obstacles and advance customary justice in ways described below.

Objective #1: Access to Local Justice Consistent with Law

This objective aims to empower individuals using a cadre of legal educators and mediators for whom official status is being advocated by TCC.

IR1.1: Free Legal Advice as Alternative

CJA Capacity

Outcome 1.1.1 -- Capacity of CJA network.

Note: This 'Outcome' is actually a project Input.

TCC implements the CJA activity through the Catholic Justice and Peace Commission (JPC). This has been an effective approach because it taps both JPC's extensive infrastructure on the ground and the trust and respect it enjoys in communities throughout Liberia. CJAs operate in the five USAID priority counties: Bong, Grand Bassa, Montserrado, Lofa, and Nimba. Conflict Resolution Dispute Monitors (CDRM), charged with training chiefs and monitoring disputes, are in four of the counties, but not in Grand Bassa due to budgetary constraints.

In discussions with CJAs, the team was impressed with their level of dedication and job knowledge. Their relations with the community were very good and they were highly appreciated and respected by chiefs and elders, magistrates, police, and individuals using their services. Many of the CJAs have been with JPC since before USAID funding of the project. CJAs received a twenty-five-hour training at the beginning of their service and quarterly supplementary trainings. These additional trainings are to fill gaps in mediations skills and provide technical information that is being requested by communities, such as land policy or obligations a company has to the tribe under a land concession. In all areas visited, CJAs said they had sufficient resources to do their jobs and could handle the mediation cases workload. One exception was Bong where CJAs said their work load was excessive.

CJAs are equipped with motorbikes for travel to rural communities where they conduct legal education, counseling, and mediation. A Lead CJA Coordinator works out the weekly travel and education/mediation workplan with each of the CJAs. The workload is sometimes increased by unplanned requests from individuals or communities for help. CJAs have not yet covered their counties in their entirety because of county size and inaccessibility of some communities even by motorbike. (This inaccessibility likely applies to the formal authorities as well.)

The team's overall assessment of this Outcome is that it is very well managed, implemented, and monitored. Monthly reports are sent to and reviewed by Regional Coordinators who use these for preparing quarterly reports to JPC and TCC. TCC Quarterly reports, however, are rather sparse and do not convey all of the important work TCC is doing as noted below.

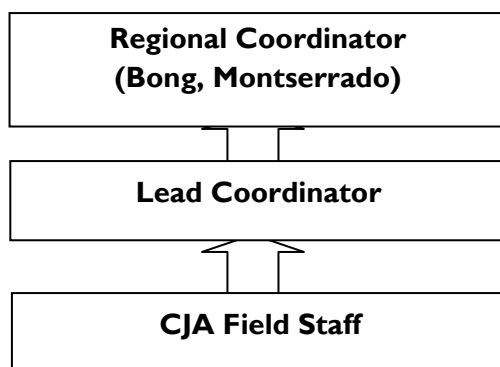
The limitation of the CJAs to five counties is creating unevenness in the overall progress of the customary sector and the legal education of rural Liberians. Under a future program, it is recommended that CJAs be placed in most if not all of the 15 counties. If budgetary resources do not permit this, then one office might serve two counties; operation of a mobile education unit in sparsely populated, remote counties is another low cost alternative.

Citizens Aware

Outcome 1.1.2-- Citizens aware of CJA Services and Rights

As part of their duties, CJAs educate citizens on their rights under the law, especially new laws that have been promulgated since 2003, and provide counseling services to individuals in need of legal advice. CJAs use three outreach methods: circulation of posters and other printed material, direct, face-to face education of groups and individuals, and radio broadcasts.

To conduct on site education, CJAs (who are also called “monitors” on site) are assigned responsibility for specific geographic areas. On a weekly basis they work out a travel and activity schedule with the CJA Lead Coordinator. The organizational structure and reporting is as follow:



On site education differs depending on the type of community setting or opportunity a particular venue may offer. In urban, more densely populated West Point for example, CJAs go door-to door to reach some 40,000 residents in that district. They dispense a two-page flyer on the courts/police, and laws regarding land use, inheritance, marriage and family, and rape. (All training manuals and legal definitions are cleared with the MOJ). Flyers also provide information on CJA mediation and counselling services. Advocacy activities are conducted systematically, with the township divided into six zones and a weekly program developed for each monitor to go out three times a week.

In Grand Bassa, CJAs conduct education activities on a large scale at a town hall meeting or convene a meeting upon arrival in a community depending on the size of the town or village. Chiefs are not directly targeted in such events and may not always be present. Interviews with

disputants indicate that some learn of CJA services via this mode of communication. Community education includes use of such educational tools as illustration of the mediation process for easy comprehension. These are large diagrams posted in prominent places (such as the chief's hut or store). The team noticed these posters were displayed prominently in villages—all appropriately branded and marked with the USAID logo. Budgetary limitations have limited the number of printed materials such as these that can be circulated.

Another more effective means of education is via radio. Weekly or twice weekly public service announcement and programs are conducted on community radios in each of the counties served. In West Point public service announcements are broadcast on Monrovia Catholic Radio once a week. In Grand Bassa, CJAs sponsor a half-hour call in program twice weekly. In Bong, radio is used to advise clients of "fast track" court so they appear with their evidence at the scheduled time and answer questions from phone-in listeners. As most Liberians listen to their community stations, this is a highly effective means of reaching citizens. Many disputants interviewed indicated they had first learned of the CJA service via radio. The broadcast range, however, is limited to the town which means the information cannot reach outlying communities via this means.

TCC monitors the effect of its education program using focus group discussions to assess the level of knowledge about the main topics in its campaign. This is a low cost and useful – if not empirical – means of assessing impact. The TCC 2012 Annual Data Report on the Community Understanding Tables as compared with 2011 shows the level of understanding over time has *decreased*. This anomaly can probably be explained by a lack of empirical precision or a flaw in the focus group methodology. However, the Report did not juxtapose data for the previous year for comparative purposes which is necessary for a trend analysis. If no trend is discernible, TCC may wish to modify the focus group method.

What does emerge from the Community Understanding Tables and our interviews with disputants, chiefs, and citizens is that those reached by the program are by and large knowledgeable primarily about those things that matter most to them in their daily lives: i.e., laws on marriage, rape, inheritance, domestic violence, and land. This finding reinforces later conclusions about results of civic education relating to FOI activities (see Outcome 3.1)

A recent Yale study which examined JPC civic education in several communities in Liberia found “little impact on specific measures of civic participation and community cohesion.” However, the TCC program is not, strictly speaking, a civic awareness program. In focusing specifically on *legal* education it is effective. The team found that in Liberia knowledge of the law generally leads to compliance. This applies both to citizens who learn about the legal status of rape as it does chiefs who learn about *sassywood*. In field discussions, evidence suggests Liberians readily abide by the law out of fear of being caught in the maw of a predatory and corrupt formal

security and justice system. Interviews also revealed citizens more nascent concerning knowledge of police and the formal court system. For many, especially rural, Liberians the formal court system are abstractions as few such courts are accessible to the average Liberian and most are afraid to conduct business with them.

One legal education function not well documented in the quarterly reports but highly important are the CJA visits to jails and prisons. At these sites, CJAs inform individuals (caught in the statutory system) of their legal rights and provide counseling. Quite often the result is release of persons held under arbitrary arrest or illegal detention. Other may post bail as a result of learning of bail procedures. In some cases CJAs said their legal education extended to the police and magistrates who are themselves ignorant of the law. In both case, the result has been a plus for the average Liberian – mostly young men – whose rights have been restored.

While the legal awareness program has been effective, a future program should include two long-term objectives: 1) empower citizens to be more proactive in legal education (as suggested later in the paragraph) and 2) build a sustainable capacity in the informal sector to continue awareness activities. For instance, in West Point CJAs are currently going door to door to inform citizens of their rights. Thus far, such an approach has been justified by the fact that citizens do not even know what they need to know to protect themselves (e.g., women's inheritance rights). Thus, an absence of citizen demand does not imply an absence of need. However, if the CJAs were to cease operations in the area, little would remain of the current project save some individual knowledge of legal rights.

Future activities to further legal education might, for example, identify a leading woman willing to serve as a Community Awareness Liaison (CAL) for each community in West Point. The CAL might sponsor monthly meetings to discuss existing problems, inform newcomers of their rights, and make a list of issues to discuss with the CJAs. This would reduce the burden on CJAs and empower citizens. Rural communities could similarly designate a Community Liaison to serve as the conduit and repository of new information about laws, rights, or other civic issues.

Assisting With Legal Disputes

Outcome 1.1.3 -- CJAs assist with legal disputes

Almost half of all disputes in a community are resolved by the parties themselves, usually within the confines of family or families. Most other disputes are resolved by elders or chiefs. Beyond these mechanisms, individuals within JPC service areas in the five counties have access to dispute resolution services offered by the CJAs. TCC's approach to dispute resolution is usually *mediation* which differs from arbitration in that resolution of a dispute is achieved through obtaining the satisfaction of both parties.

Since January 2008, CJAs have handled more than 5,750 cases of which 75% were successfully closed. While most of these cases involved mediation some involve arbitration (when mediation fails) or intercession with the police and other authorities depending on the nature of the offense. In Bong County, for example, the team interviewed a woman whose ex-boyfriend had disfigured her with acid after being jilted. Although the man was arrested, he was later released. The woman sought out a CJA who was able to get the man arrested, tried, and convicted. He is now serving five years in prison.

Currently, each of the five offices receives roughly 25-40 new cases per month. On average about 5-10% of these cases are crimes that the CJA refers to the formal system, though they may continue to provide legal advice to the litigant. (Some CJAs exercise discretion in handling small criminal cases since it would be counterproductive to take such cases to the formal authorities.) The time required to mediate a dispute varies, depending on the nature of the case, varying from as little as a few days to a few months. CJAs travel on motorbike to the communities where disputants reside in order to mediate a dispute.

Significantly, most of the beneficiaries of mediation are the poor, marginalized, and women (see Gender). In terms of types of cases, both TCC M&E data and the evaluation team's field work indicate that most women's cases involve child support or domestic violence and most others involve family matters of one sort or another. While it is neither within the purview of the Carter project nor this evaluation to assess the causes of these disputes, their frequency and the violence associated with them suggest they are associated with a patriarchal culture and possibly the trauma of the war. One women leader in Waka Town, Grand Bassa County said "families didn't have these problems before the war." A paramount chief in Bong echoed this, complaining that the war had created a serious breakdown in the family structure. Without a better understanding of the etiology of domestic conflict, simply resolving them may be treating the symptom and not the cause. The domestic nature and violence associated with these disputes raise questions as to whether a proper long term approach to these specific problems would be via health/family counseling as opposed to dispute resolution. Men's cases generally concern economic issues such as breach of contract, debt, and unpaid wages.

CJAs follow up important cases such as child support or formal court referrals for a period of three months. There is a low level of repeat cases. Individuals and disputants interviewed support this finding.

Interviews with disputants revealed a high degree of disputant satisfaction with CJA mediation, though most willing to talk were, not surprisingly, plaintiffs. When asked why disputants came to the CJA, the general answer was that the service was free whereas the chief often charged a fee from both parties to resolve a dispute (*fees are a new trend among chiefs who traditionally do not charge a fee*). The fee of one chief in Grand Bassa to settle small land disputes ranged from

500 to 1,000 Liberian dollars. On the other hand, free mediation is not sustainable, as disputants indicated they would not pay a fee for such a service. At the current level of use, even if each disputant were to pay \$5 dollars, the revenue generated by one office in a year would cover the annual salary of one CJA.

Pro-Bono Legal Services. TCC has arranged with the Liberian National Bar Association (LNBA) to provide the indigent pro bono legal assistance. In Montserrado county, the West Point office has referred 10 cases – most involving child support – to LNBA for representation but the Bar has not yet taken on a single case. Even if the Bar eventually responds positively, the process is too slow to serve needs of clients.

TCC has some excellent M&E data on dispute cases. However, more could be done using the data to analyze issues such as average time per CJA and per field office to close a case, length of dispute by type of case, and so forth. Using such data would allow TCC to make program adjustments in terms of the number of CJAs in each office, whether certain CJAs need training on particular cases, or which types of cases took the longest to resolve and why. Obviously, such analysis will require more financial and personnel resources as CJAs are stretched quite thin in some areas and often work weekends.

Over the long term, the mediation function of CJAs raises questions about duplication and sustainability which are discussed below.

CJA and Paralegal Policy

Outcome 1.1.4 -- CJAs have formalized role in justice

Outcome 1.1.4 refers to policy discussions on possible GOL adoption of formal paralegal status for the CJAs, which is being advocated by TCC. Presumably, such status would also extend to other mediators such as the 100 land dispute mediators trained by ARD under its Land Conflict Resolution Project (LCRP), the 47 trained by the Norwegian Refugees Council (being phased out), and the Institute for Sustainable Communities, which (according to secondary sources)³ is currently scaling up its corps of mediators. The question of paralegals in Liberia is contentious. While it appears to have broad support among stakeholders, the LNBA, a powerful NGO in the justice sector, remains staunchly opposed to the concept on proprietary grounds. Thus far, the LNBA has forced TCC to change its designation of mediators from “Community Legal Advisors” to “Community Justice Advisors” on the grounds that they had no formal legal training.

