



# **Post-Conflict Peacebuilding and National Ownership: Meeting the Challenges of Sierra Leone**

Report of the Second Annual ZIF/KA IPTC Seminar  
Accra, Ghana, 1–3 December 2005

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20 February 2006

## Acknowledgements

The authors of this report and the KAIPTC wish to express their profound thanks and deep appreciation to the Government and People of Sierra Leone, and the representatives of which who were willing to share with seminar participants their knowledge, experience and candid views on the challenges of building a new Sierra Leone.

We are also very grateful to all those participants who developed detailed texts and presentation materials, much of which has been included, albeit in revised and edited form, in this report.

We thank most sincerely DfID Sierra Leone and ZIF for their invaluable assistance in planning and organizing the seminar, for their contribution to the discussions, and for mustering the necessary financial resources to host the event from the UK and German governments.\*

Thanks also to Mr. Mark White and Mr. Osho Coker for reviewing and commenting on earlier drafts of this report. Finally, the assistance of Ms. Wibke Hansen and Mr. Tobias von Gienanth of ZIF—particularly in rapporteuring and writing of the executive summary—is gratefully acknowledged.

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\* The seminar was funded by the German Federal Government, conducted by KAIPTC and ZIF (*Zentrum für Internationale Friedenseinsätze*) in cooperation with GTZ (*Gesellschaft für Technische Zusammenarbeit*). A great deal of planning assistance, as well as additional funding, was provided by the UK Department for International Development (DfID).

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# Executive Summary

## Introduction

This report captures and collates the essence of presentations and discussions at the seminar *Post-Conflict Peacebuilding and National Ownership: Meeting the Challenges of Sierra Leone* held at the Kofi Annan International Peacekeeping Training Centre in Accra from 1–3 December 2005. While the task of building the security and governance sectors has moved decisively forward and while initiatives are being taken to enhance Sierra Leone's economy, one message of the seminar is clear—the peacebuilding process has only just begun.

Peacebuilding efforts by the international community often constitute deep intrusion into the internal affairs of a state. Inevitably, they create a tension with the demand for national sovereignty. Sierra Leone, however, presents a special case insofar as the UN Mission in Sierra Leone (UNAMSIL) always acted in consent and in close cooperation with the national government under President Ahmed Tejan Kabbah. The Kabbah government was first elected in 1996 in free and fair elections and was recognized as legitimate in the 1999 Lomé Accord by all parties to the conflict that devastated Sierra Leone during the 1990s. The legal basis for UNAMSIL's presence as well as its acceptance and legitimacy was, therefore, clear and undisputed by all relevant national actors, in marked contrast to other large-scale peacebuilding operations such as the one in Kosovo where the legitimacy of the international presence has been increasingly challenged. While it was recognized that early elections are not feasible in every instance, participants stressed that the case of Sierra Leone exemplifies the important role that an elected national government can play as a building block for legitimate and successful peacebuilding.

The Government's ability to extend its authority throughout the country was one of the most significant achievements in post-conflict Sierra Leone. The presence of Government institutions encouraged refugees to return to their communities, expanded commercial activities beyond the capital, Freetown, and instilled a genuine sense of return to normalcy among the population. The mere presence of these institutions, however, is not an end in itself. Government institutions must also promote development and create employment opportunities, especially among youth, who make up the majority of the country's 4.8 million people. This and other economic and social challenges will guide the support that the UN system and other international agencies can provide for Sierra Leone as the country continues on its road to recovery and development.

In particular, the seminar focused on the following four thematic areas:

- Administration Reform and Good Governance;
- Economic Development;
- Rule of Law; and
- Security Sector Reform.

### **Administration Reform and Good Governance**

Participants from Sierra Leone reported some very promising developments in the area of administration reform and good governance. As in most African countries, all political power in Sierra Leone was concentrated in the capital throughout the better part of the post-colonial era. A major step was taken in 2004 with the devolution of responsibilities in the areas of agriculture, health, education, and infrastructure to the nineteen elected Local Councils. It is hoped that this reform will not only free capacity in the central administration, but more importantly, also improve the efficiency of service delivery and accountability to local communities. More layers of interaction



between the local councils and the population are needed in order to achieve this aim.

While all participants welcomed the decentralization process, some cautioned that new arrangements for the division of power and responsibilities must not overload single institutions or individuals. Some participants wondered whether all local councilors were qualified to take on these new and very demanding responsibilities. Clearly, capacity-building measures would be very helpful to improve their performance. Monitoring and oversight were identified as issues of priority in various areas of the government: With regard to local governmental structures, financial management was of particular concern. There was a consensus that more effort is needed to assure that public funds are properly accounted for. In addition, the legal standing of elected local councils in relation to the Paramount Chiefdoms needs to be clarified and in those cases where clear rules exist, these must be communicated and enforced.

Ambitious reforms have also been undertaken with regard to the central government bureaucracy. A Civil Service Code and Regulations and Rules of the Civil Service have been drafted, laying out regulations for recruitment, promotion, professional conduct etc. A corps of senior civil servants will be created to provide the necessary leadership skills throughout the lengthy period of transformation. A Civil Service Training College will help to develop the professional abilities of civil servants. Senior Sierra Leonean government officials stressed the importance of promoting transparency and internal democracy within the bureaucratic structures.

There was widespread agreement that the government of Sierra Leone has made a promising start in the area of good governance. However, some civil society representatives voiced their concerns over the implementation of the reform process and pressed for the strengthen-

ing of monitoring and oversight bodies. Pervasive corruption across all levels of government was identified as a particular problem. Participants voiced concern that without proper anti-corruption measures, the devolution of responsibilities to local councils might simply lead to a “decentralization of corruption.” A very important contribution to the fight against corruption is already being made by the Anti-Corruption Commission. The Commission is currently working on the implementation of a national anti-corruption strategy which focuses on both prevention and active work with so-called “hot spots.” Other measures, such as the Office of the Ombudsman, only exist on paper. Currently, the ombudsman has neither facilities nor staff at her disposal. This situation is in urgent need of rectification.

All participants agreed that the fight against corruption was one of the central challenges to a successful peacebuilding process in Sierra Leone. Corruption has many sources, including a culture of unaccountability of elders in positions of power. Such cultural attitudes, which dictate a particular approach to political practices, are extremely difficult to change. In addition, the low salaries for public employees, including judges, police officers, teachers, health workers and others were once more identified as a contributing factor to pervasive corruption. At the moment, salaries for these occupational groups are barely above poverty level.

Under such conditions corruption, though still inexcusable, is to be expected. Improving the living conditions and raising the salary level for public employees was, therefore, generally seen as a potentially effective way to combat corruption. However, due to the state of Sierra Leone’s public finances wage increases in the foreseeable future will only be possible if innovative measures are taken. Therefore, some participants argued for international financial assistance to solve this dilemma. Others held against this approach, noting that the donor community is usually unwilling to finance recurring expenses such as

salaries of public employees in order to avoid fostering a state of permanent dependency on international aid.

One participant suggested that even more radical measures to combat corruption, similar to the Governance and Economic Management Assistance Program (GEMAP) in Liberia, might be necessary. Following such a model, continued international support would be conditional on safeguarding key sources of revenue by placing international supervisors in major ministries and lucrative sites such as the port, airport, and customs office, as well as on bringing in judges from abroad to hear cases of corruption.

### **Economic Development**

Sustainable economic development holds the key to peace in Sierra Leone. At present, 70% of its citizens live in poverty, in rural areas this figure rises to over 80%. Unless poverty can be meaningfully reduced, conflict is likely to erupt again. Many participants felt that the country's rich natural resources could play an important role in poverty reduction, both by creating direct employment opportunities and by generating desperately needed public revenues through royalty payments. A comprehensive improvement of the management of Sierra Leone's mineral wealth was seen as a necessary precondition to realize benefits from the industry.

Some of the companies currently engaged in the exploitation of diamonds and precious metals do not adhere to international standards on working conditions or environmental protection; furthermore royalty payments to the government are not disbursed. There is generally too little involvement of local communities who consequently only experience the negative impact of mining—such as dislocation of whole villages or severe environmental degradation—without

reaping its economic benefits. This has resulted in tension between local communities and actors in the mining industry.

The Sierra Leonean authorities must become more active in this area, beginning with a specification of the respective responsibilities of national and local government and a better coordination of the ministries involved. A new set of rules, based on international standards for extractive industries, that takes the interests of the affected communities into account needs to be developed. Most importantly, there will have to be more robust oversight of mining operations in the future and a strict enforcement of existing regulation.

Fisheries encompass another sector that could create both employment and income. At the moment this resource is exploited by vessels from a number of foreign countries fishing in Sierra Leonean territorial waters without permission and in clear violation of international law. Sierra Leone currently does not have the capabilities to stop this robbery. Only through the assistance of the international community can the country acquire the necessary coast guard capabilities that are needed to enforce the law.

While a better managed exploitation of natural resources could contribute substantially to economic development, participants agreed that it would not substantially improve the lot of Sierra Leoneans. Nor are tourism and industry, whether financed domestically or by foreign investors, viable options to create significant and sustainable economic growth in the short term.

Most participants agreed that it is the future of the agricultural sector that will in fact determine the future of the country. The vast majority of Sierra Leoneans are farmers; most of them grow the country's staple crop, rice, at subsistence level. While the quick rebuilding of subsistence agriculture following the civil war is a very positive development, it is clearly not enough to lift Sierra Leone out of poverty.

A detailed plan to promote surplus production was presented at the seminar. While this plan excluded mechanization and formal credit expansion to small farmers, it introduced a scheme to encourage farmers to save and use their gains to work more of available land. Participants emphasized the importance of enlisting the support of local farmers' associations in promoting this program and disseminating information on improved farming techniques and seed varieties. Some also suggested developing pilot projects across the country to demonstrate their effectiveness, and promoting the cultivation of alternative crops which in certain areas can be produced more efficiently than rice.

A modification of the land tenure system was furthermore seen as a crucial reform measure in this context. In its current form, the system gives Paramount Chiefs and family heads complete control over land. This makes land sales to foreigners with experience in commercial farming or the collateralization of land for credit extremely difficult. As a further measure, rural road construction should be prioritized to allow farmers to bring their surplus to the market place.

All participants agreed that the development of the agricultural sector would be a crucial step towards economic stability for Sierra Leone. However, many raised serious doubts whether it would offer a solution to the central challenge facing the country—and the whole region—in the coming years: the crisis of youth and in particular the high juvenile unemployment rate. Two thirds of the population is under 30 years of age. Many of the young men participated in the civil war, which left them rootless, without social ties, education, or marketable skills and therefore without prospects for the future. The Disarmament, Demobilization and Reintegration (DDR) program managed to take tens of thousands of weapons out of circulation. Yet the process of reintegrating demobilized ex-combatants into Sierra Leone society is still far from completed. For reintegration to succeed, in the words

of one participant, three things are necessary: “Jobs, jobs, and jobs.” Another put it even more bluntly: “What we are offering them at the moment is reintegration into poverty.”

Participants unanimously agreed upon the need for a massive effort to improve literacy and education as a starting point. Currently Sierra Leone and neighbouring Liberia are the only two countries in the world where the young generations show a lower literacy rate than their parents. However, the question whether commercial farming would provide employment opportunities for this volatile group was an issue of serious debate during the seminar. Alternatives discussed included the introduction of long-term public work programs funded with international assistance. These would bring the additional benefit of improving the infrastructure. Others warned that this was yet another type of assistance that donors are generally hesitant to provide as financing recurring expenses always bears the danger of creating a long-term dependency on aid payments.

Clearly, there are no easy solutions to these profound challenges. Simply put, poverty runs deep in Sierra Leonean society and the middle and upper classes are numerically insignificant. Both the Sierra Leonean authorities and the international community will have to devote more strategic planning and funding to tackle this problem successfully, not only in Sierra Leone but also in a regional context.

### **Rule of Law**

The key role of a functioning rule of law system was stressed time and again. Both Sierra Leonean and international participants agreed that a rule of law system had to rest on four linked pillars: the police, the judiciary, the judicial administration, and the correctional services system. It is critically important to develop all four areas simultaneously; otherwise shortcomings in one will tend to endanger any

progress made in the others. The most professional police force is of little use if the courts are unable to charge and convict arrested criminals, or if there are no secure and humane facilities to receive the convicts. In the opinion of many seminar participants, this is precisely the situation facing Sierra Leone today.

Much attention has in the last few years been paid to police reform by local as well as international actors, and there are now encouraging signs of real progress being made by the Sierra Leone Police (SLP). However, other sectors are lagging behind. In the case of the correctional services, a lack of funding for staff and facilities is clearly to blame. The problems run much deeper. In the judiciary, the division of the country's legal system into different forms of justice and in particular the dichotomy of modern versus traditional justice systems was identified as a key challenge for the long-term stability of the country.

Sierra Leone's legal system consists of three basic elements: the *magistrate courts*, where proceedings are based on partly outdated British statutory law and conducted in English; *local courts* which apply regionally varying, non-codified customary law; and technically illegal but widespread courts operated by the *Paramount Chiefs*, also applying customary law.

A comprehensive law reform to bring the Sierra Leonean legal code up to international standards is currently under way. Among many other benefits, these reforms aim to provide a sound basis for the resumption of domestic economic activities and guarantee the safety of indigenous and foreign investments. However, further measures are needed to strengthen the legal system. The magistrate court system, which deals mostly with criminal and commercial cases, urgently requires funding for infrastructure, equipment, and capacity-building measures. In certain fields, crucial legal expertise is completely

lacking in Sierra Leone. The drafting of bills for Parliament is currently undertaken by international experts. Furthermore, international staff has been hired to work in the court system as judges and administrators. Building up sustainable local capacities to perform these functions is particularly challenging, as salaries are low and attracting competent staff is accordingly difficult. Most of the few available legal professionals opt for the more lucrative employment offered in the private sector.

For the great majority of rural citizens, however, improvements to the customary law system are even more pressing. The legal disputes of fundamental importance to their daily lives are addressed in local and Chiefly courts: questions of land ownership and tenure, inheritance, marriage, divorce, and other issues of family law. Here, standards are far from satisfactory. Even in formal local courts, many judges are illiterate and few have any legal training. There is a distinct lack of codified law which generates problems, in particular between paramount chiefs and local councilors. In the words of one participant: "Customary law often is what the judge happens to remember." Corruption is widespread, and discrimination against women and children is deeply engrained in customary law.

Participants furthermore saw the lack of accountability of paramount chiefs as problematic. At the same time, it was stressed that this is not an easy issue to overcome, as cultural values make it very difficult—particularly for young people and women—to demand accountability from the paramount chiefs.

There was general agreement that the establishment of a country-wide network of modern courts, based on codified law and administered by trained jurists, is unrealistic. Instead of eliminating the customary law system, it will be essential to transform it into a positive element in a rule of law framework. Capacity-building measures



for local judges, the standardization and codification of customary law, and the elimination of discriminatory practices against women and young men are necessary steps along this way. Some experts also suggested the creation of an avenue of appeal within the customary legal system. At the moment, decisions by local courts can only be appealed to a magistrate court. This creates an impossible hurdle in a society that is 80% illiterate and where very few people have the means to hire a lawyer.

Reforming the customary legal system is obviously much more than a technical challenge. It will involve a fundamental transformation of social and cultural traditions and ultimately a shift in the distribution of power in Sierra Leonean society.

### **Security Sector Reform**

The starting point for the discussion on Security Sector Reform (SSR) was the well-established connection between security and economic development (security–development nexus). In Sierra Leone’s past, poverty has led to conflict, and conflict to more poverty. All participants from Sierra Leone emphasized the need to break this vicious circle and reform the security services with the goal of creating an *enabling environment* for economic development. They described both the reality and the perception of security as indispensable for the growth of domestic economic activity as well as for the attraction of foreign investment. To achieve this goal, the Government of Sierra Leone has taken crucial steps to create strong institutional links between the country’s SSR program and its Poverty Reduction Strategy (PRS). Participants stressed, however, that the effectiveness of this strategy would still have to be proven in the implementation process which needs to be monitored and supported by the international community after the withdrawal of UNAMSIL and its replacement by a

much smaller follow-on peacebuilding mission, the United Nations Integrated Office in Sierra Leone (UNIOSIL).

The Sierra Leonean armed forces, intelligence agencies and police have to be able to guarantee the internal and external security of the country against politically motivated violence—in the short term, particularly around the presidential election in 2007. Similarly, the various security sector actors will have to enhance their ability to address issues of crime, and regional threats caused by the unstable situation in Côte d'Ivoire and Guinea. Considerable progress has been made towards this end in recent years. The intelligence and security services now operate within the ambit of Sierra Leone's constitution and the rule of law. From an absolute zero and lack of coordination an elaborate system of checks and balances has been put in place which forces the various institutions of the security sector, the executive and the public to collaborate within an interlinked framework. The roles of the security services have been clarified, the principle of police primacy in matters of internal security, including border control, is firmly established, and the army has been reduced accordingly. Cooperation between the various services has also been greatly improved.

However, numerous challenges remain, the most pressing being the acute shortage of funds for salaries, equipment, infrastructure, and capacity-building measures for all security services. Access to scarce funds has, in particular, led to disagreements between the armed forces and police service, with both sides complaining about a serious mismatch between their responsibilities and the resources available to them. Some participants cautioned that this development might lead to tensions between the services in the future. Continued and balanced donor support will be crucial for sustained progress in Security Sector Reform.

Furthermore, there was general agreement that the Sierra Leonean security services have to undergo a fundamental change of mentality. The transformation from heavily politicized, unaccountable organizations focused exclusively on the security needs of the state and its rulers, to professional, transparent institutions addressing the much broader agenda of “human security” has to be completed. These changes and reforms need to be communicated to the public in an effective way as an important element of SSR. A decentralization of policing powers to local units and a community-based policing concept were highlighted as key measures that are being implemented to improve community involvement, service delivery, and public perception.

Some participants also stressed the importance of the link between SSR and the rule of law. It was pointed out that in order to make the transition from conflict to peace irreversible, the strengthening of the security sector was not enough. While “security first” has recently emerged as a doctrine for peacebuilding processes, concern was raised that a strong security sector opens opportunities for abuse if it does not go hand in hand with the rule of law. Without proper safeguards, increased effectiveness may well lead to more effective repression in a possible future crisis. Therefore, all security actors in Sierra Leone must learn to operate with full respect for human rights and civil liberties, monitored by the courts, and under democratic, civilian control. While achievements in this area have been encouraging so far, concerns about the functioning of parliamentary oversight over the security sector and in particular the Ministry of Defence were raised at the seminar. All participants felt that it was necessary to encourage and empower the members of parliament to perform this role more effectively in the future. In a similar fashion, the watchdog role of civil society needs to be enhanced.

## Conclusion

A cross-cutting theme of the seminar was the issue of cultural transformation and local ownership of the peacebuilding process. Participants pointed out that peacebuilding can never be only about rebuilding what existed before the outbreak of violence. Indeed, many of those structures are part of the root causes of the conflict. The goal of any peacebuilding operation must therefore be to establish stable, transparent, and accountable institutions able to solve the inevitable societal conflicts in a peaceful manner. Such institutions require both an appropriate legal and institutional framework as well as individuals who make them work.

Presentations and discussions at the seminar made clear that Sierra Leone has achieved significant success in this regard, but there is a continued need for advice, monitoring, training, and other capacity-building measures which will be provided by the international community. The state-building project is not only essential; it is also resource-intensive. Generating and effectively utilizing the scarce resources that are available is therefore one of the single most important challenges that the GoSL currently faces. In the immediate *post-conflict phase* of Sierra Leone's peacebuilding process, there was a largely internationally driven and externally resourced process that aimed primarily at restoring security and safety. Additionally, there was a heavy focus on providing humanitarian assistance.

Sierra Leone is now in a *transition phase* in which security is largely taken for granted by the citizenry, and there is a real need to accelerate implementation of the Poverty Reduction Strategy and the process towards reaching the Millennium Development Goals. The subsequent *development phase* will require steady support for the state budget, an orchestrated effort to attract foreign investment,

the expansion of the private sector base for government finances, and a general expansion of the tax base.

Sierra Leone is a society in profound political, economic, social, and cultural transformation. As in many other African societies, the role of traditional chiefs, elders, family heads, and other figures of authority needs to be redefined and much better understood. The position of women, the young generation, and ordinary citizens in relation to those in positions of power will have to be strengthened. This process of empowerment of currently marginalized groups is a precondition for long-term peace and stability. It has a direct bearing on more or less all of the issues discussed during the seminar: economic development, good governance, rule of law, and even security sector reform. This change can only be brought about by Sierra Leoneans themselves. One of the recurring themes raised by Sierra Leonean participants was the necessity of a "change of mentality," which they anticipate to be painful, slow, and not without complications.

The international community must be committed to support this transformation process over a considerable period of time. Sierra Leone cannot be allowed to vanish from the agenda as other more urgent crises attract media headlines and public attention. Seeing Sierra Leone's recovery through to its completion will come at a fraction of the price that would follow, should conflict erupt once again. The examples of Haiti and Liberia should serve as loud and clear warnings.



## Summary of Recommendations and Challenges

The recommendations developed and challenges identified on the basis of seminar presentations and discussions cover the four key areas of Administration Reform and Good Governance; Economic Development; Rule of Law; and Security Sector Reform. They have been developed as a set of guiding principles for the Government of Sierra Leone in consolidating achievements of the peacebuilding process so far and for international agencies that assist this process.

It should be emphasized that while all the recommendations presented below are based on presentations and discussions during the seminar, they do not necessarily represent the views of all participants.

### **Administration Reform and Good Governance**

**Attitudinal change.** There is an instinctive negative attitude towards 'reform' as a concept of significant change. Nevertheless, substantive and comprehensive reform is exactly what is needed in Sierra Leone, and the peacebuilding process will prove utterly unsuccessful if structures of authority established before and during the conflict are reproduced.

Training of civil servants should be targeted towards public and development management education. One starting point may be that of clearly defining the roles and responsibilities of the Ministers as well as the political heads of departments and civil servants that serve in them. Detailed and unambiguous job descriptions should be developed for Ministers, and human resource management should be prioritized.

The issue of attitude is also closely linked to that of culture. In the currently ongoing institution-building it will, therefore, be decisive not to get lost in the technical detail and to be careful in the evaluation of how cultural factors may impede or enhance the consolidation of the peacebuilding process.

**Public information.** Innovative ways of including the majority of the citizenry in the reform process in a way that will be understood is vital. In a narrow, legalistic manner, the Government of Sierra Leone is democratically elected and therefore legitimate. This, however, may not be enough to ensure sustainability of the peace process. A comprehensive and appropriate government communication strategy and programme should, therefore, be developed to accompany the state-building process.

If the bulk of the population does not understand the significance of legislative and governance reform, there will be a significant disconnect between Freetown and the rest of Sierra Leone. This may constitute a short- to medium-term security threat.

**Separation of powers.** The lack of separation of powers in Sierra Leone may create tension in the medium to long term. The facts that the Attorney-General and Minister of Justice are vested in the same individual as is the President and Minister of Defence are seen as blurring a clear separation of the executive, legislative, and judiciary.

This construction of checks and balances—or lack thereof—has been criticized for e.g. weakening accountability and transparency as well as investigations into the higher echelons of Government. It is also administratively unviable that the Minister of Defence is not privy to the daily work of the Ministry of Defence while the Deputy Minister who is does not have a Cabinet seat. To ensure greater accountability of the Sierra Leone administration it may be worth enforcing a clearer



division of powers and reducing the number of hats that the President is expected to wear.

**Implementation and monitoring.** Monitoring the practices of the Government in particular and the public service in general—including public spending and tracking of resources—has been historically weak in Sierra Leone. Even today, when recommendations are formulated they are rarely followed through.

The strategic direction of the peacebuilding and state-building process has the potential of leading to sustainable state structures. The bone of contention lies with robust implementation from the central administration to community level. Greater attention should be directed towards inserting clear monitoring and reporting mechanisms that ensure that legislation is not only formulated, but also implemented all the way through to community level.

**Human resources and conditions of service for civil servants.** Poor conditions of service in the public sector constitute a security threat to sustainability of the Sierra Leone state. Salaries of teachers and security sector personnel hover around—or below—poverty level. The consequence is a destabilizing turnover of staff. To secure the sustainability of core staff in the Sierra Leone administration—nationally and locally—it is, therefore, of utmost importance that the conditions of service are significantly enhanced.

**Infrastructure and logistics.** A much more basic issue, particularly for the Local Councils, remains that of accommodation, which is still woefully inadequate. Through the support from development partners, the Government of Sierra Leone has provided some logistical support to the Local Councils, but a lot more still has to be done in this area.

**Citizenry inclusion.** While a robust public information campaign should be put in place, it will be equally important to ensure that the

citizenry is included in the political process. A historic window of opportunity has been opened with the implementation of the Local Government Act of 2004 and in the short to the medium term Local Councils should enhance their capacity to conduct outreach/public meetings and ensure that local community business is also communicated to the local community. Confidence in the state bureaucracy will only be strengthened when the electorate is informed about the budgets, income, and expenditures as well as revenue raising procedures of the Local Councils and Wards.

