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**Getting Smart and Scaling Up :  
*The Impact of Organized Crime on Governance in  
Developing Countries***

**A Desk Study of Sierra Leone**

**June 2013**

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## ANNEX IV - THE IMPACT OF ORGANIZED CRIME ON GOVERNANCE IN DEVELOPING COUNTRIES: A DESK STUDY OF SIERRA LEONE<sup>1</sup>

### About the Authors

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1. Ed. Camino Kavanagh (2013), *Getting Smart and Shaping Up: Responding to the Impact of Drug Trafficking in Developing Countries*, NYU Center on International Cooperation

## Introduction

Emerging from a decade-long civil war, Sierra Leone is witnessing many of the dividends of ongoing stability within the country and the robust international response to peacebuilding in the country. Indeed, today Sierra Leone serves as a hopeful example of post-conflict recovery. While the country has experienced violence since 2002, the general preference has been to resolve moments of heightened political tension through peaceful means. Prior to the 2012 general election, clashes erupted again between supporters of the Sierra Leone Peoples Party (SLPP) and the ruling All People's Congress Party (APC), particularly youth groups associated with the parties.<sup>2</sup> However, these clashes gradually dissipated and the elections took place without major disturbances. Ahead of the elections, the United Nations Security Council lifted its last remaining sanctions, acknowledging the country's ability to take control of its territory and reintegrate former combatants.<sup>3</sup>

Sierra Leone's development trajectory also inspires optimism. In recent years, the small West African country has experienced robust growth rates of between five to six percent per annum. Oil has been discovered off its southern coast.<sup>4</sup> The government has started to rebuild its mining infrastructure in order to tap vast mineral commodities, including iron ore, rutile, bauxite – and diamonds. The government has also made significant efforts to increase the income and food security of farming households. No less important, the human rights situation is slowly improving and national reconciliation initiatives are producing results. Moreover, Sierra Leone – a country that has survived some thirteen military coups, twenty years of one-party rule, eleven years of brutal civil war, the virtual collapse of the state and its institutions, an almost complete loss of territorial control, the displacement of

50 percent of its population and a youth that only knew violence and drugs – stands as an important example of a state that turned from a prime candidate for becoming a major narco-state along the cocaine route in West Africa to a relatively stable and peaceful country in which the international drug trade and organized crime now play a limited role.<sup>5</sup>

Notwithstanding these achievements, Sierra Leone continues to face many challenges. Decades of political decay left the country in ruins. The war severely undermined the state's capacity (and willingness) to deliver basic public goods. Entrenched patterns of corruption and patronage affect both formal and traditional forms of governance. Public institutions continue to struggle with insufficient human and financial resources.<sup>6</sup> The gross national income stands at US\$ 340 per capita; almost four times lower than the GNI average for Sub-Saharan Africa.<sup>7</sup> While the government is courting private foreign investors, its record of building sustainable livelihoods remains challenging. High rates of youth unemployment and social marginalization are particularly alarming, given that roughly 42 percent of the population is under 14 years of age.<sup>8</sup>

In addition, organized criminal activity in the country and the broader region (linked often but not always to global networks of organized crime) has at times undermined efforts aimed at strengthening governance and development. The extent of public sector corruption in the country is of particular concern, not least because as evidenced in different instances within Sierra Leone and in countries across the region, it can nurture and even encourage and embolden organized crime. In many circumstances links between public sector corruption and organized criminal activity are developed on the back of existing illicit networks. In Sierra Leone, corruption and the use of political position for personal gain stems back to the 1970s and 1980s during the one party rule of President Siaka Stevens, when government officials at all levels colluded regularly with businessmen to profit from

2. In 2011, Julius Maada Bio, a former Head of State and Presidential challenger of the SLPP, was attacked during a public speaking event.irate SLPP supporters responded by rampaging through the streets and setting fire to houses belonging to the APC. Another incident in the city of Kono prompted the Sierra Leone police to ban political party rallies for several months. Final election results will likely be announced at the end of November. The 2012 election results returned the APC to second term. See: Sem (2011). "Maada Bio Attacked as Bo Town Set on Fire during APC and SLPP Clash," Sierra Express Media; Scott Denton (2012). "Election Violence in Sierra Leone," The Election Review.

