

Enhancing Legal Empowerment through Engagement with Customary Justice Systems - Small Grants Program

Customary Justice and Legal Empowerment in Liberia: A Field Experiment Using Mobile Paralegals

Project location: Managed from IDLO headquarters (Rome) with activities in Liberia

Research grant recipient: Bilal Siddiqi

Project description

Decades of unrest and civil war in Liberia have seen the collapse of the formal legal system. Since the advent of peace, Liberia's reformist government has strived to expand the reach of the law and promulgated progressive new legislation. However, formal courts remain hard to access, are expensive, and face long delays; formal laws are oftentimes at odds with local norms and customs. The majority of Liberians thus turn to the customary legal system, which is more accessible and culturally acceptable, but offers little protection to women, minors, and vulnerable groups. Traditional institutions also maintain harmful practices such as trial by ordeal, and are prone to capture by local elites. Thus many ordinary Liberians have little recourse to egalitarian, rights-based justice.

This research investigates the effectiveness of a new, untested initiative to enhance legal empowerment and access to justice through the improved operation of both customary and formal legal systems. At the core of the intervention is the provision of pro-bono legal services to individuals with limited access to formal justice, by mobile paralegals ("Community Legal Advisors", or CLAs) trained to work at the intersection of customary and formal law. CLAs provide free referrals, advice, and advocacy, as well as direct mediation services and attempt to bridge both legal systems in the course of their work. They travel to villages on motorbikes, visiting each community at least once a month and often staying overnight. The program hopes to strengthen the functioning of customary legal systems both directly and indirectly, by informing individuals about their fundamental rights and national laws, with a focus on land, inheritance, sexual violence, and labor issues; providing informal oversight over agents of the customary and formal systems; and breaking the de facto monopoly on justice currently enjoyed by customary leaders, by providing a direct alternative via mediation, and by lowering the costs of accessing the formal system.

The intervention is run by the Carter Center, in partnership with the Justice and Peace Commission, a Liberian NGO. The program pilot began in February 2009 in 40 villages in the southeast; a further 120 villages were added in June 2009 in the north and central counties.

Methodology The current research aims to a) collect new, multi-purpose datasets on the functioning of customary and formal legal systems and local attitudes and experiences of customary and formal law; and b) to generate robust, primarily quantitative evidence on the short and medium term impacts of the mobile paralegal intervention, in terms of mitigating conflict, improving the lives of people, and bringing communities together.

In order to measure impact in a way that is causally attributable to the intervention, a randomized controlled trial (RCT) of the mobile CLA program is being conducted. The research design follows a baseline and follow-up survey structure, combining difference-in-difference analysis with village-level randomization. All 40 'treatment' villages in the south east (SE), and 48 of the 'treatment' villages in the north central (NC), were randomly selected from a pool of 176 potential pilot villages. The remaining 88 potential pilot villages were assigned to a 'control' group to provide a basis for comparison. All 176 potential pilot villages were surveyed before the launch of the program. The mobile CLA program was then launched in 'treatment' villages



only. Follow-up surveys conducted over the course of the year will measure potential impacts across a wide range of variables. Randomized allocation of villages to treatment and control group ensures that any differences across the groups can be causally attributed to the intervention. Alongside estimates of the program's impact, it is expected that the research will offer a rich, textured analysis of both legal systems and the justice-seeking strategies and experiences of rural households.

Central Research Questions

1. To what extent and how did the CLA program contribute to the legal empowerment of users of the customary justice system?
2. Did the intervention improve individuals' knowledge of their rights and the formal law?
3. Did the intervention provide better access to justice?
4. Did the intervention help strengthen the rule of law?
5. Did the intervention improve individual livelihoods?

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