

STRIKING FOR ENGAGEMENT

State-citizen relations
in peacebuilding
in Sierra Leone

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Abbreviations

ACC	Anti-Corruption Commission
AfP	Agenda for Prosperity
AML	African Minerals Limited
APC	All People's Congress
BAN	Budget Advocacy Network
CBO	Community-Based Organisation
CDA	Community Development Agreement
CSO	Civil Society Organisation
DBOC	District Budget Oversight Committee
DDR	Disarmament, Demobilisation and Reintegration
DFID	Department for International Development
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
EIA	Environmental Impact Assessment
EITI	Extractive Industries Transparency Initiative
EMP	Environmental Management Programme
GDP	Gross Domestic Product
LGA	Local Government Act
LMC	London Mining Company
MAB	Minerals Advisory Board
MMA	Mines and Minerals Act
MP	Member of Parliament
NAP	National Action Plan
NEC	National Electoral Commission
NGO	Non-Governmental Organisation
NMA	National Minerals Agency
NRA	National Revenue Authority
OECD	Organisation for Economic Co-operation and Development
OGI	Open Government Initiative
PRSP	Poverty Reduction Strategy Paper
RUF	Revolutionary United Front
SIA	Social Impact Assessment
SLPP	Sierra Leone People's Party
UNAMSIL	UN Mission in Sierra Leone
UNDP	UN Development Programme
UNIPSIL	UN Integrated Peacebuilding Office in Sierra Leone
UNSG	UN Secretary General
WDC	Ward Development Committee

Executive summary

This report presents an analysis of state-citizen engagement in post-war Sierra Leone. It is part of a broader International Alert research agenda on the theme of state-citizen relations in conflict-affected countries intended to examine, document and analyse the realities of relations and interactions between citizens and the state (government institutions and elected officers) and the implications for peacebuilding in fragile contexts.

The research on Sierra Leone analysed the scope and opportunities for citizens to influence government actions; the extent to which citizens take these opportunities and why; and the outcomes and impacts of such engagement. The areas of focus for this research comprised the budgeting process, local governance, consultations between government and civil society platforms, and the management of natural resources. This research predated the outbreak of the Ebola virus in Sierra Leone, but its findings and recommendations are relevant to how the government and international partners programme recovery from this epidemic.

Main findings

The key findings on state-citizen relations in Sierra Leone include the following.

- **A mixture of progress and challenges** – there is progress in the areas of public sector reform, creation of space for advocacy by civil society organisations (CSOs), decentralisation of governance, and inquiries into large-scale violation of human rights. Challenges remain regarding policy implementation – such as limited uptake of ideas from CSOs and citizens, poor communication between the government and citizens, recurring cases of police brutality against citizens, and the failure to implement findings of commissions of inquiry.
- **State-citizen engagement has improved but is now stalling** – the research observed that state-citizen relations improved between 2005 and 2011, but appear to have stalled in recent times. This is due to increasing corruption and poor accountability by government, the impact of mining on local communities, and the progressive breakdown of post-war national dialogue.
- **Business as a major actor** – big business (especially international mining companies and large-scale agribusinesses) is increasingly the third pillar of state-citizen engagement in Sierra Leone. Businesses have an impact on land ownership, livelihoods, environment, etc., of local communities. Sierra Leone's private sector-led development model puts business in direct contact with citizens. Moreover, heightened expectations associated with foreign investment translate into businesses substituting the government in the eyes of some citizens – for example, in the provision of jobs and social services to local communities.
- **Strike action** – striking (street protests, demonstrations and blockades) is generally viewed by citizens as an effective tool for communicating, engaging with and influencing the policies and practices of big business and government. Citizens resorted to striking in the context of an inability to seek redress through official channels (petitions, meetings and consultations).
- **Citizens push for engagement the most when livelihoods are affected** – beyond elections, livelihood issues are a major driver of citizens' engagement with the state and its proxies (businesses). The cases of strikes recorded between 2011 and 2013 were primarily triggered by issues related to the protection of trading places, jobs and working conditions, displacement

and loss of land. The same logic underpins the reported protests (strikes) by citizens against the perceived inadequate response to the Ebola epidemic by the government.

- **Different definitions of the 'what' and 'how' of engagement** – the government sees engagement with citizens mainly through the lens of institutional channels, CSO representations and public consultations through town hall meetings. Citizens view engagement as protecting their interests or a chance to seek redress for grievances through other mechanisms such as strikes as opposed to official channels. In general, citizens do not view official channels as an effective way to engage with (influence) the state. The varied notions and interpretations of engagement suggest a different logic and drivers of engagement.
- **Organisational platform and capacity a requisite for effective engagement** – despite citizens resorting to strikes and the low trust in institutional channels, a considerable amount of engagement and efforts to influence public policy in post-war Sierra Leone still take place through official channels. CSOs are visible and active in public policy debate and formulation by government, notwithstanding the limited impact of such engagement on public policies.

Implications for programming on state-citizen relations in peacebuilding

- Specific events, especially crisis management (how the state handles and responds to citizens' demands in specific instances), are central to manifesting and building state-citizen relations. In this sense, recovery plans for the Ebola crisis are opportunities for improving state-citizen relations in Sierra Leone.
- State-citizen relations are interest driven, especially by livelihoods and socio-economic wellbeing considerations.
- State-citizen relations are very fluid as the level and outcome of engagement vary and change according to issues, influences, actors and interests at stake.
- Communication, including the exchange of information, and communicating demands, interests and perspectives lie at the heart of state-citizen relations.
- Orthodox and formal processes for state-citizen engagement (public consultations, town hall meetings, etc.) require adequate and consistent funding.
- Governments of fragile states can be more accountable on some issues to donors and business, rather than to their citizens, as reliance on donor financial support and foreign private sector investment requires greater accountability.

Recommendations for donors in Sierra Leone and more broadly

- Focus on indirect approaches to improving state-citizen relations in fragile states. State-citizen relations in conflict-affected states are disproportionately shaped by indirect events (crisis, disruptive projects, etc.), and less by official channels and institutional reforms.
- Invest in reactive programming to support and build state-citizen relations during and after crises (public agitations, protests and demonstrations). This has implications for the way in which international partners support recovery from the Ebola crisis.
- Identify and support citizens' formal and informal channels of communication with the state.

- Ensure that programming on state-citizen relations is guided by a political-economy analysis to identify issues and sectors fundamental to citizens' livelihoods, and less by generic templates (institutional channels such as setting up an ombudsman, human rights commissions and public consultation mechanisms) for state-citizen engagement.
- Analyse and adjust all donor funding mechanisms, scale and trends (beyond those designed to improve governance) in relation to their impact on state-citizen relations.
- Support and strengthen citizens' capacity to engage with and monitor policy implementation (not just policy formulation).
- Coordinate and integrate business activities into state-citizen programming.

1. Introduction

Background

This report presents the findings of research conducted by International Alert (Alert) on the subject of state-citizen relations. The background for this research is the recurrence of negative outcomes from state-citizen engagement (or non-engagement) in a majority of fragile states. This suggests that far more work is needed to understand the nature and dynamic of citizens' engagement in different contexts. For instance, the Organisation for Economic Co-operation and Development (OECD) 2011 Second Monitoring Survey on Fragile States Principles (FSP) conducted in 13 fragile contexts noted that “engagement with non-state actors and legitimate local organisations to strengthen state-citizens relations remains a challenge for development partners”.¹ In essence, development partners seek information about what can be done, how and when to promote engagement between government and citizens, what tools and resources are available and what else is needed.

Alert's research on state-citizen relations has sought to:

- Examine, document and analyse the realities of relations and interactions between citizens and the state (government institutions) in fragile contexts;
- Generate context-specific and comparative insights on state-citizen engagement in fragile contexts, especially identifying what has led to improved and effective state-citizen engagement in fragile countries;
- Tease out the implications of the patterns of citizens-state engagement for peacebuilding and for international policy initiatives and interventions.

Concept of state-citizen relations

Over the past decade, major international policy initiatives and interventions aimed at preventing, arresting, alleviating and transcending fragility and susceptibility to conflict have identified and attempted to mainstream state-society engagement into state-building and peacebuilding practices. At the core of the FSP and the New Deal was the importance of strong, productive state-society relations. The importance and desirability of state-citizen engagement in successful and sustainable state-building and peacebuilding is hardly in doubt. Long-term peacebuilding and the transformation of structural violence in fragile contexts are conditioned by the quality and outcomes of state-society relations – especially legitimacy, accountability, responsiveness and service delivery.

According to the Department for International Development (DFID): “state-society relations are interactions between state institutions and societal groups to negotiate how public authority is exercised and how it can be influenced by people ... focused on issues such as defining the mutual rights and obligations of state and society, negotiating how public resources should be allocated and establishing different modes of representation and accountability.”² Contained in this definition

1 OECD, *International engagement in fragile states: Can't we do better*, OECD Publishing, 2011, p. 15, <http://www.oecd.org/countries/somalia/48697077.pdf>

2 DFID, *Building peaceful states and societies: A DFID practice paper*, London: DFID, 2010, p. 15, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67694/Building-peaceful-states-and-societies.pdf

are the imperatives of interaction and negotiation over public policy choices and outcomes; the centrality of citizenship rights and obligations; and the importance of accountable and responsive government and governance in achieving sustainable state-building and peacebuilding. However, it is important to emphasise that state-society or state-citizen engagement or relations are neither linear nor fixed, nor a defined set of events and rituals. Rather, they are a dynamic process in their own right – the sum total of interactions and changes (outcomes) produced and reproduced in the exchanges, negotiations and contestations between citizens and state. State-citizen relations are the sum total of engagements between state institutions and actors including citizens, hence the interchange in the use of ‘relations’ and ‘engagement’ in this report. State-citizen engagement should be a two-way process, rather than purely flowing from and controlled by the state.

Despite the known potential advantages of enhanced state-citizen relations for peacebuilding, fundamental challenges remain in practice. The 2011 OECD survey noted that the approach of development partners does not sufficiently reflect the need to support government institutions fostering state-society relations; has yet to move beyond technical institutional capacity building; remains focused on formal institutions and traditional issues of election support and service delivery; and has limited engagement with non-state actors and legitimate local organisations to strengthen state-society relations.³ Generally speaking, the survey report appears to indicate that a majority of extant policy framework and practice guides either have limited applicability and suitability, or they reflect desirability rather than feasibility.

Sierra Leone and Alert’s state-citizen relations research

Sierra Leone is central to contemporary peacebuilding policies and practices as it encapsulates key peacebuilding challenges. Moreover, it is often highlighted by the United Nations (UN) and by many development cooperation agencies as a ‘success’ story of peacebuilding. The UN Secretary General (UNSG), Ban Ki Moon, at the official closing ceremony of the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) remarked that: “Sierra Leone represents one of the world’s most successful cases of post-conflict recovery, peacekeeping and peacebuilding... Here we have seen great strides towards peace, stability and long-term development ... [other countries can] draw hope from Sierra Leone’s inspiring example of the power of international solidarity and national resolve to overcome even the most brutal conflicts.”⁴ The UNSG’s remarks underline an emergent narrative of triumph and progress of international peacebuilding. Sierra Leone thus occupies an important position in the spectrum of peacebuilding experiences, providing the space for exploring contemporary ideas of and approaches to peacebuilding in the post-Cold War period. Assessing the quality and robustness of state-citizen relations in Sierra Leone represents an invaluable window for understanding the pace and resilience of post-war peacebuilding – especially since Sierra Leone is a pilot country for the New Deal and conducted its Fragility Assessment in early 2013. Finally, assessing state-citizen relations in Sierra Leone at a supposed point of success and period of final drawdown by the UN and other international agencies would provide a good opportunity for identifying how the approaches to rebuilding state-citizen relations have worked. This research predated the outbreak of the Ebola virus in Sierra Leone. However, its findings and recommendations are very relevant to how the government and international partners programme their response to and recovery from the epidemic.

3 OECD, 2011, Op. cit., p. 15.

4 See: Closing political office in Sierra Leone, UN shifts focus to long-term development, UN News Centre, 5 March 2014, <http://www.un.org/apps/news/story.asp?NewsID=47278>

Structure of report

This research report is organised into eight parts. The first three sections comprise an analytical and methodological framework; an overview of Sierra Leone, especially its socio-political and security history; and an assessment of state-citizen relations in the context of the post-conflict peacebuilding agenda. The subsequent sections feature an empirical assessment of state-citizen engagement in the national budgeting process, in decentralisation and local governance, and in the management of natural resources (mining). The last two sections comprise empirical case studies and overall observations on state-citizen relations in Sierra Leone, followed by a conclusion.

2. Analytical framework and methodology

In line with one of Alert's overarching objectives – to understand the nature of state-citizen engagement in fragile contexts – the Sierra Leone study was guided by two lines of inquiry. First, it sought to assess the effectiveness of formal institutions, processes and mechanisms of consultation and engagement and citizens' participation in governance. Second, it aimed to examine the strategies, approaches and resources used by citizens to influence public policy in Sierra Leone. The research focuses on specific case studies (sectors and events) in Sierra Leone to enable a comparison of experiences regarding state-citizen relations across different thematic issues.

State-citizen relations as a spectrum

The research defines interactions and engagement between citizen groups and the state through an iterative process with at least five phases along a spectrum. Each phase points to the outcomes of engagement. Each actor (state and citizens) operates along this spectrum. Contextual factors – such as capacity, structural rules (laws and statutes), resources, timing, the nature of the issues involved and the underlying structure of power (political economy) – shape the respective location along the engagement spectrum. The level of engagement varies across and within fragile contexts, with the possibility of progress, stagnation and regression. The five phases are as follows:

- **Inform** – where the nature, purpose and outcome of engagement leads to information sharing by the state with citizens' groups or by citizens with the state;
- **Consult** – where the motive and outcome of interaction is to seek citizens' opinions on and inputs into public policy that is already fairly developed or where citizens' groups seek government perspectives on their agendas and demands;
- **Dialogue** – where the intention and outcome of interaction is to generate more open-minded discussions, with some scope for influencing perspectives and policy designs. Here, the parties have reasonable scope to influence outcomes, but the state retains overall control to determine outcomes;
- **Collaborate** – where the motivation and outcome of interaction is shared responsibility, ownership and control of the policy processes, sometimes involving citizens' groups as direct implementers or as part of the implementation team for agreed outputs. The aim here is to identify and combine the relative strengths of state institutions and citizens' groups to achieve common goals;
- **Empower** – where citizens' groups seek official recognition and legal backing for their initiatives and demands, or where the state seeks to encourage and delegate activities and responsibilities to citizens' groups or to generate greater legitimacy for public policies. In either case, the role of the state is rolled back (reduced to regulatory, advisory or monitoring roles), with citizens' groups influencing decision-making and implementation processes.