3. United Nations Department of Public Information (2010). *Security Council Unanimously Agrees to Lift Sanctions against Sierra Leone, Extend Mandate for Integrated Peacebuilding Office in Country until September 2011*, Press Release.

4. In 2009, Anadarko Petroleum Cooperation announced a deep-water discovery offshore Sierra Leone. See: Anadarko Petroleum Cooperation (2009). *Anadarko Announces Discovery Offshore Sierra Leone*.

5. Communication with Michael von Schulenburg, former ERSG to Sierra Leone, June 2013.

6. Freedom House (2010). *Sierra Leone, Country Report*.

7. The World Bank (2011). *World Development Indicators*, GNI per capita in Sierra Leone and Sub-Saharan Africa.

8. CIA (2013), *World Fact Book: Sierra Leone*, January 18. Available at <https://www.cia.gov/library/publications/the-world-factbook/geos/sl.html>

the distribution of mineral rents. These illicit networks were built on the basis of alliances between members of the political and business elite involved in the mineral resources trade who manipulated the quantity and value of exports and colluded with politicians to evade taxes.<sup>9</sup> Indeed, prior to the outbreak of the civil war, entrenched patronage and corruption, linked to illicit criminal activity, led to the stagnation of political processes. The interest of the country's ruling elite was to appropriate power, market control, and material rewards for themselves to the detriment of the broader citizenry. With the help of their criminal links, the political and economic elite (often indistinguishable from each other), helped create, a 'shadow state' in which their authority was based on personalized access to power and goods.<sup>10</sup> Chronic bad governance, human rights abuses, and weak state-society relations underpinning this system facilitated a consistent undermining of formal state institutions, the deprivation of the majority of the people, and eventually, the eruption of violent conflict in Sierra Leone.<sup>11</sup> Other vulnerabilities such as the country's fragile political settlements, its porous borders, unequal distribution of wealth, and high youth unemployment rates have also created permissive conditions for illicit criminal activity.<sup>12</sup>

Sierra Leone's internal conflict (1991-2002) provided considerable freedom for criminals to operate with impunity and the country witnessed a dramatic increase in organized criminal activities throughout that decade. As noted by one expert, "[n]etworks of warlords and shady external operators, some of them with links leading indirectly to Al Qaeda, underpinned generalized lawlessness in the country and one of the goriest civil wars in recent memory."<sup>13</sup> An illegal trade in arms and light weapons flourished during the war and illicit drugs were trafficked along the Sierra Leone, Liberia, and Guinea axis, and through its main airport, and provided to rebel soldiers in particular. It is widely recognized that the diamond

sector also played a key role in nurturing and prolonging the civil war. Because government revenue had collapsed, state employees and rebel groups alike were keen on taking control of diamond-rich areas. According to David Keen, "diamonds were an *incentive* for violence ... [and] helped to fund the violence."<sup>14</sup> As Sierra Leone continues to emerge from the civil war, it would be risky to overlook the potentially destabilizing effects caused by illicit activity and its offer of enrichment, particularly to large swathes of unemployed youth and especially given the direct relevance of organized criminal activity to past conflict. Indeed, as noted by Dr. R.J. Bankole Thompson, former Supreme Court judge, and a judge on the Special Court for Sierra Leone, "with the end of the war a new and insidious form of destabilizing dynamic, namely transnational criminality, emerged to threaten the institutional and social fabric of Sierra Leone with potentially destabilizing repercussive consequences."<sup>15</sup>

