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## NDI-Liberia E-Newsletter

Working for democracy & making democracy work  
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### Extractive Industries: Shedding Light on the Bargains

*“Extractive industries are very important for this country -- when the revenues are used for social development, which benefits poor people in Liberia”.* These were among the closing reflections of Representative Fofi Baimba, a member of the Legislature’s Investigative Mission on extractive industries and the related policy seminar, which were both completed by NDI last month. The seminar took place in Monrovia to accommodate a discussion between lawmakers and experts on the draft report of the Study Investigation Mission on Extractive Industries. That Mission was composed of six lawmakers and concluded with site visits to gather information from stakeholders and two industry sites in Nimba County, after conducting oversight meetings with executive branch officials late last year. The Mission was assisted by NDI staff as well as one local and one international extractive industry expert. The draft Mission Report makes recommendations for law- and policymaking.

The seminar benefitted from the



*The Mission visits the COCOPA-rubber plantation in Nimba County*

commissions and agencies of the executive branch that are already dealing with extractive industries. Similarly, Mhinda explained that the dreaded “resource curse” suffered by countries that rely on extractive industries begins with poor governance structures where agencies do not complement each other and duplicate functions. He also stressed the need for clear reporting requirements and guiding principles. *“The Legislature has to play a key role in oversight, effected through periodic requests for reports from agencies controlling extractive industries”*, he said.

Senator John Ballout of Maryland County strongly agreed and spoke from personal experience as a senior Senator: *“As a*

participation of Samson Tokpah, Head of the Secretariat of the Liberia Extractive Industry Transparency Initiative (LEITI). Tokpah pointed to the current law as a good indicator of existing political will to promote transparency in the sector.

But, as he added, *“political will has to be tested every step on the way”*. He also called attention to the increase in state revenue from extractive industries, up from US\$29 million in 2008 to \$71 million in 2010. Two of the challenges Tokpah raised for the Legislature to review are whether concessions are awarded in keeping with applicable law and whether full implementation of those agreements by companies actually takes place.

During the seminar, an in-depth discussion took place with Senators, Representatives, executive branch representatives, and industry experts, as facilitator and international expert Amani Mhinda of Tanzania led participants through consideration of three hours of recommendations -- challenging them to express their views and share their knowledge, while at the same time concentrating on a roadmap for legislative follow-up.

Senator Thomas Grupee of Nimba underlined the need to strengthen the oversight role of the Legislature, taking into account all the different

*lawmaker I have sometimes realized that a handful of other government officials want to lead this country without the participation of others.”* In calling for greater expertise within government he argued: *“Companies come in with their own assessments, but we have no idea how rich we are. We are bargaining in the dark”*. Representative Alex Grant of Grand Gedeh County, which hosts a number of extractive industries, criticized the National Oil Company of Liberia for its formulation of oil policy and chastised the National Legislature *“to take the lead”*.

In supporting the draft recommendations of the Mission, most participants called for concrete steps to be taken by the Legislature in law- and policymaking. Some examples include setting guiding principles and minimum standards for new concessions, such as better labor conditions and transparent allocation of revenues. Others called for stronger monitoring of agreements, a revenue management law, skill development for civil servants in related agencies, and specific anti-corruption mechanisms focused on these industries. Based on deliberations at the policy seminar, the Mission Report will now be finalized and Mission members will take ownership of pursuing these recommendations inside the Legislature.

Both the Study Investigation Mission and the policy seminar were made possible by NDI’s legislative strengthening grant from USAID.

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## Elections Law Reform on Track

Two key legislative committees took

justification and potential impact for

important steps last month, in collaboration with the National Elections Commission (NEC), by reviewing the NEC's proposals for changes to the Elections Law. Legislators also discussed a draft legislative action plan that would include its formal steps to amend the current law during their 2013 session. NDI facilitated this process and provided expert technical assistance with financial support from the UNDP.



This series of events was convened by NDI with guidance from the Senate Committee on Independent Agencies and Commissions, chaired by Senator Jewel Howard Taylor, and the House Committee on Elections and Inaugurations, chaired by Representative Gabriel Smith. The events were facilitated by Tova Wang, a scholar and international expert on election law reforms in several countries. The events enabled several rounds of substantive discussion between legislators and commissioners on the

each proposed change. During these events it became clear that committee chairs and commissioners all share the objective of achieving Elections Law reform during the current legislative session. It is, of course, now in the hands of the House and Senate to decide which amendments will be taken up in their committee and plenary sessions for debate and enactment.