In the policy discussion on paralegals, a distinction must be first made between paralegals and formalizing the CJAs, as the two terms are not synonymous. The creation of paralegals in Liberia will entail establishing a clear mandate for them as well as standards for hiring. Whether

³ The COP, Rachael Knight, is based in Sinoe County.

CJAs, who have a high school education, will qualify remains to be determined. Even if they are given preference in hiring, CJAs may have to compete with the many other mediators working in the country.

Another issue concerns cost and sustainability. As JPC's cost for the 47 CJAs under the ATJ project is \$500,000 annually, a rough estimate for a national cadre of paralegals serving parts of all counties would be on the order of \$2 million. Yet, one major donor said that the MOJ, which supports paralegals is looking to NGOs to provide them, which is hardly sustainable.

Also, many youth now seek out CJAs (whose average age is 25), believing they will receive more empathetic treatment than they would from (older) chiefs. While there may be a short-term benefit in this, over the long term the practice may undermine the customary authority of chief in dispute resolution. Indeed, chiefs expressed concern that youth show little respect toward them or the customary system since the war.

Another issue regarding mediation concerns cost and timeliness. Chiefs operate *in situ* within their communities while CJAs must travel to communities to mediate cases with obvious cost implications as well. Thus, *over the long term*, as training of chiefs produces chiefs skilled in mediation, consideration should be given to referring all non-criminal cases to them (see I.1.4 below for further discussion of this). This would streamline the justice system into formal and customary sectors, reduce cost, and allow CJA (or paralegals) to focus on legal education, mentoring chiefs, visiting prisons, all activities the customary authorities do not have the skill or time to do.

Over the long term the creation of paralegals *as mediators*, duplicates the mediation function of customary judges and creates lasting opportunities for forum shopping. Furthermore, CJAs must travel to communities to conduct mediation while customary judges operate *in situ*. While the status of paralegals is ultimately one for stakeholders to decide, serious consideration should be given to transferring, over time, the CJA mediation function to customary judges *as the customary sector is brought more in line with the formal law*. This would be more cost effective, would streamline the justice sector and boost the authority of customary judges. This approach is in keeping with the Land Commission whose policy is to empower all the nation's customary *landlords* to mediate land disputes and not create a separate cadre of mediators which are outside the customary system.⁴

⁴ The Chairman of the Land Commission said that development projects typically did not provide sufficiently for local capacity building or did not use the proper local mechanisms to ensure that beneficiaries could assume full management of a project once it formally ended. To this end, he believes that the appropriate individuals to mediate land disputes are customary landlords because of their intimate knowledge of the history of customary land.

In any case, on this and other issues there is an acute need for a clear, rational policy and a legal framework so that institution building can begin and project activities made more sustainable. The policy and legal environment is further discussed under Outcome 1.2.3 below.

IR 1.2: Customary Justice Providers Resolve Local Disputes

This IR addresses strengthening of customary justice sector. Overall, TCC's work in this area has been excellent. It has developed excellent relations with the National Traditional Council and chiefs at all levels who attest to the benefits of the legal information and training they received. There is a clear improvement in customary chief behavior in areas "treated" by TCC versus non-treated areas, a conclusion based on discussions with a broad range of justice sector actors. This training needs to be scaled up and available to many more chiefs than can be served under the present program.

Dispute Resolution by Community Leaders

Outcome 1.2.1 -- Strengthened Dispute Resolution capacity (chiefs, women, youth)

To date a total of 120 (40 women, 40 youth, and 40 town chiefs/leaders) have had one training in law and mediation at the national level and at county level (600 in 2013). There are also town hall meetings (3,600 have attended) where information is provided on the laws or land policies. Often these meetings are at the behest of the community wanting to obtain particular information on land, inheritance, or other government laws and policies.

In addition to training, TCC encourages communities to form broad councils consisting of chiefs, women, and youth. The evaluation found (in several communities) considerable variation in the way customary courts are structured. In Waka Town, Grand Bassa for instance, the town chief presided over judicial hearings only with elders. Part of the reason had to do with the geographic and economic circumstances of Waka Town. To have a broadly representative council would require individuals to take considerable time away from other obligations to sit on councils. Women in Waka had taken the initiative and formed a women's group of seven (called "Rural Women") who elected a president to represent them vis a vis the chief when necessary. By contrast, other towns have chiefs, women, youth, and elders sitting on the judicial council. The three paramount chiefs in Bong (one of whom was a woman), all had justice councils with youth, women, and elders serving on it. TCC has trained 15 women and 15 youth from each target county in separate sessions held in Lofa County.

The conclusion to be drawn is that there is not a single successful formula - a one-size-fits-all - for structuring customary judicial councils, which often depend on factors such as the frequency of cases and women men and youth ability to take time from farm work and family obligations to travel to a customary justice session which may be far from home or frequently occurring.

In interviews with chiefs, women and youth trained by TCC they were found to be knowledgeable of the main laws and skilled in mediation. The Waka chief said he had been in the dark about the new laws until a CJA contacted him. One of the major changes noted concerned the rape law. Previously, chiefs considered rape a private and family matter and settled the case themselves. However, once they knew of the new rape law making it a crime, chiefs uniformly said they now refer such cases to the police. In many cases, CJAs participate as advisors in council proceedings to provide clarification on laws that may be required during the proceedings by the chief or litigants.

By contrast, “untreated” TCC areas show less effective approaches to solving community problems on the part of customary authorities. For example, a young male in his early twenties, described how he had engaged in a long relationship with a girl from his village. When he broke off the affair, the girl’s family had asked for financial compensation for having wasted the girl’s time when an offer of marriage had been expected. The aggrieved family took their dispute to the town chief who ruled that the boy should pay the family \$250, an exorbitant sum for anyone in Liberia – let alone an unemployed youth. Dissatisfied with the ruling, the boy, who had heard about TCC services from a friend, asked a CJA to mediate between him and the girl’s family. The CJA mediator explained to the girl’s family that there was no law that required the boy to make financial restitution to the family and the plaintiffs dropped their demand. This story illustrates how mediation – as opposed to arbitration used by the chiefs – can lead to fairer outcomes...as well as what occurs in the absence of such mediation training.

Training of chiefs and women thus far represents a tiny fraction of the several thousand male chiefs in the country. *It is reasonable to conclude that if chiefs have not participated in an NTC training and awareness sessions or been beneficiaries of direct TCC training, they are unversed in the laws. These “untreated” chiefs thus continue to practice outside it (e.g., sassywood, rape cases) and adjudicate (as opposed to mediate) cases.*

In Montserrado there is no work on strengthening the indigenous resolution capacity as there is no clan or chief system in West Point. As the area is served by a large police station, it is recommended that the West Point office be closed and moved to a rural or peri-urban area where need is greater and interventions are more sustainable.

Role of NTC

Outcome 1.2.2 -- NTC and county authorities understand and implement best practices

NTC represents all the town, clan and paramount chiefs in Liberia. (The National Traditional Council (NTC) profile is found in Chapter 3.) Since 2010, TCC has trained approximately 50 clan chiefs and 60 paramount chiefs in laws and mediation techniques. This represents a small percentage of the senior chiefs in the country. Paramount chiefs met at NTC headquarters and in Bong were very appreciative of the training and said that it helped them greatly in their

justice work. One senior chief at NTC said that many chiefs still had lingering emotions from the war and the training helped to remind them of the need to maintain impartiality in their work. The NTC has since asked for more mediation training, which will be required to improve chief mediation skills.

Chiefs are also trained in the law. Those who received TCC training evinced a clear understanding of the new laws promulgated and actively support them. They now routinely refer major criminal cases such as rape and murder to the police, though some chiefs continue to handle criminal cases that are not egregious in nature. One paramount chief used the police to enforce his decisions such as on child support. Bong chiefs' relations with the police appear good – their major complaint was that the police are too few or too distant to be of use when needed. Often when they are available they do not have gasoline to travel and the chief sometimes has to cover cost. While most of the chiefs no longer practice *sassywood*, they expressed a strong desire for the return of non-harmful *sassywood* as an effective instrument in their work because it forms part of a cultural complex of beliefs about guilt and innocence to which community members subscribe. Chiefs said the practice of *sassywood* was “very helpful in keeping the crime rate down.” In areas untreated by TCC, particularly remote areas, it is highly likely that chiefs continue to practice both harmful and non-harmful *sassywood*. TCC staff and senior chiefs confirmed this.

A team of four Conflict Dispute Resolution Monitors (CDRM) tracks all disputes in their respective counties (save Grand Bassa) and arrange dispute resolution meetings between parties. At dispute sessions, CDRMs provide legal advice and facilitate meetings with financial and logistical support. To date, 231 such cases have been logged, 95 have been closed, all but 9 successfully. From Bong, CDRMs cover Margibi and Nimba counties as well. While the number of large disputes is decreasing, a new project may consider phasing this activity out over time as the Land Commission gears up its own land dispute mediators.

Occasionally, the Ministry of Internal Affairs (MIA) sends one of its staff to observe these trainings. For purposes of sustainability, MIA should hire a cadre of trainees to “shadow” the TCC trainers so as to eventually conduct the trainings themselves. An MOU between the IP/USAID and MIA may need to be established to ensure MIA compliance.

A visit to the “court” of Hon. Arthur Wannah, the Paramount Chief of Suakoko District in Bong County revealed an unexpected issue in customary justice practice as concerns policy. Chief Wannah, who clearly takes his duties seriously, has erected a physical structure to serve as court, has a judge’s bench and gavel, a plaintiff and defendant chair, and a “constable” to maintain order. He records all decisions on an MIA registration form — which he procured from the formal court — and charges a fee for his services. While certain of his practices are laudable, charging fees and use of MIA registration forms show to what extent the formal

system can “bleed” adversely into the informal in the absence of clear standards and norms for customary justice practice. Future assistance should help the MIA, NTC, and MOJ establish norms that are flexible enough to accommodate local needs but stringent enough to establish some consistency in the customary sector.

Advancing Policy on Customary Justice

Outcome 1.2.3 -- Role clarification of customary justice providers

As it is defined in the cooperative agreement, this Outcome does not capture the broad work TCC is reporting under this rubric. TCC’s activities reported under this Outcome can more accurately be described as *advancing the policy and legal framework to improve the efficiency of, and relationship between, the formal and customary justice sectors.*

In this regard, TCC has played a useful role among international NGOs working in the justice sector. It participated in the 2010 National Conference on Access to Justice and participates in the “Access to Justice Working Group” created out of the conference. TCC also participated in the follow-on conference held in March 2013, leading a discussion on the creation of paralegals in Liberia. In some cases, TCC has effectively intervened on an ad hoc basis to resolve policy conflicts in the sector to remove impediments to project implementation. For example, the MOJ and MIA had conflicting policies regarding *sassywood*: the MOJ upheld its illegal status, while the MIA was allowing chiefs to practice it. Owing to TCC intervention, the two ministries now have a single policy as to its illegality. This achievement illustrates the excellent working relations TCC has with these ministries and its skill in overcoming obstacles in a very difficult policy and implementation environment.

In assessing the work of TCC in the policy arena, the main issue does not concern TCC performance (since passage of laws and policies is outside its manageable scope), but the astonishingly little progress that has been made in the policy and legal environment for customary justice in the past three years. Because of its importance for development programming, recommendations address policy reforms (See Section 6.4).

3.2 Results Achieved in Access to Information

Comprehensive assessment of results in the Access to Information (ATI) “supply-side” project is premature (demand is covered by a project outside the present scope). First, the project is too young (two years) and its resources too modest (about \$200,000 per year) to achieve its ambitious scope of public institution capacity building, while tackling implementation of new, untested legislation which seeks to radically change government mindset and practice. Secondly, there are some broader FOI issues to be clarified to increase chances of long-term positive outcomes.

How the Act Came into Being

Access to information began not in government rather in the private media sector in 2003, supported by international media organizations as the war was coming to an end. An assessment by 12 media organizations in December 2003 found there was a need to change media laws to protect journalists and to strengthen capacity of media to investigate and hold government accountable. Law reform was initially a package of three laws; they included decriminalizing an existing libel law, and converting state radio into an independent entity. In 2009, civil society decided to focus its advocacy on one of the laws, the FOI. An intense advocacy campaign by local media along with TCC advocacy activities resulted in passage in mid-2010.

In 2008, TCC had also contributed to this outcome by inviting the then Minister of Information to a TCC-hosted FOI conference, who subsequently became an advocate for FOI in government. As of 2013, the FOI Act is reportedly still the only civil-society initiated law passed by government, described by one journalist as the most important legislation since Constitutional reform in 1986.

Political Will for Implementation of the Act

Passage of the bill into law signaled political will in government for reform. Government collaboration with civil society on the bill was another positive sign. As further evidence, in relation to press freedoms, the President formally declared her support to open government and transparency in 2012, the so-called "Table Mountain Declaration." The president has signed a "Letter of Intent" in September 2011 for membership in the Open Government Partnership. While Liberia has not as yet completed its Country Action Plan, it has taken other related steps which will contribute to access to information: passage of the Liberia Anti-Corruption Act, set up of the General Auditing Commission, adopting the principles of the Extractive Industries Transparency Initiative (EITI) and steps for open budget process. Ministries are developing web sites and proactive disclosure methods.