A citizen focused perspective

The research uses a state-citizen engagement approach that prioritises uncovering how and why citizens engage; what type of interactions citizens have with state institutions; how citizens become policymakers and shapers (rather than passive users and beneficiaries of services and development policies); and how citizens engage with and influence the state. The use of a 'citizen focused' approach does not preclude focus and analysis on state institutions. Rather, it rejects the underlying assumption and emphasis of orthodox approaches that institutions and formal processes are the essential and only pathway to state-citizen engagement. While institutions and formal process are elements in state-citizen engagement, they remain inadequate for promoting, achieving and assessing engagement. Key to understanding and gauging state-citizen engagement is to look at forms and channels of interaction by citizens and the dynamic of interaction between citizens' groups and institutions and policymakers.

State-citizen relations are political, which means that they include the concepts of citizenship, accountability and socio-political change. Strong state-citizen engagement is about citizens claiming, extending and exercising social, economic, civic and political rights. It is about holding state institutions and elected officials to account for actions and inactions. The engagement is a two-way process, with parties seeking to influence each other in certain ways. The reality of state-citizen engagement as a political and politicised process does not preclude common goals and collaboration. Rather, it underlines the institutional and non-institutional sources of power and influence. It also highlights the limitations of using a purely institutional approach that relies on engagement as directly flowing from official institutions and processes that prescribe engagement with citizens. Finally, this approach focuses attention on the motivations, quality and outcomes of state-citizen engagement, rather than the mere ritual of engagement.

Methodology

The research used a case study (compact) approach that focused on key areas and issues concerning state-citizen interactions and peacebuilding. The critical focus is uncovering the nature and dynamic of relations between citizen cohorts and the state. This approach also involves institutional analysis to identify the scope and opportunities for citizens to influence government's actions; the extent to which citizens take these opportunities and why; why and what citizens do to push their governments when such opportunities do not exist; and the outcomes of such engagement. The areas of focus comprise the budgeting process, local governance, organised civil society platforms and consultation, and management of natural resources.

The research comprised 25 semi-structured interviews and five focus group sessions involving civil society groups, community-based organisations (CBOs), trade unions, women leaders, motorcycle taxis (bike riders), journalists, government officials, members of parliament, local paramount chiefs and section heads, etc. Particular attention was paid to ensuring that the views of women and women's groups were included in the study. The field research took place between July and August 2013 in Freetown, Bo, Lunsar, Tonkolili (Ferengbeya, Foria and Wondugu), Selenga Kingdom and Kono. The secondary sources of data included official government documents, parliamentary records, reports of human rights commission and judicial panels, reports by civil society organisations (CSOs), media reports and other academic papers.

3. Background to state-citizen relations in Sierra Leone

Sierra Leone gained political independence from Britain in 1961 and became a Republic in 1971. Officially, Sierra Leone operated a constitutional democracy from independence. However, much of its history has been marked by a series of military coups and authoritarian regimes. Sierra Leone returned to multiparty democracy in 1996 with the election of President Teejan Kabah of the Sierra Leone People's Party (SLPP).

State-citizen relations in post-colonial Sierra Leone operated along two tracks – the formal state system and the customary Paramount Chief system at independence. The formal state system comprised the national government and local councils. Administratively, post-independence Sierra Leone had four administrative regions: Northern, Eastern, Southern and Western Area provinces that were sub-divided into 14 districts. Up to 1972, when local councils were suspended, Sierra Leone had 18 local councils, including 12 district councils, five town councils and a separate Freetown City Council.⁵

Sierra Leone is officially one of the poorest countries in the world and paradoxically one of the most endowed in terms of natural resources. According to the UN Human Development Index, Sierra Leone ranked last out of 179 countries in 2007 and 2008, and was among the bottom three countries in 2009–2011.⁶ The post-war human development indices are fairly similar to pre-war conditions. Nonetheless, Sierra Leone boasts impressive deposits of natural resources, including diamonds, Rutile, bauxite, gold and iron ore.⁷

Sierra Leone's economy and its politics revolve around the control of these resources. Existing literature points to the centrality of natural resources in Sierra Leone's political volatility (especially military coups and its civil war), particularly alluvial diamonds from Kono district in the Eastern province. The country's political economy involved a patronage system, whereby political elites in alliance with local paramount chiefs controlled the legal and illegal exploitation of natural resources. The centralisation of power and deepening of patronage networks progressively weakened formal state structures and the paramount chief system.⁸ By the late 1980s, Sierra Leone's economy collapsed under the weight of massive debt, corruption and political misrule. In the chiefdoms, paramount chiefs progressively lost the respect of and moral authority over citizens, as local chiefs were seen to represent the interests of political elites and commodity traders, rather than those of local communities.⁹

The Revolutionary United Front (RUF) launched an armed uprising against the state in 1991 in the context of political misrule, a huge mass of alienated youth and contagion from cross-border insurgency (Liberia). Following external peace missions by the Economic Community of West African States (ECOWAS) (Economic Community of West African States Monitoring Group, ECOMOG), the UK and the UN Mission in Sierra Leone (UNAMSIL), the scale of violence and insecurity was gradually reduced, peace negotiations took place and the 1999 Lome Peace

5 For details of the local government system in Sierra Leone, see p. 2 of <http://www.clgf.org.uk/userfiles/1/files/Sierra%20Leone%20local%20government%20profile%202011-12.pdf>

6 See also: Sierra Leone – HDI values and rank changes in the 2013 Human Development Report, <http://hdr.undp.org/sites/default/files/Country-Profiles/SLE.pdf>

7 See overview of Sierra Leone mineral resources, <http://www.investsierraleone.biz/index.php?l=english&p=34&pn=Mineral%20Resources>

8 P. Richards, *The political economy of internal conflict in Sierra Leone*, Working Paper No. 21, Clingendael, Netherlands Institute of International Relations, 2003; T. Mkandawire, *The terrible toll of post-colonial 'rebel movements' in Africa: Towards an explanation of the violence against the peasantry*, *The Journal of Modern African Studies*, 40 (2), 2002, pp. 181–215.

9 W. Reno, *Political networks in a failing state: The roots and future of violent conflict in Sierra Leone*, *International Politics and Security*, 2, 2003.

Treaty was signed. Sierra Leone thus began the arduous journey of peacebuilding. The armed conflict was officially declared as over in 2002 following the successful implementation of core provisions of the 1999 Lome Peace Treaty, including a power-sharing agreement between the SLPP government and the RUF, elections, and disarmament, demobilisation and reintegration (DDR) of combatants. The drawdown of UNAMSIL was completed in December 2005, after which the UNIPSIL was created to coordinate post-conflict peacebuilding activities. Despite the obvious trail of destruction occasioned by the war, its cessation offered a glimmer of hope for a new beginning.

The civil war had at least four profound impacts on state-citizen relations in Sierra Leone. The first impact was further deterioration in social service delivery through wanton violence, displacement of citizens (including public service providers), and the burning of physical infrastructures (schools, hospitals and health centres). The second impact was the mobilisation of civil society groups and giving citizens' groups a voice and the chance to participate in the search for peace.¹⁰ The third impact was that citizens' groups, through CSOs, trade unions and the media, became major stakeholders and participants in peace talks, thereby providing an opportunity to influence the shape of post-conflict peacebuilding and state-building.¹¹ Finally, the war put state-citizen relations firmly at the centre of post-conflict reconstruction and peacebuilding. The 1999 Lome Peace Agreement focused on governance issues as part of efforts to rebuild state-citizen relations through a series of new institutions and mechanisms designed to facilitate dialogue and interaction between state actors and citizens' groups. It included the formation of a broad-based government of national unity that comprised representatives of ruling and opposition political parties, the RUF and civil society groups. It also prioritised issues of accountability and transparency in governance (anti-corruption), responsiveness, service delivery and government attention to neglected (rural) areas in governance.¹²

10 I. Dyfan, *Peace agreements as a means of promoting gender equality and ensuring participation of women: Sierra Leone*, UN-DAW Expert Group Meeting, 10–13 November 2003, Ottawa, Canada, p. 3, <http://www.un.org/womenwatch/daw/egm/peace2003/reports/EP5Dyfan.PDF>

11 I. Dyfan, 2003, *Op. cit.*, pp. 4–6.

12 For example, Articles VIII(6) and VIII(10-11) provided for full public disclosure and transparent management of natural resources to improve social service delivery in Sierra Leone, especially in rural areas.

4. Public sector reform, CSO consultation and state-citizen relations

Public sector reform

A series of institutional reforms of public sector agencies and governance processes were undertaken in post-conflict Sierra Leone to aid post-war socio-economic recovery. There was clear consensus, especially among donor and development partners, that reform of public sector institutions was critical to improving accountability and transparency in governance and service delivery, with implications for improved state-citizen relations in post-conflict Sierra Leone.¹³ The Public Sector Reform programme was initiated in 2002 following the completion and publication of a Country Financial Accountability Assessment (CFAA) report. This was followed by the 2004 National Action Plan (NAP)¹⁴ and the 2009 Integrated Public Financial Management Reform Project (IPFMRP).¹⁵ The reform process involved the enactment of new laws and legal frameworks – such as the 2004 Procurement Act, the 2005 Government Budgeting and Accountability Act (GBCA), the 2004 Local Government Act (LGA), the 2009 Mines and Minerals Act (MMA), and the 2013 Freedom of Information Act (FOI).

Governance reform included the restructuring of the National Electoral Commission (NEC) in 2002 and the Anti-Corruption Commission (ACC)¹⁶ in 2008 to enhance citizens' voice and participation, and reduce corruption, respectively. Since the end of the war, the NEC has conducted six nationwide elections – presidential and parliamentary elections in 2002, 2007 and 2012, and local government elections in 2004, 2008 and 2012.¹⁷ A majority of election observer missions have tended to rate elections in post-war Sierra Leone as free, fair and credible. Still, electoral reform in post-war Sierra Leone is not without its challenges, as evidenced by increases in political and election-related violence in the 2008 local government elections and 2012 national elections.¹⁸ Transparency International reported improvements in anti-corruption efforts from 2009, with improved voice and accountability in governance, political stability, the recovery of over US\$2 million in public money and the removal of high-ranking officials.¹⁹ However, the level of official and unofficial corruption remains high and is thought to be increasing: the 2013 Corruption Perception Index showed that Sierra Leone's score stagnated (31 points in 2012 and 30 points in 2013).²⁰ This suggests that recent gains in anti-corruption efforts have been reversed, as evidenced by high impunity and fraud in public agencies (e.g. the large-scale stealing in the National Revenue Authority (NRA) in 2013).²¹

13 H. Tavakoli, *Public financial management reforms in fragile states: The case of Sierra Leone*, London: Overseas Development Institute, 2012, pp. 6–8, <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7855.pdf>

14 This emerged from the 2004 Common Action Plan.

15 H. Tavakoli, 2012, Op. cit., p. vii.

16 See Part II of the 2008 ACC Act, <http://www.sierra-leone.org/Laws/2008-12.pdf>

17 See NEC overview, <http://www.nec-sierraleone.org/Commissioners.html>

18 DFID, *Elections in Sierra Leone in 2007 and 2008*, London, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67647/elections-sl-2007-2008.pdf

19 Transparency International, *Overview of corruption and anti-corruption in Sierra Leone*, 2010, p. 5, <http://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-sierra-leone/>

20 See: Transparency International, *Corruption by country – Sierra Leone*, <http://www.transparency.org/country#SLE>

21 Between March and June 2013, there were multiple reports of stealing and fraud involving officials of the NRA, Ecobank and other Sierra Leone government agencies. See, for example, http://mysierraleoneonline.com/sl_portal/site/news/detail/1454

Public consultation

A cross-cutting feature of public sector reform, with functional implications for state-citizen relations, was the institutionalisation of public consultation in policy decisions, especially in preparing the annual national budget, formulating economic and development policy plans (poverty alleviation policies), and enacting parliamentary acts. This institutionalisation reflects the strong roles and voice of civil society groups in wartime and post-war Sierra Leone, the expansion in democratic freedom and space in the post-conflict period, the influence of donor demands (conditionality), and the implementation of a neo-liberal peacebuilding agenda (emphasis on increasing the role of civil society in governance). The ‘public consultation’ clause features in the official template for a majority of Sierra Leone’s government policymaking processes at national, provincial and chiefdom levels through parliamentary public hearings, local councils, town hall meetings, district budget oversight committees (DBOCs), chiefdom councils and ward development committees (WDCs) (ward meetings).

Post-war reforms also focused on creating and expanding spaces for civil society groups to engage with the government on public policy processes. The reform of civil society spaces for policy engagement involved institutional reform of governance processes (to create spaces for CSO consultation and participation), and support to CSOs to enhance their capacity to engage with the government. Three donor-funded initiatives were introduced to support and improve the government’s engagement with CSOs.

ENCISS initiative

The ENCISS programme is a capacity-building initiative for civil society groups aimed at strengthening citizens’ access to information, their voice and participation in decision-making processes, and at improving accountability in governance. ENCISS is funded by the UK (DFID) and the European Commission, and managed by Christian Aid. It seeks to strengthen the state-society relationship and to improve dialogue on the government’s policies and initiatives, especially on poverty reduction, decentralisation and local governance.²² The programme focuses on enhancing the organisational capacities of excluded groups (poorest communities, women and people with disabilities) to improve their abilities to design and implement effective projects, and to strengthen their knowledge on accountable governance.

