

In Pursuit of Free Access to Law in a Least Developed Country: Creating LiberLII, Liberia's Legal Information Institute Start-up

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Abstract. Ensuing from the novel experience in Liberia of fashioning a first-of-its-kind, online legal information system, this paper is intended to purvey the development issues surrounding the initiation of a legal information institute in a small developing nation, characterized by its post-conflict, highly resource-challenged environment. Chief amongst the discussion topics set forth herein are the five core objectives of the project, which will be more fully elucidated throughout the proceeding discourse, and which are as follows: **Initiation:** background, endorsement and participation of the Ministry of Justice, and the identification of international partners to support the effort; **Stakeholder Engagement and Collaboration:** developing and implementing project objectives amongst stakeholders and partners; **Selecting the Right Tools:** testing the search engine and establishing the production facility; **Selecting the Appropriate Methodologies** ensuring that key legal information is accessible through the internet to Liberians; and **Building Capacity and Self-Sustainability:** building the institutional capacity of LiberLII, to act independently and sustainably.

Keywords: Liberia, Legal Information Institute, LiberLII, Online Free Access to Law, Rule of Law, American Bar Association Rule of Law Initiative, ABA ROLI, Africa

1. Initiation

1.1 BACKGROUND

Liberia suffered from war and instability from 1990 through 2003, resulting in hundreds of thousands of lives lost and tremendous damage to Liberia's human and physical infrastructure. Liberia's legal system at all levels was left in tatters. The systems that preserve legal information withered and critical information was dispersed, including collections of law, court opinions and other information vital to the administration of justice.

Two years of transitional government followed a peace agreement signed in 2003. In 2005, the current government came to power through elections deemed free and fair. The resulting Administration has made good governance and rule of law one of its priorities, but the lack of strong legal information systems has left a void in access to legal information. Currently, laws are available only in bound books, which are prohibitively expensive. To further complicate matters, there were, at one point, (now resolved) copyright claims surrounding the publication of the Liberian Law Reports and the Liberian

Code of Laws Revised. Notwithstanding these and other impediments, obtaining access to Liberia's law is imperative for legal professionals, government institutions, law students and the public, to ensure equal application of the law, fairness of judicial procedures, protection of human rights and access to justice.

It may be interesting to note that this pursuit to develop an online database of Liberian Law actually dates back to the late Nineteen Nineties: During the course of the Liberia Law Project (a United States (US) Justice Department funded project to compile and publish the existing Liberian laws and Supreme Court Opinions), the author and present LiberLII Project Manager, then serving as a US law student extern, devised the first known hypertext version of Liberian law, which was intended to be published electronically, but with war and civil unrest plaguing the nation, Liberia was eluded of this innovation. Several years later, following the period of war and unrest, and at the installation of a new, development hungry administration (in 2006), the concept of an online legal resource was again re-introduced to the Minister of Justice (then Counselor Francis Johnson Morris), who met with the author and readily agreed that an online legal database would be a very useful and desirable development. However, in the face of challenges with the capacity just to address the most basic security issues, and at a time when security threats were significantly heightened, the resources were simply not available to undertake such a project at that time.

Fast forwarding to late 2010, Liberia's Minister of Justice indicated to the American Bar Association Rule of Law Initiative (ABA ROLI) that the Ministry desired to open discussions concerning the design and implementation of an online library that would provide Liberians free access to law. This discourse also entailed a review of several legal information institutes, including the Uganda Legal Information Institute (ULII) and the Pacific Legal Information Institute (PACLII). During the course of discussions, the "Liberia Legal Information Institute (LiberLII)" was identified as the preferred name for the online law library. The Minister of Justice further requested that ABA ROLI assist the Government of Liberia (GOL) to establish LiberLII, wherein legal information would be prioritized in the following sequence: Phase 1 – Supreme Court Opinions, Statutes, Constitution and Handbills; Phase 2 – Concession agreements, agency regulations, treaties, law journals, as well as select information for public awareness about rule of law. Thus, the initiative seeks to establish a legal information institute similar to the ones already existing in Uganda, Pacific Islands and other parts of the world. As such, it is envisaged that LiberLII will eventually function as a collaborator within the World Legal Information Institute (WorldLII). Furthermore, with the aim to be guided by internationally accepted ideologies and best practices from the very inception of LiberLII, the Ministry and an evolving set of key stakeholders have embraced the principles embodied in the Montreal Convention on Free Access to Law.