**Civil society organizations (CSO).** The challenge for today's CSOs in Sierra Leone will be to enhance the effectiveness of CSO coalitions rather than to create new organizations. In doing the latter the overall performance of civil society in Sierra Leone could potentially be weakened. To this end, it is programmes such as Enhancing the Interaction and Interface between Society and the State (ENCISS) that are of importance.

### **Economic Development**

**Personality rather than process.** The issue of personality vs. process remains one of the major barriers to robust investments in Sierra Leone. Most businessmen's interaction with the Government is directed to relevant—or often irrelevant—Ministers or through contacts with senior officials in the relevant agencies. This culture of doing business in Sierra Leone must be addressed immediately.

**Capacity.** Capacity to do business is weak both within Government of Sierra Leone and within the private sector. Thus, there is an urgent need to build capacity, both to develop and grow businesses and to manage commercial ventures.

**Commercial Law Reform and developing a regulatory framework.** The legal framework for governing business and commerce should be

modernized, and the implementing institutions should be strengthened. The regulatory framework of private businesses is complicated, time-consuming to navigate in and expensive to manage. As a consequence it is often next to impossible to enforce. Small scale investors complain about the taxation regime and the endemic informality of the private sector. A need for consistency in regulation is necessary.

**Programme implementation.** Design and delivery of priority programmes identified in the Private Sector Development strategy, including investment promotion initiatives, should be enhanced to ensure alignment of Government policies and statutes with relevant international conventions. Institutional development should be enhanced to ensure capacity to deliver these programmes. It will also be important to ensure that there is an effective Programme Coordination Component so that implementation is consistent with the objectives and policies of the Private Sector Development strategy and that it complements activities in related initiatives.

**Insufficient information.** Often decisions affecting the overall Sierra Leone economy are made in a vacuum. Export taxes for the diamond sector are a good example. There is an insufficient evidence base available for sensible decisions to be made.

**Diaspora.** Potential investors, particularly those in the Diaspora, complain about the paucity of information available. The lack of a 'one-stop-shop' for investors, which is currently being set up by Sierra Leone Export Development and Investment Corporation (SLEDIC), means that the Diaspora will resort to consolidated informal networks. The vicious circle of personality over process is thereby sustained.

**Corporate social responsibility.** While the Government of Sierra Leone bears the primary responsibility for promoting a favourable investment climate, private investors can and do have an obligation

to support this process. The main concern is that of corporate social responsibility, particularly in the Mining sector. It is simple to state in policy and difficult to implement in practice, but companies operating in Sierra Leone—national and international alike—must adhere to best practices in the sector. It is in their own interest to do so and in the absence of a robust regulatory system, the self-regulation of companies will be all the more important.

**Chambers of commerce.** Private investors need to have a formalized forum in which views can be exchanged with the Government. Rather than these meetings taking place on a bilateral basis, it would be more effective to develop or strengthen already existing structures such as chambers of commerce.

**Popular perception.** Perceptions play a cardinal role in the stimulation and promotion of inward and domestic investment. Unless the investment climate improves, and people see these improvements and begin to strategize about how to deploy them to their own benefit in a market economy, the post-conflict strategy for Sierra Leone could falter altogether.

**Work procurement programmes.** It is necessary to broaden the scope of employment opportunities. Its absence not only constitutes a narrow economic development challenge, but a genuine security threat. It will, therefore, be of pivotal importance that the Government of Sierra Leone, possibly in cooperation with international agencies, targets job procurement as a number one priority.

**Agricultural development.** The Agricultural sector may constitute the single most important growth sector in Sierra Leone. Sierra Leone needs a short-term boost to the economy which cannot be expected to ensue from foreign direct investments, tourism or the expansion of industrial production. The promotion of private sector investments are

being robustly pursued from the central state level, but it is unrealistic to expect the economy to take quantum leaps in the short term.

**National private sector development strategy.** Under the leadership of the Ministry of Trade and Industry (MTI), a comprehensive strategy should be developed to promote domestic and foreign investment in trade and industry. The desire of the MTI to play a coordinating role across government and with the private sector should be supported to ensure the achievement of Private Sector Development (PSD) as set out in the Poverty Reduction Strategy Paper (PRSP).

**Policing.** While visible policing of the diamond areas of Sierra Leone has improved, little enforcement is in place. A small diamond unit is being developed to ameliorate this circumstance. For the sake of stability the Sierra Leone Police should do its utmost to appear impartial in ensuring stability in the local community.

**National and Local Government and Chiefs.** The 1994 Mineral Act does not address the development of local communities, and as a consequence there are no formal avenues for local involvement in the checks and balances of mining. Speedy reform will be necessary to enable the involvement of the local community on a formal basis, but also to gain clarity of the division of labour between National and Local Government on the one hand, and chiefs on the other.

## **Rule of Law**

**Coordination.** Law reform has become nationally popular, and already a bandwagon effect is noticeable. Individuals, small organizations, Government Ministries, the Human Rights Committee of Parliament, and a number of paralegal groups are all engaged in law reform activities of one form or another. There is an urgent need to coordinate these activities and their funding. To this end, the Law Reform Com-

mission is willing to work with anyone who is interested in discussing the issue of coordination.

**Speedy processing.** Related to the above, there is a need to work out procedures for the speedy processing of reform bills submitted to the Attorney General's Office. Five bills were submitted in September 2004 by the Law Reform Commission. Only one has been published as a bill to go to Parliament; a second one is now being processed for submission to Cabinet. The Government has its own legislative programme which is handled by the Attorney-General's Office, and other law reform committees may soon inundate the Office with a number of bills that may be ill-considered and badly drafted. This could quite possibly clog the system even further, and bring law reform to a halt in the short to medium term.

**Law to the people.** The timeworn cliché that ignorance of the law is no excuse is unrealistic, if not outright cynical, in a country where the statute laws are in English and about 80% of the population is illiterate. In terms of access, even highly educated individuals sometimes find it difficult to obtain copies of new or old legislation. It should be obvious that if reformed laws are to have any significant impact upon the lives and attitudes of the population as a whole, a massive campaign of public information should follow all newly issued legislation. The Government, civil society and law reform organizations should give serious consideration to this aspect of rule of law.

**Accessible justice.** The stated aim of the Justice Sector Development Programme (JSDP) is that it will lead to a positive turnaround of the Criminal Justice Sector. For now, much emphasis is placed on the judiciary which is the major beneficiary of the Justice Sector programme. More judges and magistrates courts will have to be built and more logistical support provided to the judiciary to make it a much more effective and reliable judiciary for Sierra Leone. It is hoped that

at the end of the reform process commenced with the JSDP, the judiciary in Sierra Leone will have the capacity and will be robust enough to ensure that justice prevails and that it will be resistant to corruption and other malpractices. Furthermore, it is hoped that the judiciary will be fully capable of self-discipline as the code of conduct for judicial officers presupposes so that the judicial officers are made accountable for their conduct to the appointing authorities and the general public.

### **Security Sector Reform**

**Public information.** It is of utmost importance that the public information strategy, which has already been drawn up by the Office of National Security, is now implemented. As the bulk of the population is illiterate, lives in poverty and under customary law, there is a significant danger that the importance of the SSR process will be insufficiently understood. There is a real danger that the majority of Sierra Leoneans do not know of the existence or importance of the SSR process and if they do that firm results will take time and be dependent on overall conditions in Sierra Leone moving forward.

**Building capacity.** While building a strong intelligence community in Sierra Leone is important, the necessity to act capably is pivotal. On paper the Security Architecture is impressive. Yet, it is also clear that its implementation is fundamentally contingent on human resource availability, remuneration levels, and the efficient performance of all the institutions that comprise the security sector. No institutional set-up can replace attaining human resource stability and capacity.

**Office of National Security (ONS) powers.** The ONS, located in the Office of the President, has substantiated its value as the Secretariat of the National Security Council, providing advice and guidance on security matters to the Head of State. The recently published Security

Sector Review, for instance, has been well-received and individual ONS staff has resisted involvement in the political affairs of the country. However, while there is currently political commitment to maintain ONS integrity, there should be a careful consideration of balancing the centrality of the institution as the Office could be in danger of being abused due to its proximity to the Office of the President. Conferring too many tasks on the ONS—e.g. preparing the Security Sector Review as well as coordinating its implementation—will make it vulnerable to abuse.

**Complexity of the Security Architecture.** The Security Architecture appears quite complex. With complexity follows a greater potential for turf wars among the security sector agencies and corrupt practices may also emerge more forcefully. In the process of ongoing reform, this should be kept in mind.

**Strengthening civilian oversight.** Related to the above point, strengthening Parliament and Civil society organizations in their oversight capacity will prove all the more important. Hence, the linkages between the Office of National Security and Parliament will have to be institutionalized in practice to a much greater extent than they currently are.

**Revenue generation.** The importance of efficient security sector agencies has state revenue implications. The ability of the intelligence services to oversee and unravel criminal networks (e.g. smuggling) will benefit the Sierra Leonean state and its population as a whole. The intelligence service's abilities to this end should be supported.

**Sustainability.** The ideal of a sophisticated and smoothly operating security architecture needs to be measured against realities on the ground. The sustainability of the peacebuilding process which has only just begun in Sierra Leone depends on human resource avail-



ability, remuneration levels for civil servants, financing options, and, fundamentally, the efficient operation of governance in general and the individual agencies that comprise the security sector in particular. Indeed, while it is a simple point to make, implementation and coordination are issues entirely separated from implementation. As stated above, for instance, paying salaries at figures around the poverty line is not only unacceptable; it constitutes a threat to overall security in the country and needs to be addressed.

**Commitment to permanent change by key actors.** Special mention of the Establishment Secretary's Office and the Ministry of Finance and their key role in reforming the Security and Justice sectors is necessary. These two institutions have a vital role to play in ensuring that the positive changes in mindset achieved to date are consolidated. It will, therefore, have to be treated as a matter of urgency that the way security and justice sector institutions are financed and staffed is improved significantly.

**Sierra Leone Police (SLP) deployment and accommodation.**

The recruitment target of 9,500 has almost been reached, but so far only 60% has been deployed. While training and logistics remain significant issues, the overriding constraint remains that of lack of infrastructure, particularly barrack accommodation in the Provinces. This is where assistance is urgently needed—to build accommodation for not only the 40% in Freetown still waiting to be deployed, but also for most of the officers already deployed in the Provinces.

**Maintenance of Sierra Leone Police (SLP) primacy.** Because in some quarters there is a view that the SLP has received sufficient of the 'development cake,' the emphasis of support is shifting to other areas. While the Republic of Sierra Leone Armed Forces (RSLAF) continues to receive robust support from International Military Advisory and Assistance Team (IMATT), a number of outstanding issues remain. The

RSLAF continues to receive robust support from IMATT, while almost all adviser support has been withdrawn since mid-2005. Consequently, one participant at the seminar noted, there is a danger that SLP and RSLAF developments are not in sync, particularly in regards to operational performance at the middle and lower management levels. It will remain a significant challenge to ensure that RSLAF and SLP capacity-building is performed in tandem.

# 1. Introduction

## 1.1 Background

The causes of conflict in Sierra Leone from 1991 to 2002 are manifold and complex. The most common observation—and arguably the cause most intelligible to the Western observer—has been the nature of the regime and the state led by the All People’s Congress (APC) under the aegis of its leader and President, Siaka Stevens (1969–1985). Throughout the better part of the post-colonial era, Stevens established and maintained a network of neo-patrimonial relationships, coveting private forms of power politics and wealth accumulation. The result was a gradual degradation of state services and a decade-long neglect of infrastructures; collapse and subsequent conflict followed. On a more subtle level is the role played by Chiefs in local and national politics and their critical role in administering land and customary law. The Chief, rather than the state, provided the most immediate and meaningful source of authority to the rural dweller in Sierra Leone. His monopoly of political power, however, was a greatly alienating force, particularly to entrepreneurial young men, who became susceptible to rhetoric of the Revolutionary United Front (RUF).

In January 2002, disarmament and demobilization (DD) in Sierra Leone came to an end, facilitating the process of removing tools of violence, reducing tensions, and demilitarizing politics. The process was primarily led by the World Bank, the UK Department for International Development (DfID) and, in particular, the United Nations Mission in Sierra Leone (UNAMSIL). The deployment of a 17,500 strong UN peacekeeping force across the country constituted a first, robust

step towards stabilizing the war-stricken country, and was a necessary precondition for initiating a more comprehensive peacebuilding process combining both development and security priorities.

UNAMSIL successfully completed its mandate on 31 December 2005. The mission was able to overcome a number of serious political and military challenges to become an effective peacekeeping operation that achieved among others, the successful disarmament, demobilization, and reintegration of more than 75,000 ex-combatants; playing a central role in the preparation and conduct of the 2002 and 2004 elections; providing critical assistance to the country's security sector; supporting the Truth and Reconciliation Commission; assisting the Government in reasserting its control over diamond-mining; and providing protection to the Special Court for Sierra Leone. According to a recent UN fact sheet on the mission, UNAMSIL may serve as a model for successful peacekeeping, as well as a prototype for the UN's new emphasis on peacebuilding.

A downsized and more modest UN Integrated Office in Sierra Leone (UNIOSIL) has been endorsed by the Security Council, but the Sierra Leone Police and the Republic of Sierra Leone Armed Forces (RSLAF) are now expected to carry the bulk of responsibility for the country's security. This is a watershed in post-conflict Sierra Leone, and a confirmation of the conspicuous achievements of the Government of Sierra Leone (GoSL), supported by international agencies.

Although Sierra Leone had effectively failed as a state by the early 1990s, the country is now slowly in the process of rebuilding a viable capacity to deliver security and other essential services to its citizenry. As many seminar participants cautioned, however, Sierra Leone remains weak and could break down once again if the conditions of service for civil servants are not significantly enhanced, if corruption is not dealt with and if the security sector reform process

is not correctly balanced between the army, the police, the judiciary, and the correction services.

Peacebuilding efforts by the international community often constitute deep intrusion into the internal affairs of a state. Sierra Leone, however, presents a special case insofar as UNAMSIL always acted with the consent of and in close cooperation with the national government under President Ahmed Tejan Kabbah. The legal basis for UNAMSIL's presence as well as its acceptance and legitimacy was therefore clear and undisputed by all relevant national actors, in marked contrast to other large-scale peacebuilding operations such as the one in Kosovo where the legitimacy of the international presence has been increasingly challenged. Sierra Leone thus exemplifies the important role that an elected national government can play as a building block for legitimate and successful peacebuilding.

The Government's ability to extend its authority throughout the country has been one of the most significant achievements in post-conflict Sierra Leone. The presence of Government institutions encouraged refugees to return to their communities, expanded commercial activities beyond the capital, Freetown, and instilled a genuine sense of return to normalcy among the population. The mere presence of these institutions, however, is not an end in itself. They must also promote development and create employment opportunities, especially among youth, who make up the majority of the country's 4.8 million people. This and other economic and social challenges will guide the support that the UN system and other international agencies will provide for Sierra Leone as the country continues on its road to recovery and development.

## 1.2 Aim

The aim of the seminar was to evaluate the extent to which the benchmarks for Sierra Leone's recovery have been met, and to draw lessons from the work of UNAMSIL and other bilateral and multilateral agencies in the country. In acknowledgement of the interdependence of governance, the economy, human and national security, the seminar was designed to obtain and collate information from key state officials in the Sierra Leone administration as well as civil society and international agency representatives. The idea was to accentuate achievements of the peacebuilding process, as well as to pinpoint the existing gaps that could potentially play a destabilizing role in the short to medium term.

The aim of this report is to capture and collate the essence of presentations and discussions at the seminar *Post-Conflict Peacebuilding and National Ownership: Meeting the Challenges of Sierra Leone* held at the Kofi Annan International Peacekeeping Training Centre in Accra from 1–3 December 2005.

## 1.3 Scope

This report is divided into four main themes, or chapters, as follows:

- Administration Reform and Good Governance;
- Economic Development;
- Rule of Law; and
- Security Sector Reform.

Each chapter is concluded with a summary of the challenges identified and recommendations made. The final chapter summarises all the lessons and recommendations that emerged during the seminar, and concludes with some general lessons for West Africa and future missions elsewhere that can be drawn from the peace process in Sierra Leone.

## **2. Administration Reform and Good Governance**

### **2.1 Building the State Administration in Freetown**

During the ten years of conflict, Sierra Leone's already fragile social, economic, and physical infrastructure all but dissolved. Thousands of people were killed or maimed and millions of others were displaced. In its wake, the war brought a large influx of people into the capital of Freetown while basic functions virtually ground to a halt in the provinces. The conflict accelerated economic decline, led to pervasive poverty, lack of control of diseases, and lack of employment opportunities—with all the attendant repercussions on society.

The public sector also suffered incalculable infrastructural damage as Government buildings—including Ministries, Departments, and Agencies (MDAs)—were destroyed. Government officials had cause to flee for their lives, forced by the circumstances of conflict to seek refuge in neighbouring countries and elsewhere abroad. Widespread looting of government vehicles and equipment made it impossible for the Government to function, let alone provide services to the citizenry.

Following the restoration of peace and relative stability in the country in January 2002, the Government was faced with the daunting task of not only re-establishing its authority, but also restarting basic governmental functions. While restoring the legitimacy of the central Government has been pivotal, it has also been necessary to build the Government's capacity to make and enforce authoritative decisions in order to carry out core government functions. There was an urgent need to reform the central bureaucracy, bearing in mind the over-centralization of power and resources in Freetown—a situation that

undermined the institutions of local government and deprived the rural population from participation in the political decision-making process at district and chiefdom levels. Indeed, the over-centralized system of administration was always cited as one of the characteristics of 'bad governance' in Sierra Leone.

Building a state administration in Freetown as the paramount authority involves the strengthening of policies at the centre of the GoSL, increased delegation to the MDAs, and the establishment of operating agencies. As stated in the Poverty Reduction Strategy Paper (PRSP), the Government's strategy to reform the public sector has two main components:

- focussing on the delivery of important public goods and services that the state has to provide, while transferring the responsibility of providing other services to the private sector where the capacity exists; and
- reforming institutional design, organizational development, and process management to strengthen public expenditure management and the capacity for delivering those services that will remain in the public domain.

In short, there is a need for the GoSL to concentrate on its core functions of policy-making, monitoring, the regulatory framework, economic and fiscal policies, the provision of essential services, etc. In a holistic perspective this covers *inter alia* the security sector, parliament, the judiciary, public financial management, and decentralization.

Many reforms are being put in place for the central civil service, that is, the bureaucracy which exercises administrative authority. For example, the following measures are being pursued in order to create lean, efficient and performance-oriented service to Sierra Leoneans:



- Strengthening the capacity of the Cabinet Secretariat.
- Management and functional reviews of key ministries which are intended to rationalize functions, structures, administrative procedures and staffing.
- The creation of a new Human Resources Management Office (HRMO), including the development of a composite Civil Service Law, a records management improvement programme and the introduction of new personnel management regulations.
- The creation of a Senior Executive Service that provides sustainable technical and managerial leadership in the civil service to promote reform efforts and enhance the strategic output of Government.
- The design of a comprehensive pay and grading reform strategy, public sector reform strategy and comprehensive training policy.
- Design of capacity-building plans for the Institute of Public Administration and resuscitation the Civil Service Training College.
- Institutional reform and capacity-building in the areas of decentralization and local government, public expenditure management, public sector human resource management and promoting knowledge transfer and networking.
- Ongoing reform involving the restructuring and development of the army, the police, the national security structure, the National Electoral Commission, the justice sector, and the public financial management sector.

In addition, the decentralization of service delivery, involving the devolution of functions to local councils, will free MDAs to focus on their core functions. It is also a potential instrument for improving efficiency at the local level. Indeed, as stated in the 1997 National

Strategy for Good Governance, one fundamental principle of governance embraced by the President is that of subsidiarity. This involves the delegation of responsibility, along with the necessary authority and resources, to those best placed to receive and use them effectively. It encompasses the ideas of democratically elected government at all levels, grassroots participation, empowerment of civil society, decentralization of authority as well as respect for human rights. However, broad policy-making remains within the remit of the central Government in Freetown which has paramount authority.

The Government is presently using the concept of the ‘enabling state’ as the optimum for private enterprise-led development, strong civil society and the provision of services to poor and disadvantaged groups. The GoSL’s privatization programme is presently examining whether privatization of state-owned enterprises and some services would create greater efficiency in service delivery. Privatization, contracting out and the establishment of special operating agencies—such as the National Revenue Authority (NRA) and the National Social Security and Insurance Trust (NASSIT)—are all alternative mechanisms that are shifting some aspects of service delivery away from the central civil service. The government is thus using a new paradigm that should allow it to manage a portfolio of diverse service providers, thereby leaving MDAs and the civil service with a leaner bureaucracy.

Diagnostic studies have revealed weak institutional capacities in the public service. The main capacity gaps identified are in:

- Coordination, monitoring, evaluation, and resource mobilization.
- Policy development, strategic planning, service delivery, and support to decentralization.
- The institutional environment to create, nurture, and retain capacities.

The Government's main strategic thrusts are in the areas of enhancing the human resource capacities of MDAs to improve delivery of services; the establishment of the Senior Executive Service to galvanize change; public service reform; competitive recruitment, merit-based progression and reward/incentives based on performance; mainstreaming Project Implementation Units (PIU) into the civil service; improving access to Information and Communications Technology (ICT); and improving the institutional environment to maximize the output of the public service. Finally, in January 2006, a 90 day review of the architecture of government Ministry structures across the board has been commenced with a view to recommending where rationalization, amalgamation, transfer of responsibilities or other management models would support a revised focus on priorities and more effective implementation of the Government's PRSP.

### **2.2 Local Government Reform and the Decentralization Programme**

Over-centralized administration has been the hallmark of governance in Sierra Leone since 1972, when the District Councils and the elective aspects of all other local government bodies were suspended. The steady erosion of local governance from the 1970s to date and the attendant exclusion of most Sierra Leoneans from development planning, implementation, and management activities led to widespread neglect and underdevelopment of the rural areas where the majority of Sierra Leoneans live. This is believed to be one of the contributing factors to the country's social challenges, indeed to the recent conflict itself. Prior to the establishment of Local Councils, local governance was perceived to be administered by Chiefdom Councils headed by Paramount Chiefs who ruled for life. With little or no detailed provision in the laws of Sierra Leone as to the role of Chiefdom Councils, Paramount Chiefs were raising local revenue and also receiving

significant grants, primarily from the mining industry for community development. Yet concrete development initiatives were conspicuously absent.

A similarly important point to make is that unlike other political positions, the Paramount Chief has been mystified to the extent that the citizens of Sierra Leone have been unable to hold their Chiefs accountable. They became untouchables.

As a means of addressing these anomalies, the present Government has embarked upon a Local Government Reform and Decentralization Programme designed to re-establish and strengthen a local government institutional machinery that collapsed under the weight of conflict as well as thirty years of political abuse and mismanagement.

The concepts of decentralization and local governance point towards promoting democracy, peace, and security. One of the essential elements of democracy is citizen participation in governance and the Constitution of Sierra Leone is imbedded in these principles. As such, Chapter 2, Section 5 of the Constitution clearly states that sovereignty belongs to the people from whom GoSL derives all its powers, authority, and legitimacy. It furthermore states that the participation of citizens in governance must be ensured.

The local Government Reform and Decentralization Programme is therefore a key priority within the Government's overall strategy of post-war recovery and poverty reduction. It is designed to move the country from relief and emergency response to medium- and long-term sustainable development of Sierra Leone's local communities. Critical project areas of the reform are meant to radically change the local governance system through participatory approaches.

Local government bodies serve as crucial intervening agents in the process of planning and implementing community development

policies. In return, these policies provide effective means through which the interests of the urban and rural poor may be articulated and protected in the implementation of poverty alleviation programmes. In the long term this will create job opportunities for the local communities and enable development to take place across the country as each Local Council develops and enhances its area of jurisdiction.

The main objective of the decentralization programme is to empower the democratically elected local government institutions with the responsibilities, resources, and capacity to conceive, plan, implement, manage, monitor, and evaluate development programmes that will improve the quality of life of the people in their locality.

### **2.2.1 The 2004 Local Government Act: Progress with Implementation**

The GoSL has reviewed and consolidated the various laws pertaining to municipal, town, and district councils into the 2004 Local Government Act. The Act makes provision for the coming into being of democratically elected Local Councils. In May 2004 nationwide Local Council elections were conducted and 19 democratically elected Local Councils are now in place. These Councils are to provide services to their respective local communities in a transparent and accountable manner. The Ministry of Local Government and Community Development is responsible for inspecting and monitoring the activities of each Local Council to ensure that they act within the scope of the law.

A series of training workshops and seminars has been conducted, designed to develop the capacity of Councillors and staff of the Local Councils. Nationwide sensitization meetings have been held for Councillors and staff, representatives of Government MDAs, civil society representatives, and the general public on their functions, responsibilities, and institutional relationships. The involvement of the

latter, the Sierra Leonean citizenry, is clearly vital. Real decentralization, a seminar participant noted, will only happen if citizens are more actively engaged in the process. Otherwise, rather than decentralization, de-concentration of power enacted by Councillors and their staff will be the result. Development will be stifled as a consequence.