Open Government Initiative (OGI)

The OGI was launched in 2008 following intense political tensions, polarisation and violence during the 2007 elections. The programme was designed to improve transparency, accountability and responsiveness in governance through fostering inclusive and open dialogue between government and citizens; providing responses to citizens’ questions and concerns by relevant government officials and agencies; and providing periodic feedback by elected representatives to their constituents.

The operational strategies include periodic town hall meetings, parliamentary sittings in provincial town headquarters, national and community radio, and publication of policies and programmes at district level.²³ A key element of the OGI is the Citizens’ Report Card, which involves grassroots-level assessment of government activities, especially in social service delivery.

Public consultation mechanisms in Sierra Leone

- CSO sectoral coalitions
- Parliamentary public hearings
- Office of ombudsman
- Local councils
- Parliamentarian constituency meetings
- DBOCs
- Chiefdom councils
- WDCs

²² For further details, see <http://www.enciss-sl.org/what-we-do/about-enciss/government-strategies>

²³ For further details on the OGI, see <http://www.sierraherald.com/undp-ogi-project.htm>

The UN Development Programme (UNDP) funded and managed the first phase of the OGI, but withdrew in 2009 due to alleged financial mismanagement by government officials,²⁴ concerns about lack of inclusiveness, and attempts by the ruling All People's Congress (APC) government to use it for political propaganda purposes.²⁵ The government took over the management of the OGI from 2010 and integrated it into government consultation mechanisms.²⁶

Civil Society Platform

In 2012, the UNIPSIL facilitated the establishment of a Civil Society Platform comprising about 100 CSOs. The aim of the platform is to promote sustained engagement, coordination, collaboration, and shared experiences and expertise among CSOs, and to encourage interaction with government, the UN, donor agencies and international organisations in Sierra Leone through monthly meetings.²⁷ The Civil Society Platform played an important role in the run-up to the 2012 elections through the UNIPSIL/UNDP funded election support programme (focused on promoting non-violent elections). Respondents interviewed acknowledged the initial effectiveness of the Civil Society Platform in 2012, but claimed that its impact has declined since, especially after the 2012 elections.

Impacts of post-war reforms and government-CSO engagement on state-citizen relations

The institutionalisation of consultation and participation of citizens' groups in policy processes (and public sector reform) are strongly linked to donor insistence rather than strong convictions among Sierra Leone's elite. Donor influence has been strengthened by the government's relative dependence on donor budget support. This support accounted for about 26% of all discretionary recurrent and domestic capital expenditure between 2001 and 2006, and for 65.6% of government grants in 2008; it dipped in 2010 and 2011 (due to the global financial crisis) and increased in 2012 to 33% of the government's recurrent expenditure, representing an increase of 5% over 2011 levels.²⁸ According to one civil society respondent: "...we in the civil society movement know that without donors' insistence, we would not have been involved ... even our participation is not without its shortcomings ... the government sabotage and disregard a majority of civil society demands and ideas."²⁹

In practice, the government's use of citizen engagement and consultation in policy process (including the government-run OGI) is criticised for its heavy politicisation and limited inclusiveness. It is often targeted at pro-government groups and individuals, including CSOs, community leaders, paramount chiefs, MPs and media practitioners. According to one civil society respondent: "the government has its own civil society ... there are organisation and CSO activists that are pro-government and get invited to government consultation, access grants through the government, included on government delegations ... for example, the head of the Health for All Coalition never criticises the APC government because he receives grants from them."³⁰ Another respondent noted that: "since the government took over the OGI, it ceased to be a platform for civil society to interact with government; it has been used for perverted purposes such as election campaign and propaganda through a dubious election monitoring agenda ... no criticism of the government is allowed in OGI activities but only praising the APC ... it lost its credibility after

24 A UNDP evaluation allegedly discovered financial misappropriation of about 70 million Sierra Leonean Leones (US\$15,900) in OGI funds by government officials. Confidential interview with a CSO activist, Freetown, 18 July 2013.

25 For further details, see <http://www.sierraherald.com/undp-ogi-project.htm>

26 See OGI website, <http://ogi.gov.sl/>

27 A. Badasi Sesay, Civil society organisations' cluster engagement in Sierra Leone: The rationale and progress to date, Policy Brief DIS-C2012-001, Sierra Leone: UNIPSIL, 2012, p. 8, <http://unipsil.unmissions.org/LinkClick.aspx?fileticket=QH4S2yJSr34%3d&tabid=9622&language=en-US>

28 H. Tavakoli, 2012, Op. cit., p. 12.

29 Confidential interview with a civil society activist and journalist, Freetown, 17 July 2013.

30 Interview, Bo Town, 23 July 2013.

UNDP withdrew.”³¹ Sierra Leone’s Fragility Assessment report acknowledged this by identifying the lack of credible civil society leaders without conflicts of interest as a major challenge to societal relationships.³²

Secondly, the institutional capacity weaknesses of a majority of CSOs in Sierra Leone limit the scope and possibility of functional engagement with the government and of constructive influence on public policies. Donors’ capacity-building support initiatives for CSOs in Sierra Leone are generally seen as having limited impact. For instance, the Civil Society Platform was unable to address some of the fundamental organisational weakness of CSOs in Sierra Leone, including weak reporting systems, poor project implementation capacity, weak political influence and alignment, and duplication of effort.³³ A 2014 assessment of CSOs found that despite the growth in numbers in the post-war period, the civil society sector continues to face acute structural deficits, including weak internal governance processes in many CSOs, a weak resource base that compromises the effectiveness of most CSOs, and poor networking and collaboration among CSOs.³⁴

CSOs in Sierra Leone in general have weak internal governance processes, weak resource base and poor networking and collaboration that limit their efficiency and effectiveness.

Civil Society Index – Rapid Assessment: Sierra Leone Report, February 2014

Thirdly, a considerable number of CSO respondents highlighted their frustrations at the low uptake of suggestions put forward during public policy consultations. However, there are known instances where CSO advocacy has led to policy amendments – such as the inclusion of Pillar 8 (on Gender and Women’s Empowerment) in the Agenda for Prosperity framework and advocacy over increasing the healthcare budget allocation in 2013. There was a general feeling, nevertheless, that government use of consultation is limited to a few marginal issues, and even where engagement takes place, it is a mere formality as policy choices are generally predetermined by government or donors. Instances where consultation has had no impact on policy choices include those concerning the 2010 Chieftaincy Act and the choice of indirect election (electoral college) of paramount chiefs instead of the popular direct election option, along with the failure to adopt the 30% affirmative action on female participation.³⁵

Fourthly, many civil society respondents noted that CSO engagement and participation in public policy processes is more effective (collaboration and empowerment in the state-citizen spectrum) when backed up by the threat of or actual public demonstrations (strikes) to demand policy changes. The Budget Advocacy Network (BAN) claimed that it was able to achieve an increase in the health sector allocation in 2013 (from 7.4% in 2012 to 10.5% in 2013) following its mobilisation of women’s groups to stage a public demonstration in Freetown in 2012. Previous meetings with the government on this issue had failed to yield meaningful results.³⁶

31 Interview, Freetown, 18 July 2013.

32 Republic of Sierra Leone, Fragility Assessment, 2013, p. 3, <http://www.newdeal4peace.org/wp-content/uploads/2013/05/Fragility-Assessment-SierraLeone-border-180313.pdf>

33 This was the broad consensus at a focus group discussion (FGD) organised for CSO activists, Freetown, 18 July 2013.

34 Campaign for Good Governance, Civil Society Index – Rapid Assessment: Sierra Leone Report, 2014, pp. 7–12, http://www.wacsi.org/attachment/390/Sierra%20Leone%20CSI-RA%20report.pdf?g_download=1

35 FGD, Bo Town, 23 July 2013.

36 Interview, BAN coordinator, Freetown, 16 July 2013.

5. State-citizen engagement in national budgeting process

Sierra Leone's annual budget priorities and social service delivery plans are set within its Poverty Reduction Strategy Paper (PRSP), including its plans for natural resources. The government initiated the Agenda for Prosperity (AfP) as its fourth PRSP in 2013. Previous PRSPs were launched in 2001, 2005 and 2008,³⁷ with varying degrees of emphasis on supporting agriculture, reducing unemployment and improving services.³⁸

Beyond the prospect of improving social service delivery and its potential impact on state-citizen relations, the AfP is significant for state-citizen engagement for two reasons. Firstly, the AfP is the most aggressive (compared with previous PRSPs) private sector-led approach to development, based on the exploitation of natural resources (mining).³⁹ There is a clear emphasis on attracting private sector investment through pro-business policies and incentives, including preferential tax regimes and faster licensing systems. Secondly, unlike previous PRSPs, the AfP involved broad consultation and participation of CSOs and citizens in its formulation. Each of the AfP's eight Pillar Working Groups included two CSO representatives in addition to nationwide consultation through town hall meetings and public hearings in parliament.⁴⁰ The broad consultation reflected a push by civil society groups to be represented, and donors demand greater civil society involvement. In fact, the inclusion of women and gender issues (Pillar eight) was linked to CSOs' demands.

National budgeting process

Sierra Leone reformed its budgeting process within the broader public sector reform process to enhance service delivery. Budget reforms included legal and administrative changes, especially the 2005 Government Budgeting and Accountability Act (GBAA) (amended in 2008). The GBAA established a budget bureau within the Ministry of Finance as the hub for all budgeting activities, a budget committee in each budgetary agency (Ministries, Departments and Agencies, or MDAs) and a DBOC in each district. Budget reforms impact on state-citizen relations at two levels. The first impact is through the creation of DBOCs as a platform for direct (bottom-up) participation by citizens in the budgeting process. Theoretically, each DBOC, comprising 10 to 16 members, identifies local needs and priorities for inclusion in the national budget.⁴¹ This is complemented by citizens' participation in WDCs and the 'Citizens' Budget', introduced in 2013 to simplify, translate and publish budget plans for easy understanding and monitoring by citizens.⁴²

Secondly, the reform process, specifically the reduction of budgeting stages from twelve to five, included the creation of platforms for CSO engagement through participation in budget preparation and hearing sessions. Civil society groups such as non-governmental organisations (NGOs) and CBOs are viewed as representing and advocating the interests of citizens. The existing five budget stages are as follows:

37 Government of Sierra Leone, *Agenda for Change*, 2008, pp. 3–4, http://www.betterpeace.org/files/PresdSL_AgendaForChange_Dec08.pdf

38 African Development Bank (AfDB), *Economic Governance Reform Program (EGRP) II Appraisal Report* (Sierra Leone), July 2011, p. 1.

39 Government of Sierra Leone, *Agenda for Prosperity*, 2013, pp. xiii–xvi, http://www.undp.org/content/dam/sierraleone/docs/projectdocuments/povreduction/undp_sle_The%20Agenda%20for%20Prosperity%20.pdf

40 Government of Sierra Leone, 2013, *Op. cit.*, pp. 9–10.

41 According to Sections 20 and 21 of the 2005 GBAA. Government of Sierra Leone, 2005 GBAA, 2005, p. 19.

42 See details of Citizens' Budget, <http://mofed.gov.sl/PUBLICATIONS/Citizens%20budget%20final.pdf>

1. Budget call – a budget circular, with set ceilings, is sent to all budgetary agencies to formulate budget plans and activities;
2. Medium-Term Expenditure Framework (MTEF) phase – entails three activities, that is, budget hearing and defence by each budgetary agency explaining and justifying its budget plans; aligning all budget proposals with MTEF outlays; and gazetting the overall budget proposal (from the executive arm) three times;
3. Parliamentary stage – the executive presents the budget proposal to the parliament for debate and approval;
4. Budget implementation – budget plans are implemented based on agreed schedules;
5. Budget monitoring and auditing – budget plans and implementation are tracked and a budget audit report is produced.

CSOs play active roles in stages two and three. During the second MTEF phase, civil society groups monitor proposed plans and allocations along sectoral lines, especially health and education. During the parliamentary phase, CSOs mount advocacy activities to influence parliamentarians to amend sectoral proposals and allocations. Since 2006, CSOs have formed coalitions and networks focused on budget advocacy and monitoring, especially on education and health. For example, the BAN promotes CSO budget participation, official transparency and accountability.⁴³ There are also CSO sectoral coalitions on health and education, such as the Education for All Coalition that analyses and tracks budget proposals and implementation.