The Cornell Law School Library, which was historically involved in codification and publication of Liberia's legal information, was identified as a possible "sister" institute, as was the Australia Legal Information Institute (AustLII), because of its experience supporting the development of Legal information institutes. A grant agreement with USAID now provides the ABA means to facilitate this project, with AustLII providing support in the technical development of LiberLII and with Cornell offering to host a mirror site and to provide information from its collections of Liberian law.

As "fate" and strategic planning (more to the point) would have it, the ABA and the stakeholders have called on the author (who, as previously mentioned, twice attempted to initiate such an electronic database of Liberian Law) to manage the project. One relevance of which is that in the Liberian context, which may not be unique amongst least developed, it is often those within the Diaspora who have been educated abroad in a developed country and inspired by the exposure to concepts available within those more highly developed environments, that have a desire to bring that functionality and innovation to the associated developing country. Thus, as found to be the case here in Liberia, members of a Diaspora may be a great resource to tap into, amongst others, for development projects such as that at present.

Notwithstanding, perhaps the most relevant and effectual of realities characterizing this initiation process has been the recognition of the significance, the need for and the benefits of free online access to Liberian law, as well as the active commitment to pursue the same on the part of the key actors and stakeholders, such as that of the now Chairman of the Law Reform Commission (former Minister of Justice and former head of the Liberia Law Project), as well as that of the current Minister of Justice and the entire cadre of participating stakeholders.

1.2 DEVELOPMENT ISSUES

The purpose of ABA assistance will be to develop the capacity in Liberia to manage online legal information. To carry out the objectives of the project, ABA ROLI is managing the initial development of LiberLII, including the development of the technical framework, facilitation of stakeholder dialogue and the establishment of a legal information processing unit at the ABA ROLI office, located at the country's only law school. The LiberLII processing unit is staffed by two technicians, an IT consultant and the Project Manager, who is an attorney. The unit's staff is responsible for acquiring and organizing information and then scanning and processing hardcopy information into digital format. ABA ROLI is also supporting the transition to a Liberian managed LiberLII, through a stakeholder's consultative group, which include the Ministry of Justice, the Judicial Institute, the Louis Arthur Grimes School of Law, the Liberia National Bar Association and the Law Reform Commission. From the outset of this pursuit, there have been three *Critical Assumptions*: 1. That the leadership of the Ministry of Justice/Government of Liberia (GOL) would initiate and remain supportive of the goal of providing free online access to law; 2. That stakeholders would support the development

of LiberLII and ultimately take responsibility for the governance of the institute; and 3. That technical partnerships would be developed with other LII's willing to assume a supportive role in the technical development of the project.

Under the management of the ABA, Liberia's Free Access to Law effort has seen, thus far, substantial progress in its pursuit of its goals and objectives. During LiberLII's first quarter of development, the ABA has engaged in an ambitious course of activities in this regard, which are as follows: In an effort to enunciate the Government of Liberia's full understanding and endorsement of the Free Access to Law endeavor, engaged under the auspices of the Liberia Legal Information Institute (LiberLII), the ABA sought and received a letter of instruction from the Ministry of Justice (MOJ)—following a series of stakeholder meetings chaired by the MOJ. During those meetings the ABA was successful in demonstrating the benefits of online research facilities to be managed by the legal information institute; and in successful in facilitating the initial dialogue amongst the MOJ and other stakeholders with regards to the establishment and management of the institute.

Subsequently, a requirements document and a functional specifications document were produced and presented to the stakeholders, who validated the same. Further the ABA has located the production unit at the ABA office situated at the Louis Arthur Grimes School of Law of the University of Liberia; and has secured a project manager, who is working along with the Country Director to finalize the project's management plan.

A technical partner has been found in the Australia Legal Information Institute (AustLII), with which the ABA is in the final stages of contract arrangements—the execution of said contract is eminent. As plans and technical partnerships are being finalized, so is the project's budget. Notwithstanding, much of the production equipment and staff have already been secured. The present staff members have been trained and continue to receive supplemental training as procedures continue to evolve. An evaluation as to the possible requirement of additional staff and equipment to meet the goals and objectives of the project on schedule is presently underway.