Political will is therefore high in terms of policy actions. Yet, whether the FOI law will be vigorously enforced remains to be tested. Indeed, interviewees agreed with the recent USAID D/G Assessment, that political will to implement law is less than the will to make policy. Assessing political will for sustainable implementation of law is complex: it affects many layers of government; it may affect people in government with power over information and something to hide; and it requires radical change in bureaucratic mindset and habit, because it postulates that citizens have rights to information.

The Purpose of Access to Information

What is the rationale for support to FOI? Is the purpose information-related human rights for students and other citizens, or is access to information a tool to expose corruption and hold

government accountable? In principle they overlap: corruption or mismanagement of public institutions may impact on citizen rightful access to health care, water or electricity. However, citizens' right to access information, as referenced in Article 9 of the U.N. Universal Declaration of Human Rights and Article 15 of the Liberian Constitution, is less threatening than access to specific information that may involve corruption. In early stages of implementation, should the strategy be innocuous or bold?

Role of TCC in Implementation

TCC has been strategic using very limited resources while implementing a blitz of coordination, motivation, documentation and facilitation activities. If TCC had not been actively involved, there would have been less progress. The following sections present results according to the project's results framework.⁵ In summary, activities include: "Right To Know" street march and campaign; conducting a stream of individual meetings with officials and stakeholders to promote and inform on FOI implementation; group awareness-raising meetings for about 350 public officials and staff in pilot ministries; facilitating and helping organize a Pilot Steering Committee, whose mandate is to lead the implementation process; support to various strategic planning tasks in pilot ministries and the Information Commissioner; writing and distributing procedural guides for Information Officers and for public servants; conducting records management workshops and providing records management technical advice; supplying office equipment and computers; contracting a dedicated local consultant to assist the lead ministry for the pilots (MICAT); preparing a training of trainer manual in records management; study tours, and other inputs. TCC also supported development of terms of reference for the Information Commissioner, and helped set up his office and fund interim running costs (see next section).

Partners are also active. A pilot implementation plan involving eight ministries and one agency maps the steps for implementation. The steering committee is headed by the Deputy Minister of Information, and includes nine Information Officers and "focal point" persons each appointed by their ministry/agency, reporting to the Deputy Minister of Information.⁶ Civil society organization participants include the "Freedom of Information Coalition," whose head also participated in an FOI pilot study tour to India (funded by Open Society). The Deputy Minister actively collaborates with others in civil society, hosts weekly press conferences, and is well respected by the media.

Information Commission and Implementation Oversight

The Information Commission, whose prime responsibility as defined in the Act is enforcement, has no capacity to oversee implementation, nor capacity to carry out its mandate to collect and

⁵ The evaluation argues in later chapters that the project design and results framework does not fully capture the thrust and successes of the project.

⁶ The Information Officer in Bong County, although working in the County Administration, also reports monthly to Monrovia

analyse FIO request-response information and to submit reports to the Legislature. The Commissioner's appointment was confirmed by the President in August 2012, but his office was rented only in January 2013, and as of writing in May 2013, the office has no staff. TCC has contributed a strategic plan, hosted a donor roundtable, procured office supplies, and paid operating costs such as internet, and funding a study tour to UK. There have been no GOL budget resources allocated, excepting a recent \$50,000 grant, pending annual public budget resource allocation (expected in the next budget after July 1). The Information Commissioner has received three appeals from complainants whose requests for information were denied or ignored by government. The Commissioner has not replied to the appeals, prompting one complainant to appeal against the Commission to The Supreme Court. Complainants say the Commissioner could do more despite lacking resources. The incapacity of the Commission is another key issue to be resolved for successful implementation of the Act.

Demand for Information

Public demand for information is apparently low (formal reporting data is not available). The evaluation documented about 50 requests. Government is responding to some, while not complying with, denying or not responding at all to others. The original purpose behind the law was enhancing media capacity to investigate corruption or mismanagement, but to this point, most of the estimated 250 requests in the past year have come from other civil society groups. Media may not presently have the capacity or interest to investigate. Nevertheless, the few requests for information coming from media organizations are of very high quality and relevance (see next section).

Objective #2: GOL Capable of Advancing Participation through Access to Information

This objective focuses on GOL capacity. Civil society and media capacity to demand information is delivered under another USAID project (managed by IREX, through its objective 7, "Engage civil society and media to advance access to information"). The latter targets seven counties, while the present ATI supply project includes one county administration (Bong).

In the 2012 Annual Data Report, TCC reported a survey of 20 CSOs familiar with the process to access information. Seventeen reported an increase in access, data substantially up from 2011. They attributed the increase to proactive disclosure on the part of ministries participating in the pilot project. This data suggests that the pilot implementation is effective. There is no information on what kinds of requests were made, whether relatively safe information -- which in many developed countries is provided on government web sites -- or sensitive information. Ministries in the pilot have only begun formal analysis and tracking, and the Information Commission has not begun this reporting aspect of its mandate. The Freedom of Information Coalition (see previous section) is also starting to track, through 10 newly-engaged 'monitors' who jobs will be to track and report requests in ministries assigned to them; and is setting up a new telephone hot-line. No data is yet available. The evaluation tracked these requests:

- A media CSO in Monrovia has made a number of information requests in relation to its "Tracking Public Sector Investment" study. To the present, USAID has fully responded, while the majority of requests to government are pending (but not denied)
- Another media CSO in Monrovia has made five unsuccessful requests. The request to the Liberia Anti-Corruption Commission (LACC) to obtain asset declarations of public officials was first ignored, then denied.
- A civil society coalition in Grand Bassa organized by TCC reported that citizens had made 47 requests (using the forms and form letter developed by the coalition), of which one had been fully answered;
- Two journalists in Bong requested information from the county administration on a murder case (in part to help the family of the victim who were seeking information on the outcome of the case) and were briefly detained, for 'attempting to embarrass the government.' They were soon released, but the information was withheld on grounds the case was already closed.
- A human rights NGO in Bong made three requests concerning the Community Development Fund, administered by the County: a \$6 million college construction contract; use of a truck donated by the US State of Maryland (request answered); and a copy of a \$600,000 road equipment contract (data provided). It has also repeatedly but unsuccessfully requested the financial records of the city hydro company, whose generator was turned off in 2008, on grounds that citizens failed to pay hydro bills.
- In 2010 a media NGO (Center for Media Studies and Peace Building) tested 108 information requests, of which 17 were fully answered.

IR3: Target GOL Institutions fully-effectively implement FOI

Evaluation of "fully-effectively" is premature. Six participating ministries and one agency began implementing FOI two years ago, and two ministries began one year ago. The systems of tracking and reporting requests are not in place. Capacity building of the pilot institutions is in early stages. Nevertheless, project reports show a significant number of measures implemented by the pilots-- 27 in 2011 and 34 in 2012. All pilots have appointed Information Officers and "focal persons," meet regularly, have implementation work plans, have distributed procedure manuals prepared by TCC, have conducted outreach civic education and have increased awareness within their ministries. The officials met from pilot institutions were enthusiastic and committed to implementation, possibly in friendly competition with others in the pilot. The Ministry of Education holds weekly call-in radio shows and uses the shows to proactively inform listeners.

Capacity to respond to information requests requires effective records management. TCC has provided technical advice, training in records management, and two technical assessments on

the status of records management in the pilot institutions.⁷ A TCC baseline study in 2011 (Peter Chai Mah) presented a picture of very weak records management capacity. A second and more thorough study in 2012 by an international expert in records management contracted through the project (by consultant Michael Hoyle) painted a grim picture:

- Recordkeeping systems are at best poor, in some situations almost nonexistent, and in some agencies and ministries there is no overall control of records or information. Assistance is required and desired among many offices in dealing with all formats of records.
- Staff training and professional records knowledge is very weak and in some agencies does not exist at all.
- Some digitization of records is being undertaken and in one agency there are efforts to manage information electronically.
- File creation is haphazard.

The evaluation agrees with findings of the above report: "...in the Liberian context FOI appears to have played a role in enhancing the awareness of some government officials about the importance of records and records management." Hoyle concludes that "considerable time, resources and work will be required. Professional capacity must be developed, systems need to be put in place, and proper storage identified..." Photos of a chaotic filing room in the Hoyle report were similar one year later when this evaluation visited the same organization. Some progress in filing systems was noted.

Outcome 3.1 -- Increase Awareness of FOI

Project reports enumerate 25 measures taken to increase awareness in 2011 and 34 in 2012. The number of persons reached by various civic education activities is not known, but is likely high. TCC has prepared a power point presentation which is awaiting presentation by the Minister of Information to Cabinet. TCC has engaged many public and civil society officials through meetings, workshops, public events and study tours. See "Role of TCC in Implementation" above.

Civic Education. Civic education is more effective when the message matters to people. The 2008 *Afrobarometer* survey asked Liberians the question, "What are the most important problems?" Respondents prioritized food shortages, roads and infrastructure, health and education services. 'Lack of public information' was not among the 15 - 20 problems identified. This fact partly explains the low number of information requests related to FOI.

Outcome 3.2 -- Improved Capacity of Targets to Implement FOI

The project defines and measures results by asking Information Officers of pilots if they believe their capacity is increased, with 100% saying yes. TCC completed and distributed a procedures

⁷ Other donors, including the Open Society and MCC, also target records management training. The evaluation met two staff who had 50 days of such training (two days provide by TCC).

manual to Information Officers and a Guide to Public Servants in 2013. Eight persons interviewed from pilots were all committed, but their capacity and effectiveness is not assessed. The Information Officer in Bong has monthly meetings with the rest of the "pilot" team led by the Ministry of Information in Monrovia, but according to one source he was not as closely aligned to Bong administration sources.

Outcome 3.3 -- Improved Capacity GOL & CSOs to Jointly Identify Challenges/ Solutions

There is compelling evidence that collaboration is active between pilot government agencies, local media and FOI civil society organizations. For example:

- A media CSO drafted the law and advocated for its passage;
- Terms of reference for the Information Commissioner were jointly developed;
- A new CSO specializing in freedom of information (receiving funds from Open Society) has been collaborating with the Ministry of Information in workshops and stakeholder meetings, joint planning, joined a government study tour to India, is beginning to implement a monitoring team to track FOI requests, and a hotline was opened in May 2013. TCC continues to coordinate meetings between government and CSOs, and
- TCC has used small grants in communities to engage and establish new FOI-related CSOs.

4. OTHER SIGNIFICANT FINDINGS

4.1 Project Design and Implementation

The project's design significantly changed between 2010 and 2011. The original project focused on improving chiefs' conflict resolution skills. Paralegal activities, already ongoing through other funding sources since 2006, were added in 2011, along with the access to information. The overall project Results Framework was revised. Judging from power point presentations in 2013, the framework continues to change. In a difficult, post-conflict environment, change driven by "windows of opportunity" is a reasonable. These changes, however, are not explained in the reports after 2011. In early stages of the evaluation team's document review, the team was thus unable to account for the project's mutation over time.

A project results framework is meant to unbundle complex development challenges, to define the results logic and how results will be known. This project has a framework (version 2011-2012) that is not easily understood.⁸ For example, the "Outcome" 1.1.3, "CJAs assist with legal disputes" is not a typical use of the word 'outcome' in results frameworks. "Outcome" normally refers to a higher-level result, whereas in this example -- CJAs providing services -- it is an activity or output. Outcome 1.1.1 -- CJA Capacity Network Developed -- is also an output that should be subsumed under 1.1.3 since CJAs first need the capacity in order to assist. Outcome 1.1.2: -- Citizens are aware of CJA services and have knowledge of their rights -- is higher up in the results chain, a sub-result stemming from CJA legal education services. The logic should thus be in the following order of progression: 1) CJA capacity built; 2) CJAs deliver services, and 3) citizens benefit because they know their rights.

The indicators appear to be the result of considerable reflection on how to measure the defined "outcomes" and "intermediate results." Performance indicators are more difficult in the democracy and governance sector because of qualitative changes in attitudes and behavior sought. USAID has chosen to adopt numbers to simplify and standardize. Standard indicators for civic education include: number of persons reached, and capacity building includes number of persons trained. They measure activities and outputs, an approach having weaknesses. However, indicators designed for a specific project may not be any more revealing. The indicator for Objective 1 -- references to access to justice in UNMIL reports -- is of dubious use, but at the very least requires explanation to be meaningful. Another problem indicator is: "*Number of processes toward official GOL formalization of Community Justice Advisor Role*" (1.1.4). Some of the processes counted toward Indicator 1.1.4 have no direct bearing on progress toward establishing paralegals -- such as *Process #5* reported in the 2012 Annual Data Report --

⁸ There are still other results framework versions: the 2013 TCC power point presentation to the present consultants has different indicators for ATI and "outputs." The evaluation adopts the language and framework as presented in the evaluation scope of work.

which mentions unrelated meetings with the Bar to implement the Bar's pro bono legal assistance program.

The above comments on project design and indicators reflect mainly problems in project reporting. In terms of implementation, this project is in fact accomplishing more than what project reports actually convey.