This work of committee members and NDI benefited from the several public and nationwide consultations that were conducted by the NEC last year. With assistance from the UNDP and the International Foundation for Electoral Systems (IFES), the NEC used those consultations to obtain a wide range of views from stakeholders and to respond to lessons learned from the 2011 referendum and elections processes. NDI's events last month also built upon its related 2012 policy seminar with stakeholders, including political parties.

Some subjects addressed in the recent deliberations with legislators include how to increase the participation of women, improved voter registration processes, the composition of the NEC, registration of political parties and candidates, campaign finance, and better procedures for complaints, among others.

### **NDI's New Program starts with Civil Society Baseline Study**

NDI took formative steps in February toward the launch of a new three-year program. With support from Sida, the program is being designed to increase interaction between citizens, civil society organizations (CSOs) and the National Legislature. Working closely with Liberian CSOs, the new program will build civil

society skills in constructive legislative advocacy and will support selected efforts by legislative committees to hold public hearings and conduct investigative missions that include testimony and others forms of participation by citizens and their organizations.

The baseline study that began last month is examining the nature and depth of civil society's recent interactions with legislative and policymaking processes. It is also trying to learn about the issues they focused on and the entry points they used. The study will help to shape the program and will also help NDI and its partners monitor program progress and assess impact.

Please stay tuned as NDI rolls out this exciting new program!

## Committee Support Service Initiated to Strengthen the Legislature

The Liberian Senate currently has 26 committees and the House of Representatives has 34. These committees have the power to review and amend pending bills and to conduct oversight of the executive branch of government. They are empowered to hold hearings and receive witness testimony, and to examine, inquire and investigate on behalf of the Legislature and the citizens it represents. In reality, however, very few committee hearings are held in the House or Senate for either lawmaking or oversight purposes. Committees have no clerks or support staff and there is no systematic recordkeeping of their work or activities.

In common practice, committee meetings are also often held in closed "executive" sessions that are not open to the public. To address some of these challenges, the Legislature's Modernization Plan calls for the creation of a committee support service.



*Participants of the training; in front 3rd left Edwin Juah, 3rd right Philip Karsting.*

The curriculum designed by Karsting and Juah reached a large number of senior staff from key House and Senate committees. Earlier this year, with NDI's help, the two new directors of Liberia's House and Senate Committee Support Services joined committee staffers from several other countries in a training organized by the U.S. House Democracy Partnership in Washington, D.C.

Committee hearings are essential tools of modern legislatures. They increase transparency and they allow elected lawmakers to take into account the experiences and views of citizens and experts. But committees need staff capacity in order to convene effective hearings, to

In February, the Joint Legislative Modernization Committee (JLMC) with the help of NDI took significant steps to achieve that goal. Building upon research conducted with lawmakers, and with the offices of the Chief Clerk of the House and the Secretary of the Senate, NDI organized in-depth trainings for approximately 60 legislative staff who will provide hands-on technical assistance and will better support committees to fulfill their important roles in the legislative process. The trainings were made possible by grant support from USAID. Staff members were divided into two groups and the trainings were designed and led by Philip Karsting, a former and long-time senior staffer to U.S. Senators and Senate committees, and Hon. Edwin Juah, a professor and an experienced former member of the Liberian House of Representatives.

conduct oversight, and to debate and amend proposed bills. Trained staff in modern and effective legislatures research potential witnesses, review and brief members on written testimony, and maintain committee records, schedules, agendas and minutes. They organize investigative missions throughout their countries, to facilitate evidence-based action by their legislatures. They also ensure the production of official committee reports that record the intent of the legislature, which is important to any future judicial interpretation of the law.

These skills and more were addressed in the recent committee support service trainings organized by NDI. Legislative staff learned through interaction with each other, as well as through practical exercises and the vast first-hand experience of Phil Karsting and Edwin Juah. The 53<sup>rd</sup> Legislature is now better poised to achieve this critical goal of its Legislative Modernization Plan.

## NDI's Legislative Strengthening Program Undergoes Independent Final Evaluation

After approximately four years, NDI's grant to conduct a capacity building program with the National Legislature will come to an end within the next few months. The program and its activities have been generously supported by USAID. It pursued selected aspects of the Legislature's Modernization Plan of 2009-2013, which may be found on its website at <http://legislature.gov.lr/modernization>.

In anticipation of the program's closure USAID commissioned an independent final evaluation that was conducted by a three-person team hired by the Mitchell Group, Inc. This extensive and in-depth evaluation took place over a one-month period in Liberia and included a study of 88 questionnaires, some 40 interviews, seven focus group discussions, and two site visits to counties outside of Montserrado. The evaluation team's report will be submitted directly to USAID once complete. NDI wishes to thank all who participated and devoted their time and insights to evaluating our work.



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