Milestones in citizens' engagement in budgeting process

- Institutionalised mechanisms for citizens' consultation and input
- Increase in budget advocacy through CSO coalitions
- Increased availability and access to budget information (citizens' budget)

Positive impacts of budget reforms on state-citizen relations

Against the background of institutional and procedural reform of the budgeting process since 2005, it is crucial to explore its impact in practice. In other words, have budget reform processes enhanced citizens' participation and state-citizen relations? Civil society activists, citizens, government officials and parliamentarians interviewed were unanimous that some progress has been made since 2005. The first sign of progress is creating legal and institutionalised spaces for citizens' participation through the DBOC, and establishing civil society oversight groups during the MTEF and parliamentary stages. According to a BAN official, "before 2005, there was no engagement or citizens' participation ... 2005 marked the start of engagement and it has grown since then".⁴⁴

The second indication of progress is the advent of and increase in budget advocacy by CSO coalitions and citizens' groups. For instance, in preparing the 2012 budget, CSO analysis of sectoral allocation highlighted the reduction in health expenditure against planned allocations (from 11% in 2011 to 7.4% in 2012), leading to protests and demonstrations by women's groups and other CSOs. Following the protests, a presidential directive was issued to the Ministry of Finance to increase the allocation. While the directive was never implemented due to administrative hiccups, the health allocation for the 2013 budget was increased to 10.5%, albeit still lower than 2011 allocations. Moreover, ahead of the 2012 national elections, the BAN developed a 'Health Manifesto', which contained specific financial and programme commitments and targets related

⁴³ Members of the BAN include Transparency International Sierra Leone (TISL), Campaign for Good Governance (CGG), Network Movement for Justice and Development (NMJD), Western Area Budget Education Network (WABEAN), ActionAid International Sierra Leone (AASISL), Search for Common Ground (SFCG) and Christian Aid (CA). See <http://bansl.org/>

⁴⁴ Interview with Abu Kamara, Freetown, 19 July 2013.

to healthcare delivery, also inviting political parties to sign pledge cards, thereby making health budget-related issues part of the election debates.⁴⁵ Moreover, budget briefings, analysis and snapshots produced by CSO coalitions have become important resources used by parliamentarians in budget hearing sessions since 2012. A parliamentarian noted that: “CSOs give us additional perspectives and interpretation of budget proposals ... their views sometimes help us to raise questions, suggest amendments and ensure budgets reflect the needs of Sierra Leoneans.”⁴⁶

A third sign of progress is the increase in participation in and access to budget information by civil society groups and citizens at large. The 2005 GBAA laid the foundation for this, and subsequent reforms combined to improve the quality of citizens’ participation. For instance, the Citizens’ Budget was a joint initiative between government and CSOs, and is reported to have increased awareness about government budget programmes at chiefdom levels. Similarly, FGD participants in Freetown were unanimous that local knowledge and awareness of budget plans is at the highest in Sierra Leone’s history.⁴⁷

Challenges of citizen and CSO engagement in budgeting process

Despite the progress recorded in citizens’ awareness of and participation in the budgeting process, considerable challenges remain. This is underlined by the 2012 Open Budget Survey, which ranks Sierra Leone at 39 out of 100 surveyed countries – a rating lower than the average (43) and lower than the scores for Sierra Leone’s neighbours (Equatorial Guinea, Nigeria and São Tomé e Príncipe).⁴⁸ The challenges in Sierra Leone’s budgeting process identified by the Open Budget Survey mirrors those highlighted in interviews and FGDs. They include, firstly, the limited involvement and awareness by CSOs and citizens about budget implementation, especially the lack of appropriate data during the budget year, the unavailability of mid-year reviews, and lack of comprehensive end-of-year reports (showing variations between enacted proposals and actual implementations).⁴⁹ Parliamentarians lack the capacity to exercise adequate oversight over budget implementation and across government activities in general.⁵⁰ In essence, the budget only represents a spending proposal, and citizens and CSOs are not able to monitor or hold government agencies to account over budget allocations.

A second challenge is that citizens’ input, participation and engagement remain weak and ineffective.⁵¹ Respondents allege that the so-called input by citizens (through DBOCs and WDCs) is inconsequential to final budget plans and activities. According to FGD participants in Bo Town, the scope for CSOs and citizens to influence the budget at national and local levels is very limited.

Limitations of citizens’ engagement in budgeting process

- Limited information and influence over actual budget implementation
- Limited effectiveness and impacts of institutionalised mechanisms for citizens’ engagement
- Lack of capacity (knowledge, skills and experience) by CSOs and citizens to adequately influence (change or query) budget contents
- CSOs’ and citizens’ engagement is limited to the Ministry of Finance (non-cooperation by other MDAs)

“I have not seen any project document for all the projects being carried in my Kingdom.”

Paramount Chiefdom, Selenga Kingdom, Bo District

⁴⁵ Interview with Peter Amara, Head of Economic Justice Network, Freetown, 17 July 2013.

⁴⁶ Interview, Freetown, 19 July 2013.

⁴⁷ Consensus from two FGD sessions in Freetown, 16 and 17 July 2013.

⁴⁸ See Open Budget Index 2012 – Sierra Leone, <http://bansl.org/Open%20Budget%20Index%20Survey%20Report%20Country%20summary.pdf>

⁴⁹ *Ibid.*, p. 3.

⁵⁰ Republic of Sierra Leone, 2013, *Op. cit.*, p. 3.

⁵¹ See Open Budget Index 2012 – Sierra Leone, *Op. cit.*, p. 3.

The use of WDCs does not work given that budget preparation is done by the relevant government departments and ministries; once the draft budget is put together, it is often too late or impossible to effect changes, especially at the hearing stage where CSOs have representations. Moreover, in practice, very few citizens attend WDC meetings; FGD participants in Freetown and Bo noted that many people, especially women and youth, do not attend ward meetings due to lack of incentives and limited trust in the process and in government in general. Also, people in chiefdoms live within highly patriarchal systems that constrain the participation and voice of women. In fact, very few councillors convene WDC meetings and infrequently too.

A third challenge is that the government alone decides budget priorities and allocations – budget ceilings are fixed at the national level, irrespective of citizens’ needs and requests. Moreover, the failure of government to fully devolve powers on projects means that even where certain requests by communities and citizens are reflected in the budget, the implementation tends to fail due to the limited consultation and involvement of local councils and chiefdom councils in the selection and monitoring of contractors, sharing of project details and tracking of project financing.⁵²

Fourthly, there is a general lack of capacity – training, skills, knowledge and experience – among CSOs and citizens to effectively engage in and influence budget plans.⁵³ It was claimed that public consultations are often predetermined, with mostly pro-government (APC) supporters constituting the majority of invitees, limited to provincial headquarters, and merely observed to fulfil legal and administrative requirements, rather than genuinely intended to influence budget proposals.⁵⁴ In a majority of cases, projects included in budgets are generally those favoured or submitted by influential persons such as political party leaders, paramount chiefs and parliamentarians.⁵⁵

Finally, the engagement of CSOs and citizens in budgeting is limited to the budget bureau and the Ministry of Finance. Other MDAs neither allow nor engage with CSOs and citizens in budget plans. Moreover, the Open Budget Survey alludes to issues related to limited data for tracking the budget implementation by MDAs; it identifies the lack of comprehensiveness, including limited information on programme and project-level breakdowns, and transfers to MDAs.⁵⁶

52 FGD, Bo Town, Sierra Leone, 23 July 2013.

53 FGD participant, Freetown, 18 July 2013.

54 FGD participants, Bo Town, 23 July 2013.

55 FGD, Freetown, 17 July 2013.

56 See Open Budget Index 2012 – Sierra Leone, *Op. cit.*, pp. 3-4.

6. State-citizen engagement in decentralisation and local governance

The re-introduction of local councils and chiefdom administration is commonly referred to as decentralisation. It was implemented through a formal decentralisation policy by the Kabbah regime in 2002 and was actively supported by the UN and donor agencies through the Institutional Reform and Capacity Building Project (IRCBP) with a US\$50 million grant.⁵⁷ While the level of citizens' involvement in the design and re-introduction of decentralisation is unclear, the policy is generally seen as popular among Sierra Leoneans. Decentralisation is potentially an important element in state-citizen relations as it promotes the involvement of citizens in governance at local level and restores the link between traditional and constitutional authority.

Sierra Leone's contemporary governance system and administrative structure has three levels – central government, the local councils and chiefdom administrations. The first component of decentralisation was the 2002 chieftaincy elections to fill vacant paramount chief positions. The second phase was the re-creation of 19 local councils through the 2004 Local Government Act, including five city councils, one municipal council in urban areas and 13 district councils in rural areas. City status was granted to the former provincial towns of Bo, Kenema, Koidu-New Sembehun and Makeni, and municipal status to Bronthe. Cities such as Bo have a district council and a city council existing side-by-side. The 13 district councils have between 13 and 18 local wards.

Local councils

The Local Government Act (LGA) and the Chieftaincy Act are the legal basis for local governance in Sierra Leone. Local councils were established as “the highest political authority in the locality and shall have legislative and executive powers to be exercised in accordance with this [LGA] Act or other enactment and shall be responsible, generally, for promoting the development of the locality and the welfare of the people in the locality”.⁵⁸ Local councils comprise a chairperson (head), deputy chairperson, a minimum of 12 councillors (one elected per ward) and a varied number of paramount chief representatives. The city and municipal councils are headed by elected mayors rather than chairpersons. All members of local councils serve a maximum of two four-year terms. Local councils are funded (LGA, Section 45) through statutory transfers and grants from central government for devolved functions, local taxes, property rates, licences and share of mining revenues. In certain cases, chiefdom administrations (councils) collect and remit local taxes to local councils (LGA, Section 21). The core functions of local councils (LGA, Part V) include:

Elements of Sierra Leone's decentralisation and devolution process

- Local councils
- Councillorships
- Paramount chiefs
- Chiefdom councils
- WDCs

- Mobilising human and material resources necessary for overall development and welfare of local people;
- Initiating and maintaining programmes for the development of basic infrastructure;

⁵⁷ World Bank, *Sierra Leone – Overview*, 2014, p. 8.

⁵⁸ Government of Sierra Leone, *Local Government Act 2004*, Paragraph 20, 2004, p. 16, <http://www.sierra-leone.org/Laws/2004-1p.pdf>

- Initiating and executing development plans for the locality;
- Cooperating with relevant agencies to ensure the security of the locality;
- Overseeing chiefdom councils in the performance of functions delegated to them by local councils;
- Determining local tax rates;
- Approving and overseeing the implementation of annual budgets of chiefdom councils.

Councillors are supposed to exist as direct representatives of local communities (wards) in local administration. In theory, they play a critical role in state-citizen relations at the local level. Councillors' functions (LGA, Section 29) include maintaining close contact with wards and chiefdoms; consulting with and presenting the views of citizens on policy issues to be discussed at local councils; reporting back to electorates on local council activities; and promoting developmental activities.

At least five mechanisms were established to promote citizens' engagement with local councils:

- Monthly local council meetings – holding public meetings to promote transparency and accountability through the publication and discussion of budgets, accounts, development plans, etc.;
- Local development plans – consulting citizens on the formulation of local development plans;⁵⁹
- Annual budgets – involving citizens in the preparation of annual budgets for local councils and central government through local development plans and DBOCs;
- Community score card – enabling citizens to rate service delivery in their locality by assessing projects implemented in their community;
- Ward committees – representing the most detailed way of citizens' engagement in local governance, ward committees are charged with mobilising residents for self-help and government developmental projects; serving as a focal point for discussing and remedying local problems; organising communal voluntary work; making proposals to the local council on levies; and educating residents on their rights and obligations on local governance.

Chiefdom administration

The chiefdom administration system revolves around the institution of paramount chief and chiefdom councils.⁶⁰ The 2009 Chieftaincy Act (Section 1) defines a paramount chief as "...a chief that is not subordinate in his ordinary jurisdiction to any other chief but does not include an acting chief or regent chief".⁶¹ A paramount chief (or the acting regent chief) heads and directs the affairs of the chiefdom council – which includes a speaker (deputy head), councillors, representatives of youth, women and section heads (cluster of households), MPs and respected retired civil servants or persons of integrity. Chiefdom councils function to prevent crime and violence, prohibit illegal gambling, make and enforce bylaws, hold land in trust for land-owning families, and work for the socio-economic development of chiefdoms. The paramount chief and section heads are elected

59 See Local Government Act 2004, Section 85(4), p. 43.

60 See T. Reed and J.A. Robinson, *The chiefdoms of Sierra Leone*, 2013, <http://scholar.harvard.edu/files/jrobinson/files/history.pdf>

61 Government of Sierra Leone, *Chieftaincy Act 2009*, p. 2, <http://www.sierralio.org/sl/legislation/act/2009/10>

through an electoral college model involving chiefdom councillors. The President is empowered to remove paramount chiefs for gross misconduct following a public inquiry headed by a judge. Chiefdom councils have similar funding sources to local councils, in addition to a local head tax and a proportion of the mining revenue (surface rents).⁶²

Assessing the impact of decentralisation on state-citizen relations

The restoration of local governance has led to some obvious structural milestones, with potential positive implications for state-citizen relations. They include constitutional recognition and inauguration of local councils and chiefdom administration, official channels for citizens' participation in local governance, and localised government. However, much of the actual impacts of decentralisation on state-citizen relations remain limited due to a myriad of challenges, as discussed below.

Poor institutionalisation

Local governance structures are characterised by poor information systems and poor institutionalisation that limit citizens' participation and their influence on local governance processes. The system of information sharing at local level only appears to take place in a few councils (mostly city councils that are better resourced). Overall, public display of policies and audit reports, as well as use of local radio to disseminate information, are ineffective.⁶³ FGD participants in Freetown and Bo agreed that mechanisms such as notice boards, ward committees and public meetings are largely ineffective due to information being written in English (few translations), notice boards not being updated regularly and limited financial resources.⁶⁴ Moreover, the ward committee system is poorly institutionalised as there are no administrative support structures for these committees, with no records of meetings and decisions, and no monitoring systems to ensure compliance with existing rules. A councillor in Bo noted that "there is very little manpower and money for local councils and chiefdom councils to carry out mandated functions".⁶⁵ In addition, the process of electing WDCs is compromised by political party manipulation, contributing to apathy and general ineffectiveness.⁶⁶ There are also limited opportunities for citizens to directly contribute to discussions at monthly council meetings – participants only speak through their councillors, hence it is generally a listening session.⁶⁷ Finally, despite the growing role and expectation of chiefdom councils in implementing government policies, there is no corresponding training, funding and capacity for such, or any clear administrative and legal framework.⁶⁸ In fact, the national council of paramount chiefs is not recognised by the government, and views of chiefdom councils (representative of local citizens) are considered advisory and often neglected by government.⁶⁹

Poor funding and lack of incentives

The decentralisation process and the mechanisms created to promote citizens' engagement with governance processes are poorly funded and appear to be financially unsustainable. There is no direct funding from central government, and the internally generated revenues of most local and chiefdom councils (except city councils) are too small to support citizens' consultation mechanisms. For instance, local council officials reported that very few locals pay head tax.

⁶² These are land use rents paid to landowners by mining companies and large-scale agricultural investors. The sharing formula varies across chiefdoms. However, in most cases, land-owning families tend to get around 50% of paid amounts, with the remaining 50% shared by the paramount chief, chiefdom councils, local councils and MPs representing the area.

⁶³ Interview with MP Komba Koedoyoma [MP for Constituency 27, Kono District] and deputy chairperson of the parliamentary Public Accounts Committee, Freetown, 24 July 2013.

⁶⁴ Interview with Mohammed Massaquoi, Freetown, 19 July 2013.

⁶⁵ Interview, Bo Town, 23 July 2013.