4.2 Policy and Other Programming Activities Not Planned or Reported

The evaluation found examples of programming activities outside the results framework (some very successful); in certain cases the activities are mentioned at the end of a quarterly report (along with staff changes, etc.) under the headings "Further Update on Access to Justice Activities" or "General Update;" in other cases activities are not mentioned anywhere in project reports. This may be due to activities judged relevant by TCC, but which do not happen to fit within the results framework; or may be due to their political sensitivity, and to related risks to the reputation of TCC as an impartial broker. For example, TCC has engaged a large number of stakeholders in policy dialogue meetings and events by which TCC seeks to quietly advance access to justice policy reforms related to harmonization of formal and customary sectors; and TCC has used tactics to stop or advocate against Female Genital Mutilation (FGM). Further information on the latter is found in Gender section following. Some of the activities are making important contributions at the policy level, but are under-represented in the results framework. For example: "Outcome 1.2.3 – Role clarification of customary justice providers" includes activities contributing to the customary justice policy environment, although not apparent in the name.

4.3 Gender and Youth

Unlike many development projects in which women serve as mere tokens to satisfy donor requirements for gender equity, under the TCC project women emerge as major beneficiaries on a number of levels. They benefit extensively from ATJ's mediation work as 40% of all cases concern domestic abuse, child abandonment, and other problems affecting women. That roughly 70% of these cases had successful, lasting outcomes indicates a major improvement to the beneficiaries: women and family life in general. Women are more directly empowered by ATJ's promotion of women's participation on customary dispute councils and in the training women chiefs and leaders have received in dispute resolution. Legal education that aims to empower women through knowledge of inheritance and rape laws also strengthens the social position of women. Finally, JPC employs a high percentage of female CJAs. The skills/ training they have received serve to empower them as women in Liberian society over the long term.

FGM. TCC and its affiliate JPC are sensitive to issues affecting or causing harm to women, such as FGM. The project awareness and prevention activities, however, are not reported, due to the political sensitivity of the topic ("political suicide to fight FGM" as one interviewee said). In

one small community, project personnel were successful in lobbying for suspension of FGM for a four year trial period, following the unexpected death of the senior village chief. As another example, the team interviewed a female CJA having over five years' experience in Bong and Nimba counties. When asked how she dealt with FGM, she replied in a firm voice, "I am from here, I know the people and their culture and the ways to influence and change their behavior." She did not elaborate. Women emerge as major beneficiaries of the legal education and mediation services in terms of empowerment through knowledge of such laws as marriage and inheritance and in resolution of disputes concerning domestic violence and child abandonment. The majority of women are young, therefore CJA activities benefit both gender and youth themes. Male youth also benefit: many of the clients of CJA services are young males (see data below).

Statistical Data. In the methodology section, the difficulty of gathering statistical data from disputants was highlighted as the team had to travel considerable distance to interview each disputant. Nonetheless, TCC project data provides some meaningful statistics. Specifically, between 2008 and 2011, of the 1,741 most common cases brought by men and women, 406 concerned child abandonment and 169 domestic violence both types brought by women. Women aged 20-39 represent 30% of all cases opened by CJAs and women in general 50% of all cases brought to CJAs. As for youth between 2010 and 2012, of the 5,314 cases brought to CJAs, 1,818 were under 30 years of age and 1,121 of those were women. ATJ does serve minorities such as ethnic minorities, migrants, and refugees; however, there is no statistical data on these groups.

4.4 Sustainability

Despite the lip service paid in recent years to sustainability, few development projects have shown to be so. This applies more to Africa where poverty is endemic and donor dependency runs high. In Liberia in particular, a number of contextual factors militate against sustainability of justice sector interventions: 1) lack of a clear legal framework for customary justice that would provide the basis for planning and institution building; 2) that TCC has not received long term funding for its initiative which does not permit long term planning for sustainability; 3) state involvement in corruption that diverts investment money from public coffers, and 4) weak political will and capacity for reform. Within this overall context some *components* of the project are nonetheless sustainable, particularly under a future project where long term planning can take place; others are less so.

Mediation training and legal education. Chiefs, women, and youth receive lasting value in terms of human empowerment. USAID should advocate for a training office within the MIA to eventually replace CJAs in conducting training for the customary sector as new laws or government initiatives roll out (MIA has expressed an interest in this). MIA trainees would “shadow” CJAs so as to learn their skills and be able to conduct future training on their own as

a future project winds down. Many CJAs could be employed into the ranks of the MIA. *Mediation and education would then become a sustainable, repeatable asset of customary justice.*

Paralegals as mediators. In this regard, as raised above, the team questions a proposed long term adoption of paralegals as mediators *and* legal educators. Given its small budget, the MOJ has indicated it wants NGOs to provide these paralegals which is decidedly unsustainable. It also duplicates the customary justice apparatus being strengthened. A more sustainable long term approach would be to transfer the mediation function to customary authorities as they improve their mediation skills. This would streamline justice into customary and formal and eliminate the need for mediators. Similarly, the legal education training function should eventually be incorporated into one of the ministries such as the MIA. Whether these legal educators function as paralegals or in their current capacity is likely moot but an issue that ultimately stakeholders need to decide.

Domestic problems. A high percentage of the conflicts CJAs handle involve domestic issues such as violence, abuse, and child abandonment. While effective in the short term, mediation does not address the underlying economic, social, and cultural causes of this violence. It is not within the scope of the ATJ project to address family issues, but without a better understanding of their etiology, they will likely continue, if not worsen. Steps should also be taken in a future project to instill greater self-reliance on the part of individuals and communities to deal with their domestic problems. CJAs might help organize women's Community Liaisons who could serve as the community repository of legal information and hold monthly meetings for women to discuss problems and seek solutions before they reach the point of conflict. The formation of Youth Clubs could similarly deal with problems and issues unique to that demographic group. Chiefs could receive special training in understanding and handling domestic problems in their community.

Land Disputes. Permanent resolution of land disputes has had an important long term impact in reducing conflict. In 2012, property and land disputes ranked 4th and 5th in frequency of the ten types of conflict the CJAs handle with a low level of recurrence. While the Yale study found that civic education actually *increased* the number of land conflicts, frequency can be expected to diminish over time as disputes over land and land policy become clearer. Indeed, CDRMs indicated just such a decrease. This is a statistic that should be closely monitored in a future project given its potential for igniting communal violence.

Local Institutions. Whenever possible, TCC has worked *with and through existing institutions*, and this should be a guiding principle of sustainability. Chief among these institutions are the MOJ, the NTC, MIA, and the Land Commission. Finally, future USAID solicitations for customary justice should call for sustainability strategies as part of the technical evaluation criteria.

5. LESSONS LEARNED AND RECOMMENDATIONS

5.1 Impact of the TCC Program on USAID D/G Objectives

The TCC project is highly relevant to "More Effective, Accountable, and Inclusive Governance," and to all four themes recommended by the USAID Democracy and Governance Assessment, namely:

- 1) continuing support for institutions promoting government accountability;
- 2) continuing support for rule of law through both formal and informal justice mechanisms;
- 3) strengthening civil society and the media, and
- 4) support for initiatives to improve information access.

Specifically, the ATI project strategically supports more accountable institutions, namely the Information Commission office and the offices it is charged with overseeing. ATJ helps to improve informal justice mechanisms, including ADR/mediation, and promotes the harmonization of the dual justice system. By reducing conflict and empowering citizens through legal education, ATJ has a profound impact in strengthening civil society.

ATI supports information access as it strengthens the power of the media. Through support to information access, ATI helps strengthen the capacity in project pilot ministry institutions to respond to requests for information; and GOL ministries such as the Ministry of Public Works and Ministry of Education are adopting pro-active information disclosure, through radio shows and posters on contract sites.

Significant Rule of Law Impact. The most significant potential impact of the TCC project relate to justice-related policy and law reforms. TCC played a significant role in passage and adoption of the FOI Act, and as referenced above has been the key external actor in implementation of the law. TCC has played a role in advancing policy relationships between the formal and customary justice sectors. For example, through its trusted mediation role, TCC aided the Ministries of Justice and Internal Affairs agree on consistent policy for prohibiting use of *sassywood* by customary leaders. It was instrumental in organizing the 2010 National Conference on Access to Justice and participates in the "Access to Justice Working Group" established by the conference, which it continues to follow up with various policy-related activities in the customary sector. Its activities in customary justice in Liberia cannot be overstated, since a majority of all Liberians prefer customary justice in resolving local disputes.

Country Development Cooperation Strategy. The TCC project is complimentary to and consistent with USAID's new Country Development Cooperation Strategy. The Access to Information (ATI) component is complementary to IRI.1.2, "Increased public and civil society

capacity to reduce corruption" because it has helped provide the primary legal instrument to detect corruption. Access to Justice (ATJ) is supportive of IR 1.2, "Improved policies, models and providers increase access to justice," in particular the indicator, "Number of disputes resolved through ADR."

5.2 Successes and Weaknesses of Project Design and Implementation

Although successful in practice, this project is confusing on paper. It has been re-designed more than once since 2010. First, it targeted conflict resolution and traditional leaders (the chiefs training project). In 2011 paralegal activities were added as a second component (later named Community Justice Advisors or CJAs). The paralegal activities (delivered by the Catholic Justice and Peace Committee (JPC)) were not new; they had been active since 2006, but funded by other sources. At the same time, the original chiefs training project was extended to include Community Dispute Resolution Monitors (CDRM). Also in 2011, Access to Information (ATI) was added as a third and distinct component, in effect a different project, having different partners, strategies and targets. The project name was changed to Access to Justice (ATJ) and Access to Information (ATI), and its budget was increased from \$600,000 to \$6.75 million. After 2011, ATJ therefore had two sub-components: CJAs and CDRMs; and ATI had one component, representing 10% of the overall budget. Some of the patchwork nature of these projects is a function of incremental funding lacking clear, long term commitment.

The results framework is not easily understood, because of incorrect use of terms and faulty logic. Terms such as "outcome" and "intermediate result" are both used to describe outputs and activities. The logic of the framework has outcomes appearing before the inputs (i.e., causal relationship reversed). In one component, for example, the recommended logic should have been: 1) CJA capacity is built, 2) CJAs deliver services, and 3) citizens benefit from services.

Project implementation tells a different story. The most significant result found was correctly named "outcome," namely, "*Outcome 1.2.3 – Role clarification of customary justice providers*" As presented in Chapter 3, Findings, this result refers less to roles and more to policy -- the initiatives of TCC that have contributed to the customary justice policy environment. Other results in advocating for policy or behavior change are not fully reported or not reported at all (such as a successful effort to suspend FGM reported in Section 4.3). Ergo, *a clear Results Framework with meaningful indicators is recommended and reporting that follows the logic and is comprehensive.*

5.3 Degree to Which Expectations of Beneficiaries and Partners Met

Nearly all persons interviewed spoke highly of the TCC and its principal field partner, the JCP. TCC's understanding of, and ability to operate in, the complex socio-cultural environment of Liberia is important to achieving results. TCC accents dialogue, and avoids controversial positions in policy dialogue. It shares and distributes tactical information to carefully-selected stakeholders, and coordinates closely with its government counterparts. TCC is always ready to assist with practical operational tasks (organizing events, preparing reports, and materials, compiling and organizing information) to facilitate entry points into institutions. It employs highly qualified, experienced, well-trained, and trusted personnel. It understands social issues affecting communities, such as the current issue involving foreign investment and timber extraction concessions.

Many of TCC insights are due to JPC and TCC field office staff, the majority of whom were born in the communities where they work. These "culture interpreters" provide the essential insights needed to work effectively in traditional society, captured and updated by a series of quarterly training meetings among staff.

5.4 Recommendations for Future Engagement

ATJ Recommendations

1. ATJ requires a multi-year, multi-million dollar commitment to expand services nationwide and properly plan for sustainable capacity development.
2. Develop a clear strategy that sets guidelines and parameters for how ATJ works with police, magistrates, and formal courts.
3. Close the West Point office and work only in rural areas or peri-urban areas where the customary sector needs strengthening.
4. Create a policy unit within a new ATJ project dedicated to advancing the policy and legal framework for the customary sector and harmonization of the formal and informal sectors.
5. USAID should adopt a more pro-active approach to advancing policy and legal reform on customary justice and harmonization of the formal and informal sectors.
6. Provide capacity building support to the National Traditional Council to enable it to fulfill its constitutional mandate, build ties with chiefs, and advocate with the government.
7. In the long term, consider streamlining the customary sector by turning over CJA mediation to customary chiefs as their skills improve and allow CJAs to focus on community legal education and mentoring of chiefs. (Land disputes will be handled by empowering customary landlords per Land Commission policy.)

8. Develop strategies for better integration of youth in communities where youth pose serious problems.
9. Consider research (if not extant) on the socio-economic and cultural causes of violence against women in Liberia in order to find a long term solution to an ongoing problem.
10. Undertake a gender sensitization program for communities and chiefs to address violence and abuse of women.

Policy Harmonization Formal and Informal Justice Sectors

Policies and laws that aim at promoting harmonization of the two sectors (complete harmonization is unrealistic) is an important objective of an ATJ project and should not be ignored. Improving the relationship between the two sectors has two major benefits: 1) it will bring the customary more in line with the formal sector, and 2) it will promote better functioning of *both* sectors. For example, laws or policies now being considered that allow customary chiefs to adjudicate certain minor criminal cases offer an opportunity to make justice more affordable and efficient for the poor, alleviate the burden on a weak formal system, and limit the opportunity for corruption so prevalent in the formal. Another compelling example concerns the need for a clear appeals process both within the customary and between the customary and formal sectors. USAID can provide technical assistance to the MOJ to help it think through such issues and draft sound policies or legislation. Simply because full or perfect harmonization of the two sectors is not possible does not mean that it is outside USAID's manageable interest. Harmonization is a process and progress toward the objective improves the justice sector overall. Because it is a long term process, establishing a timeline for its achievement is not practicable.