The production team has commenced the scanning of the Phase I documents, and continues to develop and refine data extraction methods for the initiation of the database, in connection with our technical partner, AustLII. AustLII continues to assist with the development of the interface prototype/software for the site, which prototype has been presented to the stakeholders, and subsequently continues to be refined by AustLII, as per the collective instruction/feedback of the stakeholders and the ABA. It is envisaged that through these collaborative efforts, the initial Phase I databases will be established, along with the insertion of most of the data (in PDF and/or RTF format) during Phase I, depending on production capacity, and to otherwise be completed during Phase II. Data back-up modalities have been arranged, as well as that for data importation to AustLII (and to Cornell, when an agreed

upon course of dealings has been concluded.) The LiberLII project has also entered the very beginning stages of its research and development of the online legal research training material (for future implementation).

The remaining LiberLII objective number five (5), which is to “Build the institutional capacity of LiberLII, so it can act independently and sustainably,” falls primarily under quarters three and four. Nevertheless, plans have already been initiated surrounding the implementation of this objective, particularly as it regards the underlying development of an autonomous entity for LiberLII, which would entail, in part, a governance structure (i.e., a “Governing Board”) composed of the Ministry of Justice, the Judiciary, the Liberian National Bar Association, the Law School, and the Law Reform Commission. Moreover, as it regards LiberLII’s participation in the global movement for free access to law and developing a relationship with the World Legal Information Institute (WorldLII), we have during this quarter made plans to participate in the upcoming, global Law Via the Internet Conference 2011, from which this paper ensues. Furthermore, as it concerns the Montreal Declaration on Public Access to Law and the aspiration to facilitate its signing in the future, LiberLII, via the ABA, has reached out to the Canadian Legal Information Institute (CanLII), in order to initiate dialogue and seek assistance towards this end

1.3 COPYRIGHT ISSUES

As mentioned above, and as is likely common amongst LII’s whether in a developed or developing environment¹, copyright is a matter with which to contend. Fortunately, in the case of LiberLII, the publishers of the Liberian Code of Laws Revised and the Liberia Law Reports (LLR’s) have turned these publications over to the government, and in fact the former head of that publication is now heading the government office responsible for the continued publication of the LLR’s. Furthermore, the Copyright Law in Liberia expressly allows copyright access to the public of these government issued legal publications. Preparation for the publication of government regulations are being made, in order to pre-empt any future challenges (e.g., draft authorization and information sharing agreements.)²

¹ This is one issue that seems consistent across the board, even in highly developed countries such as the UK, LII’s must address copyright matters. (See *Enabling Free On-line Access to UK Law Reports: The Copyright Problem*, by Philip Leith and Cynthia Fellows, referenced below.)

² As Washington DC lawyers, both authors are familiar with the challenges faced in attempting to freely access DC regulations, thus in order to avoid these or other types of challenges occurring in the Liberian context, steps are already being taken to publish the Liberian regulations on the LiberLII site. (See *Who Owns the Law?* by Wendy Leibowitz, referenced below.) Thus far it is anticipated that the various rule making agencies in Liberia will freely provide the regulations, in accordance with information sharing agreements, which will be distributed and expect to be executed in the near future. Moreover, the notions espoused by the free access to law movement seemed to be taking root in the Liberian context. (See also *The IT/Digital Legal*

2. Stakeholder Engagement and Collaboration

A key aspect of this project's development has been the approach employed with regards to the engagement between the stakeholders and the ABA, which has in large part been balanced, open-ended, and harnessed in good-faith—wherein the GOL Stakeholders have looked to the ABA for professional expertise in the development of the institution, particularly the technical aspects of the same; and the ABA has relied from the outset on the Stakeholders for their consensus and continual feedback, buy-in concerning immediate issues as well as overall ownership of the project and the resulting institution.