For example, in 2008, national authorities discovered more than 700 kilograms of cocaine along with arms and ammunition in a small aircraft in-bound from South America. Investigations into the incident, known as the "Lungi Affair" soon led to the arrest of Ahmed Sesay, the national football team manager and cousin of Kemoh Sesay, who was serving as Minister of Transport and Aviation at the time. As a result of the investigations, Ahmed Sesay was sentenced to five years in prison for "conspiring to import prohibited drugs without lawful authority, contrary to law." While relieved of his duties as Minister, his cousin, Kemoh Sesay, was never charged. He was subsequently nominated special advisor to the current president.<sup>16</sup> If the country's reputation as a hub for illegal diamond mining has somewhat faded, the *Lungi Affair* and growing reports of drug trafficking in the broader West Africa region indubitably renewed interest in the country's criminal landscape. Justice Nicholas Browne-Marke who presided over the *Lungi Affair* trial, publicly denounced the intimate nexus that had emerged between criminal and

9. William Reno (2009), p. 50; David Keen (2003), p. 76.

10. William Reno (1995).

11. "Overview of the Sierra Leone Truth and Reconciliation Report," International Center for Transnational Justice, October 5, 2004.

12. Sierra Leone's porous borders with Guinea and Liberia have historically facilitated the cross-border flow of illegal goods. Already in 2005, the Government of Sierra Leone and UNDP identified more than 150 illegal crossing points between Sierra Leone and Guinea. United Nations Security Council (2011). *Seventh Report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone*, p. 5; Government of Sierra Leone & UNDP (2005). *Border Threat Assessment, Report*.

13. Michael Chege (2010). "Sierra Leone: The State That Came Back From the Dead," p. 148.

14. David Keen (2003), p. 67.

15. Interview with Justice Bankole Thompson, Accra, Ghana 29 April 2013.

16. In November 2011, Mohamed Sesay was set free, "barely after completing his five year jail term, and paying the sum of Le 300 million [approx. US\$ 68,750] as a fine." His cousin, Kemoh Sesay, was reinstated as senior advisor to the President in 2010 – amid widespread perceptions of his complicity in the "Lungi affair." See: Sem (2011). "Ahmed Sesay Completes Sentence – Pays Le 300 Million Fine," *Sierra Express Media*; and The New People (2011). "As Hardship Intensified in Sierra Leone, President Koroma through the Help of Kemoh Sesay Buys Hotel in Las Palmas?" *The New People Newspaper Online*.

political figures in Sierra Leone at the time, suggesting that drug traffickers had “compromised key state agencies, as well as senior government officials.”<sup>17</sup> While it is clear that the Lungi airport cocaine case alone does not a hub for illicit drug trafficking and organized crime make, a 2011 UN report maintained that despite the robust international presence in the country, Sierra Leone remains vulnerable to drug trafficking and organized crime, highlighting that “an increase in economic activities generated by extractive industries could render “the threat of illicit drug trafficking even more insurmountable.”<sup>18</sup> Indeed, more recent developments regarding questionable arms deals and the links between criminal actors and the extractive industry suggest the potential for political and business elites to fall back on old practices as a means to achieve their goals.<sup>19</sup>

Observers have been quick to forewarn that widespread organized crime could bring recovery in Sierra Leone to an abrupt halt. While few people believe that a relapse into war is likely, some of the underlying political-economic drivers of Sierra Leone’s civil war remain unresolved. If left unchecked, the potent mix of structural political-economy challenges with endemic corruption, organized crime and unemployed youth could seriously undermine efforts to rebuild the state and consolidate peace and development. At the same time, on-going support to key governance and oversight institutions such as the judiciary, as well as continued external support can help provide a buffer against organized crime as Sierra Leone moves forward. To this end however, prevalent norms of corrupt behavior and the structural weaknesses within and beyond Sierra Leone’s borders that nurture organized criminal activity need to be addressed by national, regional, and international actors alike. This will mean going beyond the kind of traditional law enforcement efforts that have been implemented to date to ensuring an effective blend of security, development, and governance support to Sierra Leone. It will also require supporting Sierra Leone’s participation in inter- and intra-regional initiatives aimed at preventing and responding to the impacts of organized crime. Moreover though, it will require investment in understanding the “self-healing process” in Sierra Leone that resulted in reconciliation and