Inclusion of the citizenry in meetings of the Local Council is stipulated in the 2004 Act, Paragraph 15.8, albeit with the proviso that "...where by resolution of the council the deliberations at a particular meeting are of a confident nature, the local council may meet in camera." However, some seminar participants noted that citizen attendance of Council meetings is most often very poor, and that the Act is deployed to restrict the public from contributing to the debate of the Local Councils with any substantive input. Moreover, the minutes of Local Council meetings are posted at Council level offices, and not at the Ward level. The lack of accessibility to Council business is exacerbated by the fact that a large number of Sierra Leoneans do not speak English and approximately 80% of the population remains illiterate and therefore excluded from local political life.<sup>1</sup> Confidence in the state bureaucracy will only be strengthened when the electorate is informed about the budgets, income, and expenditure as well as revenue raising procedures of the Local Councils and Wards.

A much more basic issue remains that of office accommodation for the Local Councils, which is still woefully inadequate. There is a need to provide for additional office buildings for each of the 19 Local Councils. Through the support of development partners, the Govern-

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<sup>1</sup> The 2004 Local Government Act does, in Paragraph 16.1, stipulate that a Local Council may conduct its deliberations in the English language or in any other language common to the communities in the locality.

ment has provided some logistical support to the Local Councils. Nonetheless, a lot more has to be done to effectively build their capacity.

In accordance with the Local Government Act, it is mandatory that Government MDAs devolve all functions spelt out in the Third Schedule of the Act by the end of 2008. GoSL, cognizant of the fact that the capacity of Local Councils remains to be built if they are to be able to effectively execute legally binding functions, has decided to go about the devolution process in a gradual and systematic manner. This approach may prove to be a bone of contention with civil society organizations (CSOs) and the populace in the local communities of Sierra Leone. While it is clear that devolution of power to the Local Councils demands a certain level of capacity in the newly-established institutions, a level of impatience with the devolution process has emerged. This is particularly prevalent with regard to fiscal and resource devolution that has been translated into popular distrust of the Government's genuine will to mount necessary reforms. Because of past Government practices, trust and legitimacy will have to be built, and it is therefore pivotal that the difficulties of devolution are properly communicated.

The Ministry of Local Government and Community Development, in consultation with MDAs has prepared a so-called Roll-out Plan for each MDA during the devolution process from 2005 to 2008. The Roll-out Plan specifies the functions to be devolved each year, activities related to these functions, and provides a list of existing assets and the personnel to accompany these functions, as well as proposed levels of support to the Local Councils.

So far, the Ministries of Health and Sanitation; Agriculture, Forestry and Food Security; and Education, Science and Technology have devolved the functions stipulated for devolution in 2005. The Ministry

of Local Government and Community Development carefully monitors the devolution process to ensure that MDAs comply and that Local Councils understand the technicalities of what is involved in assuming the responsibilities for the various functions.

As the 19 Local Councils were democratically elected, they are legally accountable to their electorates. The issue of transparency, accountability and participation is clearly provided for in part XV of the Local Government Act. The GoSL has embarked upon mass sensitization of the populace on the issues of transparency, accountability and participation of CSOs. The Government will continue to interact with these organizations to encourage their roles and responsibilities in ensuring that Councils are accountable to the people.

The Local Government Act also includes specific measures to ensure accountability at the level of the newly-established Local Councils. For example, Paragraph 104.1 of the Act stipulates that “every Councillor, appointed or assigned member of staff of each local council shall, not later than thirty days after assuming or leaving office make a declaration of assets in such form as the Anti-Corruption Commission may determine.” Paragraph 67.1.d of the Act notes that “Every local council shall cause to be prepared for its approval a budget for each financial year three months before the beginning of that year,” and that this budget shall “... be a public document ... posted on the notice board of the local council when approved by the council and during the whole of the financial year to which it applies.” In the same vein, in Paragraph 107.1.a-f, it is noted that Local Councils shall post on a notice board in a “conspicuous place” on the premises of the Council: monthly reports of financial accounts; annual income and expenditure statements; inventories of assets of the Local Council; bye-laws and notices relating to tax rates and fees; minutes of council meetings; and development plans.



Section 97 of the Local Government Act empowers the Ministry of Local Government and Community Development to inspect and monitor the activities of every Local Council to ensure that it acts within the scope of the law. The National Audit Service is also empowered to audit the books of account of every Local Council to ensure prudent financial management and to identify corrupt practices.

Based on these measures imbedded in a legally binding act, the new Local Councils have the potential to guide promotion of development—that is to say, if they function as planned.

### **2.2.2 Paramount Chieftaincies and Chiefdom Governance Reform**

The Paramount Chieftaincy has played, and continues to play, an important role in the administration of Sierra Leone's local communities. From pre-independence to 1968, Paramount Chiefs provided leadership and guidance to their people and contributed to development and the maintenance of law and order. This role, it may be argued, was particularly important where the state was unable—or unwilling—to do so.

There are 149 chiefdoms in Sierra Leone. The Chiefdom, of which the Paramount Chief is the head, is the basic unit of governance in Sierra Leone. It is the general duty of the Chiefdom Council to maintain law and order and good leadership in the area over which its authority extends. It also has power to make and enforce byelaws, prevent the commission of offences and prohibit or restrict illegal gambling within its jurisdiction. The Chiefdoms have the authority to administer justice through the Local Courts. The ultimate title to land in the chiefdom is also vested in the Chiefdom Council, the final arbiter of land disputes. Finally, the Chiefdoms, through the Paramount Chiefs,

are responsible for upholding local community traditions and customs.

Paramount Chieftaincies are hereditary and only people hailing from established recognized ruling houses in the Chiefdoms are qualified to contest Paramount Chieftaincy elections. The institution of the Paramount Chief is firmly entrenched in Section 72 of the 1991 Constitution of Sierra Leone. From 1968 to 1996, the institution of the Paramount Chieftaincy was undermined and politicized. The election of Paramount Chiefs was characterized by political interference and manipulation which brought discord, resentment and chaos to the local communities.

Under the Local Government Reform and Decentralization Programme, the GoSL has decided to reform the institution of the Paramount Chief for it to be more democratic and responsive to the socio-economic development of the local community. The Government has prepared guidelines for the election of Paramount Chiefs. This is to ensure that the elections are held in a fair and transparent manner, devoid of political interference and manipulation. In accordance with these guidelines, 70 Paramount Chiefs have been successfully elected since the end of the war in January 2002.

Presently there are several laws governing the various aspects of Chiefdom Administration, most of which are obsolete and cannot meet modern requirements for the effective functioning of the Chiefdom administration. The GoSL, conscious of the importance of the Chiefdom administration as well as good governance, has decided to review and consolidate legislation in a single Chiefdom Administration Act. The review is meant to ensure that customary laws and practices that impede or act as obstacles to development or that violate human rights are altered or modified in accordance with good governance practices. The issue of transparency and accountability in Chiefdom

administration will also be addressed. The Government is soliciting support and assistance to be able to embark on this programme.

A matter of concern remains the apparent friction between the newly established Local Councils and the Chiefdoms in relation to the power vested in the institutions and their respective roles. Indeed, news reports allege that taxes on the same goods and services are levied by both Local Councils and Chiefdom administration. Similarly, there are potential conflicts of interest as some chiefs are members of both Chiefdom Councils and Local Councils.<sup>2</sup>

Although the Government is putting checks and balances in place to ensure supervision of Chiefdom practices, some commentators maintain that patronage remains deeply entrenched in the Chieftaincy system in Sierra Leone. By extension, this creates obstacles to change and reform and especially the introduction of bottom-up, accountable and transparent governance systems. Additionally, while the Chief remains an important and often legitimate figure of authority in up-country Sierra Leone, the system of oversight of Chieftaincy governance is not yet functioning properly. The importance of the Local Council is significant in this respect, because the Chiefs are not dependent on re-election like the Councillors of the Local Council are.

### **2.3 The Role of Civil Society in Governance**

Civil society provides a space for interaction between the political establishment and the citizenry of a given state. It enables interest and community groups to scrutinize the conduct of state actions; it encourages and facilitates direct citizen participation in public affairs.

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<sup>2</sup> Department for International Development, *Identifying Options for Chiefdom and Community Governance in Sierra Leone*, October 2004, p. 19.

In pre-conflict Sierra Leone, the role of civil society in constituting a counterweight to the powers of the state was marginal, if assertive at all. The Civil society organizations (CSO) that existed were cowed into toeing the regime's line by the use of legislation and harassment. As such, the Government not only failed to facilitate meaningful citizens' participation in governance, but saw inclusive policy-making as an outright threat to preserving the regime. Trade unions such as the Sierra Leone Labour Congress and the Sierra Leone Teachers' Union, by way of example, were unable to defend the rights of their members.

The media were similarly curtailed in their actions, shackled by inhibiting press laws and threats against vocal journalists. In 1991, at the time war broke out, the state held almost a total monopoly of electronic news outlets, while newspapers were overwhelmingly privately owned. All media were based in Freetown and primarily concerned with issues of the elite. The body of students in educational establishments such as Fourah Bay College became the only marginally critical voice in the country, albeit subjected to harassment and threats; colleges were closed down and student union leaders were arrested, detained and expelled. CSOs with clear political interests to influence the establishment had effectively lost their assertiveness.

For better or for worse, the 11-year conflict in Sierra Leone created an unprecedented awareness and consciousness among the citizenry to maximize their participation in directing and shaping state affairs. Civil society had played a significant role in the Sierra Leone peace process. On the road to peace, the re-establishment of multi-party democratic governance in 1996 has been heralded as a remarkable achievement in Sierra Leone's political life, one that CSOs contributed to. In particular, Sierra Leone Teachers' Union (SLTU) added to a congenial atmosphere for other organizations to emerge, such as the Campaign for Good Governance (CCG), the Civil Society Movement

(CSM), the National Forum for Human Rights, the Centre for the Coordination of Youth Activities, and the 50/50 Group.

Civil society groups such as the Network Movement for Justice and Development (NMJD) and the Inter-Religious Council of Sierra Leone organized nationwide consultations prior to the Lomé Peace Accords to generate input from the grassroots that could feed into the peace process. CSOs also insisted on holding a nation-wide conference, including all factions of the conflict.

CSOs were not included on the official list of delegates to the Lomé peace talks in 1999 which spelled the beginning of the end of conflict in Sierra Leone. Nonetheless, they played a critical role throughout the talks by holding regular consultations with the stakeholders of the conflict. In this regard, it should be emphasized that CSOs were largely in favour of the Agreement's amnesty provisions in return for peace, while they opposed the inclusion of the RUF in the Government.

Since the end of conflict, CSOs have played a role in the establishment of the war crimes tribunal of Sierra Leone, the Special Court, and in raising public awareness of its activities and its modes of operation. As such, attempts have been made to generate support and cooperation from the Sierra Leone citizenry. CSOs were similarly involved in the work of the Truth and Reconciliation Commission that ended last year.

Civil society groups have also been actively engaged in national recovery and poverty reduction programmes. In the process, broad-based coalitions and networks of CSOs have been organized to address issues such as mining, the PRSP, youth and gender. International media assistance to Sierra Leone has brought significant changes, including non-state radio stations; organizations in support of the media; and training initiatives for journalists.

The impact of these changes among non-state actors is, however, constrained by a number of negative, deeply structural conditions—not least the high rate of illiteracy in Sierra Leone (averaging 80%). Furthermore, the end of conflict also meant the end of a somewhat concerted effort of civil society—a common cause of bringing conflict to a halt had been attained. This challenge is further magnified by the currently fragmented and disorganized nature of civil society in Sierra Leone. A challenge for today's CSOs will, therefore, be to enhance the effectiveness of CSO coalitions. By extension, it will be important for donors to support these already existing coalitions/networks rather than creating new ones that could potentially weaken the overall performance of civil society in Sierra Leone. While there is concern about the fact that all African CSOs rely heavily on international assistance to maintain organizational capacity, credibility and to be able to run programs, it appears to be the pressure by these external actors upon the GoSL that has opened a space for civil society in post-conflict Sierra Leone.

The lack of capacity in civil society is exacerbated by the non-engagement by the small but critical class of professionals, including lawyers, doctors and academia. Their involvement, together with the capacity to open up for dialogue rather than antagonism with Sierra Leone's political establishment can significantly impact on the ability of non-governmental actors to engage meaningfully in policy development. This is important, because the very conditions that led to conflict—debt, bad governance, corruption and the denial of human rights—largely remain intact if improving, despite great efforts within the administration to make a fundamental break with past practices. Because civil society as the *non*-governmental sector constitutes a varied body of organizations that could address these concerns it is programmes such as Enhancing the Interaction between Society and the State (ENCISS) that are needed.

Starting from how democracy is fundamentally understood, incorporation of the citizenry in Sierra Leone's policy-making process is decisive. It will be an incremental process considering the high rate of illiteracy, deep-seated poverty, and the fact that most people in the country live under the rule of Paramount Chiefs; the only type of authority that many in rural Sierra Leone know.

## **2.4 Public Service Reform**

Low salaries and insufficient equipment to perform duties contributed to the maladies which led to state collapse. As a consequence of the systems of patronage that are firmly in place within Sierra Leone, human resource management has largely been operated according to favouritism and nepotism in recruitment of key personnel, corruption and abuse of public office and lack of effective enforcement of rules and regulations. Overall, this has contributed to the weak capacity for policy-making, economic policy formulation in particular, and implementation.

It is safe to conclude that poor conditions of service have a destabilizing effect on the public sector. They cause a high rotation of trained staff, which is not only a waste of government finances spent on training, but also reduces overall efficiency of delivery within the public sector (the Sierra Leone Police has been particularly hardly hit in this regard). From a human resource perspective, the problem is endemic and runs deep, as poor conditions of service prevent the recruitment and retention of well-qualified staff and it remains next to impossible to attract skilled Sierra Leoneans in the Diaspora to public service.

To put these factors into perspective, the salary of teachers is so low that this segment of the labour force effectively lives on the level of poverty. Such conditions of service, which are similar across the full

range of public service jobs (see Table 1, p. 57), remain a fundamental obstacle to deal consistently with corruption in the form of abuse of public office. This is because of the circumstance that dismal conditions of service in the public sector are not only of humanitarian and performance concern—they also constitute a genuine security threat. Under-prioritizing the security forces, including the SLP and RSLAF, for instance, would be akin to inviting a repetition of the interventionist tendencies that precipitated the war. Indeed, the lack of remuneration to soldiers contributed significantly to the disgruntlement of the military personnel which led to a military coup in 1992, headed by Captain Valentine Strasser. Innovative and *realistic* ways of responding to this threat from poor conditions of service will thus be a pragmatic, yet vital determinant for the consolidation of Sierra Leone's peacebuilding process.

While long-term planning is vital to the sustainability of Sierra Leone as a cohesive and stable state, programmes that will have an instant impact are of equally vital importance. To maintain stability, large segments of society, including public sector personnel, need to sense a change in their daily life conditions. This issue, it should be noted, cannot be reduced to a question of whether a strong economy is necessary if the state is to function properly or whether a strong state is necessary in order to ensure market regulation.

A simple equation was formulated during the seminar, to illustrate what may possibly be done in the short term in order to enhance the remuneration level of civil servants. The current GoSL wage bill is around Le232,435,474,868, which is equivalent to approximately US\$78.8 million (from a total government budget of approximately US\$300 million). If salaries are tripled, the wage bill would be around



**Table 1**  
**Weighed Average Monthly Base Salaries**

Grade	Average Monthly Base Salaries, by Service and Grade (US\$)					
	Civil Service	Police	Teachers	Medical	Judiciary	Military
1	24.0	24.3	24.0	--#	--#	
2	27.3	27.6	22.3	--#	--#	
3	31.2	29.4	30.7	--#	--#	
4	36.4	36.7	36.4	--#	--#	27.6
5	42.2	39.3	40.4	--#	--#	39.0
6	54.1	55.4	52.9	--#	--#	45.2
7	67.7	66.5	68.5	--#	--#	67.3
8	103.6	90.9	101.8	--#	--#	101.8
9	131.0	126.4	132.0	--#	--#	
10	160.6	153.8	166.5	--#	--#	160.4
11	257.9	264.6	255.5	--#	--#	281.8
12	327.2	340.4		--#	--#	340.4
13	470.2	483.5		--#	--#	483.5
14	615.8	628.5		--#	--#	628.5
16	45.4					
25	26.5					
99	316.0					
100	458.2					

# All non-judges and non-doctors in the Medical and Judiciary Services, respectively, are included in the data for the Civil Service.

Le735,938,755,663 which amounts to some US\$250 million. A feasible cost option would be to triple conditions of service if the workforce is simultaneously reduced by 30%. Importantly, a reduction in the public sector labour force could be obtained by eliminating 'ghost workers' and by voluntary retirement, as well as by re-profiling some posts. Hence, by reducing the public sector labour force by 30% the wage bill would amount to Le348,549,510,501, which is around US\$118 million.

The devolution of public services to Local Councils in the realm of health, education, water/sanitation and agriculture, for instance, also has financial implications, including implications for the public service wage bill. As mentioned above, a number of ministries, such as the Ministry of Health and Sanitation and the Ministry of Agriculture, Forestry and Food Security have commenced the devolution of services to the Local Councils. By July 2005, the Ministry of Finance had drawn up detailed specifications and budgets for all posts to be devolved during the decentralization process.

### **2.5 Resourcing the State-Building Project in Sierra Leone**

Throughout much of its existence, post-colonial Sierra Leone was characterized by creeping failure, unable to build and sustain effective security functions and provide services to the citizenry. Thus, by the early 1990s Sierra Leone was characterized by weak institutions and by weak government presence throughout the country—a situation exacerbated by poor service delivery, arbitrary exercise of authority, absence of rule of law, a low level of integration and participation in the political system, as well as the economic and social marginalization if not outright exclusion of the majority of citizens. In sum, the five core state institutions of police, military, civil service, justice system and political leadership had been effectively undermined.

However, it is important to emphasize that Sierra Leone *was* a failed state. It should no longer be categorized as such. While by most definitions the country is still weak, the first steps towards state sustainability have been taken. The process of building a state system with checks and balances within the borders of Sierra Leone is underway. It is the successful continuation of this process that will provide a bulwark against renewed conflict and a basis for lasting peace.

The state-building project is not only essential; it is also resource-intensive. Generating and effectively utilizing the scarce resources that are available is therefore one of the single most important challenges that the GoSL currently faces. As presented at the seminar, resourcing of the state-building project in Sierra Leone may be broken down into three different stages:

- In the immediate *post-conflict phase* of Sierra Leone's peace-building process, there was a largely internationally driven and externally resourced process that aimed primarily at restoring security and safety. Additionally, there was a heavy focus on providing humanitarian assistance.
- The *transition phase* (from 2005–2008) in Sierra Leone, encompassing present-day Sierra Leone, is one in which security is largely taken for granted by the citizenry. Consequently there is a need for a robust focus on the 'peace dividend;' that is, look to the possible economic benefits of a decrease in defence and security expenditures. The Poverty Reduction Strategy (PRS) and the process towards reaching the Millennium Development Goals (MDGs) need to be accelerated during this phase.
- The subsequent *development phase* will require steady support for the state budget, an orchestrated effort to attract foreign investment, the expansion of the private sector base for government finances, and a general expansion of the tax base.

While international contributions to the national budget of Sierra Leone are significant, amounting to some 50%, it is worth emphasizing that Sierra Leone has the potential to generate more resources than all donors put together.

Resources fall in two broad categories; *internal* and *external*. To the former belong human resources, financial resources for current expen-

diture and capital resources for investment. The latter encompasses external resources from the public sector and private investments, including those of the Diaspora. Internally, there is a priority need for an effective process of domestic resource mobilization. On the national level, this is the responsibility of the National Revenue Authority (NRA) which has been reorganized considerably without donor support or intervention.

The NRA was constituted on 13 September 2002, by the passing into law of the NRA Act. The NRA came into being as an organization in July 2003. Its basic task is to administer and collect all duties, taxes, revenues and penalties as prescribed by the Laws of Sierra Leone. The NRA's purpose and functions are spelled out in the preamble to the Act, which stipulates that the NRA is a central body for assessment and collection of national revenue, and for the administration of specific laws and amendments to laws relating to revenues. By implication, the task of the NRA is to implement procedures and policies that will ensure that revenue is collected and that will enforce and amend laws relating to national revenues. Furthermore, the decentralization process may provide an important source of revenue mobilization for the newly established Local Councils.

At the same time, however, it is important to realize that Sierra Leone has a very narrow tax base and that its expansion will be a long and incremental process. Indeed, it will depend on the overall economic and political strengthening of the country and thus significant impact on the delivery of state services will most likely materialize in the medium- to long-term only. The country's economic elite is extremely small. Consequently, taxing the rich segments of Sierra Leonean society will not lead to any significant mobilization of state revenues. Similarly, the middle class that traditionally constitutes the single most important source of state revenue is small in Sierra Leone and relatively poor. Finally, a more technical concern impeding on the

work of the NRA is that no system is yet in place to tax income. However, even when such a system has been developed, implemented and refined, the single most important tax base is for the time being to enhance surplus, *not* subsistence, production in the agricultural sector. This will in itself be a daunting task as the latter rather than the former has dominated agricultural production of the country (see Chapter 3.3, p. 83).

In the local communities, the 2004 Local Government Act provides for fiscal authority to reside exclusively with the 19 Local Councils, with delegation to chiefdom administrations for collection and expenditure of those sources of income and functions that have been managed by them historically. However, a basic condition of resource mobilization from taxation is linked to the perceived legitimacy by the taxpayer of the tax collecting authority and even to the tax collecting individual. Like poverty, reluctance to pay taxes to government runs deep in Sierra Leonean society due to a general perception of 'the state' as an external agent clamping down upon the local community. The weight of history is significant and it will take tremendous effort to inculcate a sense of accountability on the part of national and local government and to root out corruption in tax and service fee collection—what has commonly been referred to as neo-patrimonial networks. Hence, the task ahead involves 'selling' the concept of taxation to the populace as well as national and local politicians, civil servants and administrators as much as it is a matter of technical and institution-building assistance. Either way, it remains a fact that no institution-building—i.e. technical—process can substitute the vital change of administrative culture which will have to take place for the peacebuilding process in Sierra Leone to be sustainable.

The decentralization process has opened up new avenues for tax collection. In the medium term, the legitimacy of levying taxes from the surplus produce of community farmers, for instance, will increase as

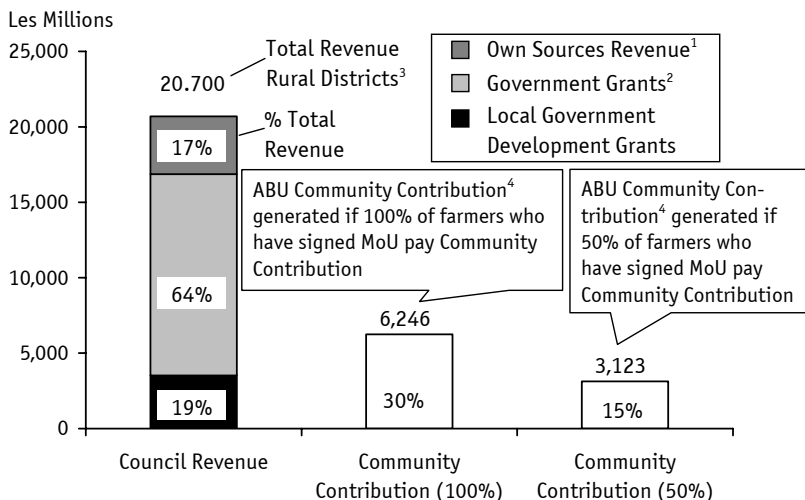
Local Councils become fully functional and provide essential community services.

To the end of enhancing revenue generation at the community level in Sierra Leone, the United Nations Development Programme (UNDP) has supported an innovative project which should lead to exactly this. The project involves the establishment of Agriculture Business Units (ABUs), a new type of organization aimed at helping farmers to develop their own communities. The strategic vision of the ABU project is to make Sierra Leone a rice exporter rather than importer; for farmers to have a surplus of produce, machinery and better roads; and for Ward Development Committees and Local Councils to have resources to deliver services. ABUs have been established in all the districts of Sierra Leone—except for Kailahun District—with a current membership totalling some 116,000 farmers. The idea is for farmers to increase the land they farm and by extension to organize commercially in order to ensure sufficient scale to invest effectively as well as to make a community contribution. Furthermore, it is envisaged that the ABUs will play an important role in monitoring the activities of Local Councils, to ensure that resources contributed are indeed invested properly in community development.

The taxation of the agricultural surplus generated by the ABUs will commence in early 2006. A memorandum of understanding (MoU) has been developed whereby farmers on a voluntary basis pledge to pay 20% of their surplus income to the Local Council. Informed calculations have shown that even if half of these farmers honour their pledge, this will still amount to a significant contribution to running costs of the Local Councils.