ATI Recommendations

1. FOI should in the longer term be re-directed to its original intent: a tool to assist in fighting corruption. The present "pilot" project is preparing the ground by strengthening public institutions to be able to respond to information requests.
2. USAID should engage in policy dialogue with government and donors on public support to the Information Commission.

The recommendation for USAID to engage in policy dialogue is also found in the ATJ section (recommendation #5). However, justice sector policy reforms are stalled, whereas in information, a significant number of policy initiatives have been taken: FOI Act and Anti-Corruption Act adopted, open budget initiatives, extractive industries initiatives, "letter of Intent" signed for the Open Government Partnership. At least in the case of FOI, the greater risk is at the level of stalled implementation. During the writing of this report, the GOL was taking steps to fund the Information Commission, three years after adoption of the law.

6. ANNEXES

Annex A: Persons Interviewed

Atlanta and Washington DC

1. Larry Frankel, Director, Carter Center Atlanta
2. Tom Crick, Conflict Resolution Program, Carter Center Atlanta
3. Laura Neuman, Global Access to Information, Carter Center Atlanta
4. Jack Dougherty, Rule of Law Advisor/USAID
5. Achieng Akuma, Rule of Law USAID Washington
6. Mary Miller, Open Society Institute, Washington
7. Doug Padgett, Bureau of Democracy, Rights and Labor, Department of State, Washington

Monrovia

8. Patricia Rader, Mission Director, USAID/Liberia
9. Daniel Terrell, Senior Rule of Law Advisor, USAID/Liberia
10. Finley Karngar, Rule of Law Advisor, D/G Office, USAID/Liberia
11. Boye Sumo, Program Office, USAID/Liberia
12. Tizeta Woodago, D/G Officer, USAID/Liberia
13. Keith Wright, COP, Carter Center, Monrovia
14. Tom Crick, Conflict Resolution Program, Carter Center Atlanta
15. Pewee Flomuku, Deputy Chief of Party, Carter Center Monrovia
16. Johnny K.M. Ndebe, National Dispute Resolution Monitor, Carter Center
17. T. Negbalee Warner, Project Lead, Access to Information
18. Poliyon Alphonsus Zeon, Coordinator, Access to Information
19. Roosevelt Gould, National Director, Justice and peace Commission, Monrovia
20. Bill Burke, COP, IREX Civil society and Media Project
21. Laurie A Cooper, COP, Land Conflict Resolution Project Tetra Tech ARD Monrovia
22. Theophilus C. Gould, Director, Liberia Bar Association, Monrovia
23. National Traditional Council, Monrovia: Chief Ansumanah Garsuah, Speaker of the NTC; Mrs. Musu Coleman, Coordinator, Carter Center Project; Chief Boakai Kiazulu
24. Mark Freeman, Commissioner, Independent Information Commission
25. Stephen M. Yekeson, Deputy Minister for Administration, Communications and Documentation, Ministry of Public Works;
26. Robert Gbarbia, Carter Center Monrovia
27. Paul Kanneh, Communications Officer, Ministry of Public Works

28. West Point JCP/Carter field office personnel and clients -- 12 persons present including: Pilot Johnson, Regional JCP Coordinator; Dargbeh Toby, Supervisor of 4 CJA Monitors; Carolyn, Senior West Point CJA.
29. Norris Tweh, Deputy Minister, Ministry of Information, Culture and Tourism
30. Victor Kaydor, Coordinator, Freedom of Information Coalition
31. Andrew G. Tehmeh, Deputy Minister for Administration, Ministry of Gender
32. Mrs. Bloy Sayeh, Director General of CNDRA; George Williams, Information officer, Amos Garpou, Technical Coordinator
33. Maxime Bleetahn, Director of Communications and Information Officer, Ministry of Education
34. Amos B. Tweh, Deputy Minister for Urban Affairs, Ministry of Internal Affairs;
35. Dweh E. Gray, Vice Chairperson, International and Codification Division, Law Reform Commission
36. Gregory Kitt, Project Manager, Information, Counselling and Legal Assistance, Norwegian Refugee Council
37. Malcolm Joseph, Executive Director, Center for Media Studies and Peace Building (CEMESP)
38. Ms. Boma Bromiflow Jack, Chief Legal Officer, Legal and Judicial Support, UNMIL
39. Cecil T.O. Brandy, Chairman, Land Commission
40. Lamii Kpargoi, Officer in Charge, Liberia Media Center
41. Abraham Mitchell, Consultant, Ministry of Justice
42. Lemuel Reeves, Department of Immigration
43. T. Negbalee Warner, FOI Coordinator, Carter Center Monrovia

Grand Bassa

44. Raymond Chie, Lead CJA, Grand Bassa
45. Hawa Biddle, CJA, Grand Bassa
46. Stephen D. Ward, CJA, Grand Bassa
47. Hennessy Kwehnah, CJA, Grand Bassa
48. Soloman S. Pratt, CJA, Grand Bassa
49. George D. Borbor, CJA, Grand Bassa
50. Mathew Cooke, CJA, Grand Bassa
51. Joseph Reeves, Ward Administrator, Waca Town, Grand Bassa
52. Richard Browne, Magistrate, Buchanan, Grand Bassa
53. Disputant "Martha" Buchanan, Grand Bassa Buchanan, Grand Bassa

Gbonga, Bong County

54. Johnny Ndebe, National Dispute Resolution Monitor, Carter Center Regional Office
55. Lorweimon Dokie, Community Dispute Resolution Monitor
56. J. Adolphus Woods, Project Officer (CJA activities)
57. Emmanuel Kwenah, Project Officer, (CJA activities)

58. Jesse B. Cole, Regional Coordinator, Justice and Peace Commission, CJA
59. George Philip Mulbah, Bong Lead Monitor
60. John T. Walker, Field Monitor (CJA)
61. Andrew Dolo, CJA
62. Advertus Wleh Nagbe, Field Monitor
63. Famatta Moore Asare, Secretary
64. Linda P. Tokpah, Field Monitor
65. Arron Juakollie, Foundation for International Dignity (FINE)

Annex B: Documents Consulted

Academic Assessment Studies in Justice Sector

1. *Liberia: Resurrecting the Justice System*. International Crisis Group: Africa Report N°107 – 6 April 2006
2. *Looking for Justice: Liberian experiences with and perceptions of local justice options*. Deborah H. Isser, Stephen C. Lubkemann, Saah N'Tow, United States Institute of Peace, Peaceworks No 63, 2009
3. *Delivering justice to the poor: Evidence from a field experiment in Liberia*. Justin Sandefur and Bilal Siddiqi, Oxford University, December 12, 2012
4. *Talking Peace: A Population-Based Survey on Attitudes About Security, Dispute Resolution and Post-Conflict Reconstruction in Liberia*. Human Rights Center, University of California, School of Law, June, 2011.

Project Reports

5. USAID Project Agreements: 2010, 2011, 2012
6. *Annual Data Report*: January 1, 2011 – December 31, 2011
7. *Annual Data Report*: January 1, 2012 – December 31, 2012
8. *Quarterly Performance Reports: (4)* January 1, 2010 – December 31, 2010
9. *Quarterly Project Reports: (8)* March 2011 to December 2012
10. Appendix 3 -National Dispute Resolution Training Report, Jeffrey Mapendere, May 2010
11. Voinjama NTC Agreement, May 8, 2010
12. Annex 2: Report on County Level Dispute Resolution Training (2010, 17 pages)
13. Appendix 2: Press Coverage, June 2010,

Other Project Related Documents

14. *Formal and informal justice in Liberia*, Pewee Flomoku and Counsellor Lemuel Reeves. Accord Issue #23
15. National Conference on Enhancing Access to Justice: A Review of the Traditional & Formal Justice Systems in Liberia” Gbarnga, April 15-17, 2010
16. National traditional Council Act, August 22, 2012
17. MOU Ministry of Justice and Carter Center, March 28, 2012
18. MOU Liberian National Bar Association and Carter Center, October 2012
19. Hinterland Regulations, January 7, 2000
20. ATJ Public Education and Outreach files: radio, newsletters, articles
21. Evaluation Documents: Table of Contents Combined ATJ and ATI, Prepared for evaluation team, April 2013
22. Powerpoint Presentations in Atlanta to evaluation team April 22, 2013
23. Baseline Assessment Report of Pilot Ministry/Agency Implementation of the Liberian Freedom of Information Act. Prepared by Peter Chea Mah for The Carter Center
24. MOU with Ministry of Information, Culture and Tourism, January 20, 2011
25. Freedom of Information: Liberia Internal Guidelines and Procedures for Civil Servants, February 2013

26. ATI: Drafted by The Carter Center. RECEIVING AND RESPONDING TO REQUEST
27. ATI: A Public Servant Guide to the 2010 Liberia Freedom of Information Act
28. ATI: A Citizen's Guide to the 2010 Liberia Freedom of Information Act
29. *Local Government Act Draft*, April 9, 2013
30. Pilot Agencies Records Assessments and Introductory Training Report. Michael Hoyle, March 11, 2012
31. *Access to Information Research and Monitoring in Liberia*. August 2010. Center for Media Studies and Peace Building
32. Freedom of Information in Post-Conflict Electoral Environment - Liberia. 2011 Center for Media Studies and Peace Building

USAID Reports

33. *An Assessment of Decentralization and Local Governance in Liberia*. USAID Report Social Impact September 2012
34. *Liberia Democracy, Human Rights and Governance Assessment*. USAID Report Social Impact September 2012
35. *USAID Country Development Cooperation Strategy Annex C: CDCS Performance Indicators by Development Objective*
36. USAID Youth In Development Policy, October 2012

Other Reports

37. *Afrobarometer Round Four Survey in Liberia, 2008*

Annex C: What are the Precise Study Objectives?

The two study objectives are defined in the Statement of Work (see below). However, there are three Program Descriptions (PD) associated with the Agreement being evaluated, each with different objective-related terminology (components, objectives, intermediate results, outcomes). The first Program Description (2010) defines the USAID/Washington (DCHA) "original" project of approximately \$600,000 entitled, "Strengthening Indigenous Conflict Management Capacity in Liberia" (essentially a project to train chiefs in conflict resolution and ADR):

- The National Traditional Council and County level traditional authorities understand and implement best practices in conflict resolution;
- The National Traditional Council and County level traditional authorities are empowered and legitimized to intervene and resolve local disputes;
- Rural Liberians are better able to access and participate in traditional mechanisms to resolve disputes, particularly women and youth.

The second and third PD, signed with USAID/Liberia (2011-2013) having obligations totalling \$6.75 million have the same title as the present study, "Strengthening Citizen Participation in Government: Access to Justice and Information;" *de facto* they are two projects having very different context, and a very different history. The latest PD, ("Modification No. 5") defines two 'components' and five objectives:

- Component 1: Increased citizen's participation in local justice processes
 - Objective 1: Provide effective free legal information and dispute resolution services
 - Objective 2: Strengthen capacity of traditional leaders to advance good governance
 - Objective 3: Explore approaches to link the informal and formal justice sectors
- Component 2: A more informed and active citizenry through GOL provision of access to information
 - Objective 1: An Information Commission capable of carrying out its mandate
 - Objective 2: An increased capacity of GOL to supply information

The goal of the 2011-13 project is to strengthen peace in Liberia through enhanced citizen ownership of government; while the two objectives separately address customary, rural justice and supply of public sector information.

PMP and Results

The full structure or results framework used in the project Performance Measurement Plan (PMP) is:

- Objective 1: A Strengthened Justice System at Local and National Levels.
 - Intermediate Result 1: Effective Legal Advice Services for Marginalized Citizens in USAID Priority Counties
 - Outcome 1: A network of CLAs is available to assist marginalized citizens with legal issues and improve the quality of justice in USAID priority counties
 - Intermediate Result 2: Strengthened Community Dispute Resolution Capacity Consistent with the Law
 - Outcome 2: Traditional leaders understand how to resolve local disputes in a manner consistent with Liberian law
- Objective 2: An Informed and Active Liberian Citizenry.
 - Intermediate Result 3: Liberia's Access to Information Regime Effectively Provides Meaningful Information to Citizens

The Statement of Work has these two objectives (no reference to 'intermediate results' or 'outcomes'):

- Objective 1: Improved Quality and Accessibility of Local Justice Processes Consistent with the Law
- Objective 2: Government of Liberia more capable of advancing meaningful participation through provision of access to information.

The study will use the above structure of two objectives, combined with 'intermediate results' from the last PD, and if relevant the 'outcomes' -- to discuss evaluation findings.