⁶⁶ P. Koroma, *Decentralisation and peacebuilding in Sierra Leone*, ACCORD, Issue 23, 2012, p. 31.

⁶⁷ Interview with Munda Bindia, Chairperson of District Council, Bo Town, 22 July 2013.

⁶⁸ *Partners in Conflict Transformation, The role of paramount chiefs in Sierra Leone: The views of the people*, Freetown: Christian Aid, p. 18.

⁶⁹ Interview with paramount chief of Selenga Kingdom, Bo District, 22 July 2013.

In Bo, only about 7,000 out of around one million adults pay it. The same is true for local rates, fees, charges, etc.⁷⁰ Accordingly, one reason that ward committees are not effective is because there is no funding for them and their activities. The same problem exists for monthly public meetings of local councils: only the chairperson, the deputy and councillors get transport and sitting allowances for attending monthly meetings; hence, there are few incentives for citizens to attend.⁷¹ Participation in monthly meetings in city councils is better than that in district councils because of incentives such as transport fare and meal or feeding allowances given to participants. City councils are better placed to incentivise citizens' participation because of the better financial base linked to their location in provincial headquarter towns, hosting offices of mining companies, higher population, and higher levels of economic activities resulting in more tax revenue.⁷² In Bo City Council, for example, the level of attendance in monthly meeting was reported to be high because the council provides 15,000 Sierra Leonean Leones (SLL) (about US\$3.10)⁷³ for every attendee as a transport and refreshment allowance.

Low trust in government

The low participation in ward and council meetings also reflects citizens' low trust and confidence in elected officials and in the mechanisms (meetings) as avenues for influence and contribution to governance. According to the Bo District Chairperson: "citizens expect to get transport fares refunded, but there is no legal basis nor are the finances of local councils robust enough to afford this ... citizens do not believe this and councillors end up being harassed and abused by attendees of monthly council meetings, leading to tensions and mistrust and low participation."⁷⁴ The request for refunds is seen as a reflection of NGOs' practice of giving transport allowances to attendees of their activities. Focus group participants in Bo believed that citizens do not view such mechanisms as effective ways of communicating their needs and demands to government for a variety of reasons, including non-implementation of previous agreements from public consultations; Sierra Leone's political culture in which elites (politicians and paramount rulers), not citizens, exercise influence on public policies; and a cynical view of politics and politicians in general. This puts the citizens' demand for transport allowance into context.

Challenges of state-citizen engagement mechanisms at local level

- Poor institutionalisation
- Poor funding
- Incomplete devolution
- Corruption
- Tensions among stakeholders
- Poor female representation and participation

Incomplete devolution

Central government has been slow or less willing to actually devolve functions and hand over control of project implementation on health, education, welfare and social protection, and housing. Full devolution would mean that local councils get full powers and funding to implement service delivery programmes, with MDAs being accountable to local councils.⁷⁵ According to the Chairperson for Bo Council: "Full devolution is unlikely to happen until responsibilities for capital projects' implementation and monitoring are transferred to local councils ... from 2014, the central government is proposing to control 60% of all capital projects' allocation whilst local councils manage 40% – that is a recipe for disaster ... it will kill local councils."⁷⁶ The devolution of responsibilities between local councils, paramount councils and WDCs is also complicated: paramount chiefs and chiefdom councils are hardly consulted over the design and implementation

⁷⁰ Interview with Lapia Boima, Paramount Chief of Kakua Chiefdom, Chairperson of the council of paramount chiefs in Bo district and MP (one of the 12 representatives of paramount chiefs in parliament) for Bo district, 22 July 2013.

⁷¹ Ibid.

⁷² Interview with Harold Tucker, Mayor of Bo City Council, Bo Town, 22 July 2013.

⁷³ Note: US\$1 = SLL4,400 as at 4 March 2015.

⁷⁴ Interview with Munda Bindia, Chairperson of Bo District Council, 22 July 2013.

⁷⁵ Interview with Mayor of Bo City Council (Harold Tucker), 22 July 2013.

⁷⁶ Interview, Bo Town, 22 July 2013.

of projects implemented in their kingdoms, and the roles of chiefdom councils in overall policy implementation remains unclear.

Corruption

There are allegations of corruption and mismanagement of revenues among local councils and chiefdom councils. The Sierra Leone Fragility Assessment acknowledged perceptions of high levels of corruption across government as a major challenge facing the country.⁷⁷ Respondents claimed that most chiefdom councils are populated by persons loyal and sympathetic to the paramount chief and that the legal requirement for chiefdom councils to conduct all financial transactions through bank accounts is barely observed. According to the MP for Port Loko (Constituency 52), “the entire local government system has serious accountability and transparency problems, especially chiefdom councils. They get income ... but all this money is never accounted for ... many do not have chiefdom bank accounts or avoid using it ... when they get money, they put it on the table for public display and just share it afterwards”.⁷⁸ Similarly, the MP representing Kono (Constituency 27) stated that “paramount chiefs are absolute monarchs – they are intolerant of questions or request for accountability and transparency ... they misappropriate funds, solicit bribes and are driven by selfish interests at the expense of their people”.⁷⁹ In other instances, local councils are said to be under pressure from MPs and paramount chiefs for a share of financial resources accruing to local councils.⁸⁰ In fact, there is no subsisting code of conduct and ethics guide for paramount chiefs in Sierra Leone. Moreover, while in some ways it is easier to put pressure on the national government, it is difficult for CSOs and citizens to put pressure on chiefdom councils because of entrenched patriarchy. This would suggest accountability challenges in local administration, with implications for trust and participation of citizens in local governance.

Tensions among stakeholders

There are tensions in the decentralisation process due to lack of clarity over roles and functions. As documented in Sierra Leone’s Fragility Assessment report, there are suspicions among members of chiefdom councils, local councils and MPs over revenue collection and sharing, political affiliations, and project monitoring and implementation.⁸¹ In Lower Banta Chiefdom in Moyamba District, for example, the paramount chief deployed vigilantes to stop the local council from collecting taxes from fishermen. Similar standoffs exist in Kpanga Kabonde Chiefdom (Punjehun District) and Barmoi Lumor in Mambolo Chiefdom (Kambia District). Violence and unresolved tension also exist between the paramount chief of Sahn-Malen Chiefdom in Punjehun District and the parliamentarian for the area over the chief’s leasing of land to an agribusiness company (SOCFIN) for 50 years and alleged non-consultation with the people.⁸² Part of the tension relates to the blurred demarcation of powers, roles and responsibilities between chiefdom councils and other actors, especially local councils. The existence of tensions is said not to be new; it has been rife since independence and was a factor in the weakening of the native administration system under the Siaka Stevens regime in the 1970s.⁸³ Another form of tension associated with the local governance system is the intense politicisation of the paramount chief system as the election of paramount chiefs is fraught with issues of bribery and political interference by political parties, parliamentarians, local council chairpersons, etc. This puts the transparency and integrity of the process in doubt.⁸⁴

77 Republic of Sierra Leone, 2013, *Op. cit.*, p. 3.

78 Interview, Freetown, 23 July 2013.

79 Interview, Freetown, 24 July 2013.

80 R. Fanthorpe, A. Laval and M. Sesay, *Decentralization in Sierra Leone: Impact, constraints and prospects*, Surrey: Farnthorpe Consultancy, 2011, p. 3.

81 Republic of Sierra Leone, 2013, *Op. cit.*, p. 3.

82 P. Koroma, 2012, *Op. cit.*, p. 32.

83 M. Conteh, *The institution of paramount chieftaincy in Sierra Leone*, Freetown: National Electoral Commission, 2013, pp. 23–24, http://www.nec-sierraleone.org/index_files/BOOKS/The%20Institution%20of%20Paramount%20Chieftaincy%20in%20Sierra%20Leone.pdf

84 *Partners in Conflict Transformation*, *Op. cit.*, pp. 16–17.

Limited consultation by MPs

Parliamentarians are directly elected by citizens and are theoretically included in some of the local governance structures. In theory, MPs are supposed to link central with local government and also reflect constituents' perspectives on policy issues through sustained consultation with their constituencies. However, a majority of respondents, including serving MPs, pointed to limited consultation with constituents on policy issues. Virtually all civil society respondents (including citizens) noted that MPs hardly return to their constituencies after elections. In fact, a majority are said to change phone numbers, making them unreachable. The MPs interviewed explained that their limited consultation with constituents reflects the absence of financial provision for such. It was claimed that MPs get a one-off payment of US\$10,000 (in a single parliament) to purchase vehicles, but there is no maintenance allowance or any allowance for constituency offices or visitations. Each constituency visit is said to cost an average of SLL5 million (US\$1,140), encompassing costs of food, transport, gifts (e.g. rice, grains, cooking oil, etc.), traditional kolanut greetings and other expenses.⁸⁵ Moreover, MPs claimed that they are often targets of frivolous demands and requests from constituents, such as for money, employment and healthcare needs. One MP noted that "most MPs try to limit their exposure to constituents because many citizens do not yet fully understand their role ... they expect us to be development officers [deliver services] for education, health, roads, and target us for their personal needs such as marriage ceremonies, initiation rites, child naming, festivals and other kinds of celebrations".⁸⁶ MPs' limited consultation with constituents weakens state-citizen relations as citizens are less informed and engaged in public policies.

Limited female representation and participation

The decentralisation process has not adequately addressed gender imbalances, resulting in few female paramount chiefs, councillors, council chairpersons and parliamentarians. Moreover, very few women are said to participate in ward committee meetings.⁸⁷ This reflects the influence of two factors. Firstly, there is the subsisting hierarchical (patriarchal) structure that favours male domination. While enabling legislation allowing women to become paramount chiefs is in place, it is barely enforced as there are only a few female paramount chiefs in the 149 chiefdoms. For instance, in the Southern (Mano Dasset, Njama Quee and Mano Sakrin) and Eastern (Kenema, Gbo and Moyamba) areas, it is possible to have female paramount chiefs, but there are none in Northern areas. This is attributed to the strong patriarchal systems and the masculinisation of chieftaincy through 'male-only' initiation rites and processes such as the 'Kanta'.⁸⁸ Secondly, there are structural rules, specifically the switch from proportional to direct district representation in 2007–2008, which have reduced the number of elected women in politics. Under proportional representation, political parties were able to reserve a quota for women, but under direct representation, very few women have the financial resources to contest and win elections.⁸⁹

85 Interviews with four different MPs, Freetown, July 2013.

86 Interview, MP for Constituency 27, Freetown, 24 July 2013.

87 C. Castillejo, *Strengthening women's citizenship in the context of state-building: The experience of Sierra Leone*, FRIDE Working Paper, Madrid, August 2008, pp. 6–7, http://www.fride.org/descarga/WP_Women_Citizenship_ENG_aug08.pdf

88 A male-only secret society initiation rite undertaken to ascend into a paramount chief position in Northern areas of Sierra Leone. It usually involves seclusion for a stated period in a sacred location that is forbidden for women. FGD participant, Bo Town, 23 July 2013.

89 FGD participants, Freetown, 18 July 2013.

7. State-citizen engagement in natural resource (mining) management

The reform of Sierra Leone's natural resource sector was a post-war imperative for a variety of reasons. Firstly, the natural resource sector was identified as a primary driver of economic growth and prosperity, as highlighted in successive poverty reduction strategy papers. For instance, the increase in iron ore mining from late 2011 drove up economic growth rates from 6% in 2011 to 35.9% in 2012, with only 8% of recorded growth coming from non-mining sources. Secondly, the management of the natural resource sector has implications for Sierra Leone's democratic institutions in terms of testing their effectiveness, raising public expectations of visible benefits (e.g. jobs), creating winners and losers in the sharing of proceeds, influencing how interests are represented, and recognising its potential to undermine transparency and accountability.⁹⁰ Thirdly, the natural resource sector risks undermining the social contract as the influx of extractive industry actors is likely to change the governance equilibrium – in the context of the low income tax base, the government is most likely to pander to the needs and interests of investors at the expense of or at best alongside those of its citizens. Fourthly, the increase in the number and different categories of private sector investors in the natural resource extractive sector represents a major regulatory challenge, especially in countries trying to recover from armed conflict, where state and government agencies are often relatively weak or need rebuilding. Fifthly, given the agrarian nature of most local communities, the location and expansion of mineral extraction in the hinterland has direct implications for the socio-economic, cultural and environmental wellbeing of local citizens.

Post-war Sierra Leone has witnessed a boom in mining and agribusiness, with an increasing number of licensed miners and companies. Mineral concessions cover over 80% of the country – for example, between 2008 and 2011, the available area for mining increased from 33,000 square kilometres to over 50,000 square kilometres. Moreover, the number of mining licences and concessions granted in the last decade is highest in the history of Sierra Leone.⁹¹ As at April 2012, there were 234 registered and licensed miners spread across the value chain (e.g. exploration, mining and trading).⁹²

According to the Sierra Leone Import and Export Promotion Agency (SLIEPA), the major companies in the mineral extractive sector include the following.

Iron-ore

- African Minerals: currently holds prospecting, exploration and mining licences for 57% of the territory. Two iron-ore deposits – Tonkolili and Marampa – are in dispute with London Mining. It signed a lease agreement with the government on the railway and Pepel Port.
- London Mining: holds a mining licence for the Marampa deposit. It is currently in dispute with African Minerals over the scope of the licence.

Bauxite

- Vimetco: acquired the bauxite mine from Titanium Resources for US\$40 million in July 2008.

Gold

- Cluff Gold: operates a gold exploration project in Baomahun and was recently granted a mining licence. It has mineral resources of 1.4mm ounces.

⁹⁰ O. Brown, *Natural resources and democratic institutions in Sierra Leone: The challenges of building transparency, accountability, and effectiveness in post-conflict natural resource governance*, UNIPSIL Policy Brief, March 2012, p. 5.

⁹¹ See overview of key players in mineral resources sector, <http://www.investsierraleone.biz/index.php?l=english&p=68&pn=Key%20Players%20in%20the%20Mineral%20Resources%20Sector>

⁹² O. Brown, 2012, Op. cit., p. 4.