While the ABU project shows strengths and is commendable, not least for its acknowledgement of local strengths and weaknesses, it inevitably still has to prove its validity. The bottom line is that the

**Figure 1**  
**Estimated Local Council Resources 2006**



1. Taxation revenues and other non taxation revenues including market dues and mining revenues. 2. Excluding the Local Government Development Grants. 3. Excludes all town and Freetown city councils. 4. Assumes each farmer provides three bushels of rice as community contribution and the local price of one bushel is Le 15,000.

citizens of Sierra Leone will inevitably be reluctant to give up a part of their income unless they are convinced that they will get ‘value for money.’ Crossing the threshold between lack of confidence in local authorities who collect revenues for private gain and the endorsement of a new layer of local authorities that will now be in charge of local tax collection will thus be vital.

In sum, the priority of Sierra Leone’s state institutions from 2006 and beyond must be to create a benevolent climate for leaders of the country to take the reform process of the public sector forward and to ensure that adequate conditions of service are provided for. This will include proper recruiting and staffing measures, adequate budgeting

of basic operations and overall monitoring mechanisms of working procedures in the public sector. The overall goal will clearly be to solidify a degree of service delivery, however limited, at the local and at the national level. Of equal importance, these developments will have to be conveyed to the public in a way that can be understood and appreciated.

## **2.6 Challenges and Recommendations**

**Attitudinal change.** There is an instinctive negative attitude towards 'reform' as a concept of significant change. Nevertheless, substantive and comprehensive reform is exactly what is needed, and the peace-building process will prove utterly unsuccessful if structures of authority established before and during the conflict are reproduced.

Training of civil servants should be targeted towards public and development management education. One starting point may be that of clearly defining the roles and responsibilities of the Ministers as well as the political heads of departments and civil servants that serve in them. Detailed and unambiguous job descriptions should be developed for Ministers, and human resource management should be prioritized.

The issue of attitude is also closely linked to that of culture. In the currently ongoing institution-building it will, therefore, be decisive not to get lost in the technical detail and to be careful in the evaluation of how cultural factors may impede or enhance the consolidation of the peacebuilding process.

**Public information.** Innovative ways of including the majority of the citizenry in the reform process in a way that will be understood is vital. In a narrow, legalistic manner, the Government of Sierra Leone is democratically elected and therefore legitimate. This, however, may not be enough to ensure sustainability of the peace process. A com-



prehensive and appropriate government communication strategy and programme should therefore be developed to accompany the state-building process.

If the bulk of the population does not understand the significance of legislative and governance reform, there will be a significant disconnect between Freetown and the rest of Sierra Leone. This may constitute a short- to medium-term security threat.

**Separation of powers.** The lack of separation of powers in Sierra Leone may create tension in the medium to long term. The facts that the Attorney-General and Minister of Justice are vested in the same individual as is the President and Minister of Defence are seen as blurring a clear separation of the executive, legislative and judiciary.

This construction of checks and balances—or lack thereof—has been criticized for e.g. weakening accountability and transparency as well as investigations into the higher echelons of Government. It is also administratively unviable that the Minister of Defence is not privy to the daily work of the Ministry of Defence while the Deputy Minister who is does not have a Cabinet seat. To ensure greater accountability of the Sierra Leone administration it may be worth enforcing a clearer division of powers and reducing the number of hats that the President is expected to wear.

**Implementation and monitoring.** Monitoring the practices of the Government in particular and the public service in general—including public spending and tracking of resources—has been historically weak in Sierra Leone. Even today, when recommendations are formulated they are rarely followed through.

The strategic direction of the peacebuilding and state-building process has the potential of leading to sustainable state structures. The bone of contention lies with robust implementation from the

central administration to community level. Greater attention should be directed towards inserting clear monitoring and reporting mechanisms that ensure that legislation is not only formulated, but also implemented all the way through to community level.

**Human resources and conditions of service for civil servants.**

Poor conditions of service in the public sector constitute a security threat to sustainability of the Sierra Leone state. Salaries of teachers and security sector personnel hover around—or below—poverty level. The consequence is a destabilizing turnover of staff. To secure the sustainability of core staff in the Sierra Leone administration—nationally and locally—it is, therefore, of utmost importance that the conditions of service are significantly enhanced.

**Infrastructure and logistics.** A much more basic issue, particularly for the Local Councils, remains that of accommodation, which is still woefully inadequate. Through the support from development partners, the Government of Sierra Leone has provided some logistical support to the Local Councils, but a lot more still has to be done in this area.

**Citizenry inclusion.** While a robust public information campaign should be put in place, it will be equally important to ensure that the citizenry is included in the political process. A historic window of opportunity has been opened with the implementation of the Local Government Act of 2004 and in the short to the medium term Local Councils should enhance their capacity to conduct outreach/public meetings and ensure that local community business is also communicated to the local community. Confidence in the state bureaucracy will only be strengthened when the electorate is informed about the budgets, income and expenditures as well as revenue raising procedures of the Local Councils and Wards.

**Civil society organizations (CSO).** The challenge for today's CSOs in Sierra Leone will be to enhance the effectiveness of CSO coalitions

rather than to create new organizations. In doing the latter the overall performance of civil society in Sierra Leone could potentially be weakened. To this end, it is programmes such as Enhancing the Interaction and Interface between Society and the State (ENCISS) that are of importance.



## **3. Economic Development**

### **3.1 Government Objectives for Economic Growth**

One obvious way of addressing the deficit in available resources and revenue is to increase the size of the national cake. The GoSL has set out its goals for economic growth and the promotion of private sector participation in the economy in the context of Pillar 2 of the Poverty Reduction and Strategy Paper (PRSP) and the Government's policy document Vision 2025.

One of the principal contributions by the government in facilitating investment in Sierra Leone has been the promotion and maintenance of a sustainable and peaceful environment. Efforts that were made towards achieving this objective lie under the aegis of the Security Sector Reform (SSR) process. In the field of economics, the Bretton Woods Institutions—i.e. IMF and the World Bank—have put in place various macroeconomic stabilization programmes to be implemented concurrently with peacebuilding activities. Similarly, the Ministry of Trade and Industry (MTI) has developed a Strategy Development Programme Document.

The main objectives of all these programmes have been:

- The consolidation of peace.
- Resettlement, reconstruction and reintegration.
- Improving governance.
- Maintenance of a macroeconomic framework conducive to recovery.

The international community has also contributed enormously by assisting the Government in creating an enabling environment

necessary to stimulate the development of the private sector. In this context, various reform programmes are being undertaken, including a comprehensive programme for capacity-building in the public service, a judicial reform programme and other sectoral reforms (finance, education, etc.).

The role of Government in promoting interaction with the private sector constitutes a critical aspect of post-conflict peacebuilding, for a number of reasons. Firstly, once the population attains a level of security and confidence that they are no longer under threat, concerns quickly turn to more basic human security needs. The lack of employment opportunities, service provision and livelihood options quickly become greater causes of tension than previously. Secondly, and a related point, is that once a secure and stable environment has been created, it will only be maintained if the underlying causes of conflict are addressed. The Government and the private sector have a key role to play in this regard. The Government's task is to take the lead in creating and maintaining a favourable investment climate within the country, and at the same time ensure that information dissemination and regulation are maintained. Private investors have a responsibility to create employment opportunities for the population, improve the efficiency of service provision, and to pursue their business in a socially responsible manner.

A comprehensive private sector development strategy has not yet been fully formulated. However, the desire of the Government to create an environment conducive for business in Sierra Leone has found expression in policy initiatives, development strategies, and in the proposed restructuring and strengthening of the Sierra Leone Export Development and Investment Corporation (SLEDIC) and the privatization strategy of the National Commission for Privatization (NCP). The GoSL has also commissioned an Administrative Barriers Study to address all administrative impediments to investment in

Sierra Leone. In the same vein, the Law Reform Commission is working on positive changes to all laws, including commercial laws.

Despite these initiatives, which will be elaborated upon below, it is acknowledged that the current environment for business development in Sierra Leone is difficult, hampering the unfolding of the employment potential in the private sector.

### **3.1.1 Promoting Private Sector Investment**

The full commitment to any programme and its implementation is largely determined by the perception of its ownership by the stakeholders involved. Consequently, various stakeholders in the private sector, including civil society, have been consulted in the formulation and implementation of programmes and policies. Recent examples of such consultations and interaction with civil society and investors relate to the construction of the PRSP. Some of the key institutions involved in these consultations included the Sierra Leone Chamber of Commerce, the Sierra Indigenous Business Association, the Trade Union Congress, and grassroots organizations such as the Petty Traders Association. It is noteworthy that in the formulation of the national budget, wide consultation is held with all stakeholders.

The National Commission for Privatization (NCP), the organization charged with the responsibility for the supervision of public enterprises has a very broad representation of civic institutions on its commission.

### **3.1.2 Legal Framework**

Chief among projects aimed at creating a well-defined and conducive legal environment, is the reform of the Sierra Leone's judiciary system which is now well advanced. As a sequel to this, a new code of conduct for workers in the judiciary has been inaugurated.

The following Acts have also either been enacted or are in the process of being enacted or amended:

- The National Power Authority (NPA) Act (1982)—the NPA Act is being amended to allow for the creation of the Bumbuna Company. The present Act forbids any entity other than NPA to provide electricity. Passing of amendments to the act will allow for the creation of a public-private partnership in the supply of electricity.
- Public Utilities Regulatory Commission (PURC) Act (2005)—the PURC Act is meant to create the PURC which will be responsible for the supervision of the water, electricity and gas sectors initially, with the telecom sector to be included at a later date.
- The Electricity Act (2005)—this is a new law which will enable a more liberal electricity sector and allow for private sector participation. It will support the work of the Public Utilities Regulatory Commission.
- The Telecommunications Act (2005)—a new law, which will create a telecom regulatory framework.
- The Companies Act (2005)—the Companies Act, Chapter 249 of the Laws of Sierra Leone, dated 1960, is being redrafted to suit an investor friendly climate.
- The Bankruptcy Act (2005)—this will be a new law, meant to regulate bankruptcy proceedings. Previously, chapter 249 of the Laws of Sierra Leone provided the rules of liquidation.

### **3.1.3 The Investment Promotion Act**

The above legislations, passed or proposed, have all been geared towards improving the investment climate. The most important legal



innovation, however, is the Investment Promotion Act of 2004, which is an act designed to "... promote and attract private investment both domestic and foreign for the development of production and volume adding activities, to improve exports and provide employment opportunities; and generally to create an environment conducive to private investment and to provide for other related matters."

This act excludes applicability to investments in the production of Arms and Ammunition, military, police and prison officers' apparel or accoutrement. However, it leaves intact the operation of other enactments providing especially for investment in business enterprises concerned with tourism, fishery, mines and minerals, banks, non-bank financial institutions and other businesses as the incentives for any such investments. Moreover, an open invitation is extended to all investors whether domestic or foreign to invest in any legitimate form of business enterprise.

The Sierra Leone Export Development and Investment Corporation, established by section 2 of the Sierra Leone Export Development and Investment Corporation Act of 1993, has been vested with the responsibility for the implementation of the Investment Promotion Act. For this purpose, SLEDIC's functions have been clearly defined in Section 5(2) of the Act as follows:

1. To facilitate the registration of business enterprises.
2. To assist investors in obtaining permits, licenses, certificates or clearances, as the case may be, needed for the commencement of business.
3. To provide information to potential investors on matters relating to investment.
4. To assist potential investors in identifying joint venture partners in Sierra Leone.

5. To provide such other assistance as may be needed by an investor for the realization of his investment.
6. To do all such other things as may be necessary or incidental to the discharge of the function conferred by this Act.

By Section 5(1), SLEDIC is also required to assist investors on request to obtain: Business name registration; a certificate of incorporation; and a business registration certificate. A deadline of seven days is set by the act, within which SLEDIC is required to obtain these documents. Thus, a 'one-stop-shop' for investment has been set up at SLEDIC to ensure the timely processing of investment applications. This has minimized investors' frustrations resulting from shuttling between various ministries and departments to obtain the requisite permissions and documentation to enable investment and the commencement of business operations in Sierra Leone.

Provision is also made to improve the capacity of Sierra Leonean business enterprises to compete effectively both locally and internationally, through Government and its development partners providing such business enterprises with capacity-building and special support programmes which may include:

1. Business training.
2. Micro-finance (including support for bulk-buying).
3. Technical assistance.
4. Pre-qualification programmes for access to credit.
5. Credit registry.
6. Registers of local enterprises for joint ventures.

The fears of investors have been allayed by provisions being made under the Act for allowing the repatriation of part of the earnings of expatriates, remittances abroad of profits, and remittance of interest on foreign loans resulting from 'arms-length' transactions.

A non-equivocal guarantee against expropriation or nationalization of investment is given in section 11.6 of the Act. This states that “no private investment, whether domestic or foreign shall be expropriated or nationalized in a direct or indirect manner, except in the special cases specified by section 21 of the Constitution, which among other things stipulates that the investment or other property be reasonably required for public purposes and that prompt and adequate compensation shall be paid in the event of any expropriation or nationalization.”

To further assure the safety of an investment, provision is made for arbitration under the rules of procedure for arbitration of the United Commission on International Trade Law (UNCITRAL) in cases where an investment dispute cannot be amicably settled between the Government and the investor.

The Act lays down very clearly the rules governing investments in Sierra Leone, provides assistance to investors to facilitate their investment process, and provides guarantees on the matter of the safety of their investments.

#### **3.1.4 Development of Infrastructure**

These are the types of facilities and assurances that investors expect to find in an investment friendly environment. There have, however, been instances where countries have produced world acclaimed investment codes, but have failed to attract the investors. Recognizing this, GoSL has made great efforts to provide additional amenities and facilities in addition to the above, designed to make the environment more investment friendly. Prime among these have been efforts to develop the country's infrastructure developments, with the assistance of Sierra Leone's development partners, as outlined below.

**Roads.** The official Public Road Network in Sierra Leone totals about 11,000km, of which some 8,000km are classified in the National Roads System (NRS). The Sierra Leone Roads Authority (SLRA) is in the process of bringing road networks up to minimum functional standards under the Infrastructural Development Project (IDP), funded by the World Bank. Reform in the road sector consists of a series of inter-dependent actions aimed at: a securely funded programmed road maintenance for at least the most essential and prioritized primary core road network; and restructuring the way roads are managed and funded, emphasizing priorities and the separation of technical management responsibilities from maintenance funding.

**Ports.** The Government, through the Sierra Leone Port Authority (SLPA), has restored full operations at the Port of Freetown after years of neglect, bad management and damage as a result of civil strife. This has included physical investments in port infrastructure and equipment, and institutional support. Port reforms support from the World Bank involves actions to convert the Port of Freetown from its current status into a “landlord” port (as in Ghana) through the role of arrests, concessions and the licensing of core and non-core activities. A dock harbour company will be formed, owned by the current dock harbour labour force and other operations at the port—with the exception of SLPA. This company will supply all the harbour requirements of all the other operations at the Ports.

**Energy.** Reform in the energy sector has been aimed at providing residents in the Western Area with stable and adequate power supplies, while in the long term a national power grid will provide electricity to more people in a more efficient and cost-effective manner, thus boosting economic and social development capacity with widespread reliable and affordable electrical power. The reform project will also ensure the sustained financial viability of the NPA while establishing a sector management and regulatory framework

conducive to private and strategic partners' participation in the future development of the power sector.

**Water.** Reforms in this sector are aimed at improving the quality of urban water supply service provided to consumers in the Freetown Area through strengthening of the operations of the Guma Valley Water Company (GVWC). This will be achieved through the implementation of commercially-oriented reforms by the GVWC, and the provision of training and urgently needed equipment for the provision of water. The reactivation of provincial water supply projects has also been initiated with promising results.

**Telecommunication.** With only a very small part of the population receiving, at best, an indifferent communication service from the Government monopoly service provider, the GoSL has been left with no alternative but to ensure that the market is diversified and made competitive in order to promote investments in this sector. This requires a regulatory framework which allows for orderly relations between market interests, is conducive to rapid investment, and is focused on key regulatory requirements and enforcement mechanisms—such that the limited resources available for regulation are focused on those issues necessary for an orderly growth in the market.

### **3.1.5 The Role of the National Commission for Privatization (NCP)**

Under the 1960 Companies Act, public enterprises were set up by the state as statutory bodies or companies. They were regarded as the vehicle for economic development in key sectors and were constituted to undertake activities which it was felt the private sector was unable or unwilling to undertake.

Over the years, some of these enterprises performed efficiently. The majority, however, suffered from low productivity and poor management. The reaction of the GoSL was to subsidize their operations,

clearly constituting a drain on the already meagre financial resources of Government. Subsequently, in consultation with the Bretton Woods institutions, the GoSL agreed that a key element of its structural adjustment programme would be the privatization of its 44 public enterprises. To achieve this, the GoSL set up an organization called the Public Enterprises Reform and Divestiture Committee (PERDIC) under whose aegis 20 out of 44 of the enterprises were privatized between 1993 and 1996. The programme was interrupted by the civil war, in 1997, and subsequently cancelled.

In 2002, the National Commission for Privatization (NCP) Act was passed, under which the NCP was created. Under Section 10.1 of the Act, the Commission was mandated to transfer the supervision of all public enterprises to the NCP and to eradicate interference in the management of public enterprises by line Ministries, to ensure transparency, good corporate governance and avoidance of conflict of interest in the affairs of public enterprises. Section 5 of the Act defines the Commission's composition. It consists of a chairperson appointed by the President, and nine other commissioners; one elected by each of the following bodies:

- The Sierra Leone Labour Congress;
- The Institute of Chartered Accountants;
- The Sierra Leone Bar Association;
- The Sierra Leone Bankers' Association;
- The Professional Engineers' Association;
- The Sierra Leone Chamber of Commerce Industry and Agriculture;
- The Sierra Leone Indigenous Business Association;
- The University of Sierra Leone; and
- The Governor, Bank of Sierra Leone.

Section 5.2 of the Act provides guidelines to the above mentioned bodies for the election of their representatives; namely that they

should ensure that the persons they elect are of the highest technical, professional and personal reputation and should not be an office holder in any political party. Thus the Commission is ideally shielded from political influence or interference in the execution of its duties.

The Chairman and the other nine members of the Commission form the executive body that must take all decisions at every vital stage of the devolution process. The Commission is supported by an Executive Secretariat, headed by an executive secretary, who is also secretary to the Commission. The roles and authority of both bodies are clearly spelt out in the various provisions of the Act. Moreover, the operation of the Commission is rule-based, in accordance with an approved operation manual, summaries of which will be published in the gazette.

In September 2003, the GoSL launched the second phase of its privatization programme with the publication of a strategic plan for the divestiture of public enterprises. The strategic plan set out an implementation programme for the period 2003–2006, during which period it was envisaged that the 24 public enterprises inherited from the first phase of privatization, would have been restructured and divested in some form. However, with the exception of World Bank funded projects in major infrastructure sectors, the NCP has not had sufficient resources to advance its programme. Direct funding for NCP operations was to have come from the GoSL.

In August 2004, the NCP's attempt to gain donor support for the privatization programme was only partially successful. In December 2004, the NCP published a reviewed plan. This plan demonstrates significant progress in NCP's approach to the management and resourcing of the programme. The role of the programme as a catalyst for economic reform and private sector development is reflected in the stated objectives of NCP's revised privatization strategy, which include: The creation of conditions for private sector-driven economic

growth; the stimulation of domestic and foreign investment; reduction of the fiscal burden of state enterprises on the GoSL and refocusing of Government resources; strengthening the quality and coverage of infrastructure services; and strengthening the quality of and coverage of financial instruments while lowering transaction costs.

Secondary objectives of the revised privatisation strategy include: Increasing the scope and scale of private sector activities; generating employment through business growth; improving provision of services; and synchronizing government sectoral strategies and private sector strategy.

The 24 state-owned enterprises which are controlled by the NCP are regarded as the principal catalysts in the hands of the Government to accelerate private sector investment in the economy. With the GoSL's commitment to fund the NCP's operation up to the year 2010, and DfID's pledged support to the programme, there is reason to believe that the NCP can play a meaningful role in contributing to the goals of the PRSP.

### **3.2 Natural Resources: A Basis for Economic Development?**

Minerals, the scramble for diamonds in particular, have been singled out as primary factors of societal breakdown, conflict and its perpetuation in Sierra Leone. Indeed, the destruction associated with mining has led representatives of international organizations to consider minerals to be an unreliable, destabilizing and short-term source of state revenue. *Diamonds do not last forever*, they are an ephemeral and finite natural resource. They cannot constitute the basis for a long-term strategy for peacebuilding and economic development in Sierra Leone—by international standards the country's mining sector yields a modest surplus, and it is environmentally



hazardous. In Kono's 14 chieftaincies, for instance, where agriculture constitutes the primary occupation, waterways and land are being destroyed by kimberlite mining. On societal, financial and security grounds, alternative livelihood options will, therefore, have to be put in place, one important strategy being agricultural development.

Currently, however, Sierra Leone needs all the sources of revenue available to build a basis robust enough for the country not to slip back into conflict. This is the case even if it seems impossible for the current Government to regulate the mining industry in Sierra Leone in any meaningful sense of the term. Thus, it would be erroneous to conclude that Sierra Leone's natural resources, including the mineral deposits and the marine sector, cannot be a potentially robust contributing factor to the growth and development of the country, if only in the short term. In addition, the GoSL's PRSP points to the revival of a formal mining industry as a central component of the strategy for rebuilding Sierra Leone.

Sierra Leone's mineral production—including diamonds, rutile, bauxite and gold, for instance—has been and continues to be extensive. Other identified minerals include iron ore, platinum, chromite and base metals. Geological surveys suggest that endowments exceed what is currently known and, under the right conditions, new mines could be opened. Yet, the structure of Sierra Leone's mining sector is highly complex and is built around artisanal mining which makes legislative regulation particularly difficult. For instance, neither the substantial gold deposits nor the rich corundum base are properly regulated, and consequently all potential state revenues are lost through smuggling.

It is worth emphasizing, however, that Sierra Leone remains highly dependent on diamond mining, which produces approximately 20% of GDP. From a meagre US\$10 million in 2000, earnings from diamond

exports have soared to US\$160 million in 2004, according to the figures of IMF. This increase and the potential for further expansion are the results of recent reforms to overhaul the diamond sector. It started with Sierra Leone signing on to the Kimberley Process Certification Scheme, a unique arrangement by governments, NGOs and industry groups to stem the flow of “conflict” or “blood” diamonds by rebel movements by setting up legal channels to trade diamonds. Although the increase has been phenomenal, production could without a doubt be much higher; particularly if regulation of the industry is enhanced.

Moreover, despite the remarkable increase in export earnings, the total export duty on diamonds from Sierra Leone is a 3% of the value of exports, and is calculated as follows (the Government is entitled to a 5% production royalty that is never collected):

- 0.75% to the government as a general tax.
- 0.75% for gold and diamond evaluation fees.
- 0.75% for the Mining Community Development Fund.
- 0.4% to the DCI (an independent evaluator from the UK).
- 0.35% for monitoring fees (for government inspectors).

Revenue from the 0.75% tax for the Mining Community Development Fund is distributed among the chiefdoms of the mining areas in proportion to the number of mining licenses held in each chiefdom, but little of this has been used for the benefit of the various communities.

The low overall level of taxation, though bemoaned by many Sierra Leoneans, is apparently not unique to the country. Because of the ease with which diamonds can be smuggled, throughout the diamond mining world tax increases have been accompanied by an increase in smuggling. The 3% tax level is, therefore, more or less the norm for rough diamond exporting countries. It is also feared that a funda-

mental reform of the mining sector will upset foreign direct investments, as Sierra Leone currently does not hold the financial capacity or technical expertise to conduct mining. At the same time, popular resistance may prove destabilizing if mining in post-conflict Sierra Leone is not regarded as benefiting a broader segment of society.

Lack of regulation also characterizes marine resources that could potentially boost the Sierra Leone economy in the short to medium term. As a result of its geography, the country has access to substantial fishing reserves, including “luxury” fish such as lobster and barracuda. The fishing industry could potentially produce \$90 million in export earnings. There are also talks about the potential gains of off-shore oil drillings.

Because mining remains fundamentally under-regulated by a clearly defined framework of legislation, there is a severe lack of coordination and, as foreign investors enter Sierra Leone, no vetting procedures are in place. Similarly, the Money Laundering Act is worded in an ambiguous manner, providing for no clear checks and balances.

Finally, there is also a clear need to strengthen the corporate social responsibility of the companies in Sierra Leone’s diamond areas. In a similar vein, a clear role for National and Local Government and the Chiefdoms needs to be put in place.

### **3.3 Prospects of Self-Sufficiency and Agricultural Potential**

As the two tables on page 84 suggest, poverty is pervasive and runs deep in Sierra Leone society. In the short as well as long term, building peace and building a viable economy in Sierra Leone will inevitably constitute two sides of the same coin.