Trial by Ordeal

Law on rape

Law on domestic violence

Inheritance law

Land ownership law

Court system: structure/
actors/process

Community Justice Advisors Focus Group Topics

- 1) Implementation and logistical issues CJAs face in administering the three activities of advice, mediation, and outreach
- 2) Frequency and type of advice provided to citizens
- 3) Assess method and content of outreach activities
- 4) Assess extent to which youth and women are being targeted
- 5) Assess quality of mediation training
- 6) Assess extent to which they promote the harmonization of the formal and informal sectors
- 7) Willingness of disputants to go to formal court if advised
- 8) Workloads of CJAs
- 9) Time to resolution of case
- 10) Have FOI requests been received?
- 11) Outstanding needs of CJAs
- 12) Sustainability of activities

Focus Group Topics for Discussion with Chiefs/Elders

- Their knowledge of the law, especially new laws pertaining to rape, land tenure, inheritance
- Their assessment of the effectiveness of mediation training
- Unaddressed mediation needs
- Degree to which they continue to handle criminal cases
- Their attitude toward shift to use of statutory law in customary proceedings
- Extent to which they know and apply formal law in decisions
- Extent to which they refer criminal cases to formal system
- Attitudes toward use of *sassywood*
- Their view of TCC-sponsored mediation

Questions for Ministries and CSOs Re FOI Implementation

1. What is the status of FOI Implementation? What steps has your Ministry taken?
2. What the constraints to implementation?
3. What awareness raising activities have you conducted?
4. How do you assess degree of citizen interest in information?
5. # of requests/ replies/ types/sources of requests?
6. Can you give an example of positive impact of FOI implementation?
7. Have there been reports on FOI requests?
8. Roles of Information Commission?
9. What activities with Carter?
10. What GOL/CSO joint activities have been undertaken?
11. What other donors have expressed interest in supporting FOI?

Annex E: PROFILES

E.1 Long-Term Carter Center History in Liberia

The 2010 access to justice project is a recent contributor to long-term Carter Center commitment to human rights, justice and democracy in Liberia. Its decades of field presence has given TCC the insights and tactics to address sensitive and complex cultural, social and public policy issues around rural and customary justice. In 1979, President Carter was the first US Head of State to visit Liberia, a fact not forgotten by the people of Liberia. TCC has had continuous field presence since 1996, and some of its personnel have worked more than a decade building relationships. It continues to be one of the few agencies to have targeted rural, customary justice outside the formal system, benefitting women and other excluded Liberians. It has periodically received funds from various donors -- Irish Aid, Open Society, EU, Unicef, State/DRL, and contributed its own funds. In 2006, the Ministry of Justice requested assistance from TCC in Rule of Law, while at the same time it first began piloting -- with the Catholic Justice and Peace Commission (JPC) as lead -- legal-aid services for rural communities, one aspect of the current project that was paramount in the Oxford University social science study described earlier. The 2006 ICG report, referenced in Section 2.4, was the baseline for developing this component. The formal justice sector in Liberia was not comfortable with non-lawyer paralegal services, so labels were changed first to 'Community Legal Advisor,' then 'Community Justice Advisor' in 2011 after the current project was underway.

E.2 Profile of Current Project

The TCC project being evaluated is different from its original 2010 design, having evolved considerably in terms of objectives, components, activities, and indicators. In 2010 the USAID/Washington DCHA Bureau funded a proposal by the TCC under its Annual Program Statement (APS) for Conflict Mitigation and Management. TCC was awarded \$589,000 to support activities in the informal justice sector, namely: 1) training the National Traditional Council and county-level chiefs/elders, women and youth in dispute resolution; 2) identifying and training youth and women leaders in conflict management, 3) placing four Community Dispute Mentors (CDRM) to technically and logistically assist local chiefs in Maryland, Lofa, Nimba, Margibi, and Bong counties, and 4) placing a Legal Liaison and a National Dispute Resolution Monitor (NDRM) in the NTC to assist dispute resolution at the national level.

In 2011, under a sole source cooperative agreement with USAID/Liberia, TCC received an increase to \$4 million in funding to continue the original activities and to: 1) provide and train four Community Legal Advisors (CLA-now called Community Justice Advisors (CJA)) to provide civic education on rights and other issues, legal advice, and alternative dispute resolution; 3) train magistrates, and 4) support activities leading to passage of an FOI bill. In 2012, funding was increased to \$6.7 million to continue all 2011 activities and expand the

project into the urban area of Montserrado County around Monrovia. TCC receives 9% of its funding for both components through an IREX sub-grant awarded by USAID in 2010.

There were thus two main components in the project: Access to Justice and Access to Information both of which make up the current project. Access to Justice and Access to Information are for the most part separate projects with separate objectives linked to each other somewhat artificially by an objective termed, “Enhanced Citizen Ownership of Government.”

The evolution of the TCC project posed a number of challenges for project evaluation. First, there was no long term objective established at the outset nor baseline data against which to measure progress. Second, relatively recent initiatives such as FOI capacity building in the ministries, have not been ongoing for a sufficient period of time to assess impact.

According to the USAID/Liberia Mission Director, until now the Mission has been operating in a reconstruction/post-conflict mode and has not had a cohesive or comprehensive development strategy. This accounts in large part for the evolution of the TCC projects on a year by year basis.

E3. Snapshot of Customary Justice System in Liberia

Significantly, strengthening customary justice forms part of the national development strategy which aims to integrate traditional governance into the formal justice system with clearly delimited responsibilities. The customary justice system in Liberia is a mix of pre-colonial forms of social organization and influences of the state. The customary system is found in most all rural areas of Liberia and even in some urban areas, especially among recent migrants. At its lowest level, the system begins with the head of a household or family and ascends through a hierarchy of elders and chiefs – from a community elder to quarter or town chief (depending on the size of the town), then clan chief, culminating in the paramount chief. Beyond the paramount chief, the informal system’s chain of judicial referral goes first to the district commissioner and then to the county superintendent. Thus, there is an intermingling of the customary justice system and that of local government. Any party to a conflict dissatisfied with the decision may appeal to the next higher level. As there is no law outlining the appeals process, there is some opportunistic jumping to the formal sector when an advantage is perceived in doing so. Positions from the paramount chief down to the town chief fall under the Ministry of Internal Affairs and are paid positions. There are roughly 700 clan and paramount chiefs in Liberia and literally thousands of town chiefs.

Under the Constitution, chiefs are selected by General Election but since the last election was in 1986, they have also been appointed ad hoc by the President or informal local election. Chiefs in secret societies such as the Poro and Sande (i.e., Zoes and Bodios) while recognized

by the state, do not perform administrative or judicial functions and thus are not paid a salary by MIA.

Position	Mode of Appointment
Paramount Chief	General Election
Clan Chief	General Election
General Town Chief	General Election
Town Chief/Quarter Chief	General Election
Community Elders	Election or Inheritance (based on age/experience)
Community Women leaders	Consensus of women
Community Youth leaders	Consensus of youth

E4 National Traditional Council (NTC)

The NTC represents all of the roughly 700 customary chiefs and elders in Liberia. It had been an informal body until 2006, when it was constituted as a formal body under the MIA. In 2012, it sought and achieved autonomy from the government. The 2012 constitutional act that established the NTC as an autonomous body, authorizes it inter alia:

- a) To preserve, protect and foster positive Liberian traditions, cultural heritage, and traditional institutions;
- b) To assist the Government of Liberia in achieving sustained peace, reconciliation, and reunification at all levels;
- c) To organize and convene national consultations for the purpose of dialogue on issues of local governance and contributions to budget debates;
- d) To assist in promoting Government programs and projects by interpreting policies to rural inhabitants;
- e) To provide intelligent and non-partisan advice to the Government on the internal affairs of the Republic.

The NTC thus has an important, *constitutionally-mandated role to play in fostering peace and representing government interests at the local level.*

The NTC has rather spartan headquarters in Montserrado County. Its national officers are chiefs elected for a term of four years. As of this writing, the NTC does not have a budget. Currently, its sources of funding are the TCC, which has paid its rent of \$25K each of the last two years, and monies remaining from its previous incarnation under the MIA. The NTC has, however, submitted a budget to the MIA for operating expenses for the next fiscal year that begins in July 2013. Because chiefs will be granted additional powers under the current Local Government bill, it is expected they will receive some – albeit limited – funding from the GOL. The GOL by law is required to fund autonomous bodies such as the NTC.

E5 Case Profile: Teenage Daughter in Jail

Martha is an unemployed 42 year-old mother of three in a customary marriage. She is very familiar with laws about marriage and inheritance and has even witnessed *sassywood*. She lives in

an urban shanty 'ward' close to the community well. About a year ago, her teenage daughter was pumping water at the well when the ward chief awaiting his turn became impatient and threw her pail away. In return, she threw his away. Angry by this effrontery, he began to slap her. Martha came to her daughter's rescue, but the chief pursued them into Martha's open kitchen. The chief's girlfriend also got involved in the argument. A neighbourhood six-year girl came over to watch. Boiling water somehow spilled and the girl was burned (not seriously). The grandmother of the girl took her to the clinic, then demanded Martha pay the costs, which she did. The grandmother then went to the court and Martha's daughter was put in jail for contempt of court (although she never appeared before a judge). Neighbours told Martha about the CJP services. Raymond Chai, CJA head monitor went to the judge and arranged for the release of the daughter, who had spent two days in jail. To this day she has never appeared before a judge. Meanwhile the grandmother returned to court attempting to have Martha pay a second time, but the court noticed the bills had already been paid. The chief is now a regular visitor to Martha's compound, the conflict no longer spoken of. The daughter remembers jail experience all too well but memories no longer bring fear.

E6 Freedom of Information Network in Grand Bassa

Through a small grant, Carter Center brought together 15 CBO organizations into one network to develop community awareness about FOI and to advocate. Leaders were elected, a freedom of information day was held, and students were encouraged to request information as part of their studies. The network meets quarterly. Members developed a form to standardize requests for information; and a guidelines of various types of themes to explore: in education, health, labour, city council, project management, hospital administration. Some of the questions developed under these themes have implications for corruption: requesting lists of employees in Education and health to ferret out ghost workers; and the list of city approved companies selling water.

The network has been operating for a year, but only began collecting data three months ago: 47 requests made to authorities, including 27 using the request form. So far one authority has provided a reply.

E7 Testing Access to Information

A CSO group organized by TCC in Grand Bassa is raising FOI awareness targeting the grass-roots, young citizens and school children, all getting to know the Act and their rights to information. Procedures and forms are provided. Similar civic education activities in other locations target citizens in a broad sweep. This may be wise in the early stages because it tests the procedures and opens local government to the concept of sharing, especially sharing of less-controversial, less threatening information. In Bong, however, an NGO is asking more dangerous questions about matters that could seriously embarrass the Superintendent of the

County. Political will is a different affair when individuals in government with power over information may have compromised themselves by questionable decisions or corruption, and are being asked to reveal the proof. The transition from secretive to open government is a long term process and in these cases will greatly stress political will during the transition.

E8 Summary Table Activities and Outputs 2010-2013

Activity	Purpose	# Events	# of Participants
Conference	Enhancing Access to Justice National Conference	1- 2010	116
Conference	Annual Forum on Rural Justice	1- 2012	100
NTC National Trainings	Mediation/Legal Education	2	225
NTC County Consultations	Mediation/Legal Education		9,000
NTC County Trainings	Mediation/Legal Training		400
NTC Town Hall Meetings	Legal Education		2,400
Training of Chiefs	Mediation/Legal Education	2 National/County	240
Forum for Chiefs	Mediation/Legal Education	1	167
Training of CJAs	Mediation/Legal Education	9 Introductory, technical, and management	226
CDRM Training	Mediation/Legal Education	County	8
Women's Training	Mediation/Legal Education	2 National/County	240
Youth Training	Mediation/Legal Education	2 National/County	240
General Town Hall Meetings	Legal Education	Community	3,680

Annex F: Statement of Work

Final Evaluation of The Carter Center Program in Liberia: *Strengthening Citizen Participation in Government: Access to Justice and Information*

STATEMENT OF WORK

I. EVALUATION PURPOSE

The objective of this evaluation is to conduct a full and independent final evaluation of The Carter Center (TCC) program in Liberia, Strengthening Citizen Participation in Government: Access to Justice and Information (award number 669-A-00-10-00045-00). *The evaluation will assess results achieved*, identify any implementation problems and challenges that affected program results, *and provide actionable and strategic recommendations regarding possible follow on actions to improve the justice and governance sectors of Liberia.*

This evaluation will examine a number of aspects of TCC's assistance program in order to arrive at the necessary findings, conclusions, and recommendations that will enable the mission to learn from program experiences and make informed decisions on future programming in this sector. The evaluation will assess the effectiveness of USAID-funded activities and inform USAID/Liberia of the extent to which the stated overall project goals have been achieved. It will also assist the Mission to make judgments about the impact of changes in the operational environment on the achievement of results and to guide future programming in the sector, including the inclusion or exclusion of specific activities in a possible follow-on program. USAID/Liberia anticipates concrete examples as imperative for wanting to continue working in the access to information and justice sector jointly and/or independently.

Specifically, the evaluation will:

1. Assess the success of the program in achieving its objectives
2. Identify any obstacles to implementation and evaluate how effectively the program responded to these challenges, as well as identify linkages with the draft Country Development Cooperating Strategy
3. Identify deficiencies in the design of the program
4. Provide to specific, actionable recommendations for follow on programming based on the evaluation findings

Program Background

The rule of law (ROL) and access to information is essential for maintaining peace in Liberia. It is also the basis upon which the country's long-term sustainability and peace building agenda, democratic transition efforts, and overall reforms can be sustained. Despite concerted efforts to strengthen the rule law in the past six years, the Liberian justice system continues to face a number of challenges, with governance and rule of law pillars acknowledged to be the areas of least progress. Challenges in the ROL sector still include the lack of popular confidence in the formal legal sector; a lack of community knowledge of the law; a lack of accountability and access to information; and an unclear legal framework, particularly with regard to land use and

tenure, and the relationship between customary and statutory justice systems. The implications of these challenges continue to manifest in the lack of confidence Liberians of various backgrounds have in the institutions operating within the sector.