Diamonds

- Ocea Mining: wholly owned by BSG Resources. It operates the Koidu Kimberlite Project in the Kono District and holds an exploration licence for the Tongo diamond field.

Mineral sands

- Titanium Resources: locally known as Sierra Rutile, it controls one of the largest natural rutile deposits known in the world, accounting for about 23% of the world's annual supply.

Post-war reform of natural resource governance

Sierra Leone instituted a series of reforms to enhance accountability, transparency and environmental sustainability in the natural resource sector after 2002. This included the creation of new agencies and legal statutes to regulate mining activities. These have implications for state-citizen relations in terms of the extent to which civil society groups, local communities and citizens are included or consulted in the management of natural resources, mechanisms for addressing grievances and ways of protecting the interests of local communities affected by mining activities. The relevant aspects of the post-war reforms for state-citizen relations are explained below.

Mines and Minerals Act 2009

The Mines and Minerals Act (MMA) was an elaborate piece of legalisation designed to transform the governance of the natural resource sector through the clarification of mining areas, mining rights and licences, host communities and ownership of mineral resources. Article 2 of the Act vested the ownership of all minerals in Sierra Leone and its continental shelf in the Republic as represented by the government, notwithstanding subsisting rights by legal occupiers and owners of land beneath which minerals are located. The Minister for Mines was vested with the authority to manage the exploitation of minerals in accordance with public interests. To promote transparency, accountability and access to information, the MMA also provides for a Mining Cadastre Office, which is accessible to the public and holds information on the registry of mining rights, mineral rights application and the survey map of mineral exploration activities. The minister is also mandated to publish this information in the official gazette of all private or community lands and assets acquired for mining purposes.

A Minerals Advisory Board (MAB) was established as a public consultative and advisory mechanism in the management of natural resources. The members of the board include two randomly selected citizens (at least one woman) knowledgeable on mining issues and one representative each from civil society groups (nominated by the national coalition of CSOs), paramount chiefs and the Sierra Leone Youth Council. The MAB functions in an advisory capacity to support the minister on mining issues, formulating policy recommendations on natural resources and economic growth, monitoring the implementation of government policy on mining, and advising the minister on granting, reviewing, suspending, transferring and cancelling mining licences.⁹³ Members of the MAB (except for the chairperson) are appointed by the president subject to parliamentary approval for a three-year term, which is only renewable once.

Part V (Articles 32–38) of the MMA clarifies that land set aside for public use is excluded from mineral rights except if waived by the minister. Other areas exempt (except with consent from local communities) from mineral rights exploration are land and areas used for burial, religious and cultural purposes, areas within 200 metres from residence and human habitation, areas within 50 metres from agricultural cultivation, and land within 100 metres from water sources. However, the minister is able to override these exemptions where and when it is deemed necessary. In addition, large-scale mineral exploitation requires a formally negotiated land lease agreement with local communities whereby surface rents are payable. The prescribed formula for sharing

93 See Article 12 of MMA 2009, <http://www.sierra-leone.org/Laws/2009-12.pdf>

this is 50% for land owners (families), 15% each for district councils and paramount chiefs, and 10% each for the chiefdom administration and constituency development fund (local MPs).⁹⁴

Where local communities and citizens are negatively affected by mining activities, the MMA provides for the payment of ‘reasonable’ compensation for damages to stock, crops, trees, buildings, works, etc. Where disputes arise over compensation claims, the minister is empowered to intervene and determine the appropriate amount payable. Where land is compulsorily acquired, local communities and citizens affected are entitled to resettlement (compensation), with due regard to their economic wellbeing and socio-cultural values in ways that improve their circumstances prior to resettlement.⁹⁵ To ensure environmental sustainability, the MMA (Articles 131–33) mandates an Environmental Impact Assessment (EIA) report in accordance with the 2000 Environmental Protection Act, and an Environmental Management Programme (EMP) (based on consultation with citizens) before mining licences are granted.

Regarding community development, the MMA (Article 138) requires large-scale mining (multinational) companies to assist in community development to promote sustainable development and enhance general welfare and overall quality of life. Every mineral company is required to have a Community Development Agreement (CDA) based on mutual agreement with host communities (defined as habitations within 30 kilometres from the mining site or nearest local council). The CDA should be funded by ‘one percent of one percent’ (generally interpreted as 0.1% of gross revenue earned in previous year). The content of the CDA is subject to revision every five years and may provide for scholarships, apprenticeship and technical training, employment opportunities, financial support for infrastructural development on education, health, community roads, water and power supply, creation of small-scale enterprises, and agricultural produce marketing.⁹⁶ Finally, Article 164 gives preference to Sierra Leoneans in employment across the mining value chain, subject to the necessary qualifications and experience.

National Minerals Agency Act 2012

The 2012 Act establishing the National Minerals Agency (NMA) sought to enhance implementation of the MMA and to improve the regulatory system for natural resources. The NMA was established to promote the development of the minerals sector through effective administration and regulation of mineral rights and minerals trading in Sierra Leone. The NMA is an executive agency designed to take over some of the functions reserved for the Minister of Mines under the MMA. The core functions of the NMA include enforcing the MMA and relevant regulations, recommending administrative and legislative changes to the minister on minerals resources, and formulating and implementing plans for responsible development of the mining sector.⁹⁷

Key provisions of MMA with implications for state-citizen relations

- Ownership of all mineral resources by the Republic (government) of Sierra Leone
- Civil society and citizens are members of the MAB, albeit an advisory body
- Recognition of communal land ownership and mandatory land lease agreement for large-scale mining companies
- Mandatory surface rent payable to land-owning families and communities by large-scale mining companies
- Mandatory community development obligations required by large-scale mining companies
- Mandatory environmental impact assessment studies and environment management programme required by large-scale mining companies

Mines and Minerals Act 2009

⁹⁴ See Article 34 of MMA.

⁹⁵ See Article 38 of MMA.

⁹⁶ See Article 140 of MMA.

⁹⁷ See Article 11 of NMA Act 2012, p. 8, <http://www.sierralii.org/sl/legislation/act/2012/3>

Environment Protection Regulations 2013

The Environment Protection Mines and Minerals Regulations Act (EPMMA) 2013 was enacted to strengthen environmental protection in the minerals sector. The EPMMA has potential implications for state-citizen relations in three ways. The first influential factor is its core principles of promoting environmental sustainability as it relates to local communities, imposing financial penalties for pollution by mining companies, implementing mandatory precautionary measures in mining operations, offering protection (compensation) to affected communities, and encouraging public (local communities) participation and consultation on social-environmental issues connected with mining activities.⁹⁸ It also makes provision for a formal grievance mechanism between mining companies and local communities, guided by principles such as legitimacy, accessibility, dialogue and engagement, and respect for communities' rights.⁹⁹ In addition to the EIA and EMP, the EPMMA also provides for a Social Impact Assessment (SIA) report by mining companies.

Progress in natural resource management

Establishing improved regulatory frameworks and standards

Taken together, the MMA, NMA and EPMMA are generally viewed, even by its critics (CSOs), as being a watershed in the governance of natural resources in Sierra Leone. The major strengths of the regulatory frameworks include their attempt to involve a broader base of people, including CSOs and citizens, in the decision-making process on natural resource management, albeit in an advisory capacity. They also contain specific provisions relating to community development, protection of the environment, and obligations by mining companies towards local citizens. According to national coordinator for the Natural Resource and Economic Justice (NAREJ): “the MMA is not perfect but it is better than previous laws ... it contains many good things, good ideas that if sincerely implemented will change things for the better.”¹⁰⁰

Space for consultation and advocacy by citizens and civil society

In theory, the new regulatory systems mark the first time that ordinary citizens, civil society groups and local communities can participate or be consulted in the decision-making process on mineral resources in Sierra Leone. Beyond representation in the MAB, other avenues of consultation and consent by local communities include the negotiation of land lease agreements, surface rents, community development agreements, and preparation for the EIA, SIA and EMP. The space for CSO advocacy was demonstrated by the 2012 government's review of two mining agreements (involving London Mining and Koidu Holdings) following a CSO cost-benefit analysis and advocacy campaign. According to a CSO respondent, the government was forced to review the agreements and to pledge to review other ones (involving Sierra Rutile, Sierra Minerals and African Minerals) due to intense pressure by local and international NGOs and corporate pressure arising from the listing of the companies on the London Stock Exchange.¹⁰¹ In addition, the government appears to be showing some willingness to accept CSO advocacy on addressing current gaps in the licensing process – especially regarding the establishment of contract negotiating teams to support local communities in the land lease agreement process and the need to visit local communities before licences are granted.¹⁰²

Improved contributions to national income and economic growth

The reforms appear to have made Sierra Leone more investor friendly, thereby increasing foreign direct investments and government revenue (with potential for improved service delivery). For instance, Sierra Leone's 'doing business ranking' improved from 148 in 2012 to 140 in 2013, and

⁹⁸ See Part 2 of EPMMA 2013, pp. 12–17.

⁹⁹ See Article 2 of EPMMA 2013, p. 6.

¹⁰⁰ Interview, Freetown, 16 July 2013.

¹⁰¹ Ibid.

¹⁰² Ibid.

the ease of doing business improved from 51.5% to 53.4% over the same period. The increased investment flows are visible in the commissioning or expansion of mining plants such as the new diamond treatment plant by OCTÉA Mining (Koidu Holdings), which has increased monthly output by 300%; the over 31% increase in kimberlite production over 2011 levels; a US\$1.7 billion investment by African Minerals in the Tonkolili iron ore project in 2011; and a US\$1.5 billion investment by Chinese Sandong Iron and Steel Group in the African Minerals Tonkolili project.¹⁰³ As a result, the mining sector in 2012 was estimated to contribute at least 20% of gross domestic product (GDP), 8% of government revenue and 90% of total exports.

Infrastructure development

The expansion in mining activities also appears to be positively affecting infrastructural provisions, although indirectly. Mining companies continue to develop critical transport infrastructure such as roads and railways to support their operations. Especially in terms of road infrastructure, this is having a positive impact on the socio-economic conditions of local communities. African Minerals is expanding port facilities at Pepel through the Ferengbeya-Pepel railway link to support planned increases in production by 2016, and there is also the proposed 2,500 kilometre Makelfa-Sulima Port railway line. In addition, there are instances of completed or ongoing road development projects in and around the mining areas.

In 2012, mining contributed:

- 20% of GDP
- 8% of government revenue
- 90% of total exports

Challenges for natural resource sector with impacts on state-citizen relations

Poor implementation of extant laws and regulations

There is a general feeling among a majority of respondents that the raft of new laws and institutional reforms are only marginally effective in protecting the rights of local communities and citizens. The secrecy and lack of transparency in the negotiation of mineral concession and licensing agreements by government is readily cited. The status quo involves the government (minister and president) negotiating mineral rights with investors and presenting the plans to parliament for approval (often a formality given that the ruling APC government has the requisite majority in parliament). Local communities are only involved where and when licensed mining companies come to negotiate land lease and surface rent agreements. In practice, there are no prior visits, information or consultation with local communities and land-owning families before concessions are issued by government for mining purposes. According to the chair of the council of paramount chiefs in Bo: “the current practice is that government just gives licences without consultation or consent of local communities and kingdoms that will be affected by such licences, and this creates big problems for paramount chiefs and chieftom administration.”¹⁰⁴ In most cases, the mining companies tend to suddenly appear in local communities to negotiate land lease agreements. It was alleged that paramount chiefs are prevailed upon (through veiled threats of removal and financial inducements) by government officials to force land-owning families to accept land lease requests. In instances where local communities and land-owning families refuse land lease requests, they are reminded that the government reserves the right to override their consent.¹⁰⁵ One respondent claimed that the whole process of negotiating land leases and surface rents is rife with intimidation of local communities; the mining companies always come with experienced lawyers, alongside the local MP and officials of the mining ministry and sometimes the presidency. Local communities never have lawyers to properly understand and safeguard their interests in the whole process. The government officials often make it clear that they are on

¹⁰³ Sierra Leone Mining Journal, June 2013, p. 7.

¹⁰⁴ Interview, Bo Town, 22 July 2013.

¹⁰⁵ Interview with Mohammed Massaquoi, Freetown, 19 July 2013.

the side of the mining company as the government has made mining a national priority and any obstruction is termed as sabotage.¹⁰⁶ Another respondent claimed that once the mining company gets the agreement of the president, MPs, paramount chiefs, local power elites and politicians, then local communities are left with no choice but to agree to give up their land.¹⁰⁷

Environmental degradation

Despite new laws and regulations, mining activities continue to cause serious environmental damage to local communities. Mining activities such as blasting of base rocks, construction of pits and excavations are said to produce huge environmental problems such as cracking of houses, fatal injuries, flooding, pollution of water sources (from chemicals used by mining companies) and disruption of agriculture in areas such as Kono, Lunsar and Tonkolili.¹⁰⁸ It was claimed by a majority of respondents that the publication of details of acquired lands for mining purposes in official gazettes is not that accessible to the public, and that local communities are not consulted as stipulated by law on the required EIA, SIA and EMP, which are also inaccessible. Paramount chiefs, government officials and MPs were reported to be complicit: it was alleged that the paramount chief and a former MP of Lunsar were paid monthly stipends and fuel and given contracts by the operator of the Marampa iron-ore plant. When the paramount chief was interviewed, he only spoke in glowing terms about the mining company, highlighting the benefits of London Mining operating in his chiefdom.¹⁰⁹ This was in contrast to the views of civil society groups and local citizens. One civil society respondent noted that “the only way the mining companies get away with all the environmental degradations and violations of laws is because those who are supposed to protect the interests of local communities have been compromised one way or another through contracts, payments and other benefits ... we know a lot of paramount chiefs are paid monthly stipends by many companies”.¹¹⁰

Tax waivers and revenue losses

The government was reported to have granted discretionary tax waivers (that run contrary to the provisions of the relevant income tax laws and the MMA) in mining agreements as extra incentives to attract mining companies. In April 2014, the BAN claimed that its assessment of taxes payable by the five big mining companies showed that the government gave discretionary tax waivers to the companies, their employees and suppliers in the form of exemptions from general sales tax, import duties, lower levels of corporate and income tax,¹¹¹ and extended preferential tax holidays.¹¹² It estimated massive tax losses starting in 2009 based on tax waiver provisions in mining agreements granted between 2010 and 2012. Total losses for 2012 was put at US\$224 million (8.3% of GDP) and projected annual losses of US\$240 million were forecast for the coming years.¹¹³ The tax waivers result in revenue losses that limit the government’s ability to provide important social services in mining communities, which further reduces trust and engagement between the government and citizens. Similarly, the country’s Fragility Assessment identifies too many concessional duty waivers and tax exemptions for mining companies, and limitations of tax collection systems, as serious challenges.¹¹⁴ Tax waivers also raise serious accountability issues, as evidenced by the February 2013 suspension of Sierra Leone from the Extractive Industries Transparency Initiative (EITI) following its failure to achieve EITI compliance after two validation visits (for example, unaddressed discrepancies were identified in the recording of revenue and payments by companies).¹¹⁵

106 FGD participant, Bo, 23 July 2013.

107 Ibid.

108 Interview with MP for Kono (Constituency 27) and deputy chair of the Public Accounts Committee, Freetown, 24 July 2013.