**Table 2**  
**Sierra Leone's Post-Conflict Baseline: Poverty**

Area	Total Poor	Proportion of Sierra Leone's poor
Freetown	15%	2.2%
Rural Areas	79%	72.8%
Other Urban	70%	25.1%
National	70%	100.0%

**Table 3**  
**Poverty by Occupation of Head of Household**

Farming	79.4%
Mining	61.3%
Manufacturing	59.7%
Construction	36.3%
Services	50.7%
All	70.0%

Restoration of subsistence livelihoods following the conflict was remarkably successful, manifested in self-motivated resettlements in the rural areas combined with humanitarian assistance and the GoSL's post-conflict National Recovery Strategy. Yet, while recovery to 1991 levels constitutes a beginning, it is by no means a solution. Indeed, it is the poverty levels which are believed to have contributed significantly to the eruption of violence in the first place.

The incidence of poverty in Sierra Leone is by far the greatest among rural poor and poor farmers in particular. At the same time agriculture is the *de facto* economic base of the country, and consequently the sector which presents the greatest potential multiplier effect in terms of income generation. The vast majority of Sierra Leone's population

are farmers and grow the country's food crops, i.e. rice, Cassava, Groundnuts, Maize and sweet potato. Compared with the excessive and long-term challenges inherent to attracting foreign direct investments, building a tourism industry and expanding industrial production, the constraints to expand agricultural production are not insurmountable in the short term. Seminar participants agreed that it is within the agricultural sector that the greatest potential for quick impact on Sierra Leone's economy lies. Indeed, it was argued that the future of the country is directly dependent on it.

A detailed plan to promote surplus production was presented at the seminar, which links up with the 2004 Presidential initiative on food security. It constitutes a fundamental element in Sierra Leone's PRSP. Food security is a livelihood goal, but also a medium-term goal that can launch long-term growth in the agricultural sector and in Sierra Leone's economy as a whole. The difficulties that the agricultural sector faces are emphasized by the fact that the country currently imports around 120,000MT of rice per year. This is 2,4 million bags of 50kg per year, valued at 156,000,000,000 Leone per year (equivalent to US\$52,8 million).<sup>3</sup> Considering the dire budgetary constraints that Sierra Leone currently faces, there is a strong case for ensuring that Sierra Leone is self-sufficient in rice production.

The leap from subsistence to surplus is based on two broad factors: the ability to invest and the issue of motivation. The ability to make savings from production and to subsequently invest in production, health and education, will be crucial. Similarly, farmers, communities and leaders, must be motivated for this change. The vision will be that Sierra Leone achieves food security and exports rice and other

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<sup>3</sup> It should be emphasized that Sierra Leone's Cassava production hovers around 1.8MT, roughly 710% of national requirement; and Groundnuts at 91,128MT, roughly 150% of national requirement.

products. Farmers are in possession of a surplus, machinery and better roads; they are organized and have the resources for commercial production. Finally, the newly established Local Councils will play a key role in delivering the services necessary as well as mobilizing the citizenry for the agricultural sector to become sustainable and profit-making.

In the short term at least, these plans for transgressing the threshold from subsistence to surplus rule out mechanization and formal credit expansion to small farmers. Individual farmers simply do not have sufficient resources to invest in the mechanization process, and the available aid does not suffice either. It is also clear that the expertise needed to mechanize the agricultural sector can only be achieved in the medium to long term. Thus, farmers must launch surplus production by a incremental, yet massive expansion and mobilization of savings for further growth. In brief this will be done through an increase of acreage, one acre by each farmer, which allows subsistence and surplus farming to take place simultaneously. This process will be supported by the Agricultural Business Units (see Chapter 2.5, p. 58), which will be in charge of investing members' savings, manage investments in inputs and machinery such as rice hullers/tractors, manage payment of Community Contributions to local governance structures and monitor Ward Development Committees and Local Councils.

One concern raised during the seminar was that long-term enhancement of the agricultural sector remains inversely proportionate to modifying the land tenure system. Yet, the simple but effective way of producing a surplus by expanding the farmed land by one acre will not necessarily collide with the current land tenure system. In its current form, Paramount Chiefs and their extended families are in all but complete control of the land. This makes land sales to foreigners with experience in commercial farming or the collateralization of land for credit next to impossible to achieve. The enhancement of the

agricultural sector is also directly linked to infrastructural developments to assist farmers in bringing their surplus goods to the market.

Despite the importance of agricultural development, a number of seminar participants raised serious doubts as to whether such efforts would offer a lasting solution to 'the crisis of youth' and the high juvenile unemployment rate in West Africa. Two thirds of the population is under 30 years of age. Many of the young men participated in the civil war which left them rootless, without social ties, education or marketable skills and thus without prospect for the future. The Disarmament, Demobilization and Reintegration (DDR) program managed to take tens of thousands of weapons out of circulation. Yet the process of reintegrating demobilized ex-combatants into society in Sierra Leone remains far from complete. For it to succeed, in the words of one participant, three things are needed: "Jobs, jobs and jobs." Another participant put it more bluntly: "What we are offering them [the youth] at the moment, is reintegration into poverty." Hence, pertaining to the agricultural sector, it is safe to conclude that the youth will not go back to farming if it is not transformed from subsistence to surplus occupation and profit maximization.

The qualitative and quantitative transformation of the agricultural sector feeds directly into the issues of food security and national security. What is needed is a pragmatic reform process which will necessarily be incremental in the outset but provide a much needed economic multiplier effect. This means engagement and empowerment of farmers in surplus production with their own resources and the empowerment of Local Councils as well as the creation of links between Councils and constituents for accountability and service delivery. Most importantly, however, transgressing the threshold from subsistence to surplus production may attract youth into what could in the short term become commercial farming with its extant post-harvest industry and services.

### 3.4 Corruption: Government Reform or Societal Change?

Corruption is endemic in most post-conflict societies. Weak institutional structures, non-ethical behavioural patterns exacerbated by war, a semi-lawless environment, and a critical shortage of paying jobs all combine to create a ripe environment for corruption. Widespread post-conflict corruption will inevitably threaten economic reconstruction and jeopardise a country's political stability and prospects for longer-term peace. This is because corruption siphons money away from essential government services, scares off investment and inhibits development and, ultimately, destroys much needed confidence in the post-conflict political order. The issue of corruption, which is writ so large in recent analyses of barriers to good governance and recovery in Sierra Leone, is one that is spoken about openly by Sierra Leoneans themselves, from all walks of life.

Corruption lends itself to diverse definitions ranging from theft, dishonesty, in brief, abuse and misuse of public office. There is a clear understanding in the imagination of Sierra Leoneans of what is meant by corruption, and this is reflected in local parlance. Terms for corrupt behaviour include "kavei" (cheating), "guyu-guyu" (shady practices), "ben-ben" (not being straightforward), and "chapping" (rent-seeking). These definitions, taken from local understandings, embrace two basic types or aspects of corruption: Material aspects, which explain corruption in the light of financial or other benefits solicited or derived by persons; and the use or abuse of authority/facilities that are made available to individuals performing certain functions in the civil service.

Legal definitions of corruption are outlined in Sierra Leone's Anti-Corruption Act of 2000, Part IV. These definitions include:

- Corrupt acquisition of wealth or transactions.
- Soliciting and accepting advantage.



- Using influence for contracts.
- Corrupting a public officer.
- Soliciting or accepting advantage for public officials.
- Misappropriating public or donor funds.
- Impending foreign investment property.

Internationally, the term corruption has been conceptualized as the “misuse of public office for private gain” or the “misuse of entrusted power for private gain.” Although the term “corruption” is most often applied to the abuse of public power by politicians or civil servants, in line with the international conception, it is important to realize that it depicts a pattern of behaviour that can be found in virtually every sphere of life in Sierra Leone. The utter collapse of societal and state structures during the armed conflict has fostered many practices that are deemed corrupt in post-war Sierra Leone.

While corruption has proven to be a major stumbling block in the establishment of an effective and modern state in Sierra Leone, the levels of corruption are next to impossible to accurately survey. However, based on recent data of the 2004 and 2005 Transparency International Corruption Perception Indices, Sierra Leone is ranked an unenviable 118 of a total of 146 and 129 of a total of 156 countries, respectively. However we interpret these figures, the fact is that Sierra Leone is ranked as one of the most corrupt countries in the world.

An overwhelming majority of Sierra Leone’s citizenry see corruption as rampant throughout society, but particularly widespread within the Government itself. By way of example, the 2000 Joe Lappia/Emmanuel Gaima Corruption Prevention Survey reveals that 95.6% of respondents indicate that corruption is rampant and widespread, while 94% maintain that corruption is rampant in most institutions. This view is also supported by the 2002 Governance and Corruption Study, sup-

ported by DfID and the World Bank. Considering that Sierra Leone is ranked at the bottom of the Human Development Index, corruption in Sierra Leone is particularly damaging. Indeed, corruption has been sighted as one of the major causes of the conflict.

It is against this background that the implications of corruption in Sierra Leone should be assessed. In short, a Government that fails to combat corruption in public management to a reasonable level will inevitably lose credibility and ultimately office. However, it should be emphasized that corruption as a concept and as a practice cannot be blamed for all the difficulties in consolidating Sierra Leone as a sustainable state. On the other hand, there is little doubt that corruption weakens, if not prevents, the country from moving up in the ranks on the Human Development Index.

This has become a serious concern of the day, and in consequence the Anti-Corruption Commission was established in 2000 with the explicit goal of strengthening “effective oversight of the conduct of public officials and the use of public resources.” The Anti-Corruption Commission (ACC) continues to make significant progress in the areas of investigation, prevention and public education with the expressed aim of designing avenues to militate against the damaging effects of corruption. A corollary to these efforts has been the development of the National Anti-Corruption Strategy (NACS).

Section 4.1 of the 2000 Anti-Corruption Act constitutes the Anti-Corruption Commissioner as the individual responsible for implementation of the NACS. The NACS is a vital component of a comprehensive national programme to combat corruption. Four areas are targeted:

- The causes of and attitudes towards corruption in Sierra Leone.
- The measures needed to reduce opportunities for corruption.
- The country’s current state of corruption.
- The options to break with past.

The launch of the NACS by the President on 15 February 2005 is a demonstration of the “government’s commitment to good governance and the eradication of corruption in Sierra Leone.” The importance of the NACS to help curb corruption in Sierra Leone cannot be over-estimated. It is a vital prerequisite for taking steps to deal with corruption as it embodies a strategic action plan, developed in consultation with governmental and non-governmental stakeholders. The NACS will be implemented in four phases. Phase 1 is focused on ‘sensitization’, with specific efforts targeted at Government Ministries and Departments, at the district and regional levels, and at students and the youth.

Phase 2 is focused on engagement with “corruption hotspots” and the appointment of Ministry “integrity officers.” These will be persons with proven integrity and probity. They will be vetted by the ACC and trained in Anti-Corruption Methodologies. Their ultimate task, however, will be to draw up Ministerial “Action Plans” and to subsequently, during phase 3, certify that these have been fully implemented. Phase 3 will also include sustained efforts to reduce corruption in the Ministry in question, in close cooperation with the ACC.

Phase 4 will concentrate on monitoring ministerial practices, which will be conducted by the ACC itself. Measures to be taken by the ACC include the possibility of querying individual Ministries’ failure to comply with the drawn up Action Plan. Furthermore, specific sanctions will be designed for non-compliance which may include “naming and shaming.” To this end a Civil Society Monitoring Group will be created which will:

- Provide for an external monitoring system;
- Assess and implement initiatives independently;
- Provide oversight outside of Government;
- Issue regular monitoring reports;

- Promote transparency; and
- Provide public information to the people of Sierra Leone.

Successful implementation of the NACS is a responsibility that falls not only upon the ACC, but upon all Sierra Leoneans. The fight against corruption will not be won by treating government reforms and societal change as mutually exclusive strategies. Societies hardly bring corruption under control by establishing robust penalty systems, moralistic campaigns and administrative reforms alone. Where corruption is generally low, it is not just fear of the law that restrains abuses.

Self-interest, as well as informal and neo-patrimonial networks, channels trust—and power—away from state institutions which have hitherto been regarded as utterly dysfunctional and incapable of serving a meaningful purpose. Corruption cannot remain a salient characteristic of the Sierra Leone state, if it is to perform credibly for its citizenry. Yet the societal structures that support corrupt practices need to be better understood and linked to the emergent anti-corruption programmes.

### **3.5 Challenges and Recommendations**

The balance between the role of the public and private sectors in promoting economic growth remains difficult to manage. While it is decisive to attract inward investment, it will be necessary to set down clear markers for the type of investments that are warranted. It is safe to say that some of the companies—national and international—who have previously operated in Sierra Leone will not be welcome in the newly regulated environment.

Deep-rooted and extensive neo-patrimonial networks between e.g. Ministries and individuals jeopardize any coordinated approach to privatization. Breaking down these networks is easy to state in policy,

but very difficult to implement in practice, because they are interest-driven and based on deep-seated cultural practices.

From seminar presentations by key Sierra Leonean officials and subsequent plenary discussions there can be little doubt that attempts to create a benevolent environment for privatization and investment are being put in place. Yet, a number of concerns remain and will have to be addressed if the initiatives of the GoSL are to be successful.

These areas of concern include:

- **Personality rather than process.** The issue of personality vs. process remains one of the major barriers to robust investments in Sierra Leone. Most businessmen's interaction with the Government is directed to relevant—or often *irrelevant*—Ministers or through contacts with senior officials in the relevant agencies. This culture of doing business in Sierra Leone must be addressed immediately.
- **Capacity.** Capacity to do business is weak both within Government of Sierra Leone and within the private sector. Thus, there is an urgent need to build capacity, both to develop and grow businesses and to manage commercial ventures.
- **Commercial Law Reform and developing a regulatory framework.** The legal framework for governing business and commerce should be modernized, and the implementing institutions should be strengthened. The regulatory framework of private businesses is complicated, time-consuming to navigate in and expensive to manage. As a consequence it is often next to impossible to enforce. Small scale investors complain about the taxation regime and the endemic informality of the sector which makes it difficult to regulate. A need for consistency in regulation is thus necessary.

- **Programme implementation.** Design and delivery of priority programmes identified in the Private Sector Development strategy, including investment promotion initiatives, should be enhanced to ensure alignment of Government policies and statutes with relevant international conventions. Institutional development should be enhanced to ensure capacity to deliver these programmes. It will also be important to ensure that there is an effective Programme Coordination Component so that implementation is consistent with the objectives and policies of the Private Sector Development strategy and that it complements activities in related initiatives.
- **Insufficient information.** Often decisions affecting the overall Sierra Leone economy are made in a vacuum. Export taxes for the diamond sector are a good example. There is an insufficient evidence base available for sensible decisions to be made.
- **Diaspora.** Potential inward investors, particularly those in the Diaspora, complain about the paucity of information available for investors. The lack of a 'one-stop-shop' for investors, which is currently being set up by Sierra Leone Export Development and Investment Corporation (SLEDIC), means that the Diaspora will resort to consolidated informal networks. The vicious circle of personality over process is thereby sustained.
- **Corporate social responsibility.** While the Government of Sierra Leone bears the primary responsibility for promoting a favourable investment climate, private investors can and do have an obligation to support this process. The main concern is that of corporate social responsibility, particularly in the Mining sector. It is simple to state in policy and difficult to implement in practice, but companies operating in Sierra Leone—national and international alike—must adhere to best practices in the sector.

It is in their own interest to do so and in the absence of a robust regulatory system, the self-regulation of companies will be all the more important.

- **Chambers of commerce.** Private investors need to have a formalized forum in which views can be exchanged with the Government. Rather than these meetings taking place on a bilateral basis, it would be more effective to develop or strengthen already existing structures such as chambers of commerce.
- **Popular perception.** Perceptions play a cardinal role in the stimulation and promotion of inward and domestic investment. Unless the investment climate improves, and people see these improvements and begin to strategize about how to deploy them to their own benefit in a market economy, the post-conflict strategy for Sierra Leone could falter altogether.
- **Work procurement programmes.** It is necessary to broaden the scope of employment opportunities. Its absence not only constitutes a narrow economic development challenge, but a genuine security threat. It will, therefore, be of pivotal importance that the Government of Sierra Leone, possibly in cooperation with international agencies, targets job procurement as a number one priority.
- **Agricultural development.** The Agricultural sector may constitute the single most important growth sector in Sierra Leone. Sierra Leone needs a short-term boost to the economy which cannot be expected to ensue from foreign direct investments, tourism or the expansion of industrial production. The promotion of private sector investments are being robustly pursued from the central state level, but it is unrealistic to expect the economy to take quantum leaps in the short term.

- **National private sector development strategy.** Under the leadership of the Ministry of Trade and Industry (MTI), a comprehensive strategy should be developed to promote domestic and foreign investment in trade and industry. The desire of the MTI to play a coordinating role across government and with the private sector should be supported to ensure the achievement of Private Sector Development (PSD) as set out in the Poverty Reduction Strategy Paper (PRSP).
- **Policing.** While visible policing of the diamond areas of Sierra Leone has improved, little enforcement is in place. A small diamond unit is being developed to ameliorate this circumstance. For the sake of stability the Sierra Leone Police should do its utmost to appear impartial in ensuring stability in the local community.
- **National and Local Government and Chiefs.** The 1994 Mineral Act does not address the development of local communities, and as a consequence there are no formal avenues for local involvement in the checks and balances of mining. Speedy reform will be necessary to enable the involvement of the local community on a formal basis, but also to gain clarity of the division of labour between National and Local Government on the one hand, and chiefs on the other.



## 4. Rule of Law

### 4.1 Legislative Reform

The laws of Sierra Leone are derived from the Constitution and laws made under it, statute law inherited from the colonial era, common law of England up to 1884, and customary law. Statutes passed by the British Parliament and the Legislative Council during the century and a half of British colonial rule remain in force today. Most of them have remained without reform, even though the same or similar UK statutes have been fundamentally reformed or repealed by the British Parliament. For instance, the 1925 Law of Property Act remains the only statute on land in the Western Area of Sierra Leone, and the 1933 Protectorate Lands Ordinance is still in force in the Provinces.

Since independence in 1961, the Parliament of Sierra Leone has passed many statutes, in some cases without amending or repealing previous legislation of a similar nature. The Common Law is administered in its primeval form, although this is tempered by the efforts of the judges of the superior courts to admit recent decisions of the English Courts as persuasive authority.

Customary law is the indigenous law of Sierra Leone. In this regard, it is important to stress that customary law is not codified and there are no uniform rules of court procedure. Additionally, state supervision of the Native Administration Courts has generally been dysfunctional, giving chiefs and court officials a significant field for graft, patronage, and maladministration. Customary law has been administered through local courts that were established by the Local Courts Act of 1963. There are up to four of these courts in every chiefdom throughout the Provinces.

Local courts are presided over by Court Chairmen who are appointed by the Minister of Local Government and Rural Development, invariably on a part-time basis. The Minister also appoints members of the courts. Their jurisdiction is not up-to-date with the social and economic realities of post-conflict Sierra Leone. In criminal matters, their jurisdiction is limited to minor crimes and in civil matters the fines and compensation they can impose are negligible. Considerable work has, therefore, been undertaken, with DfID funding, to reform the Local Courts Act and a draft Bill is now being actively considered.

Paramount Chiefs and local Chiefs administer an informal system of justice which is fast, efficient yet often also oppressive. Customary rule of law was made illegal by Local Courts Act, but it is important to stress that it remains the only source of legal authority in remote parts of country.

In 1975, Parliament—faced with a situation where the law was archaic and in some cases contradictory—passed the first Law Reform Commission Act in the history of Sierra Leone. Headed by a retired Judge of the Superior Courts, the Commission had some eminent lawyers as its members. However, the Law Reform Commission was able to produce only one piece of legislation, dealing with the issue of adoption, before it became defunct. According to one of its former members, the main reasons for this poor performance were underfunding by the Government, lack of political will to reform the laws of Sierra Leone, and a general judicial conservatism on the part of the Commission's leadership.

#### **4.1.1 The 1994 Law Reform Commission**

In 1994, the military regime of the National Provisional Ruling Council (NPRC) enacted the Law Reform Commission Decree which was adopted as President Kabbah came to power as leader of the SLPP in

1996. Nonetheless, because of the circumstances of conflict and the subsequent military *coup* in 1997, the Commission was not reconstituted until January 2003, when the President appointed a chairman and six other commissioners. The main function of the Commission was stipulated as to keep under review the laws, both statutory and others, of Sierra Leone with a view to their reform, development, consolidation or codification. The Act also gives the Commission the mandate to take other initiatives and proposes the enactment of new laws as appropriate. In practice, the commission reviews existing laws, leaving the promulgation of new laws to the government.

In determining Sierra Leonean priorities for legislative reform, the Law Reform Commission is guided by the GoSL's major policy objectives—which are food security, the encouragement of investors, poverty reduction, and affordable access to justice. Notably, this includes a concern for human rights as established in Sierra Leone's Constitution and a number of international conventions on the rights of women, children and the disabled. In addition, it was recognized early on that partnership with the citizenry at every stage of the Law reform Commission's operation is vital.

Accordingly, the first public activity of the Commission was to send out invitations to all government departments, ministries and the public in general to commence a dialogue on the areas of legislation which are in need of urgent review. According to the representative from the Commission at the seminar, the initial response was satisfactory and it was an important factor in determining priorities of the first three years of operation of the Commission. One priority of pivotal importance was to eliminate legally-based discrimination against women and to modernize the law against sexual offences. The second priority was to create a legal framework to make a benevolent environment for investors to do business, as outlined in the previous chapter of this report.

Regarding the first priority, a consultative conference was organized (in collaboration with the International Rescue Committee, UNICEF and UNIFEM) for women's organizations and other interested groups at Mamba Point in Freetown. The recommendations of the conference became a sort of blueprint for the review of gender-related laws. In 2003–4, reviews and recommendations for the following laws were proposed: marriage, succession, inheritance, citizenship and access to and the commercial use of land. To each of these proposals, extant recommendations were made on the removal of elements in legislation that discriminates against women or puts them at an unfair disadvantage.

In the case of marriage, for instance, the Commission proposed that, among others, that the rights and obligations of the parties to a marriage—be it civil, Christian, Islamic or customary—be harmonized so that the parties enjoy equal rights; that the age of marriage without parental consent be reduced from 21 to 18 years; and that marriage below the age of 16 should be made illegal, parental consent notwithstanding. With regard to succession, it was deemed necessary to abolish gender discrimination in Islamic and customary law. Likewise, the discriminatory sections in the current Administration of Estates Act was deemed inappropriate.

Sierra Leone's citizenship law contains both gender and racial discrimination in the criteria for the acquisition of citizenship at birth. The relevant provision is that a person born in Sierra Leone is a citizen by birth only if his or her father or father's father is or was a Sierra Leonean of 'Negro Africa' descent. All others, including those whose mother is a Sierra Leonean, could acquire citizenship only by naturalization. It is worth noting that naturalized citizens' rights are more restricted than those of citizens by birth. For instance, a naturalized citizen is not qualified to elect or be elected President, as Member of Parliament or Local Councils. The Commission has completed a review

of the Citizenship Act after holding extensive consultative workshops. A draft citizenship bill will be submitted to the Attorney-General and Minister of Justice early in 2006, the positions of which are vested in the same individual according to the Sierra Leone 1991 Constitution (Chapter I, Paragraph 64).

The Commission's draft bill on Sexual Offences seeks to codify and modernize the law of rape, including marital rape, and makes comprehensive provisions to deal with offences such as arranging or facilitating child prostitution and pornography.

In 2005, work on domestic violence has been completed, which mainly affects women and children. It has been a joint effort with UNIFEM and the Ministry of Social Welfare, Gender and Children. Customary Law is set down for review in 2006. The object of this exercise will be to explore and codify community laws that have hitherto been fluid and unrecorded.

Additionally, reports and draft bills have been produced that are related to creating a legal framework for investment and development. These include the Land Act dealing with access and commercial use, the Partnership Bill, the Consumer Protection Bill and the Kimberley Process Certification Bill. Furthermore, work is in progress on the Consolidated Mines and Minerals Act, which is funded by DfID.

The main provisions of the Land Bill are the elimination of discrimination against women in land transactions and against Sierra Leoneans who are described as 'non-natives,' the removal of some of the restrictions on the sale of provincial land without destroying the customary role of Chiefs in the disposition of land and to increase the maximum term of commercial lease from 50 to 90 years. The theoretical basis of this reform is that the freehold estate in the provincial areas is held by families, individuals or the community. The Local

Government Act stipulates that the Chief is the trustee of all land in his chiefdom.

#### **4.1.2 Human Rights Conventions**

The 1991 Constitution of Sierra Leone has extensive provision for the recognition and protection of human rights, including the right to life, liberty, security of the person, the enjoyment of property, and the protection of the law. In addition, there are guarantees of the freedom of conscience, of assembly, expression and association as well as the freedom from deprivation of property without lawful cause and compensation.

No provision is made for the protection of minority groups as a collective body, e.g. children and persons with physical or mental disabilities. Indeed, the 1991 Constitution permits discrimination against women and provides a legal basis for Parliament to pass laws which are gender-biased on such issues as adoption, marriage, divorce, burial and devolution of property or other interests in personal law.