In this vein, the ABA was invited in October 2010, to meet with the Minister of Justice and senior Ministry staff to present a proposed strategy. The presentation included a review of several legal information institutes including the Uganda Legal Information Institute (ULII) and the Pacific Legal Information Institute (PACLII). In that meeting the Liberia Legal Information Institute was identified as the preferred name for the online law library. The Minister of Justice requested that the ABA ROLI assist the government of Liberia to establish LiberLII prioritizing legal information in a logical sequence.

The Ministry of Justice and ABA ROLI also discussed the Access to Law Movement and the advantages and responsibilities of a legal information institute. There was general agreement that the establishment of a legal information institute would be in the interest of sustainably managing Liberia's legal information. The ABA ROLI noted that some legal information institutes are associated with law school. The ABA noted that ultimately ownership of the LiberLII must rest with Liberian stakeholders. It was agreed that the ABA would initially support development of the LiberLII and that this process would lead to an autonomous institute managed by key stakeholders such as the Ministry of Justice, Judiciary, LNBA and Law School. It was generally agreed that an association with an established legal information institute would be advantageous. That type of relationship is common. Examples include the Pacific Legal Information Institute and Uganda Legal Information Institute and their relationships to established institutes in Australian and South Africa.

Cornell Law School Library was identified as a possible “sister” institute. Cornell previously supported the codification of laws and the publishing of Liberia Supreme Court opinions, and maintains a collection of other legal information relevant to Liberia. The ABA's discussions in late 2010 with Cornell and the Australia Legal Information Institute led to the conclusion that AustLII is better situated to serve as the primary partner for the development of LiberLII's technological infrastructure. AustLII has developed freely

Companion, by Gene K. Landy; and *A Manager's Guide to the Law and Economics of Dat networks*, by Jeffrey H. Matsuura, referenced below.

available software and applications, such as Sino (short for "size is no object"). Sino is a high performance free text search engine and has been mainly used to provide production level search facilities for most of the Legal Information Institutes that form part of the Free Access to Law Movement. While AustLII will play an important role in development of the technological aspects of LiberLII, it is anticipated that Cornell Law Library will also play a supportive role in providing content to LiberLII. For instance, Cornell has offered a digital collection of treaties ratified by Liberia and will also host a "mirror" site of LiberLII.

A second meeting was held in December with the Ministry of Justice. At that meeting, the Deputy Minister for Codification was assigned by the Minister as the MOJ's liaison to the LiberLII project. The Minister of Justice suggested a third meeting that will involve the appropriate officials of the Judiciary, Ministry of Justice, Liberian National Bar Association, Louis Arthur Grimes School of Law and Judicial Institute. A purpose of that meeting would be to demonstrate a prototype of LiberLII's search portal (when designed) and to discuss the organization and management of the LiberLII.³ Stakeholders have expressed the need for a "front-end" design to the LiberLII website that will reflect the functional requirements for Liberia and its users. Simplicity of use has been emphasized.

The ABA has established a processing unit at its office at the Louis Arthur Grimes School of Law. The LiberLII processing unit, staffed by three persons and coordinated by an attorney, will process and, where necessary, code legal information to be included into the LiberLII database. The unit staff will be responsible for acquiring and organizing information and then scanning and processing hard copy information into digital format. Imputing of selected data segments and proofing would be part of the data preparation process. Data resulting from this processing would be transferred to AustLII, where the LiberLII online libraries would be housed. ABA ROLI would support the transition to a Liberia managed LiberLII with this transition starting in 2012.

With the advent of lower cost broadband internet in Liberia the timing of this initiative would allow unprecedented numbers of Liberians, from lawyers and judges to civil servants and eventually ordinary citizens, to access the law of Liberia. The Poverty Reduction Strategy objective of creating greater access to law shall be substantially achieved through the proposed Liberia Legal Information Institute.

³ LiberLII should be autonomous and governed by a Board representing select legal institutions in Liberia. This independence present the opportunity for stable funding from government and donor sources. Another option would be for LiberLII to be associated directly with an institution such as the Ministry of Justice, the Law School or the Judicial Institute. The former option is the preferred according to ABA interviews with several existing LIIs. The ownership of information in the online library would be retained by the LiberLII.