109 Confidential interview, Freetown, 29 July 2013.

110 Confidential interview, Bo, 23 July 2013.

111 It is claimed that some mining companies were given a 5%–6% level of corporate tax instead of the 37.5% prescribed in the income tax law. Interview with coordinator of NAREJ, Freetown, 16 July 2013.

112 Interview with BAN Coordinator, Freetown, 16 July 2013.

113 See BAN, *Losing out: Sierra Leone’s massive revenue losses from tax incentives*, Freetown: BAN, April 2014, p. 5, <http://www.christianaid.org.uk/images/Sierra-Leone-Report-tax-incentives-080414.pdf>

114 Republic of Sierra Leone, 2013, Op. cit., p. 11.

115 See EITI, *Big jump from Sierra Leone’s extractives sector*, January 2014, <http://eiti.org/news/big-jump-revenues-sierra-leone-extractives-sector>

Political interests

The government and a majority of MPs tend to side with mining companies rather than local communities. This limits the scope for engagement and exercise of influence by citizens on mining policies. There are allegations that prominent politicians in the ruling APC government have financial holdings in some of the large-scale mining and agriculture companies operating in Sierra Leone. While concrete evidence for this was lacking, a majority of FGD respondents claimed it was common knowledge that politicians have holdings in some of the mining companies and pointed to anecdotal accounts of politicians and government officials siding with mining companies, forcing local communities to consent to lopsided land lease agreements and granting tax waivers. There were accounts too of the police protecting companies (and brutalising citizens) in all recorded cases of violent demonstrations ('striking') by local communities and of the deliberate non-enforcement of environmental standards. For example, following violent demonstrations against Koidu Holdings in Kono in December 2012, the vice president was reported to have visited Kono (his constituency) to issue threats against further disruption to mining activities.¹¹⁶

Disruption of socio-cultural practices

Local communities in and around mining locations face disruptions to their socio-cultural systems and spiritual practices due to displacement and resettlement, violation of sacred forests and burial grounds, and interrupted secret society rituals. This appears to be most acute in Tonkolili area, where mining activities have directly affected (relocation) nine villages. According to the Mammy Queens (women leaders) of Feregbenya and Foria communities, their displacement and relocation have prevented them from carrying out initiation rites for young girls, and the same is true for young males by their community chiefs – there is no sacred land for *Kolon* and *Gbangbani* rites for men, and *Sekereh* for women.¹¹⁷ The local chief for Foria noted that “we don’t even have land to bury our dead ones in this new place because the community that owned and leased the land to AML [African Minerals Ltd] said we are strangers and we cannot bury our dead here ... and the burial grounds in our old community are gone because the mining company [AML] uprooted everything ... we lost the graveyards of our fore fathers”.¹¹⁸

Socio-economic consequences of mining

Sierra Leone’s mining boom appears to be generating considerable social costs through increased in-country migration to mining towns (Lunsar, Kono, Bo, Bombali, Makeni, etc.). This has resulted in social problems such as increased crime (theft and robberies), drug addiction and prostitution. It was claimed that the upsurge in night-life economic activities in mining towns has been accompanied by increases in the number of school dropouts among young girls either due to early pregnancy or prostitution. The MP representing Lunsar cited the case of 57 teenage pregnancies (2 in primary schools and 55 in secondary schools) between January 2012 and June 2013, compared with less than 20 in 2011 in her constituency.¹¹⁹ In addition, increased immigration into mining townships has triggered inflation, especially for rental prices and basic commodities. For instance, the average monthly rent in Bumbuna has increased from SLL5,000 (US\$1.14) to SLL43,000 (US\$9.80) for a single room and the price of a meal has increased from SLL1,000 (US\$0.25) to SLL4,000 (US\$0.91).¹²⁰ While local house owners benefit from this, poorer residents face higher living costs.

Gender dimension of mining impacts

Women appear to be the most affected by large-scale mining in Sierra Leone through the loss of farmlands and displacement of communities with implications for livelihoods. For example, opportunities for planting, trading and overall economic independence are lost, and the limited jobs provided by mining companies are for men as they generally involve physical labour.

¹¹⁶ FGD, Bo, 23 July 2013.

¹¹⁷ Interview, Foria new site, 27 July 2013.

¹¹⁸ Interview, Foria community (new site), 27 July 2013.

¹¹⁹ Interview, Freetown, 29 July 2013.

¹²⁰ Interview, Bumbuna, 26 July 2013.

Moreover, the activities of large-scale mining companies accentuate the power dynamic between patriarchal structures (paramount chief and local chiefs) and women in terms of ownership of land, participation in decision-making and sharing of entitlements such as surface rents, grants and gifts. Despite the introduction of the Devolution of Estate Act 2007, which gave women inheritance rights in Sierra Leone, the status quo subsists in customary terms. According to the Mammy Queen of Foria, “we women do not get any benefit from this mining ... now we buy wood, we do coal burning ... before we used to grow our own food, but now we buy ... the company says we are not educated, so we are not employable ... before we were able to go to markets to trade, but now we just sit at home, we do nothing”.¹²¹ In addition, critical decisions such as the relocation of Foria and Ferengbeya villages, as well as the negotiation, receipt and sharing of surface rents, have been decided by the paramount chief of Kalansongoia without consultation with citizens, including women. The Mammy Queen of Ferengbeya claimed that women in the community neither know nor are involved in decision-making over issues such as surface rent money. While she admitted that the paramount chief gave SLL1 million (US\$228) and SLL2 million (US\$455) in 2011 and 2012, respectively, as women’s share of the surface rent, she added that she had no information on the total amount and how it was shared. Sierra Leone’s Fragility Assessment report documents the inability of women to own land as one of the challenges of the natural resource sector.¹²²

Local communities losing out

The picture emerging from Sierra Leone is that local communities affected by large-scale mining are losing out due to loss of land, rising poverty, unemployment and failed promises by mining companies and leaders. Firstly, local communities are often coerced into leasing their land, including leasing of farmlands to mining companies, with implications for their livelihoods. Secondly, the surface rent charges payable annually are generally low (US\$3 to US\$5 per hectare) and land-owning families only get a maximum of 50% of what is paid. Thirdly, local communities are increasingly being displaced and forced to accept resettlement by mining companies. In a majority of cases, the resettlement programmes are poorly planned and executed, with citizens being resettled in locations lacking basic services such as drinking water, sanitation, electricity, markets, proper housing, access to farmland and livelihood opportunities. Sierra Leone’s Fragility Assessment report acknowledges serious challenges facing the country as including limited success in ensuring that local people and the nation benefit from local resources. In particular, it points to “some political interference with government giving land to agriculture or mining companies without consulting local communities, resulting in loss of traditional lands without appropriate compensation”.¹²³

¹²¹ Interview, Foria new site, 27 July 2013.

¹²² Republic of Sierra Leone, 2013, *Op. cit.*, p. 9.

¹²³ *Ibid.*

8. State-citizen relations in practice: Case studies and observations

This section examines state-citizen relations in the context of specific events and occurrences to assess the impact of legal and institutional reforms on state-citizen relations. The focus here is on the source of protest (issues, policies and practices), citizens' perspectives or demands and strategies for communicating them, the role of third parties (e.g. mining companies), the government's approach and response, and final outcomes. The case studies here include the Bike Riders' Union (BRU) protest in Freetown and host communities' agitations against mining companies in Bumbuna and Lunsar. This is in addition to the examples already noted in previous sections.

Case studies

BRU

In February 2013, the government imposed a blanket ban on motorcycle taxis operating in the Central Business District (CBD) of Freetown as part of Operation Weed Indiscipline from the street (WID). The ban was introduced despite consultations, meetings and official correspondence between the government and the BRU. The BRU responded by issuing the government with a 21-day ultimatum and started organising warning protests ahead of the expiration of its ultimatum. This forced new rounds of constructive consultation and negotiations that led to concrete changes affecting motorcycle taxis in the CBD. According to the national president of the BRU: "we had to defend our source of income, our mobilisation of over 3,000 bike riders (BRU members) on a warning demonstration and our threat of total strike, and do not forget about 70% of our members are ex-combatants ... [we] forced the government to rethink ... the government changed its policy to limit bike riders from only a small part of the CBD and reduced the ban from 24 hours to 6am to 9pm."¹²⁴ Another member of the BRU executive committee noted that "even the revised ban is not good for us as it reduces daily bikers' income from SLL250,000 (US\$57) to SLL150,000 (US\$35), but it is better than the previous ban ... the government treats us badly despite that we pay considerable taxes ... per year, each BRU member pays over SLL800,000 (US\$182), multiply that by 300,000"¹²⁵

Bumbuna

In April 2012, workers (mostly from local communities) of African Minerals Limited (AML) in Bumbuna (Tonkolili District) organised strikes over low pay, discriminatory treatment, poor working conditions, unfulfilled promises and inadequate unionisation rights. The strike action followed a series of meetings involving the workers, AML, the paramount chief and the Minister of Mines, and following AML's failure to respond to the workers' concerns. The deployment of the police (SLP) units to prevent disruptions to AML production activities led to violent clashes. On the pretext of alleged attempts by the striking workers to burn down the AML fuel depot, the home of the paramount chief and the local police station, the SLP used live ammunition and tear-gas canisters against the protesters, leading to the death of one female worker and several injuries.¹²⁶ The subsequent official inquiry by the Human Rights Commission of Sierra Leone (HRCSL) concluded that the SLP had used disproportionate force, committed sexual and gender-based violence (verbal, physical and psychological abuse) against local women, and arbitrarily arrested, detained and severely molested local citizens. The HRCSL also found that the SLP had

¹²⁴ Interview, Freetown, 17 July 2013.

¹²⁵ Interview, Freetown, 17 July 2013.

¹²⁶ See Human Rights Watch, *Whose development? Human rights abuses in Sierra Leone's mining boom*, New York: HRW, February 2014, pp. 46–55, <https://www.hrw.org/node/123182>

violated its Rules of Engagement and that “the police response to communities in situations of conflict with private companies appears to have taken a pattern of arbitrary arrests and detention, looting, vandalism, beating and the unlawful use of live ammunition”.¹²⁷ Despite these findings, little or nothing has been done to implement the recommendations of the HRCSL.

Lunsar

Local communities in Lunsar, which comprises nine land-owning villages, in 2012 began requesting that the London Mining Company (LMC) should increase its land lease payment from US\$150,000 paid in 2012 to US\$1 million in 2013. In addition, they requested that the company should implement an informal understanding of employing 70% of its workforce from locals, as well as increasing the accountability and transparency of road construction contracts. According to the MP for Lunsar, local communities were particularly angered by the unilateral way in which LMC had been managing the community development fund (CDF); the company claimed it had spent US\$2.4 million when in actuality it had spent about US\$12,000 from the CDF, without any discussion with or input from local communities. The communities viewed the CDF as a provision that was meant for them under the MMA and thus believed that they ought to be managing it. Local communities claimed that LMC had been using CDF funds in ways that did not reflect their priorities. Local communities initially wrote to LMC to request dialogue (negotiation) around its demands, but they claimed to have not received a response from LMC. Thereafter, local communities gave LMC a 21-day demonstration notice in June 2013, after which the offices of LMC were barricaded and its operations shut down, although in a non-violent manner. The police intervened by removing road barricades, after which an expanded meeting was convened involving LMC, local MPs, local community representatives, paramount chiefs and NMA officials. The meeting resolved that LMC and local communities should initiate dialogue and negotiate, with government officials acting as facilitators. It was clear that the strike action forced a change of stance from LMC, from one of ignoring local communities to accepting the need for dialogue and negotiation.

These case studies and other examples noted in previous sections highlight the different levels, types and outcomes of state-citizen relations in post-war Sierra Leone. They point to the use of orthodox (meetings, consultations and formal negotiations) and ‘unorthodox’ (striking and demonstrations) strategies by citizens to engage the government and companies. The use of strikes, road blocks and other forms of protest by citizens indicates the limited effectiveness of orthodox strategies. The case studies suggest that post-war Sierra Leone exhibits signs of progress as well as age-old problems in state-citizen relations. For instance, the level of citizens’ trust in government and elected officials remains low, and the natural resource sector continues to be plagued by problems of transparency, accountability, environmental sustainability and the use of excessive force to suppress citizens’ agitation. All these are of critical importance as heightened social tension arising from the breakdown in communication, unmet realistic or raised expectations, unfulfilled promises and increased suspicions put the modest gains recorded in peacebuilding at considerable risk.

¹²⁷ See Human Rights Commission of Sierra Leone, *Bumbuna Inquiry Report 2012*, Freetown: HRCSL, 2012, pp. 3–5, <http://www.hrcsl.org/sites/default/files/HRCSL%20Bubuna%20Public%20Inquiry%20Report.pdf>

Key findings

Based on the observations above, this section identifies a number of key findings on state-citizen relations in post-war Sierra Leone as follows.