These are the main areas in Sierra Leone's laws where women are most disadvantaged. For instance, in customary law a woman is part of her deceased husband's estate. In the Northern Province, a woman is barred from becoming a Paramount Chief even if she is the only surviving child of her late Paramount Chief father. In the Western Area intestate succession is heavily weighed against women and Provincial men.

Some these omissions have now been largely superseded by international conventions to which Sierra Leone is a signatory, including:

- International Convention for the Suppression of the Traffic in Women and Children.

- Amendment to Article 43.2 of the Convention on the Rights of the Child.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Convention on the Rights of the Child.
- Convention on the Elimination of all forms of Discrimination against Women (CEDAW).
- International Convention on the Elimination of all forms of Racial Discrimination.

In 2004, Parliament passed the Human Rights Commission Act, and the appointment of Commissioners is now in progress. If the Human Rights Commission operates efficiently when fully established, it should be able to enforce or assist affected persons to enforce the human rights provisions of the Constitution. It is doubtful, however, that this can be done without amending some the human rights provisions of the Constitution. The Human Rights Committee of Parliament is yet to find a proper role for itself. This will become particularly urgent when the Human Rights Commission begins to function effectively.

In 2005, Parliament passed the Anti-Human Trafficking Act to suppress trafficking in persons and provide for related matters. The Human Rights Committee is handling the issue of elimination of all forms of discrimination against women separately. Meanwhile, the Law Reform Commission has already taken some steps to reform a number of the major areas of discrimination against women and is ready to help the Committee to design a realistic agenda for the implementation of the CEDAW.

The other Conventions are already provided for in the Constitution, but very little attempt has been made so far to translate their contents into enforceable domestic law.

### **4.1.3 Freedom of the Press**

The Constitution of Sierra Leone has provision for the guarantee and protection of the press freedom. In this regard it states, *inter alia*, that the press shall at all times be free to uphold the fundamental objectives of the Constitution and to highlight the accountability of the Government to the citizenry (see e.g. Chapter III, Paragraph 25.1). Hence, the right to criticize the government or any other state authority and expose malpractices by public officers (without personal insult), is constitutionally based.

This freedom is not limited to newspapers, but extends to academic institutions (professors, lecturers and researchers), religious sermons, books, magazines, radio, television and other agencies that provide input to popular media. However, the only media grouping that is campaigning for more freedom is the press. Moreover, the current debate is not fundamentally about freedom of the press, but rather about remedies for abuse of that freedom. The 1965 Public Order Act provides penalties, including imprisonment for libel or sedition. It is the criminal sanction for libel and sedition that the Sierra Leone Association of Journalists is fighting to repeal. However, it was argued that this is more of a political than a law reform issue.

Recently, President Kabbah requested the Independent Media Commission to discuss with the Association and others the issue of repealing the part of the Act that provides criminal sanctions for libel, on the condition that the press and other news media insure themselves to compensate victims of libellous publications. In late 2005 the debate remains ongoing.



## 4.2 Reform of the Judiciary

### 4.2.1 Origins and Evolution of the Judicial System

The laws of Sierra Leone have made provision for two main types of courts which have the responsibility to adjudicate on matters. They are:

- **Customary or native administration courts.** These are mostly effective in the provincial areas with jurisdiction to administer customary law in accordance with the beliefs and practices of the various ethnic groups.
- **UK-type courts**—comprising the Magistrate courts, the High Court, the Court of Appeal and the Supreme Court. These courts are basically British in orientation and were ‘imported’ during the colonial era. The administration of justice in this court system is based on British law, with a wider jurisdiction covering the entire territories of Sierra Leone. By implication, it is this judicial system that is hierarchically located above the customary courts.

Sierra Leone has a rich judicial history, and the country has played a significant role in the development of the justice sector in West Africa. Sierra Leone was at the forefront of judicial developments of the sub-region, largely thanks to the construction of Fourah Bay College in 1827, the first university in West Africa. The university became a real power house of education, training Nigerians, Ghanaians and Gambians who would return to their countries of origin and contribute to the civil and judicial administration of these states, and provide other professional competencies.

The abolition of the slave trade in the early 18<sup>th</sup> century also drew attention to Sierra Leone, where the first Admiralty Court was set up to try perpetrators of slave trade. During the colonial era, the chief

administrator of the British West African states of Sierra Leone, Nigeria, Ghana and the Gambia was based in Sierra Leone, from where he administered the other territories both judicially and in terms of the civil service. Sierra Leone was for many years host to the West African court of appeal. Moreover, by a constitution brought into effect on 19 February 1866, the United West Africa settlement was established. The supreme court of Sierra Leone was declared the supreme court of the Gambia, the Gold Coast—now Ghana—and Nigeria.

The outstanding position of Sierra Leone in the sphere of the judiciary was maintained through independence in 1961 and until the first Republic was created in 1971. The judiciary was respected as independent and judges administered justice without fear or favour. However, this respect was seriously eroded when President Siaka Stevens enforced a one-party constitution in 1978. In essence, the judiciary lost the independence which had hitherto been upheld to a large degree. In addition, there was no security of tenure for judges or other judicial officers. The President was vested with the power to hire and fire judges at will. The removal of all vestiges of financial autonomy from the judiciary by the All People's Congress (APC) regime in the 1970s further served to impoverish the administration of justice.

In essence, this meant that the judiciary was 'co-opted and domesticated' to always be at the beck and call of the rulers. Additionally, the effective functioning of the judiciary was compromised by the basic circumstance that the Government struggled to meet the judiciary's salary and logistical requirements. Few people were willing to work for low wages in an institution that lacked basic infrastructure in terms of equipment, personnel and facilities and there were severe delays in cases.

### 4.2.2 The Contemporary Judicial System

A watershed occurred with the inauguration of President Joseph Momoh, Stevens' successor, and the adoption of a new constitution in 1991. On paper, this ushered in 'democratic governance' and 'the Rule of Law.' Section 120, subsection 3 of the 1991 Constitution reads: "In the exercise of its judicial functions, the judiciary shall be subject to only this constitution and shall not be subject to the control or direction of any other person or authority."

Section 120 clearly stakes out the constitutional basis of an independent judiciary and for all intents and purposes it may be regarded as an attempt to remedy the anomalies created in 1978. The constitution was written for Sierra Leone's return to multi-party politics and stakes out a complete separation of powers between the legislative, the executive and the judiciary. A legal framework for implementing the rule of law was effectively put in place. Ideally, judges were ensured the guarantee of independence and security of tenure.

The outbreak of war that year, however, and a subsequent military coup meant that the intended judicial reform could not be backed up with the necessary training equipment and facilities. It is safe to say that the already exhausted judiciary was given a death blow, save for irregular court sittings in Freetown.

The 1996 Abidjan Peace Accord failed to bring peace to Sierra Leone; hopes of peace were dashed when the SLPP government elected on 29 March 1996 was overthrown by an alliance of soldiers and rebels, who proceeded to form the Armed Forces Ruling Council (AFRC). However, 1996 was also a significant year, because a democratically elected government was ushered in, which ultimately led to conscious efforts to improve justice in the country once the armed conflict was terminated.

In terms of infrastructure, new court buildings have been constructed and rehabilitated in Bo, Kenema, Makeni and Freetown. In addition, there is ongoing recruitment and training of more judicial staff, including magistrates, court clerks, bailiffs and registrars.

Critics maintain that the police, prisons and judiciary are operating much like they did in the past. Corruption, inadequately trained and unsuitable personnel and reliance on anti-democratic laws remain the hallmarks of law enforcement. Furthermore, the chiefdom governance that has been restored in the rural areas raises a number of the same severe problems that hindered the protection and promotion of human rights in the past.

To deal with these concerns, and to ensure that developments and capacity-building of the police and the prisons are in sync with those of the judiciary, the DfID funded Justice Sector Development Programme (JSDP) has been initiated. Commenced in early 2005, and scheduled to run for a five year period, the JSDP suggests that there is a need “to look at the justice sector as an integrated system.” Strategically, the aim of the programme is to support the development of an effective and accountable justice sector, particularly for the poor, marginalized and vulnerable. As such the JSDP is aligned with Sierra Leone’s PRSP and other GoSL reform programmes, including anti-corruption, Security Sector Reform (SSR), and the strengthening of civil society. Similarly, the programme seeks to establish mechanisms to improve coordination and cooperation between justice sector institutions and to address the logistical and infrastructural obstacles to improving safety, security and access to justice.

As such, emphasis is put on the formal as well as informal justice sectors—i.e. government and civil society—working in partnership to improve service delivery and to provide a clearer understanding of the roles and responsibilities of the various justice sector institutions.

The fast-tracking of the judicial process and the enforcement of vigorous case management are primary objectives of the programme. To assist in this process, four Commonwealth judges have been recruited by DfID.

The judiciary has also taken several initiatives to enhance the delivery of justice. Notably, a new code of conduct has been promulgated for judicial officers and accepted into law. Additionally, when the Chief Justice was appointed, he pledged to reform the judiciary and steps have been taken towards complying with this promise. He has succeeded in recruiting several young lawyers to the magisterial bench to take over courts in the provinces that had hitherto been managed by Justices of Peace and rotating magistrates, in order to reduce the lengthy backlogs of cases. Indeed, the weakest link of the judiciary has been the Magistrate Court system, mainly because of difficulties in recruiting qualified magistrates, given the poor conditions of service.

The legal basis upon which the judiciary works is also being addressed, in order to meet the concerns of marginalized and ‘voiceless’ groups—such as women and children. As mentioned previously, the Law Reform Commission is working to repeal and/or update obsolete legislation and discriminatory laws, particularly those laws which deal with male domination of domestic settings, inheritance and ownership of property by women.

The Special Court for Sierra Leone is also worth noting in the context of judicial reform, as it constitutes a significant break from the traditional legal system. Local and international laws have been blended to try those who bear the greatest responsibility for the war. Furthermore, plans are underway for the Special Court to ‘overstay’ its mandate, and to become the court that tries human rights violations in West Africa and beyond.

Interestingly, the Special Court is not really a new phenomenon in the judicial history of Sierra Leone. In June 1819, one of the earliest international tribunals was set up in Sierra Leone. It was the mixed court of justice better known as the mixed commission court. The name arose from the presence on the bench of representatives from several nations. Initially the court membership was made up of Britain, Portugal and Spain. Later on it included the Argentine Republic, Bolivia, Chile, Uruguay, Brazil and the USA. The court attracted to Sierra Leone many able lawyers from abroad, and remained in existence for about 40 years.

### 4.3 Challenges and Recommendations

- **Coordination.** Law reform has become nationally popular, and already a bandwagon effect is noticeable. Individuals, small organizations, Government Ministries, the Human Rights Committee of Parliament, and a number of paralegal groups are all engaged in law reform activities of one form or another. There is an urgent need to coordinate these activities and their funding. To this end, the Law Reform Commission is willing to work with anyone who is interested in discussing the issue of coordination.
- **Speedy Processing.** Related to the above, there is a need to work out procedures for the speedy processing of reform bills submitted to the Attorney General's Office. Five bills were submitted in September 2004 by the Law Reform Commission. Only one has been published as a bill to go to Parliament; a second one is now being processed for submission to Cabinet. The Government has its own legislative programme which is handled by the Attorney-General's Office, and other law reform committees may soon inundate the Office with a number of bills that may be ill-considered and badly drafted. This could quite possibly clog the

system even further, and bring law reform to a halt in the short to medium term.

- **Law to the people.** The timeworn cliché that ignorance of the law is no excuse is unrealistic, if not outright cynical, in a country where the statute laws are in English and about 80% of the population is illiterate. In terms of access, even highly educated individuals sometimes find it difficult to obtain copies of new or old legislation. It should be obvious that if reformed laws are to have any significant impact upon the lives and attitudes of the population as a whole, a massive campaign of public information should follow all newly issued legislation. The Government, civil society and law reform organizations should give serious consideration to this aspect of rule of law.
- **Accessible justice.** The stated aim of the Justice Sector Development Programme (JSDP) is that it will lead to a positive turnaround of the Criminal Justice Sector. For now, much emphasis is placed on the judiciary which is the major beneficiary of the Justice Sector programme. More judges and magistrates courts will have to be built and more logistical support provided to the judiciary to make it a much more effective and reliable judiciary for Sierra Leone. It is hoped that at the end of the reform process commenced with the JSDP, the judiciary in Sierra Leone will have the capacity and will be robust enough to ensure that justice prevails and that it will be resistant to corruption and other malpractices. Furthermore, it is hoped that the judiciary will be fully capable of self-discipline as the code of conduct for judicial officers presupposes so that the judicial officers are made accountable for their conduct to the appointing authorities and the general public.





## **5. Security Sector Reform**

### **5.1 The Integrated Approach to Security**

With UNAMSIL's withdrawal at the end of December 2005, the primary responsibility for security has been handed over to the state security sector. It is reasonable to say that Sierra Leone's security forces collapsed during the conflict—chains of command and lines of communication became severely unstable, and wages and supplies rarely reached the front line. However, during the post-colonial era, before the war broke out in 1991, the army, the police, and what remained of the intelligence services had already been profoundly emasculated and reduced to politicized institutions. The military forces were inflated in size and ill-equipped; the Sierra Leone Police (SLP) and immigration and correction service personnel were poorly trained; there was a substantive increase in organized crime; and intelligence was based on rumours rather than substantiated, verified and collated information.

CSOs and local communities were not regarded and utilized as sources of information on the security situation, and the GoSL lost touch with developments across the territory of the country. There was no qualified coordination of incoming information on security threats; the Inspector General of Police (IGP) and the chief of armed forces, independently from one another, provided the President with contradictory intelligence reports.

The reform and the democratic control of the security sector and the joining together of security and development has become a considerable ingredient of international intervention into post-conflict societies since the turn of the 21<sup>st</sup> century. The concept of Security

Sector Reform (SSR) was introduced for the first time by Clare Short in 1998, the first minister of the Department for International Development (DfID). While effective security structures under civilian and democratic control may not equal democratic and economic development, they are certainly regarded as a precondition. By and large, this rationale has been robustly translated into the Sierra Leone peace-building process.

For example, it is reflected in Sierra Leone's interim Poverty Reduction Strategy Paper (PRSP) dated 13 April 2005. Indeed, according to Pillar I of the PRSP, "good governance, consolidated peace and a strengthened security sector are key elements of the enabling environment for delivery of services for attainment of food security, creation of employment opportunities, human development and economic growth." The Security Sector Review, dated March 2005 reaches a similar conclusion—"there can be no meaningful and sustainable development in Sierra Leone without adequate security."

Although the 1999 Lomé Accord does not mention SSR, the inability of the security forces to pre-empt or act in any coordinated manner on RUF incursions made clear to the GoSL the fundamental need to reform the security sector.

Traditionally, during the Cold War, the security sector fell exclusively within the domain of national political and security institutions. Neither intergovernmental development nor security agencies concerned themselves directly with governance. In post-conflict Sierra Leone, however, reforms and processes of institution-building are currently taking place across a broader range of security actors, including the national intelligence agencies. In order to bolster the capacity of crisis prevention and conflict regulation a holistic national security coordinating structure is being established to support any decisions that are taken with respect to Sierra Leone's security.

Civilian oversight is likewise in the process of being firmly established.

The Security Sector Reform (SSR) Programme has been developed to ensure that Sierra Leone's security agencies are capable of responding adequately to external and internal threats in the post-UNAMSIL era. The SSR Programme is the result of findings and recommendations from the GoSL-led Security Sector Review. It was designed and formulated following internal consultations with all security sector agencies and with the assistance from the Governance Reform Secretariat, DACO, DfID, UNDP and UNAMSIL. It is precisely because of this integrated approach that the Security Sector Review has been deemed successful.

The aim of the SSRP is to transform and improve the institutional capacity of the security sector MDAs through:

- Policy and legislative reform.
- Personnel training.
- Provision of adequate logistics.
- Establishment of effective inter-Agency partnership with the security sector MDAs.
- Effective oversight mechanism.
- Rehabilitation/reconstruction of facilities.
- Community ownership and participation in security related matters (via Provincial and District Security Committees).
- Curbing cross-border smuggling and illegal trafficking of contraband goods.
- Conflict prevention.
- Poverty reduction through the creation of an enabling environment for post-conflict economic recovery and sustainable development.

## 5.2 The National Security Architecture

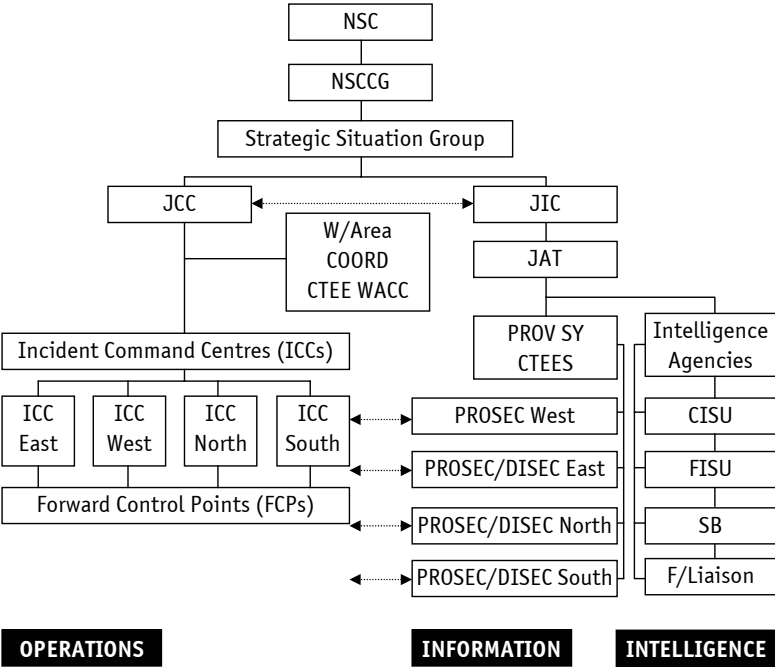
Apart from the military and the police, Sierra Leone's current conception of the security sector encompasses the correction services, fire fighting services, intelligence services, relevant line ministries, CSOs, and international stakeholders. As part of the SSR process, the National Security and Central Intelligence Act was passed in 2002, leading to the establishment of the Office of National Security (ONS) and the Central Intelligence and Security Unit (CISU) under section 11.1 of the Act.

The ONS, a post-conflict innovation, is responsible for coordinating the activities of Sierra Leone's security agencies, and in the process for developing joint sectoral assessments on a regular basis. It serves as the secretariat of the National Security Council (NSC), which, according to Section 4.1 of the Act, is "the highest forum for the consideration and determination of matters relating to the security" of the country.

The Security Sector Review, a white paper prepared by ONS staff, explicitly assesses security threats across a broad range of issues, including the genuine security threats emanating from 'bad governance' and economic recession in Sierra Leone. Importantly, this document has been publicized and is open to Parliamentary scrutiny, including by the Defence Committee, as well as to broader public insight. A strategy is being developed to reinforce the involvement of CSOs and the private sector in the process of assessing threats to security, and a public information implementation plan on the SSR process has been drawn up by the ONS. It remains to be implemented, and innovative ways are being sought to communicate the messages of the Security Sector Review to the individual Sierra Leonean.

Sierra Leone’s new national security structures are presented schematically in Figure 2, and the key elements of this architecture are explained below.

**Figure 2**  
**The National Security Architecture**



### **5.2.1 The National Security Council**

The head of the ONS, the National Security Coordinator, retired Brigadier Kellie Conteh, is the principal adviser to the President on security related matters. The NSC, which is chaired by the President and is tasked to meet on a monthly basis, directs all activities relating to prevention, mitigation and response to national security threats. Under normal circumstances, the NSC is composed of the following officials:

1. The President (Chairman)
2. The Vice President (Deputy Chairman)
3. The Minister of Finance
4. The Minister of Foreign Affairs
5. The Minister of Internal Affairs
6. The Minister of Information and Broadcasting
7. The Minister of Presidential Affairs
8. The Minister of Local Government and Rural Development
9. The Deputy Minister of Defence
10. The Attorney General
11. The Secretary to the President
12. The National Security Coordinator
13. The Inspector-General of Police
14. The Chief of Defence Staff
15. The Head of SSG Secretary (Secretary)

In the event of Level Three security situations (the highest level of emergency which can only be called by the President or the Vice President) the National Security Coordinator calls an emergency expanded NSC (E<sup>2</sup>NSC), which is composed of the 15 members listed above, plus the following five cabinet ministers:

16. The Minister of Transport and Communications
17. The Minister of Marine Resources

18. The Minister of Mineral Resources
19. The Minister of Lands, Country Planning and the Environment
20. The Minister of Youth & Sports

### 5.2.2 Intelligence Services

The intelligence services in Sierra Leone constitute an integral part of the democratic security architecture of the country. There are currently three functional intelligence agencies in the country, including:

- **Central Intelligence and Security Unit (CISU).** The functions of CISU include the collection and assessment of information on any activities that may constitute threats against the security of Sierra Leone, whether internal or external. The categories of threats include, among others, espionage, sabotage and activities within or relating to Sierra Leone that constitute a threat to overall state security.
- **The Forces Intelligence and Security Unit (FISU)** is the military arm of the intelligence services and has replaced the Military Investigation Branch (MIB). The FISU is headed by a Commanding Officer and its functions are carried out by different senior officers within the establishment. Key responsibilities of FISU staff include the coordination of reliable, up to date and timely intelligence on which the commander can base decisions and direct campaign planning and provide a comprehensive intelligence picture at all times from all sources. It is important to stress that unlike the MIB, FISU's responsibilities are restricted to combat intelligence.
- **The Special Branch (SB)** of the SLP was formalized by the provisions of the 1974 Special Branch Charter. However, its operations started as far back as in 1955 when police officers were

given permission to dress as civilians in order to investigate the activities of the 1955 Trade Union Strike action. Functions of the SB, as mandated by the Draft Revised Terms of reference for the SLP SB 2001, include the acquisition of intelligence, to assess its potential operational value and to contribute more generally to its interpretation. This is done both to meet local policing needs and to provide support to national security. SB collaborates closely with CISU and FISU in compiling intelligence on those who may be responsible for acts and threats of terrorism, their sponsors and supporters.

In addition, the Anti-Corruption Commission which also has an intelligence wing cooperates with CISU, FISU and SB. In its capacity of investigating instances of alleged or suspected corrupt practices referred, the Research and Development Department of the ACC is concerned with the gathering and effective utilization of intelligence. The Department is thus tasked to gather, store and develop intelligence that provides the basis for investigations especially of cartels and major suspect groups involved in corrupt practices. The National Revenue Authority (NRA) is also in the process of developing an intelligence unit.

Unlike in the past, intelligence agencies now perform their tasks based on National Intelligence Requirements (NIRs), as endorsed by the NSC. The NIRs provide guidelines to the agencies on priority areas of intelligence collection and serve to prevent members of the intelligence community from undertaking tasks to pursue personal agendas. NIRs are drawn up based on National Threat Assessments prepared by the ONS in collaboration with the Joint Intelligence Committee (JIC) which encompasses representatives of all security sector institutions. As such, the JIC provides for a joint assessment of intelligence inputs and is by its multi-stranded composition able to provide a mechanism for checks and balances within the intelligence community.



The requirement for the agencies of the intelligence agencies to defend their output on the strategic level ensures that the oversight of activities has been firmly established. Collected intelligence is subsequently sent to the Joint Assessment Team (JAT) at the ONS which holds a key responsibility for collating, analyzing and assessing the intelligence. This output is then sent to the JIC for their consideration and endorsement. It is then forwarded to the National Security Council Coordinating Group (NSCCG) before the final decision on actions is taken by the NSC.

### **5.2.3 Provincial and District Security Committees**

It is important to note that the establishment of the non-executive Provincial and District Security Committees (the PROSECs and DISECs respectively) ensures that an official institutional set-up is in place for local community involvement in threat assessment. The PROSEC and DISEC are formal regional forums, established to bring together primary security players, local government and civil society representatives as well as traditional leaders to encourage the participation of the local community in dealing with security as it affects their areas. The ONS provides overall coordinating and secretarial assistance to the PROSECs and DISECs, as well as a check and balance mechanism to ensure that each committee limits its focus to security-related issues. DISECs forward their reports, through their respective PROSECs, to ONS headquarters (the Secretariat of the NSC).

## **5.3 The Ministry of Defence (MoD) and the Armed Forces**

Section 5 (2) b of the 1991 Constitution of Sierra Leone states that “the security, peace and welfare of the people of Sierra Leone shall be the primary purpose and responsibility of Government, and to this end it shall be the duty of the Armed Forces, the Police, Public Officers and all security agents to protect and safeguard the people of Sierra

Leone.” The constitutional function of the Armed Forces is spelled out in Section 165 (2): “to guard and secure the Republic of Sierra Leone and to preserve the safety and territorial integrity of the state, to participate in its development, to safeguard the peoples achievement and protect this constitution.”