3. Selecting the Right Tools

2.1. EQUIPMENT

Due to the significant volume of hardcopy text, unavailable in electronic format, the ABA opted for high quality industrial equipment for the initial data processing procedure, particularly superior scanning and computing hardware and software. These would render the desired quality of searchable PDF and RTF text and would certainly save time in the long run, as the higher the quality of the scanned document, the better the OCR process and the better the OCR, the less editing.⁴ Though the equipment cost was higher, the benefits outweighed the cost, and actually prove to be a cost savings measure in the larger picture, as it has cut down the number of proofreaders/editors and the amount and time for proofreading and editing, thus allowing the project to be completed within the allotted time...

2.2 HUMAN RESOURCES

Securing technically (and otherwise) qualified staff can be challenging in a post-conflict, least developed country, particularly where the education system has suffered extraordinary dilapidation and where erstwhile employees have been eluded of experience and technical expertise and development, as in the case of Liberia.

Nevertheless, the ABA was in the fortuitous circumstance, wherein staff already employed and trained on the job by the ABA were repositioned as members of the production team, who thus far have display the requisite level skill and devotion. Furthermore, as previously mentioned, the ABA strategically selected the project manager based on the unique qualifications and experience related to the online legal resource database in the Liberian context.

2.3 TECHNICAL SUPPORT

Due to the nature of things in Liberia, such as the lack of infrastructure (i.e., that entailing electricity supply, internet capacity, human resource capacity, database construction, long term needs of database management, and web hosting) it seemed obvious from the outset that outsourcing at least some technical support would be likely a more viable option. As stated previously, AustLII, which comes with a wealth of experience and expertise, as well as a willingness to provide custom crafted technical support, was selected as the source of support. Cornell, which has a historic relationship with Liberia within the realm of legal publication, was a natural and logical fit, and has

⁴ OCR, optical character recognition, is the process by which documents scanned in a picture format, such as PDF are converted into text format—a process that has been around for a long time, near the advent of the computer age. (See *Computer Technology and the Law*, by John T. Soma, referenced below.

simply continued its support by offering to provide old legal text and to have their server act as a mirror server for LiberLII.

2.4 FUNDING

It is important to note that donor funding from USAID is what has made it possible to secure the high quality equipment, as well as qualified staff and the resources of the ABA, all of which allows the project to operate in a very well organized, highly functional environment, which in turn allows the institution to experience a healthy incubation period, where it can be nurtured into the hoped for, successfully sustained national institution as envisioned.

4. Selecting the Appropriate Methodology

4.1 REQUIREMENTS

In an effort to select the most fitting methodologies to establish the LII in the nuanced environment of Liberia the ABA and the stakeholders sought to distinguish which activities could be handled locally and which should be outsourced ... This process involved research as to what would be required, (including an evaluation as to which legal text to publish first.... followed by an evaluation as to what capacity existed locally to accomplish the same effectively and efficiently (the remainder could be outsourced temporarily during the project phase or indefinitely, until the capacity exists on the ground to manage that outsourced. (and a requirements document resulted as the primary outcome of this exercise, a copy of which can be found in the Appendix??)... Fortunately for LiberLII, there quite literally exists a whole world of LII's out there from which to draw upon for support, from which to glean best practices and to whom technical activities may be outsourced.

4.2 STATEMENT OF WORK

Out of the list of activities to be outsourced, and subsequent to identifying potential technical partners and negotiating terms of the arrangement..., there arose a Statement of Work, to guide the collaboration between the ABA, the Stakeholders, AustLII and Cornell University Law Library, in the following manner:

- 4.2.1 AustLII – The Australasian Legal Information Institute will: design LiberLII; build its databases and technical features using AustLII's software and data provide to it primarily by the LiberLII staff; host LiberLII on AustLII's servers and provide free public access to it; maintain backups and support mirror servers as requested;
- 4.2.2 ABA Rule of Law Initiative (ABA ROLI) in Liberia – ABA ROLI will facilitate AustLII's relationship with the government of Liberia, LiberLII Staff and the LiberLII Board of Governors; will provide to AustLII any input into the design of the LiberLII system and interface

that includes the views of Liberian interested parties; and will supervise the provision of data to AustLII by the LiberLII staff. ABA ROLI will make its best efforts to facilitate the participation of a representative(s) of LiberLII at the Law Via Internet Conference and annual meeting of legal information institutes in June 2011 for the purpose of obtaining additional support for LiberLII and launching LiberLII.