Historically, traditional leaders and elders have been excluded from the decision-making processes of the country, which adversely impacted the ability of traditional authorities to contribute to their community development efforts. This practice by successive Liberian governments created a top-down approach in decision-making and prevented local leaders from active participation in decisions that affected their communities. The ultimate result of that practice has been resentment, frustration, tension, and mistrust between traditional authorities and the central government.

Nevertheless, traditional authorities continued to maintain social cohesion in their communities by providing leadership, to include customary justice, which is still preferred by many Liberians as the quickest and fairest form of justice. Even though the role and function of these tribal authorities are not always clear, traditional leaders' efforts have been underscored by many studies.⁹ This demonstrates the critical role of traditional leaders and elders in disputes resolution.

Additionally, the recent designation of the Ministry of Internal Affairs to lead the national decentralization initiative and the legal recognition and establishment of the National Traditional Council, which grants extended roles and responsibilities for the traditional leaders and elders, are important signals that Liberia aspires to create an elected layer of local authority that will better incorporate community participation in decision-making and governance processes. This will promote local ownership and inclusion, which in the short-run should bridge the gap between the country's past and the future.

The USAID/Liberia draft Country Development Cooperation Strategy (CDCS) 2012 takes into consideration the complex circumstances (including the relationships between the actors that operate within the rule of law sector) that have played a role in impeding reforms. To date, USAID and other local and international agencies have invested heavily in the rule of law and governance sectors in Liberia and will continue to do so for the foreseeable future, having promoted the need for accountable and transparent government institutions. Though, it will continue to be a challenge to develop strategies that are able to remain consistent with the government's intentions whilst factoring in the realities of limited capacity in almost all areas of the sector.

Liberia is now looking forward as serious efforts are underway to address justice and governance shortcomings. For example, on the security and justice side, the development of the Liberia Peacebuilding Plan and funding initiatives, such as the Justice and Security Trust Fund managed by the Justice and Security Board chaired by United Nations Mission in Liberia (UNMIL) and the Judiciary and the Minister of Justice are working to address the severe lack of justice and security infrastructure. These initiatives take into account the various needs to be addressed in

⁹ A 2009 United States Institute of Peace study shows that majority of rural Liberians prefer customary forums managed by traditional chiefs and other traditional leaders

order to strengthen the judicial and security apparatus at the central level and the preparation to take over full control of the sector due to the slow, yet ongoing drawdown of UNMIL. The Board's work through the trust fund is a significant initiative in attempting to spread justice and security services throughout Liberia, especially through the use of regional justice and security hubs. While donors have expressed concerns about the environmental impacts, construction safety standards and plans to expand the number of hubs beyond the initial pilot hub in Gbarnga, the Board's desire to move forward with this initiative demonstrates initiative in this sector. In addition, the Liberian Peacebuilding Plan also highlighted the role of public awareness of rights and responsibilities, and assistance to legal support through alternative dispute resolution (ADR). To date, the focus on community outreach and service provision for ADR within the formal justice sector has been poorly organized or nonexistent.

On the governance side, noticeable developments are the passage of the Anti-Corruption Act, Freedom of Information (FOI) Act, appointment of information officers in pilot ministries and agencies, the confirmation of the an Information Commission (IC), and the drafting of a revised Local Government Bill, which is intended as the consolidated centerpiece of the decentralization initiative. In all, Liberia continues to struggle with the historical and ongoing perception of corruption, which is mainly fed by poor public access to information. Secrecy and the lack of political will by policy makers to change attitudes augment inefficiencies and discourages public sector and legal framework development, meaningful participation and innovation, and accountability efforts. Thus, the need to support the IC remains imperative given the dialogue for the decentralization efforts. It is worth noting that, as more power is transferred to local government through decentralization efforts, so might the corruption that may accompany it. Access to information will be a critical deterrent to corrupt actions.

There is genuine momentum and a desire to get much of the core work for reform, to include necessary constitution reform, completed quickly and a general recognition that reform will require adjustments and sustained commitment over time. In Liberia's shift in thinking from an emergency response mode to a long-term state-building one, development partner responses need to be recalibrated to take into consideration the changing environment. The governance and rule of law related programs, which in the immediacy of the post-war period were designed to "kick-start" the governance and rule of law sectors' ability to deliver basic services based on the sectors most immediate needs, now have to be redeveloped for a longer time frame. The elements of Liberia's governance and legal system are so closely interrelated that to achieve sustainable change, the program, in order to tackle the various components, has to be approached in a coherent manner, in ways that foster institutional and individual capacity building, and that promote Liberian ownership and sustainability of program activities. For example, working with state and non-state actors on pro bono initiative to develop the necessary skill sets to provide effective ADR might not bring about the desired effect if the overall legal system is still dominated by corruption. Most importantly, if the public continues to perceive the legal system to be unjust and corrupt, none of the reforms will have any long-term impact on people's behaviors nor will it positively influence their ability or desire to access the system.

In response to a Democracy, Conflict and Humanitarian Assistance/Conflict Mitigation and Management Office Annual Program Statement of 2010, TCC began the implementation of a

\$768,310 project in January 2010. On January 1, 2011 USAID/Liberia took over direct management of the award and extended the program for two years. Before its conclusion on December 1, 2012, USAID/Liberia extended the program for an additional 12 months, beginning January 1, 2013 to December 2013 increasing the total estimated cost \$6,750,987 to continue core objectives with some adjustments to respond to positive changes in the implementing environment and to place greater emphasis on post-project sustainability.

Program Objectives

The aim of TCC's *Strengthening Citizen Participation in Government: Access to Justice and Information* program is to enhance citizen ownership of government and the provision of justice through the strengthening of citizen participation in community based justice processes consistent with the law and increased Government of Liberia (GOL) capacity to advance meaningful participation through the provision of access to information. The program objectives are:

Objective 1: Improved Quality and Accessibility of Local Justice Processes Consistent with the Law

Objective 2: Government of Liberia more capable of advancing meaningful participation through provision of access to information.

Since the inception of the program, TCC has undertaken the following activities as main highlights in the program:

Community Justice Advisors:

- USAID/Liberia supported 45 Community Justice Advisors (CJAs) through TCC with the Catholic Justice and Peace Commission (JPC) in the project locations to provide people with free information on rights and the law; help citizens interact with government, courts, and traditional authorities; mediate small-scale conflicts; and advocate for justice.
- In April 2012, CJAs opened its 5,000th case. Based on post-case surveys, an overwhelming number of clients expressed satisfaction with the process and outcome. 91% of clients in randomized follow up interviews stated they would take another case to the CJAs. Of cases closed in 2011, 73% were closed with successful outcomes, of which 73% were successfully mediated, 20% led to action by formal authorities, 6% led to action by communities and families and 1% led to action by customary authorities. From the period 2008-2011, CJAs assisted with a variety of matters including: economic cases, including predominantly payment claims, land and property disputes (31% of cases); and family disputes, including predominantly child abandonment or neglect (31% of cases);

- USAID/Liberia provided combined dispute resolution, rule of law, and leadership trainings to over 1000 chiefs, elders, and women in the project locations of Margibi, Bong, Nimba, and Lofa. In July 2012, 165 traditional leaders participated in a weeklong special forum on decentralization hosted by the Ministry of Internal Affairs. The outcome was a resolution supporting local governance. At the community level, USAID/Liberia supports County Dispute Resolution Monitors (CDRMs) work in Bong, Nimba, Lofa, Maryland and Margibi counties to provide additional technical and financial support to local chiefs, women, and youth to strengthen their ability to resolve local problems.

Access to Information

- USAID/Liberia provided technical support to seven targeted GOL ministries and agencies by building GOL capacity to implement and enforce FOI by increasing awareness, record management, establishment implementation plans, and learning from best international practices.
- USAID/Liberia supported the establishment of the Information Commission tasked with overseeing the government compliance with the law as well as its quasi-judicial function to resolve appeals of unsatisfied requesters; and distributed over 1000 copies of various materials to include FOI posters targeted to both government and CSOs, brochures regarding the role of CSOs in the advancement of FOI, a citizens' guide to the FOI law, and a guide for civil servants.
- USAID/Liberia provided support for the Information Commission to implement activities for the International Right to Know Day and the second anniversary celebration of the Liberia Access to Information Law, which brought face-to-face interaction between 100 government and civil society actors along with participation by international partners.

Relevant History

Nearly all of Liberia's 3.5 million people¹⁰ were affected by the prolonged civil war from 1989 to 2003. The conflict contributed to significant internal and international displacement, mass impoverishment, the collapse of law and order, and the ruin of public and social infrastructure, including damage to the already weak and inadequate water and sanitation systems, schools, health clinics, and other structures. The socio-economic damage inflicted by Liberia's civil war was enormous. Liberia's gross domestic product (GDP) fell by 90 percent between 1987 and 1995, and post-war poverty remains stubbornly high. Per capita GDP is only around US \$200. A Core Welfare Indicators Questionnaire conducted in 2007 revealed a national poverty rate of 63.8 percent and in spite of increased GDP growth; there are no data to indicate that rates of poverty have declined since that time. The high poverty rate is an important element in Liberia's ranking of 162 out of 169 countries for which data are available on the 2010 Human Development Index. Additionally, there is still a tremendous consolidation of power in the hands of the small Monrovia-based elite and the majority of Liberians perceive very few avenues for upward mobility. For all the improvement in the Corruption Perceptions Index rankings, corruption remains a serious problem and there is widespread belief that senior government

¹⁰ This figure is from the latest national census, conducted in 2008. Recent data estimates place the Liberian population at just less than 3.8 million (July 2011, CIA World Fact Book accessible at <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html>).

officials are not held accountable for corrupt actions. The basic functioning of public administration from Monrovia to the district level is critically low. Long-term national capacity-building for the civil service will remain a priority, in order to better enable the government to deliver services. The ability of the government to maintain peace and stability and to provide basic services in the long term hinges on: 1) the government's capacity to raise public revenues and manage them transparently; and 2) its ability to foster an enabling environment that encourages private sector investment and social cohesion. Social cohesion is key in this country whose people went to war with one another due largely to a legacy of exclusionary politics. Both government and civil society have a vital role to play in creating the national cohesion necessary for long-term development.

The democratically-elected government of President Ellen Johnson Sirleaf is committed to equitable growth and greater transparency and accountability in the management of resources and delivery of services. The GOL's initial roadmap for national development, the Liberia Poverty Reduction Strategy (PRS), was developed through an inclusive and participatory process, with public consultations held in every county and district. With President Sirleaf's re-election in the fall of 2011, the commitment to participatory development continues as outlined in the PRS II—Agenda for Transformation through Action, Vision 2030 and the Strategic Roadmap for Healing and Reconciliation.

After a 14-year long civil war, the first rounds of legislative elections were held in 2005 and the 52nd Legislature took seat in January 2006. Six years later, after the second post-war elections, the 53rd Legislature took their seats on January 9, 2012 with a majority of members newly elected. This is reflective of the fact that only 25 (39.06%) of the 64 members of the House were re-elected. In the Senate, only 2 of 14 incumbent senators who sought re-election retained their seats. Only two of eight female legislators were re-elected. Public sentiment indicates that the people have not been comfortable with the decisions made during the stewardship of the 52nd Legislature. The public was especially spirited during debates on particular issues and have been dissatisfied with the actions of their elected officials. In 2014, half of the Senators in the Legislature will be up for re-election and it remains to be seen how changes in Liberia will affect the outcome of the next general elections. On January 28, 2013 at her annual state of national address to legislative branch of government, President Sirleaf proposed a new set of new legislations to help bustle the reform process, to include resubmission of the long-delayed bill on a Code of Conduct for public servants, and the bill for Local Governance to deconcentrate and decentralize power from Monrovia to local authorities.

II. EVALUATION QUESTIONS

The following key evaluation questions should be used to guide the evaluation process; however, the evaluation itself does not have to be limited to only these questions. The evaluation should be structured to address the degree to which program activities have achieved the objectives, the effectiveness of the program, and to inform our understanding of reform and access to justice and information and GOL receptiveness to the intervention design, objectives, and outcomes.

Specific, actionable recommendations for a possible follow-on program, including specific strategic re-designs or modifications, as well as the feasibility of a follow-on or not should be included. In doing so, this evaluation should pay special attention to how results differ between female and male beneficiaries, and program and non-program beneficiaries, to include community member beneficiaries and staff.