Important steps towards consolidating military security have already been taken, and there is a long-term commitment by the British-led International Military Advisory and Assistance Team (IMATT) to continue training and reforming the RSLAF until 2010. Indeed, Sierra Leone constitutes the first case in which the UK’s Department for International Development (DfID) has spent funding, earmarked for development, on Security Sector Reforms. IMATT’s role in guiding and charting the Military Reintegration Programme has included the provision of advice to the Government, the Ministry of Defense (headed by President Kabbah), and, of course the RSLAF itself.

The United Kingdom has supported the enhancement of short- and longer-term security in Sierra Leone through a programme aimed at training, equipping and advising government forces. This programme has involved the integration of UK military advisors into Sierra Leone forces; close co-ordination with UNAMSIL and the SLP; and the enhancement of the combat effectiveness of the forces through ongoing advice and training.

Since 1999 the UK has undertaken a series of induction and training programs under IMATT. Short-term training teams initially handled nine Republic of Sierra Leone Armed Forces (RSLAF) intakes, presenting a 12-week training package for each intake. This training was designed as a ‘first aid’ package to address a very specific and immediate short-term security vacuum.

The IMATT programme entails much more than military training: it deals directly with virtually every aspect of security sector reform.

It involves a complete reconstruction of the MoD and the military apparatus. Fundamentally, the MoD is the corresponding level of military contribution to the National Security Council within the National Security Architecture (in the same vein the PROSECs and DISECs correspond to Brigade level and Battalion level, respectively). Moreover, the IMATT programme means building a culture of loyalty, service and respect for human rights within the armed forces, but it also means a complete departmental overhaul to ensure appropriate civilian oversight and probity.

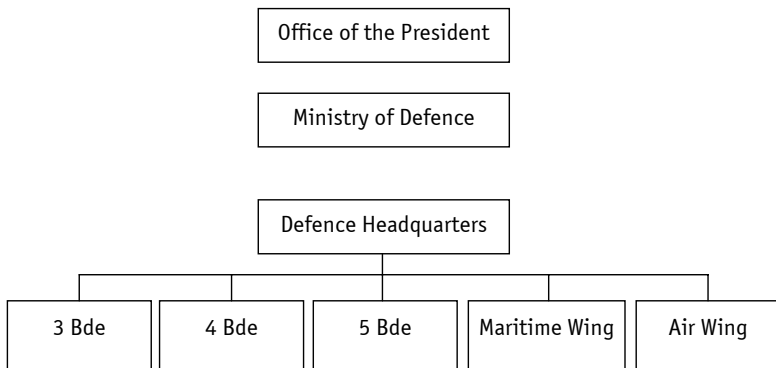
Following from this, one of the greatest successes of the SSR process has been the construction of an MoD balanced between military and civilian components. Before and during the conflicts of the 1990s, the MoD was negligibly small and politically weak. Only with the post-conflict peacebuilding process under way and as an inherent part of the SSR process is it possible that the MoD will form part of the bureaucratic structures which will keep the RSLAF from playing a political role. The struggle for civilian oversight is a challenging exercise indeed. Civilian actors inside and outside parliament, the Defence Committee and NGOs respectively, lack relevant expertise and experience and there are few sources of alternative analysis of security issues. This bequeaths a situation where security policies are largely personality-driven rather than institution-led. The mix of checks and balances within and outside parliament is thus critical as both will inevitably inform the debate on security forces in Sierra Leone.

The fact that there has been limited parliamentary discussion in the Defence Committee of the 2005 Security Sector Review, for instance, is deplorable. Furthermore, as noted earlier in this report, the fact that the Minister of Defence and the President are one and the same individual may prove unviable in the long run. In brief, it means that the Minister of Defence is not privy to the daily work of the MoD and

the Deputy Minister who does not have a seat in Cabinet. Consequently, the RSLAF does not have a well-informed mouthpiece in Parliament and the distance between oversight bodies and the RSLAF, for instance, is increased where it should have been diminished. This state of affairs may prove to be a considerable threat to coalescing the various strands of the security sector into an interconnected whole.

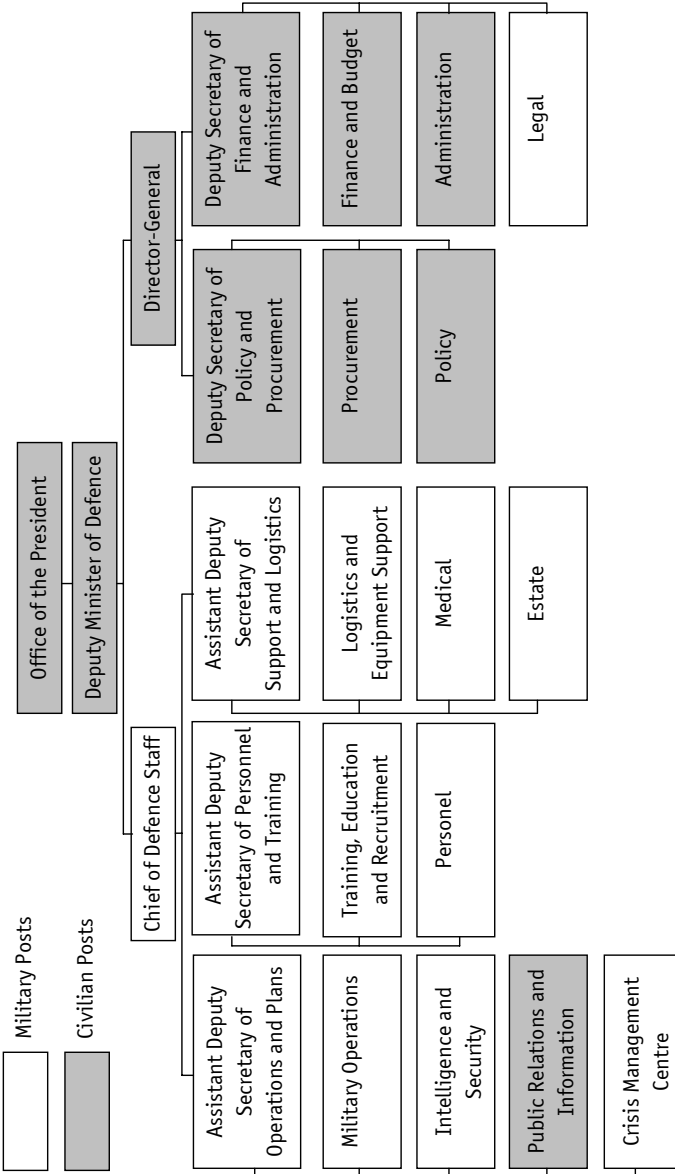
That said the construction from scratch of an MoD which acknowledges the importance of both civilian and military advice on political, financial, administrative and operational matters cannot be underestimated. The organization of the MoD prior to the conflict reflects the total domination of the military and the absence of civilian expertise and direction at departmental level.

**Figure 3**  
**The structure of Sierra Leone's Ministry of Defence before 2002**



The new MoD was opened in a building opposite State House on 22 January 2002 with a Director-General, accountable to Parliament for the expenditure of all public money voted for defence purposes, and a Chief of Defence Staff who is the head of the RSLAF and the principal

**Figure 4**  
**The structure of Sierra Leone's Ministry of Defence after 2002**



adviser to the GoSL. In brief, the Director-General and support staff deals with finance and administration, policy and procurement. On his part, the Chief of Defence Staff manages operations and plans, support and logistics as well as personnel and training.

Pertaining to the armed forces, at the basic level, IMATT has assisted RSLAF instructors at the Armed Forces Training Centre (AFTC) in Benguema with the training of intakes under the Military Reintegration Programme (MRP). This programme was designed to integrate former RUF and CDF combatants who have been through the disarmament and demobilization process, into the new RSLAF. While the numbers are fairly modest; the MRP is significant in two respects: firstly, it lends credence to the notion of the RSLAF as an army of reconciliation; secondly, it provides a very meaningful form of vocational training for those demobilized personnel who genuinely wish to pursue a military career and continue the life of a soldier.

The last basic MRP intake graduated from the AFTC on 17 May 2002. A commissioning parade for platoon leaders on 17 August 2002 brought the MRP to a close, with a total of 2,600 soldiers trained under the programme—all of whom have been deployed to units in the field. The soldiers are mixed up in their various units and sub-units; there are no elements of the RSLAF that are exclusively 'ex-SLA,' 'ex-RUF' or 'ex-CDF.' There have been no complaints or reports of incidents or even friction between former RUF and former CDF fighters, and the MRP can but be considered a remarkable success so far.

While a top-down approach has been followed with the reform of the police, a bottom-up approach has been pursued with the RSLAF.

**Table 4**  
**Military Reintegration Programme**

Faction	Successful Candidates (by ranks)				Total Intake
	Sergeant	Corporal	Lance Corporal	Privates	
RUF	13	83	140	1,173	1,409
CDF	1	46	55	535	637
AFRC	Nil	3	7	35	45
Total	14	132	202	1,743	2,091

#### 5.4 Identifying a Role for the RSLAF – and Linkages to the SLP

As the Sierra Leone White Paper indicates, two tasks will guide the army's evolution. One is what is referred to as 'Promotion of Wider National Interest,' including "to contribute to humanitarian and disaster relief operations and to regional stability, including assistance to international organizations such as the UN, AU and ECOWAS." The other task, which currently appears to be the all-important focal point for generating an RSLAF identity, is the policy of Military Aid to the Civil Power (MACP). While IMATT and RSLAF officers alike have voiced a slight puzzlement over the centrality and weight conferred upon the MACP, it nonetheless clearly identifies a role for the army in the new security architecture of the country.

With the MACP, the simple yet substantive argument is hammered home: the overriding responsibility for the maintenance of the rule of law and internal security rests with the Sierra Leone Police. As is bluntly stated in one policy paper on the MACP issued by the Office of National Security, Sierra Leone is moving forward as a liberal democracy. To this end, the Sierra Leone Police is being restructured along modern lines to be the only force responsible for the maintenance of the rule of law within the state. It is the police that interfaces with the population to maintain law and order, up to and including on the

border. Accordingly, the basic mantra is that the SLP look in and the RSLAF look out, adopting a tactical posture close to the border only. The MACP deals with the employment of the RSLAF in support of the civil power in conditions of relative peace, stability and normality and in the absence of any substantive threat to the territorial integrity of Sierra Leone. In such 'steady-state' conditions, MACP tasks fall into standing and emergency categories.

A *standing MACP* task is one where authority is granted by the National Security Council, the highest forum for the consideration of National Security matters, for the RSLAF to conduct a defined operation in support of civil power agencies for an indefinite period. This period will end when the relevant government authorities decide that military support is no longer required and the NSC revokes the authority to conduct that standing task.

An *emergency MACP* task is one where specified support is provided to the civil power by the RSLAF after a specific request and NSC authority has been granted. Each task will be considered on a case-by-case basis. Tasks in this category will only be conducted in specific situations of dire emergency and where the civil power is unable, or anticipates it will be unable to deploy sufficient appropriate resources to cope with the emergency confronting them. Pertaining to emergency MACPs, the RSLAF is tasked to play a limited role in counter terrorism and counter crime if the SLP is unable to provide sufficient resources in a timely manner. This type of MACP also includes point security, providing armed or unarmed RSLAF personnel to secure installations (e.g. the Presidential Lodge or a critical infrastructure site) and 'specialist assistance' to the police in dealing 'civil disturbances.' It is stressed that the role of the RSLAF should be limited to 'specialist assistance,' such as engineer plant to clear an obstacle or helicopter observation. Furthermore, the RSLAF is currently trained to back up the SLP in cases of massive rioting, hostage taking of police officers,



etc. Even under these circumstances the MACP policy emphasizes the primacy of the SLP throughout the country for the maintenance of law and order, up to and including the border.

Concerning the issue of border controls for instance, the role of the RSLAF is to provide patrol resources to support the limited number of police personnel that is deployed close to the border. In the same vein, it will be up to the SLP to dictate the patrol programme and tasks and liaise with other agencies, the local PROSEC and DISEC, Special Branch, CISU and the community to gather the information with which to target patrol activity. Again, it is not a task for the RSLAF's Forces Intelligence and Security Unit (FISU).

### **5.5 The Sierra Leone Police (SLP)**

Like the army, the SLP has been seriously compromised over the years by corruption and mismanagement. More recently, its ranks were depleted by murderous RUF/AFRC attacks on police posts throughout the country, which systematically destroyed police infrastructure, records and communications. Distrusted and chased out of conflict zones during the war, the Sierra Leone Police (SLP) are challenged on multiple levels. They are simultaneously reasserting control for internal security in the country; building up a credible and effective police force, and re-engaging with local communities throughout Sierra Leone to build the trust of the local citizenry in the ability of the police to provide internal security. However, as point of departure it is important to stress that one of the greatest impediments to a robustly functioning SLP is the predominant stumbling block of the public service as a whole: the poor conditions of service. As point of departure, the obstacles to full deployment of the SLP in the wake of UNAMSIL as staked out in the SLP Deployment Plan withdrawal are hampered by infrastructural issues such as lack of accommodation.

Similarly, a basic point that stands reiteration is that of salaries. The fundamental act of raising the level of salaries will:

- Retain the loyalty of the most important police officer, the Constable.
- Reduce corruption or the temptation of corruption.
- Retain the young talented officers who have recently been recruited.

The need for developing a policing methodology that would meet these challenges was recognized at an early stage by both the Sierra Leone government and the members of the United Nations and the Commonwealth assistance team. Some of the key challenges facing the SLP included early questions about the size and structure of the revitalised police force, the type of policing it should engage in, and how policing could be exerted in the country in the face of the widespread collapse of the criminal justice system.

Even prior to the outbreak of war in Sierra Leone in the early 1990s the police presence in Sierra Leone was weakening through corruption and systematic neglect by successive Freetown-focused governments. During the war years it became almost non-existent across the country, and its numbers dwindled as officers left, or were killed and not replaced. It has been estimated that 900 officers were killed during the conflict and that the overall reduction in the size of the Sierra Leone police was almost 30% (from a high of 9,317 to a low of 6,600). In January 1999 alone, more than 300 police officers were killed during fighting in Freetown.

In 1999 the United Kingdom seconded a seasoned police officer to Sierra Leone to become the Inspector General of Police. By 2000, the Commonwealth Community Safety and Security Project (CCSSP) was established to provide training, support and advice to the police.

Funded largely by the United Kingdom, primarily through the Department for International Development (DFID), the CCSSP provided the bulk of training, management support and moral courage to the SLP from 2000 to 2002. The mission of the CCSSP is to “re-establish the Sierra Leone Police as an effective and accountable civilian police service.”

In discussions on reform of the police, the GoSL and its international partners all recognized that building a new police force in Sierra Leone would require a dramatic departure from old-style policing in the country. The SLP needed to become a transparent and accountable service that was trusted by local citizens as much as by the national government. Thus the SLP was launched on a course of development with the “aim of creating a community police service, which is accountable to the people and is not an organ of the government”. This approach requires decentralizing the police force to local level and bringing in the support of communities, including the paramount chiefs, youth organizations and local organizations, as well as members of the public. These aspirations are reflected in the Policing Charter launched by President Kabbah in 1998.

The SLP is responsible for the internal security of Sierra Leone, while the RSLAF defends Sierra Leone’s borders. The police are largely unarmed (with the exception of the operational support division amounting to around 30%) and rely on building relations with local communities for intelligence gathering. The decision in 1999 to have a largely unarmed police service deserves special mentioning as something unusual for Africa—and the rest of the world. The underlying rationale of this decision has been that police officers carrying firearms is a barrier to interaction between them and the public. The SLP policy of concentrating all of the police firearms into the Operational Support Division (OSD) has meant that there are higher levels of:

- Security of the firearms;
- Standards in training; and
- Performance under the Rules of Engagement.

The 2002 strategic plan for the SLP was approved by the National Police Council in August 2002. The focus is on ‘back-to-basics’ training and specifically on the management of manpower and resources. The strategic plan also recognizes the need to build up the practical experience of executive and middle managers.

Importantly, as the police are better able to perform their function and start to arrest more people, there needs to be a place for arrested people to be detained, and a functioning criminal justice system to ensure that cases are processed. Currently the majority of prisons are derelict. The National Recovery Strategy states that “the lack of prison facilities, coupled with the slow pace of the extension of judicial coverage is seen as negatively impacting on the restoration of civil authority and on the maintenance of law and order in particular.”

As part of the disarmament, demobilization and reintegration process, as well as the Community Arms Control and Destruction (CACD) programme, many weapons in Sierra Leone have been collected and destroyed. In order to respond to the needs of legal firearm owners, who also surrendered their weapons during the CACD programme, the SLP is establishing a new licensing bureau. This is in response to the fact that no licensing procedures have existed since 1996. The SLP is undertaking this task with the technical advice of the UN Development Programme (UNDP), and a database of legally held weapons is being developed.

The core police functions are defined as: Preservation of internal security; maintenance of law and order; protection of life and property; prevention and detection of crime; and the protection of the rights of those who come into contact with the police. The

Security Sector Review highlighted the salience of internal, rather than external, threats to the country's security—e.g. *coups*, terrorism, and emigration of skilled people.

In the post UNAMSIL environment, police primacy in internal security has been heavily emphasized. This entails, among others, filling the vacuum left by UNAMSIL forces in Freetown and in the provinces—especially through deployment to strategic locations vacated by the UN. The police exist to fight crime, but in many ways, the SLP “is becoming a victim of its own success,” in that it is accepting an increasing variety of other responsibilities. For example, the SLP is also playing its rightful role as a participant in the various National Security mechanisms (such as the NSC and NSCCG). The SLP also leads several of the joint security structures below the national level (such as the JCC, ICCs and FCPs).

In addition to the above-mentioned tasks, the SLP also plays a lead role in the provision of security at airports, along the land borders, and in the mining areas—where the police have taken over full responsibility from a variety of private security companies. In addition, the SLP shares joint responsibility with the Navy for maritime security, with UNAMSIL for Special Court security, and with the ONS for disaster response. The joint responsibility with the UN for Special Court security is of potential concern for the IGP; if SLP accepts witness protection responsibilities, this will be a very resource-intensive undertaking. Finally, the Sierra Leone Police are expected to be actively involved in peacebuilding and conflict resolution; poverty reduction; environmental issues; in mechanisms for informal dispute resolution; and in the training of partners such as traffic wardens.

That the number of tasks attributed to the SLP may become problematic in the short to medium term becomes all the more significant as relations between the SLP and the RSLAF are considered. As men-

tioned above, the Armed Forces are tasked to support the Police on matters of internal security—including land borders. The ‘when,’ ‘where’ and ‘with what’ the RSLAF supports the SLP is enshrined in the MACP policy, a GoSL policy approved by the National Security Council. However, a concern raised at the seminar revolved around the shift of support from the SLP to other areas, while IMATT support to the RSLAF is sustained (and will remain so until at least 2010). The withdrawal of almost all adviser support to the SLP from 30 June 2005 means that there is a danger of the Police falling behind the Armed Forces in operational performance at the middle and lower levels of management in particular. In the Provinces at Makeni, Bo and Kenema, one seminar participant noted, it remained a serious concern whether Police primacy could be sustained, unless support comparable to that given to the Armed Forces, is given to and continues to be given to the Police.

These concerns notwithstanding, it is a measure of the Government’s confidence in the SLP that the security of land borders has been entrusted to the police, on its own and in co-operation with other partners and programmes such RSLAF and the UNDP programme on border security.

The IGP sees the 2007 general elections as a big challenge for the SLP, and stressed the need for the necessary resources—including vehicles—to be available for the police ahead of their electoral tasks. It was noted that the SLP had performed extremely well in support of the 2004 general elections, albeit with support from UNAMSIL. The UN played a huge role in terms of transport and logistic support, but the main election work was done by the SLP—and this was financed 100% by the GoSL. The fact remains that the SLP had responsibility for security and stability; and there were no incidents to shake public confidence.

Although the police are finally up to their authorised strength of 9,500, the SLP needs to complete police deployment to all the provinces; only 60% of the deployment plan had been implemented by the end of 2005. While vehicles, clothing and equipment remain in short supply, the major logistical problem is the chronic shortage of accommodation for police officers, and this is especially acute in the provinces.

There is a need to maintain 'police primacy' in more sense than one. The RSLAF is perceived to be 'outperforming' the SLP, and there is a danger that support to other areas of the judiciary and civil service may come at the cost of support to the police.

Like most sectors of the public service, there is an urgent need to improve salaries and conditions of service. However, it may be argued that the police should be first in line for any improvements that may be forthcoming. It is clearly not in the public interest to have their first line of defence against crime and insecurity—police constables—remunerated at the poverty level.

It will also be a challenge to maintain the SLP as a largely unarmed police service. Only 30% of the SLP are actually trained in firearms, and only the OSD is carries weapons on duty (when required). The weapons used by the OSD are locked away and managed under high security, and the members of the OSD are trained to a high level of proficiency with firearms. The decision to maintain an unarmed and community-oriented police service, taken in 1999, was a brave one and it has not gone unchallenged.

An extremely visible and salient test for the SLP and its credibility will be its ability to control the streets. The SLP are a shield for development; they cannot afford to lose control of the streets, or for the public to perceive that they are losing control of the public order policing function.

The role of the chiefdom police, and their relation to the SLP, is likely to remain a controversial but essential challenge that needs to be addressed in the near future. Clarification of these issues depends, in turn, upon progress with the codification of Customary Law—which is, per implication, the law to be enforced by the chiefdom police.

### **5.6 Issues of Resourcing and Accountability**

Building a sustainable and interlinked system of state institutions within the borders of Sierra Leone will provide the necessary bulwark against renewal of conflict. The SSR process has been put forward as a key component of state-building, and as part thereof it is decisive in sustaining stability as well as the perception of its feasibility. Should the SSR process collapse, it would be a severe blow to Sierra Leone's peacebuilding process, particularly in consideration of the vast investments of internal and external kinds and sources in the process. As such, the security sector remains part of both the problem and the solution.

One of the many great challenges to furthering the SSR process will thus be finding the resources to do so. Because the security sector falls under the Pillar 1 of the PRSP, SSR will partly be funded within it. At the same time, without continued external funding the SSR process will not be taken forward. On 25 November 2005, the Minister of Finance presented the GoSL's budget and statement of economic and financial policies for 2006, including budget lines for the security sector. Table 5 (p. 137) indicates the funds allocated to the security sector in 2006. It is worth noting that while an increase in security sector expenditures might be expected in 2006 as the security umbrella provided by UNAMSIL disappears, the opposite is the case. While 3.6% of GDP was allocated to the security sector in 2001, the budget line for 2006 amounts to 1.7%.



**Table 5**  
**Funds allocated to the security sector for 2006**

Defence	Le41.8 billion (US\$14,400,000)
Police	Le18.7 billion (US\$6,400,000)
Prison	Le7.2 billion (US\$ 2,400,000)
National Fire Force	Le1.4 billion (US\$482,800)
MIA (Internal Affairs)	Le338.9 million (US\$116,800)
National Security Adviser	Le711.1 million (US\$245,200)
Immigrations	Le643.2 million (US\$ 221,800)
<b>Total</b>	<b>Le69,39 billion (US\$21,87)</b>

It is clear, as one seminar participant noted, that “everything in Sierra Leone is important.” Consequently there is an inevitably great need on the part of the GoSL to make wise prioritizations.

During the seminar, it was emphasized that civilian oversight is a key element that needs to be strengthened, e.g. by greater involvement of Parliament’s Defence Committee and civil society. The current problem, noted by one seminar participant, is that there is still a limited understanding of the security sector and its functions, both in the population but also the state administration. If the Parliament’s capacity is built to a meaningful level and if there is a political will, it will be the institution that is best equipped to provide necessary oversight.

Recruitment into the RSLAF and the SLP is now performed in consultation with the local communities to ensure that staff is of high quality and respected in the local communities. Furthermore, active community involvement ensures a degree of local ownership and monitoring as well as decentralization of the management of the security forces.

With regards to recruitment into the ONS and CISU, emphasis is put on a balanced ethnic and regional representation to minimize the potential for biased reporting. To this end, ONS and CISU recruitment involves protracted assessments and vetting periods of potential employees. So far political interference into this process has largely been absent. To the effect of strengthening checks and balances within the intelligence services, the National Security and Central Intelligence Act has made provisions for investigating complaints launched against the Director-General or any other CISU staff member. The clear aim of these measures is to harness the accountability of CISU staff.

Civil society involvement should be pursued both on the central and local levels—the latter through enhancing the social capital of DISEC/PROSEC structures. Indirect and direct contributions by security sector actors to the state budget may also be considered. For instance, the ability of the intelligence services to monitor and unravel criminal networks of e.g. smuggling will directly benefit the ability of the Sierra Leonean state to raise revenues and in the long run the population as a whole. In sum, the ability of the intelligence services, including the SLP's Special Branch and CISU, to investigate criminal activities would create a more regulated and secure environment.

In the long term, revenue generation for Sierra Leone could also emanate from RSLAF's contributions to UN peacekeeping and to ECOWAS Missions that will be deployable after 2010. Sierra Leone has already pledged a company level unit to the ECOWAS Standby Force (ESF).