A mixture of progress and challenges

The overall picture of state-citizen relations in post-war Sierra Leone reveals a combination of progress in certain areas (especially legal and institutional reforms) and ongoing challenges and setbacks (on policy implementation and practice). Some areas of progress include public sector reforms and accountability, the creation of space for and upsurge in CSO advocacy, relative improvement in access to information, decentralisation of governance and inquiries into large-scale violation of human rights. The fact that citizens resorted to strikes and are sometimes able to force changes in policies, including successfully pushing for negotiations with the government and mining companies, is an important starting point. The catalogue of challenges include the limited uptake of ideas and suggestions from CSOs and citizens, poor communication between the government and citizens, the limited effectiveness of new legislative and institutional reforms, the perversion of institutional channels of state-citizen engagement, recurring cases of police brutality against citizens and siding with mining companies, and the failure to implement recommendations of commissions of inquiry.

State-citizen engagement has improved but is now stalling

There is a general view that state-citizen relations in post-war Sierra Leone improved between 2005 and 2011, but appear to have stalled or regressed in recent times. At the heart of the improvement was an upsurge in citizens' trust in government as facilitated by legal and institutional reforms, donor support for improved service delivery, enhanced credibility of the electoral system, and sustained momentum of national dialogue and consensus building from peace negotiations. Some of the explanations for limited progress since 2011 are reduced trust in government, growing corruption and poor accountability, and the rise in foreign direct investment (especially mining) from 2011, which prioritised the interests of business over those of citizens. Moreover, polarised partisan politics has led to the progressive breakdown in post-war national dialogue and consensus as well as the politicisation of channels of state-citizen relations.

Business as a major actor

Big business, namely multi-national mining companies and large-scale agribusinesses, are important variables in state-citizen relations in Sierra Leone. This is due to the impact of their activities on local communities in terms of land ownership, livelihoods, environment, etc. Sierra Leone's private sector-led development model puts business in direct contact with citizens, and heightened expectations associated with foreign investors translate into businesses substituting the government in the eyes of some citizens – for example, in the provision of jobs and social services to local communities. As a result, businesses become the target of community grievances, agitation and strikes. Moreover, strikes against businesses appear to manifest and awaken state-citizen engagement, as the government is forced to intervene through police action and to facilitate dialogue between local communities and businesses. Therefore, state-citizen engagement in Sierra Leone has a third pillar (business) – hence, it is increasingly a triangular relationship.

Official channels are minimally effective

Official channels of engagement (consultations, meetings and petitions) only achieve minimal results, such as giving citizens access to information and leading to cosmetic changes to policy. In most cases, public policies are seen as predetermined by the government prior to public consultation – as seen, for example, in consultations over the 2010 Chieftaincy Act and the failure to adopt the 30% affirmative action on women's participation. In other instances, no consultations took place on important policy issues – such as over increases in university fees, the introduction of a 17% goods and sales tax, the signing of mining licence agreements and the displacement of communities in mining areas. Nonetheless, consultations do work in a few cases – such as in

relation to introducing community monitors for the distribution and use of drugs in Peripheral Health Units (PHUs) and the addition of Pillar 8 (Gender and Women's Empowerment) to the Agenda for Prosperity framework. In broader terms, these findings raise questions about the scope and range of public policy issues that require consultation and the extent of policy uptake from consultative sessions.

Effectiveness of strikes

Given the minimal effectiveness of official channels and methods of engagement, striking (street protests, demonstrations and blockades) is generally viewed by citizens as an effective tool for engaging and influencing the policies and practices of government and big businesses. Strikes represent a form of communication and interaction between citizens and government and business. Such activities tend to work in favour of citizens, such as forcing companies and government to engage citizens in constructive dialogue and negotiations, and resulting in suspensions or changes to policies and practices.

Citizens push for engagement the most when livelihoods are affected

A cross-cutting observation is that livelihood issues are a major driver of citizens' engagement with the state. Beyond elections, evidence suggests that citizens' engagement with state institutions and businesses is highest when issues central to livelihoods are affected. The strike cases recorded thus far have been directly triggered by socio-economic issues such as trade, jobs, working conditions, pay, displacement, land and the negative impacts of mining on the environment. Similarly, the reported violent protests are attributed to the perceived inadequate response by government to the Ebola epidemic. This does not preclude indirect engagement (through CSOs) on budgetary and economic development issues, or the reality that multiple factors influence the type, timing and scope of citizens' engagement with the state.

Different definitions of the 'what' and 'how' of engagement

There are variations in how the state and citizens view engagement in Sierra Leone. The government sees engagement through the lens of CSO representations, public consultations through town hall meetings and improved access to information. Citizens view engagement as protecting their interests or seeking redress for grievances through other mechanisms such as strikes as opposed to official channels. Citizens do not view the official channels as effective ways of engaging (influencing) the state. The varied interpretations of engagement suggest differences in the logic and drivers of engagement. For the government, it appears to be about fulfilling legal statutes, meeting donor conditionality and seeking partnerships that would complement its governance (service delivery) agenda. For citizens, it is purely about protecting their interests, such as assets (land and communities), jobs, occupations, livelihoods and community development agreements.

Organisational platform and capacity a requisite for effective engagement

Despite the reliance on strikes, a considerable amount of engagement and efforts to influence public policy still takes place through official channels. Here, citizens' groups with organisational capacity, mostly civil society groups and trade associations, play critical roles in identifying and using opportunities for engagement created by legislative and institutional reforms as well as donor conditionality. CSOs are visible and active in the public policy debate and formulation process in the executive and legislative arms of government, as evidenced by budget advocacy coalitions. In short, without the existence of CSOs and their advocacy activities, public consultation and participation in policy debates and formulation processes would be of limited value (unused).

9. Conclusion: Rethinking state-citizen relations and peacebuilding

This research report sought to explore state-citizen relations in post-conflict Sierra Leone. It documented the breakdown of state-citizen relations due to the outbreak of armed conflict in Sierra Leone in 1991. Despite a clear emphasis on improving state-citizen relations in the 1999 Lome Peace Agreement and post-war peacebuilding agenda, the report found evidence of progress but also ongoing challenges. Post-war Sierra Leone has implemented legal and institutional reforms with some positive impacts on state-citizen relations. This is evident in the creation of spaces for civil society groups and the use of public consultation in policymaking processes, the setting up of institutions (e.g. Human Rights Commission) for citizens to channel grievances, the improved access to information, and the devolution of powers (local government system) to enhance the participation of local citizens in governance processes. The documented challenges include the limited effectiveness of new laws and institutional reforms, inadequate funding, limited organisational platforms for citizens, and the politicisation of state-citizen processes along party lines. Moreover, some of the challenges in state-citizen relations that precipitated the war and that dominated the Lome Peace Agreement remain, including police brutality towards citizens, official impunity, limited government responsiveness to citizens' needs and perspectives, and corruption and mismanagement of natural resources. Much of this is acknowledged by the government in the country's Fragility Assessment report. This research predated the outbreak of Ebola in Sierra Leone, but its findings and recommendations are relevant to how the government and international partners respond to recovery from the epidemic.

Beyond the findings specific to Sierra Leone, this report teases out issues relevant to the broader understanding of state-citizen relations and peacebuilding in fragile contexts. This is of particular importance to the wider (international) peacebuilding agenda, as pilot countries under the New Deal are expected to move towards implementing action plans following their fragility assessments. The following issues have broader significance for state-citizen relations.

1. **Specific events (especially crises including the Ebola outbreak) can also be key opportunities for assessing and building state-citizen relations:** building state-citizen relations transcends legal and institutional reforms. Creating channels of interaction and communication between state and citizens is crucially about crisis management – how the state handles and responds to citizens' demands in specific instances (e.g. protests, strikes and demonstrations). Without precluding and diminishing legal and institutional reforms, building state-citizen relations is about enhancing the state's capacity to respond to crisis situations in ways that enhance state-citizen relations. It is in this sense that responses to and recovery plans for the Ebola crisis by the government and international partners represent opportunities for improving state-citizen relations in Sierra Leone.
2. **State-citizen relations are interest driven:** citizens' engagement with the state is strongly motivated by specific interests, especially those relating to livelihoods and socio-economic wellbeing. The higher the impact of issues concerning citizens' livelihoods and socio-economic wellbeing, the higher the level engagement with the state. Similarly, the state engages with citizens for specific purposes, including to fulfil donor conditions and to strengthen political power.
3. **State-citizen relations are very fluid:** given that state-citizen relations are interest driven, the level and outcome of engagement vary and change according to issues, influences, actors and interests at stake. The trend from Sierra Leone points to minimal state-citizen engagement when and where the financial interests of power elites are the highest, and vice versa.

This dynamic is subject to change depending on aggregate political interests and influences at stake. This has important implications for the broader study and analysis of state-citizen relations in general – in particular, the need to disaggregate state-citizen engagement to identify patterns in specific sectors and at different periods.

4. **Communication is central to state-citizen relations:** the two-way exchange of information, demands, interests and perspectives is at the heart of state-citizen relations. Citizens' engagement with the state is not simply about participation, but more about information and influence on governance and policies. Legal and institutional reforms linked to state-citizen relations are only effective according to the extent to which they facilitate communication between policymakers and citizens.
5. **Different interpretations and methods of state-citizen relations exist:** the visions and methods of engagement vary across actors. Citizens view engagement with the state primarily as the exercise of influence and in terms of responsiveness to their needs and demands. The state tends to view engagement in terms of official processes (rituals), and less in terms of absorbing citizens' influences. Moreover, the methods and channels of engagement vary: citizens tend to try official means first and then unofficial channels such as strikes and protest marches if the former is unsuccessful in attracting government attention. On the other hand, the state relies on mechanisms such as consultation, meetings, petitions and commissions of inquiry.
6. **Orthodox approaches to state-citizen engagement require sustained and adequate funding:** donors' focus on legal and institutional reforms as a gateway to improving state-citizen relations in fragile contexts raises sustainability challenges. A top-down, state-focused approach to promoting state-citizen relations (consultations through town hall and ward meetings) is a costly exercise. Without adequate financial provisions, legal and institutional reforms are unlikely to enhance state-citizen relations.
7. **Fragile states (governments) are more accountable to donors and business than to their citizens:** the dependence on donors' financial (budget) support and reliance on foreign private sector investment by governments in fragile states predisposes them to greater accountability to donors and business actors. Increased donor support often translates into seemingly greater willingness of fragile states to engage with citizens, and vice versa. However, increased foreign direct investment could and does translate into less accountability by governments to citizens. This raises questions over and calls for analysis of the potential negative impact of donor and business activities on state-citizen relations in fragile states over the medium and long term.

Recommendations for donor agencies

1. **Focus on the indirect aspects of and approaches to state-citizen relations in fragile states:** state-citizen relations in conflict-affected states are disproportionately shaped by events (crisis, protests, etc.), and less by official channels and institutional reforms. This does not preclude work on the formal, direct aspects of state-citizen relations. However, there is a need to integrate the 'indirect' elements and approach, and to develop broader indicators (beyond the passage of new laws, public consultation, etc.) for programming on state-citizen relations. In Sierra Leone, this would involve working on key issues and areas of tension and disagreement between citizens groups and the government – such as the impact of mining on local communities, changes in fees for higher education, urban renewal policies, and implementing the decisions of judicial panels and the Human Rights Commission.
2. **Invest in reactive programming to support and build state-citizen relations during and after crises, including the Ebola epidemic:** there is a need to programme around public protests and demonstrations as they are often windows of change, manifestations and instances of

state-citizen relations. In Sierra Leone, this would involve donor support for citizens' groups and the government to negotiate and implement decisions of judicial panels and the Human Rights Commission following public protests. The response to and recovery from the Ebola crisis potentially represents an important opportunity to develop more functional two-way state-citizen engagement.

3. **Identify and support citizens' formal and informal channels of communication with the state:** communication is key in state-citizen relations. While there has been substantial interest in supporting formal, state-led mechanisms of communication with citizens, there has been little support for citizens' informal and formal means of communication with the state (outside of CSOs and NGOs). In Sierra Leone, this would involve capacity building for citizens to maximise opportunities provided by the DBOCs and chiefdom councils.
4. **Programming on state-citizen relations should be guided by a political-economy analysis to identify issues central to citizens' livelihoods and survival, and less by pre-determined templates for state-citizen engagement:** state-citizen engagement in fragile states is highest and can be strengthened through issues critical to citizens' livelihoods. This would provide the best opportunity to positively influence state-citizen relations. In Sierra Leone, this would mean connecting interventions on state-citizen relations to issues such as mining, land (agribusiness) and environmental management.
5. **Analyse and adjust donors' funding mechanisms, scale and trends according to their impact on state-citizen relations in fragile states:** donors' support to fragile states for formal governance and service delivery can have potential positive and negative impacts on the sustainability and quality of state-citizen relations over the long term. Moreover, there is the potential tendency for governments in fragile states to be more accountable to donors than to its citizens. A careful analysis and the introduction of appropriate safeguards to minimise this risk are needed in programming on state-citizen relations and overall donor activities in fragile states. In Sierra Leone, this would mean analysing and minimising the impacts of donors' support and withdrawal on the mechanisms for state-citizen relations.
6. **Support and strengthen citizens' capacity to engage in and monitor policy implementation in fragile states:** very little capacity exists among citizens (including CSOs) to participate in, monitor and follow up on the implementation of public policies, as well as to hold governments to account thereafter. In Sierra Leone, this would require capacity-building support to citizens' groups to monitor and hold government to account in the implementation of decisions of judicial panels and the Human Rights Commission.
7. **Coordinate and integrate business activities into state-citizen programming in fragile states:** private sector investments and activities in conflict-affected states are increasingly impacting directly on the livelihoods and socio-economic stability of citizens. This connects business to state-citizen relations, necessitating greater coordination and integration of business activities into programming on state-citizen relations. It also underlines one aspect of the indirect approach to working on state-citizen relations. In Sierra Leone, this would mean coordinating and integrating private sector investments and operations in the mining and agri-business sectors into programming on state-citizen relations.

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