Key Questions

- To what extent has TCC's program been successful in achieving its objectives and specifically:
 - Do TCC-supported free legal advice services serve as a credible and accessible alternative to existing local justice mechanisms?
 - As a result of TCC project, do customary justice providers resolve local disputes consistent with the law?
 - Has the project resulted in improved quality and accessibility of local justice processes consistent with the law?
 - To what extent are GOL target ministries and agencies fully and effectively implementing the Freedom of Information (FOI) law? What level of progress or challenge exists for the full implementation of the law?
- What factors contributed to or against these objectives?
- How effective were both TCC's program design and its implementation in responding to the specific challenges of the Liberian context and any unexpected obstacles?
- How receptive have GOL target ministries and agencies been to the intervention design, objectives, and outcomes?
- What underlying interests, incentives, and institutions in Liberia enable or frustrate citizens' real and/or perceived access to local justice processes and the quality of local justice mechanisms?
- What underlying interests, incentives, and institutions in Liberia enable or frustrate the implementation of FOI and ADR mechanism? What are the necessary opportunities and challenges for these mechanisms?
- What are key avenues for reform relating to access to justice and in implementing FOI law for which there is broad-based, significant political will? What opportunities do these avenues present for future programming?

Gender Disparities and Imbalances

Gender disparities and imbalances are common in every sphere of Liberian life, and in most cases, it is women that are disproportionately disadvantaged by these disparities and imbalances.¹¹ To reduce poverty and accelerate post-conflict development, there is no question that Liberia must more effectively engage the female half of its population. Gender-related evaluation questions to address could include, for example:

¹¹ Liberia National Gender Policy, Ministry of Gender and Development, Liberia 2009

- What are the risks of leaving gender disparities and imbalances unaddressed as missed opportunities in building participation in governance and access to justice and information?
- How effective has dispute resolution capacity of customary justice providers been in addressing gender disparities in access to justice and information?

III. DATA COLLECTION AND ANALYSIS METHODS

The Evaluation Team Leader (through consultation/collaboration with other evaluation team members) is asked to submit a detailed evaluation design and methodology. It is anticipated that the final data collection and analysis design and methodology will be developed with input from the USAID/Liberia Democracy and Governance Team, USAID/Liberia Program Office, and others, as appropriate.

It is anticipated that the evaluation will include qualitative and quantitative data collection from a purposive sample of key individuals and stakeholders, with selection criteria clearly articulated. If a quantitative population-based perception and/or knowledge/attitude/practices (KAP) survey will be conducted, a statistically representative sample would be ideal (the proposal, work plan, and report should include sample size derivation and sampling method justification); however, the evaluation should seek a balance between resources (e.g., time, personnel, and expense) and data use/value.

Specific Tasks

The evaluation will include a literature review and a series of meetings/interviews and site visits. The literature review will, at a minimum, consider: the *Strengthening Citizen Participation in Government: Access to Justice and Information* program description and relevant program documents such as quarterly reports, data quality assessments (DQAs), work plans, Performance Management Plans (PMPs), newsletters, etc. USAID/Liberia will assist in collecting background documents on USAID's strategies and TCC's program for the evaluation team in advance of the field work. The contractor is required to gather and provide to the team outside studies, analysis, articles, etc. to orient the team to Liberia and the program's context.

Building on the literature review, the next step of the evaluation will include discussions with key stakeholders, including USAID, Embassy, and TCC staff; members and staff of the GOL target ministries and agencies and the justice sector and relevant donors engaged in strengthening the justice sector and FOI implementation. Meetings and interviews with traditional leaders and elders, civil society and other stakeholders, such as the Ministry of Information, the Ministry of Internal Affairs, the Ministry of Justice, the Information Commission, etc. will also be essential.

Field visits will be required, but specific locations from the six project locations will be decided as part of the work plan and consultations with USAID/Liberia once the team arrives in Liberia. USAID/Liberia will also prepare a preliminary list of contacts for donors, civil society, and government officials for the team prior to their travel to Monrovia.

The assessment team should also seek out key informants in the Africa Bureau and the Democracy, Conflict, and Humanitarian Assistance (DCHA) Bureau in Washington prior to the commencement of the field work phase. Additionally, the contractor should plan on a conference call with team members and USAID/Liberia prior to beginning the field work portion of the assessment. An out-brief and draft report for the Democracy and Governance Team, USAID/Liberia senior management and relevant U.S. Embassy staff will be required prior to the team's departure from Liberia. A presentation of the report at USAID/Washington will also be required. In order to ensure the maximum value for learning and use, a description of the proposed evaluation methodology should include, at a minimum:

1. Study design (e.g., cross-sectional descriptive studies, quantitative and qualitative retrospective comparisons, etc.) and plans for data analysis
2. Methods of data collection (e.g., quantitative survey questionnaires, qualitative interview guides, key personnel interviews, unobtrusive or observational methods, secondary data analysis), how such tools will be developed and with whom, and the scope and time line for data collection, and key characteristics of data collection instruments (e.g., sample questions or an outline of interview guide topics)
3. Measures and plans undertaken in order to ensure protection and confidentiality during data collection

The project evaluators should consider a range of possible methods and approaches to collecting and analyzing the information required to assess program impact, establish causal connections between activities and outcomes, and make programmatic recommendations. Before embarking on any in-country fieldwork or data collection, the evaluators will review and justify their choice of methodologies through the USAID/Liberia Agreement Officer's Representative (AOR) and the Program Office Monitoring and Evaluation Specialist. The approach may be relatively simple or more complex approaches as appropriate. For example, the extent to which participatory appraisal methods, focus groups, workshops, etc., are used to elicit information and engage ultimate customers and implementation partners in the evaluation process will be determined by the evaluation team in consultation with the Mission.

IV. EVALUATION TEAM COMPOSITION, INDEPENDENCE AND QUALIFICATIONS

Key evaluation team members include: a Team Leader (Judiciary Strengthening and Legal Reform Expert) and a Customary Justice and Dispute Resolution Specialist (with West African regional expertise); a Liberian Logistics Assistant should also be included as a team member.

The evaluation team should include:

- **Team Leader:** The Team Leader will be a Senior-Level Justice System Strengthening and Legal Reform Expert with an advanced degree (MA, JD, LL.M or Ph.D.) and significant experience working on justice system strengthening and Freedom of Information (FOI) implementation projects and evaluations of USAID projects, ideally in post-conflict and transition settings. The Team Leader will take ultimate responsibility for the management of the team, the coordination of team activities, and preparation and submission of the draft and final reports. Experience in program impact evaluation and knowledge related to Access to Justice and Information sectors in the West Africa region is preferred.
- **Customary Justice and Dispute Resolution Specialist:** The Customary Justice and Dispute Resolution Specialist will have significant experience in customary law and dispute resolution with special focus on citizen participation and strengthening knowledge, understanding, and practices around FOI acts. The candidate should be a legal and political or social scientist, preferably with an advanced degree. At least five years' experience in justice and dispute resolution research and programming required. Experience in designing, managing and/or evaluating customary justice, dispute resolution, and FOI reform programs and conducting assessments and developing strategies is required. West Africa experience is required and specific Liberia country knowledge is preferred. Ability to write technical material on short timelines required.
- **Logistics Assistant:** This team member will be responsible for scheduling meetings and interviews for the evaluation team along with logistical, administrative, and clerical support throughout the evaluation.

The Team Leader is required to have demonstrated expertise in evaluation methodology. Collectively the team members must have experience in conducting both quantitative and qualitative data collection and analysis. Prior to their arrival in Liberia, all team members are required to familiarize themselves with USAID's Evaluation Policy, with USAID's publication outlining a good evaluation report, and with USAID's checklist for assessing an evaluation report. Additionally, all team members should possess a strong familiarity with the political, economic, justice, and policy context in Liberia, particularly since the end of the civil war.

V. EVALUATION TIMELINE AND LOGISTICS

Prior to arrival in Liberia, the contractor should first complete a desk study to understand the justice sector and policy context of Liberia, and how TCC activities address these challenges. This review should pay special attention to how the program fits into the mission’s Country Development and Cooperation Strategy (CDCS) strategy and the GOL’s Agenda for Transformation through Action, Liberia’s Vision 2030 and Liberia Healing and Reconciliation Roadmap. To support this review, USAID/Liberia will provide electronic copies to the contractor of all documents to be reviewed two weeks prior to departure. USAID will provide a list of contacts. The evaluation team Administrative Assistant will take responsibility for all administrative and logistical requirements of the team, including scheduling meetings and interviews. Ideally, the team would commence background review and preparation research on or about April 11 and begin field work on or about April 22, 2013. Upon arrival in country, the work plan shall be further refined with USAID/Liberia staff, as necessary. The team should also plan an out-brief with USAID/Washington following completion of the evaluation.

The USAID Contracting Officer’s Representative (COR) for TCC’s program and/or other USAID staff may join the contractor in selected evaluation study data collection and analysis efforts.

VI. LEVEL OF EFFORT

The following is an estimated level of effort required for the evaluation:

Tasks	Est. Work Days)/ Person
Preparation and Research (prior to arrival in country, includes draft of an initial work plan) and meeting with Carter Center in Atlanta/GA	9 days
International and Domestic Travel (US-Liberia-US; and Home of Record-Atlanta/GA-DC)	4 days
Evaluation of TCC’s program (assumes a 6 day work week)	24 days
Draft Report and out-brief (full draft report, including executive summary, and an overview presentation to USAID/Liberia Mission)	6 days
Second Report due (after USAID provides feedback on the DRAFT)	5 days
Final Report due (following USAID feedback on the Second DRAFT)	3 days
Out-brief for USAID/Washington	1 day
Total LOE	52 days

VII. EVALUATION DELIVERABLES

The primary deliverable from this task will be a final report, which will address the success of the program towards achieving *results*, identify any implementation problems and challenges

that affected program results, identify issues and questions across justice systems strengthening and FOI implementation, *and provide actionable and strategic recommendations for possible follow on actions*. The report should address the following:

- The continued relevance of USAID’s assistance to the Liberian justice and FOI sectors in the current political environment and multiple scenarios for future direct or indirect engagement with the justice and FOI actors
- TCC program impact on the Liberian institution(s) vis-à-vis the mission's Democracy and Governance Objective: **More effective, accountable and inclusive government**
- Particular areas of success and weakness of the current TCC project and aspects of project design and implementation that contributed to program outcomes
- The degree to which the expectations of the primary beneficiaries were met by the performance of the current project. Were those expectations consistent with USAID’s goals and objectives?
- Recommendations for future direct or indirect engagement with GOL, given receptivity or resistance to TCC’s program interventions and possible future interventions, including an identification of those activities that appear most appropriate and feasible, with whom, and those that show less promise and should be avoided or refined

The evaluation team is expected to produce the following deliverables:

- a. **Workplan**: A proposed work plan must be completed by the lead evaluator within two weeks (8 work days) of the selection of a consultant by L-MEP and presented to the AOR. Upon arrival in country, the workplan shall be further refined with USAID/Liberia staff, as necessary. A conference call will be held with USAID/Liberia and the consultant to define and clarify responsibilities, logistical support, and additional secondary documentation sources before the evaluation starts. The detailed work plan should include a timeline and matrix of the evaluation study design (including key questions and the methods and data sources used to address each question), draft questionnaires and other data collection instruments and field testing of interview protocol, as appropriate, selection criteria of respondents (including beneficiaries and non-program beneficiaries), and an explanation of how ethical conduct of research involving human subjects and the protection and confidentiality of data will be ensured.
- b. **Oral Briefings (In-brief and Out-brief)**: The evaluation team will meet with USAID/Liberia upon arrival in Monrovia. The team will also provide an oral briefing of its findings and recommendations to USAID/Liberia prior to departure from Liberia. A briefing for USAID/Washington will also be required.

- c. **Field Work:** Field work for the evaluation is estimated to take approximately 5 weeks (30 *working* days in-country) and will be conducted according to the approved work plan.
- d. **Draft Evaluation Report:** A written report, in English, should be delivered to the USAID/Liberia AOR and the Program Office for review prior to the out-brief. The draft report shall include the evaluation's methodology, any limitations of the methodology, analysis, findings, and recommendations. More specifically, the report, which shall follow USAID branding procedures, must include:
- A description of the evaluation purpose and the evaluation questions addressed in the report
 - Information on how the independence of the evaluation team was protected and identification of any objectivity and potential conflict of interest addressed
 - A detailed description of the data collection and analysis methods (including the sampling and/or selection criteria used)
 - Data analysis and findings (including acknowledgement and disclosure of any data limitations) specifically related to the evaluation questions outlined above and:
 - An assessment of any differential program outcomes and anticipated impacts on males and females
 - Statements of differences (if any) regarding significant unresolved difference of opinion by funders, implementers, and/or members of the evaluation team
 - Annex(es), which should include:
 - A copy of this SOW
 - Data collection instruments
 - Sources, sites, sampling frame, individual/focus group interviews, etc., included in data collection
 - Disclosure of conflicts of interest forms for all evaluation team members, either attesting to a lack of conflict of interest or describing existing conflict of interest
- e. **Second Draft of Evaluation Report:** A second draft report will be submitted electronically to the USAID/Liberia AOR and the Program Office within two weeks (or 10-12 working days) after receiving comments from USAID on the first draft. This draft and the final report should include a brief (e.g., three-page) executive summary and body of *between 30 and 40 pages*. USAID will have two weeks or 10 working days to submit its comments on the second draft report.
- f. **Final Evaluation Report:** The contractor will have five working days to submit the final evaluation report electronically to the USAID/Liberia AOR and the Program Office after receipt of USAID's comments on the second draft. Upon USAID final

approval and guidance, the contractor will submit the final Evaluation Report to the Development Experience Clearinghouse (DEC) at <http://dec.usaid.gov/default.htm>.