Finally, it is clear that the intelligence and security services now operate within the ambit of Sierra Leone's constitution and the rule of law. From an absolute zero and lack of coordination an elaborate system of checks and balances has now been put in place which forces

the various institutions of the security sector, the executive and the public to collaborate within an interlinked framework. On the strength of interaction, the security sector actors' awareness of one another's role within the security architecture has been significantly enhanced.

### **5.7 Challenges and Recommendations**

**Public information.** It is of utmost importance that the public information strategy, which has already been drawn up by the Office of National Security, is now implemented. As the bulk of the population is illiterate, lives in poverty and under customary law, there is a significant danger that the importance of the SSR process will be insufficiently understood. There is a real danger that the majority of Sierra Leoneans do not know of the existence or importance of the SSR process and if they do that firm results will take time and be dependent on overall conditions in Sierra Leone moving forward.

**Building capacity.** While building a strong intelligence community in Sierra Leone is important, the necessity to act capably is pivotal. On paper the Security Architecture is impressive. Yet, it is also clear that its implementation is fundamentally contingent on human resource availability, remuneration levels and the efficient performance of all the institutions that comprise the security sector. No institutional set-up can replace attaining human resource stability and capacity.

**Office of National Security (ONS) powers.** The ONS, located in the Office of the President, has substantiated its value as the Secretariat of the National Security Council, providing advice and guidance on security matters to the Head of State. The recently published Security Sector Review, for instance, has been well-received and individual ONS staff has resisted involvement in the political affairs of the country. However, while there is currently political commitment to maintain ONS integrity, there should be a careful consideration of balancing the

centrality of the institution as the Office could be in danger of being abused due to its proximity to the Office of the President. Conferring too many tasks on the ONS—e.g. preparing the Security Sector Review as well as coordinating its implementation—will make it vulnerable to abuse.

**Complexity of the Security Architecture.** The Security Architecture appears quite complex. With complexity follows a greater potential for turf wars among the security sector agencies and corrupt practices may also emerge more forcefully. In the process of ongoing reform, this should be kept in mind.

**Strengthening civilian oversight.** Related to the above point, strengthening Parliament and Civil society organizations in their oversight capacity will prove all the more important. Hence, the linkages between the Office of National Security and Parliament will have to be institutionalized in practice to a much greater extent than they currently are.

**Revenue generation.** The importance of efficient security sector agencies has state revenue implications. The ability of the intelligence services to oversee and unravel criminal networks (e.g. smuggling) will benefit the Sierra Leonean state and its population as a whole. The intelligence service's abilities to this end should be supported.

**Sustainability.** The ideal of a sophisticated and smoothly operating security architecture needs to be measured against realities on the ground. The sustainability of the peacebuilding process which has only just begun in Sierra Leone depends on human resource availability, remuneration levels for civil servants, financing options and, fundamentally, the efficient operation of governance in general and the individual agencies that comprise the security sector in particular. Indeed, while it is a simple point to make, implementation and coordi-

nation are issues entirely separated from implementation. As stated above, for instance, paying salaries at figures around the poverty line is not only unacceptable; it constitutes a threat to overall security in the country and needs to be addressed.

**Commitment to permanent change by key actors.** Special mentioning of the Establishment Secretary's Office and the Ministry of Finance and their key role in reforming the Security and Justice sectors is necessary. These two institutions have a vital role to play in ensuring that the positive changes in mindset achieved to date are consolidated. It will, therefore, have to be treated as a matter of urgency that the way security and justice sector institutions are financed and staffed is improved significantly.

**Sierra Leone Police (SLP) deployment and accommodation.** The recruitment target of 9,500 has almost been reached, but so far only 60% has been deployed. While training and logistics remain significant issues, the overriding constraint remains that of lack of infrastructure, particularly barrack accommodation in the Provinces. This is where assistance is urgently needed—to build accommodation for not only the 40% in Freetown still waiting to be deployed, but also for most of the officers already deployed in the Provinces.

**Maintenance of Sierra Leone Police (SLP) primacy.** Because in some quarters there is a view that the SLP has received sufficient of the 'development cake,' the emphasis of support is shifting to other areas. While the Republic of Sierra Leone Armed Forces (RSLAF) continues to receive robust support from International Military Advisory and Assistance Team (IMATT), a number of outstanding issues remain. The RSLAF continues to receive robust support from IMATT, while almost all adviser support has been withdrawn since mid-2005. Consequently, one participant at the seminar noted, there is a danger that SLP and RSLAF developments are not in sync, particularly in regards to oper-

ational performance at the middle and lower management levels. It will remain a significant challenge to ensure that RSLAF and SLP capacity-building is performed in tandem.

## 6. Conclusion

Ambitious reforms have been undertaken at the level of the central government bureaucracy. The final draft of a new Civil Service Code and Regulations and Rules of the Civil Service has been developed, laying out regulations for recruitment, promotion, and professional conduct. While the strategic direction of the reform process has the potential of leading to sustainable state structures, the challenge lies with robust implementation from the central administration to community level.

Building state institutions is significant. However, it is equally important not to construct paper tigers. Poor conditions of service in the public sector constitute a real security threat to sustainability of the Sierra Leone state. Salaries of teachers and security sector personnel hover around—or below—poverty level. The consequence is a destabilizing turnover of personnel which hampers overall consolidation of the Sierra Leone state and administration. To secure the sustainability of core staff in the Sierra Leone administration—nationally and locally—it will, therefore, be of utmost importance that the conditions of service are significantly enhanced. Because the country will not be able to afford any substantial wage increases in the foreseeable future, there is an argument for providing international financial assistance to solve this dilemma. However, the donor community is usually unwilling to finance recurring expenses such as salaries of public employees in order to avoid fostering a permanent dependency on international aid payments.

Clearly, sustainable economic development holds the key to peace in Sierra Leone. While a better managed exploitation of natural resources could contribute substantially to economic development, it will not

substantially improve the lot of most Sierra Leoneans. Nor are tourism and industry, whether financed domestically or by foreign investments, viable options to create significant and sustainable economic growth in the short term. It is the future of the agricultural sector that will in fact determine the future of the country. The vast majority of Sierra Leoneans are farmers; most of them grow the country's staple crop, rice, at subsistence level. While the quick rebuilding of subsistence agriculture following the civil war is a very positive development, it is clearly not enough to lift Sierra Leone out of poverty.

Although the development of the agricultural sector is a crucial step towards economic stability for Sierra Leone, it is doubtful whether this sector alone will offer a solution to the central challenge facing the country—and the whole region—in the coming years: the crisis of youth and in particular the high juvenile unemployment rate. Possible alternatives may be the introduction of long-term public works programs funded with international assistance, which would bring the additional benefit of improving the infrastructure. However this is again a type of assistance that donors are generally hesitant to provide, as financing recurring expenses always bears the danger of creating a long-term dependency on aid payments.

There are no easy solutions to such profound challenges. Simply put, poverty runs deep in Sierra Leonean society and the middle and upper classes are numerically insignificant. Both the Sierra Leonean authorities and the international community will have to devote more strategic planning and funding to tackle this problem successfully, not only in Sierra Leone but also in a regional context.

For many the solution must lie in growth of private sector employment. Yet the balance between the role of the public and private sectors in promoting economic growth remains difficult to manage. There can be little doubt that serious attempts are being made to



create a benevolent environment for privatization and investment. However, a number of concerns remain and will have to be addressed if the initiatives of the GoSL are to bear fruit. For example capacity is weak both within the public and the private sectors. Thus, there is an urgent need to build capacity also in private sector organizations to develop and grow business and commercial ventures.

Perceptions play a cardinal role in the stimulation and promotion of inward and domestic investment. Unless the investment climate improves, and people see these improvements and begin to strategize about how to deploy them to their own benefit in a market economy, the post-conflict strategy for Sierra Leone could falter altogether. Sierra Leone needs a short-term boost to the economy which cannot be expected to ensue from foreign direct investments, tourism or the expansion of industrial production. While the promotion of private sector investments is being robustly pursued from the central state level, it is unrealistic to expect the economy to take quantum leaps. In short, the peace process has yet to produce tangible economic dividends and social benefits for the majority of the population.

The rationale for the strong emphasis on Security Sector Reform (SSR) is the well-established connection between security and economic development (security–development nexus). In Sierra Leone’s past, poverty has led to conflict, and conflict to more poverty. The need to break this vicious circle and reform the security services is widely accepted, with the goal of creating an enabling environment for economic development. To achieve this goal, the government of Sierra Leone has taken a crucial first step in creating strong institutional links between the national SSR program and its Poverty Reduction Strategy (PRS). However, the effectiveness of this strategy will still have to be proven in the implementation process which needs to be monitored and supported by the international community after the withdrawal of UNAMSIL.

The intelligence and security services now operate within the ambit of Sierra Leone's constitution and the rule of law. From an absolute lack of coordination, an elaborate system of checks and balances has now been put in place which forces the various institutions of the security sector, the executive and the public to collaborate within an inter-linked framework. The roles of the security services have been clarified, the principle of police primacy in matters of internal security, including border control, is firmly established, and the army has been reduced accordingly. Cooperation between the various services has also been greatly improved.

However, numerous challenges remain, the most pressing being the acute shortage of funds for salaries, equipment, infrastructure, and capacity-building measures for all security services. On paper the Security Architecture is impressive. Yet, it is also clear that its implementation is fundamentally contingent on human resource availability, remuneration levels and the efficient performance of all the institutions that comprise the security sector. No institutional set-up can replace attaining human resource stability. Nevertheless, the ONS, located in the Office of the President, has substantiated its value as the Secretariat of the NSC in its provision of advice and guidance on security matters to the Head of State.

Aside from the many specific lessons that can be drawn from the Sierra Leone peacebuilding process, there are a number of more general observations that are applicable to other countries in the region—and some peacebuilding processes being undertaken further abroad. For example, peacebuilding efforts by the international community often constitute deep intrusion into the internal affairs of a state. Inevitably, they create a tension with the demand for national sovereignty.

Sierra Leone, however, presents a special case insofar as the UN Mission in Sierra Leone (UNAMSIL) always acted in consent and in

close cooperation with the national government under President Ahmed Tejan Kabbah. The Kabbah government was first elected in 1996 in free and fair elections and was recognized as legitimate in the 1999 Lomé Accord by all parties to the conflict. The legal basis for UNAMSIL's presence as well as its acceptance and legitimacy was, therefore, clear and undisputed by all relevant national actors, in marked contrast to other large-scale peacebuilding operations such as the one in Kosovo where the legitimacy of the international presence has been increasingly challenged. While it was recognized that early elections are not feasible in every instance, participants stressed that the case of Sierra Leone exemplifies the important role an elected national government can play as a building block for legitimate and successful peacebuilding.

The Government's ability, with the assistance of UNAMSIL, to extend its authority throughout the country was one of the most significant achievements in post-conflict Sierra Leone. The presence of Government institutions encouraged refugees to return to their communities, expanded commercial activities beyond the capital, Freetown, and instilled a genuine sense of return to normalcy among the population. However, the true test of the legitimacy of a peacebuilding operation lies in its acceptance by the local population. This in turn is determined by its effectiveness in delivering the promised improvements, and this is one of the central challenges for the international community in its efforts to create greater legitimacy for peacebuilding efforts.

An underlying lesson that emerged frequently is the need to meet the challenge of informing a public that for the time being is considerably poor as well as illiterate. Innovative ways of including the majority of the citizenry in the reform process in a way that will be understood may prove vital. This point relates to the issue of the legitimacy of the Government. Narrowly defined, the Government is democratically

elected and therefore legitimate, but this may not be enough to ensure sustainability of the peace process. A comprehensive and appropriate government communication strategy and programme should, therefore, be developed to accompany state-building processes.

Among others, public information is needed to explain linkages between traditional and bureaucratic institutions—especially after the dominance of the former in local communities. Indeed, the continued dominance of traditional leaders, and the utility of Local Councils as a newly introduced layer of administration will need to be explained convincingly. Moreover, where the elite is small and largely concentrated in the capital, there is little chance that laws passed in Parliament will have any effect if they are not widely publicized and actively communicated. In sum, if the bulk of the population does not understand the significance of legislative and governance reform, there will be a significant disconnect between the capital and the rest of the country.

Different approaches to peacebuilding have been tried in the past, from the “light footprint” approach employed in Afghanistan to more intrusive, trusteeship-like forms of international involvement—missions furnished with broader mandates and greater financial and personnel resources, such as in Kosovo. The records of both approaches, however, are mixed, and neither provides a guarantee for success. There may, therefore, be merit in a new strategy focusing on a limited number of key issues, but over a longer period of time. This “longer and leaner” approach, should concentrate on essential governance areas such as the rule of law, the security sector and a functioning civil administration.

Sierra Leone provides vivid testimony to the oft-stated but seldom-met need for adequate and reliable funding for the Reintegration com-

ponent of DDR programmes, in order to tackle the problem of massive youth unemployment as early as possible in the peace process. Deficiencies in funding and programme implementation create deeper, lasting problems down the line—for the international community and the region, as well as the host nation. More serious attempts should be made to employ ex-combatants in labour-intensive projects in agriculture and road construction, rather than allowing them to choose skills training that cannot guarantee them a livelihood.

It is also apparent that there is an urgent need to pay more than lip service for a coordinated and coherent post-conflict rule of law strategy to re-establish and develop the judiciary, the penitentiary, and the police in an integrated manner, rather than selective reforms in some areas.

Despite the lessons that may be regarded as shortcomings, there are some very positive aspects of international engagement in Sierra Leone. For example, the role of key donor partners in Sierra Leone—for example the UK/DfID commitment to stay the course for ten years—should be emulated elsewhere, particularly in countries like Liberia. The use of ‘conditionality’ on effective action against corruption has also been a crucial and welcome innovation to foster good governance practices. Funding and support should be targeted to agreed benchmarks and timelines; programmes should focus on labour-intensive projects such as agriculture and roads rehabilitation, and security sector reform—including the provision of barracks for the military.

Sierra Leone has also benefited from the sustained support of the broader international community—not least, through the continued engagement of the UN Security Council and the establishment of the Peace-Building Commission. The latter, prompted partly by the Sierra Leone experience, is intended to tackle and address the massive resource and capacity needs for post-conflict recovery, rehabilitation

and reconstruction efforts in order to enhance long-term stability. However, it is important to emphasize as a final point that there are limits to what external actors can achieve if a vibrant political will to change is not alive within the host government.

## 7. Appendices

### Participants

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Sahr Musa **Yamba**  
Editor, Concord Times

**Agenda: Thursday 1 December 2005**

08:30–09:00 **Registration & coffee**

KAIPTC/ZIF

09:00–09:30 **Official opening**

Maj Gen John Attipoe, Commandant KAIPTC *and*  
H.E. Peter Linder, Ambassador of Germany, Ghana

**SESSION 1**

**Peacebuilding – issues of theory and praxis**

**Chair:** Mark Malan, Head of Department, CPMRD, KAIPTC

09:30–09:45 **Aims and objectives of the seminar**

Mark Malan, Head of Department, CPMRD, KAIPTC

09:45–10:45 **Peacebuilding – where do we stand?**

**General questions and burning issues**

**Introduction:** Winrich Kuehne, Director, ZIF

**Discussant:** Souren Seraydarian,  
former Deputy SRSB for Liberia

10:45–11:15 **Coffee break**

11:15–12:15 **Security and development – a new approach  
to tackling poverty reduction in Sierra Leone**

**Introduction:** Graham Thompson, CHAD, DfID

**Discussant:** Christopher Rampe, Adviser to ONS, SL

12:15–14:00 **Lunch**

**SESSION 2**

**State-building and “good governance”**

**Chair:** Winrich Kuehne, Director, ZIF

14:00–15:00 **Building a state administration in Freetown as the paramount authority**

**Introduction:** Osho Coker, Head of the Government Reform Secretariat, SL

**Discussants:** Osman Gbla, Head of Department, Political Science, University of SL *and*

David C. Thula, Acting Head of Department, Economics, University of SL

15:00–16:00 **Decentralization: local councils and chieftaincies – issues of accountability to the citizenry and the Freetown administration**

**Introduction:** Sidique Brima, Minister of Local Government and Community Development, SL

**Discussant:** Patrick Tongu, Liaison Officer, Network Movement for Development and Justice, SL

16:00–16:30 **Coffee break**

16:30–17:30 **Resourcing the state-building project in Sierra Leone and West Africa**

**Introduction:** Sylvia Fletcher, Governance Advisor, UNDP SL

**Discussant:** Jonathan Sandy, Chief of Staff, ONS, SL

**Agenda: Friday 2 December 2005****SESSION 3****Rule of Law and democratic security****Chair:** Winrich Kuehne, Director, ZIF

08:30–09:30 **Legislative reform: progress in translating international human and civic rights into domestic law**

**Introduction:** Peter Tucker, Chairman,  
National Law Reform Commission, SL**Discussant:** Harruna Attah, Managing Director, Daily Mail, Ghana

09:30–10:30 **Reform of the judiciary: progress and prospects**

**Introduction:** Kadi F. Fakondo, Assistant Inspector-General, SLP**Discussant:** Sylvia Fletcher, Governance Advisor, UNDP SL

10:30–11:00 **Coffee break**

11:00–12:00 **Policing: safety and security at the national, individual and community levels – interface with justice**

**Introduction:** Brima Acha Kamara, Inspector-General of Police, SLP**Discussants:** Anthony Howlett-Bolton, Component Manager, DfID  
*and* Patrick Kwateng Acheampong, Inspector-General of Ghana  
Police

12:00–13:30 **Lunch**

**SESSION 4****Security Sector Reform**

**Chair:** Mark Malan, Head of Department, CPMRD, KAIPTC

- 13:30–14:30 **Security Sector Reform (SSR):  
The coordinated approach in Sierra Leone**  
**Introduction:** Jonathan Sandy, Chief of Staff, ONS, SL  
**Discussants:** Christopher Rampe, Advisor to ONS *and*  
Graham Thompson CHAD, DfID
- 14:30–15:15 **Democratic Security and the intelligence services in  
Sierra Leone**  
**Introduction:** Abdullah Mustapha, Director-General CISU, SL  
**Discussants:** Christopher Rampe, Advisor to ONS *and* Kofi  
Quantson, former National Security Coordinator, Ghana
- 15:15–16:00 **Redefining the role of SLP post-UNAMSIL withdrawal:  
roles and responsibilities**  
**Introduction:** Brima Acha Kamara, Inspector-General of Police, SLP  
**Discussant:** Anthony Howlett-Bolton, Component Manager, Justice  
Sector Programme, DfID *and*  
Ray England, SILSEP SLP Adviser
- 16:00–16:30 **Coffee break**
- 16:30–17:15 **Rebuilding a national army:  
rightsizing and redefining the role of the Sierra Leone military**  
**Introduction:** Gen Edwin Sam M'boma, Chief of Defence Staff, RSLAF  
**Discussants:** Brigadier David Santa-Olalla, Commander IMATT *and*  
Aldo Gaeta, DfID Civil Adviser, SL MoD
- 17:15–18:00 **Resourcing SSR in post-UNAMSIL Sierra Leone**  
**Introduction:** Jonathan Sandy, Chief of Staff, ONS, SL  
**Discussant:** Abdul Bayoh, Director General, Ministry of Defence, SL

**Agenda: Saturday 3 December 2005****SESSION 5****Sierra Leone economic challenges****Chair:** Samuel Ghartey Amoo, Former Programme Director, UNDP

- 8:30–9:30 **The microeconomics of sustainable livelihoods – prospects for self-sufficiency**  
**Introduction:** Sylvia Fletcher, Governance Advisor, UNDP SL  
**Discussant:** David C. Thula, Acting Head of Department, Economics, University of SL
- 9:30–10:30 **Natural resources: a basis for economic development in Sierra Leone?**  
**Introduction:** Mark White, Deputy Programme Manager, DfID SL  
**Discussant:** Edward Felix Dwumfour, Natural Resources Management Specialist, World Bank Office, Ghana
- 10:30–11:00 **Coffee break**
- 11:00–12:00 **Interaction between private investors and government**  
**Introduction:** Alexander Benjamin, PA to the Chairman, National Privatization Commission, SL  
**Discussant:** Mark White, Deputy Programme Manager, DfID SL
- 12:00–13:00 **Corruption and its implications: government reform or societal change?**  
**Introduction:** Nabillahi Mussa-Kamara, The Anti-Corruption Commission, SL  
**Discussant:** Edward Soyir-Yariga, Conflict Management Specialist, USAID/West Africa Regional Program
- 13:00–14:00 **Lunch**

**SESSION 6**

**Concluding debate**

**Chair:** Mark Malan, Head of Department, CPMRD, KAIPTC

14:00–15:00 **The ‘robustness’ of civil society and participation in decision-making**

**Introduction:** Salieu Kamara, National Coordinator, Network Movement for Justice and Development, SL

**Discussants:** Sahr Musa Yamba, Editor, *Concord Times*, SL *and* Edward Jombla, National Coordinator SL, WANEP

15:00–15:45 **Security concerns in the region: how to work together effectively and apply the Sierra Leone experience**

**Introduction:** Francis Poku, National Security Advisor, Ghana

**Discussant:** Jonathan Sandy, Chief of Staff, ONS, SL

15:45–16:15 **Coffee break**

16:15–17:15 **The Sierra Leone experience: peacebuilding lessons for (West) Africa**

**Introduction:** Abiodun Bashua, Chief of Civil Affairs, UNOCI

**Discussant:** Margaret Novicki, UN Special Adviser, KAIPTC *and* James Fennell, UK Regional Conflict Prevention Advisor for West Africa

17:15–17:30 **Closing remarks**

Winrich Kuehne, Director, ZIF

## Glossary

ABU	Agriculture Business Unit
ACC	Anti-Corruption Commission
AFRC	Armed Forces Ruling Council
AFTC	Armed Forces Training Centre
APC	All People's Congress
Bde	Brigade
CACD	Community Arms Control and Destruction
CCG	Campaign for Good Governance
CCSSP	Commonwealth Community Safety and Security Project
CDF	Civil Defense Force
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CISU	Central Intelligence and Security Unit
CSM	Civil Society Movement
CSO	Civil society organizations
DACO	Development Assistance Coordination Office
DD	Disarmament and Demobilization
DDR	Disarmament, Demobilization and Reintegration
DfID	Department for International Development (UK)
DISEC	District Security Committee
ECOWAS	Economic Community of West African States
ENCISS	Enhancing the Interaction and Interface between Society and the State
ESF	ECOWAS Standby Force
FCP	Forward Control Point
FISU	Forces Intelligence and Security Unit
GEMAP	Governance and Economic Management Assistance Program (for Liberia)
GoSL	Government of Sierra Leone
GTZ	Gesellschaft für Technische Zusammenarbeit
GVWC	Guma Valley Water Company
HRMO	Human Resources Management Office
ICC	Incident Command Centre
ICT	Information and Communications Technology
IDP	Infrastructural Development Project
IGP	Inspector General of Police



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IMATT	International Military Advisory and Assistance Team
IMF	International Monetary Fund
JAT	Joint Assessment Team
JCC	Joint Coordinating Committee
JIC	Joint Intelligence Committee
JSDP	Justice Sector Development Programme
KAIPTC	Kofi Annan International Peacekeeping Training Centre
MACP	Military Aid to the Civil Power
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MIA	Ministry of Internal Affairs
MIB	Military Investigation Branch
MoD	Ministry of Defence
MoU	Memorandum of Understanding
MRP	Military Reintegration Programme
MTI	Ministry of Trade and Industry
NACS	National Anti-Corruption Strategy
NASSIT	National Social Security and Insurance Trust
NCP	National Commission for Privatization
NGO	Non-Governmental Organization
NIR	National Intelligence Requirement
NMJD	Network Movement for Justice and Development
NPA	National Power Authority
NPRC	National Provisional Ruling Council
NRA	National Revenue Authority
NRS	National Roads System
NSC	National Security Council
NSCCG	National Security Council Coordinating Group
ONS	Office of National Security
OSD	Operational Support Division
PERDIC	Public Enterprises Reform and Divestiture Committee
PIU	Project Implementation Unit
PROSEC	Provincial Security Committee
PRS	Poverty Reduction Strategy
PRSP	Poverty Reduction Strategy Paper
PSD	Private Sector Development
PURC	Public Utilities Regulatory Commission
RSLAF	Republic of Sierra Leone Armed Forces

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RUF	Revolutionary United Front
SB	Special Branch
SLEDIC	Sierra Leone Export Development and Investment Corporation
SLP	Sierra Leone Police
SLPA	Sierra Leone Port Authority
SLPP	Sierra Leone People's Party
SLRA	Sierra Leone Roads Authority
SLTU	Sierra Leone Teachers' Union
SSG	Security Sector Governance
SSR	Security Sector Reform
SSRP	Security Sector Reform Programme
UN	United Nations
UNAMSIL	UN Mission in Sierra Leone
UNCITRAL	UN Commission on International Trade Law
UNDP	UN Development Programme
UNICEF	UN Children's Fund
UNIFEM	UN Development Fund for Women
UNIOSIL	UN Integrated Office in Sierra Leone
UNOCI	UN Operation in Côte d'Ivoire
USAID	The United States Agency for International Development