- 4.2.3 LiberLII Staff – The LiberLII production unit in Monrovia, Liberia is responsible in the initial stages of LiberLII development for sourcing documents that AustLII is permitted to publish on LiberLII; providing them in agreed formats and quality to AustLII in a timely fashion; providing metadata in agreed format and quality to AustLII; and providing training in Liberia in LiberLII use. It will liaise with ABA ROLI concerning when and if it is ready to operate a mirror server for LiberLII; if so, it will coordinate this with AustLII.
- 4.2.4 LiberLII Board of Governors – The yet-to-be established governing body of LiberLII will provide input on LiberLII to AustLII via ABA ROLI.
- 4.2.5 Cornell University Law Library – Due to its long involvement in Liberian legal information, Cornell Law Library may, at its option, provide data to AustLII for AustLII to publish on LiberLII, and it may also, in conjunction with ABA ROLI, request to provide a mirror of LiberLII.

The Statement of Work further provides a detailed break-down of the various responsibilities, with regards to the overall system operation and functionality; Backups and mirror sites; the system and appearance; databases built in delineated phases; the agreed specifications as to data formats, metadata formats, search engine functions, “LawCite” functions (a cross-referencing tool, which will provide links to documents cited within Court opinions); browsing functions; and display functions, amongst others, all to be performed within a very ambitious time frame.⁵

As mentioned above, all this has been undertaken with the caveat that the ultimate management/control would eventually lie in the hands of LiberLII (locally), and would eventually entail complete autonomy; which leads us to our next topic of discussion, “Building Capacity and Sustainability.”

⁵ The Requirements Document (Appended) and the Statement of Work together set forth the technical standards, which according to, Jeffrey Matsuura, are an “essential element of efficient and effective system functions.” (See *c.*, referenced below.)

5. Building Capacity and Sustainability

Though still in its development stages, the intent in fashioning the legal and governance structure of LiberLII, is to build within that very structure mechanisms for sustainability, particularly in terms of both human and financial resources.

Thus LiberLII is being registered as a domestic Not-For-Profit corporation... with a governance structure, comprised of stakeholders... and governed by Bylaws, all which take into account the requirements for future funding. In fact, in the midst of these developments, a possible future funder (in the way of an international non-governmental organization) has already been identified. Nevertheless, there are also discussions with regards to some funding being raised through member dues, amongst other suggestions...

A LiberLII production team has been assembled comprised of local staff members who, as described above are being led by a lawyer of Liberian descent, the effect of which is that of a home-grown solution/endeavour... Furthermore, the team is being supplemented by additional staff, who understand the role and the importance of the institute, thus during the project period, a skilled team as well as leadership are being developed that will be poised to maintain the continuity and sustainability of the institute.

As an integral part of the project, a training component is being devised, which is scheduled to commence during the second phase of the project. The said training program is to be an online legal research seminar, which is being designed to assist in law school education, continuing education for lawyers and even as a way to build capacity within the institute itself, via a train-the-trainers program. It is also envisaged that the training component will go a long way in helping to sustain the institute, as it will create a healthy demand on the part of those trained to use the LiberLII research tool.

Finally, LiberLII will participate as a member of the World Legal Information Institute (WorldLII), and likely the African Legal Information Institute, which in all likelihood, would aid in sustaining LiberLII as network of support, as well as aid in Liberia's quest to enhance its legal system, especially that related to private international law⁶.

⁶ Liberia, hungry for economic development, is in a vigorous pursuit of the enhancement of its legal system and its role in private international law, both as a participant in the existing *foré* as well as in the continual development of private international law, and will likely soon be considered amongst the small but growing ranks of African countries heavily and successfully engaged in this plight (See *Private International Law in Africa: The Past, Present, and Future*, by Richard Frimpong Oppong, 55 Am. J. Comp. L. 677 (2007), referenced herein.)

Appendix

Requirements document.

Acknowledgements

We wish to give, with our highest regard, special acknowledgement and thanks to all of the Stakeholders involved in this project, as well as to the production team.

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