a change in attitudes and behavior particularly with regard to the peaceful resolution of conflicts and involvement in organized crime.<sup>20</sup> As noted by the United Nations’ former Executive Representative of the Secretary-General (ERSG) to Sierra Leone, “without these changes in attitude and behavior, it would never have been possible to anchor peace and stability or prevent transnational organized crime from taking root in the country in the immediate post-conflict phase.”<sup>21</sup> This wider aspect regarding Sierra Leone’s apparent resilience to organized crime at a crucial moment of its transition from conflict to sustainable peace and when organized crime (particularly drug trafficking), was increasing in the West Africa sub-region, merits much deeper research than the scope of the current study has allowed. As a first step in this direction, this desk study provides an important effort to review the scope of organized crime and the nature of the threats its different variations pose to governance and broader peace and security in Sierra Leone, and highlights where some of the most important vulnerabilities to organized crime still lie.

The paper is divided into three parts. *Section I* provides a brief overview of the political, institutional, and socio-economic landscape in Sierra Leone. It examines internal as well as external pressures affecting Sierra Leone’s political settlement including, for instance, processes in which contending groups determine the distribution of power and wealth.<sup>22</sup> *Section II* focuses on the nature and scope of organized crime, with particular emphasis on cocaine trafficking, cannabis cultivation, and illegal mining and logging. *Section III* addresses domestic and international responses to organized crime, trafficking, and corruption as the primary facilitating factor for large-scale illicit activity. This includes insights on challenges and opportunities for responding to organized crime and its impact on governance, and concludes by identifying a number of steps that could be taken to counter the pernicious effects of organized crime in the country.

20. Communication with Michael von Schulenburg, former ERSG to Sierra Leone, June 2013.

21. Ibid.

22. For definitions of the term political settlement, see: Thomas Parks & William Cole (2010). *Political Settlements: Implications for International Development Policy and Practice*; Di John & Putzel (2009). *Political Settlements*.

17. Ibid.

18. Communication with Michael von Schulenburg, former ERSG to Sierra Leone, June 2013.

19. Ibid

## I. Political, Institutional, Socio-Economic, and Regional Context

Sierra Leone is situated on Africa's West Coast within the Mano River Union sub-region. It is a small country with an estimated population of six million. A decade-long civil war resulted in roughly 70,000 casualties and 2.6 million displaced persons.<sup>23</sup> The war, which began in 1991 and ended in 2002, opened the doors for organized criminal activity to flourish unchecked in the country. In Sierra Leone, an inclusive political settlement has long been elusive. Even before independence in 1961, a two-pronged governance system fostered regional disparities, marginalization, and spoiler politics.<sup>24</sup> In rural areas, the youth (particularly young men) were, and in many cases continue to be, beholden to chiefs and elders who met out severe sentences for minor offences. Meanwhile, the urban underclass in Freetown – often referred to as “lumpens” – lacked access to employment or any other form of opportunity.<sup>25</sup> Already in the 1950s, such exclusion and marginalization led many members of these groups to engage in illicit activities, such as diamond mining or illegal logging, creating a significant illegal trade, even during the colonial era.<sup>26</sup> Additionally, polarization between ethnic groups within the political system intensified government infighting and poor governance. Other factors impacting political dynamics include the crisis of legitimacy spurred by Siaka Stevens' one-party rule, the surge in the country's youth and lack of employment opportunities, and unchecked corruption among government officials. Combined, these factors have continuously undermined governance, leading to a brutal civil war and laying out challenges for post-war peacebuilding efforts.

During the war, most of the fighting forces, including the government, the Revolutionary United Front (RUF), Armed Forces Revolutionary Council (AFRC), and Civil Defense Forces (CDF), were involved in various aspects of organized crime, the most prominent being diamond and arms smuggling. The Sierra Leone Truth and Reconciliation Commission (TRC) Report identified the RUF in particular

as a central player in diamond mining and smuggling during the war.<sup>27</sup> The end of the war brought about a negotiated settlement between the warring factions. While Sierra Leone has made great strides in reconstruction and peacebuilding, as with other countries emerging from conflict, there is always a risk that the reorganization of political and economic power will render the state more vulnerable to stealthy criminalization. During a time of flux, government officials may collude with non-state criminal actors for the purpose of financial gain or political leverage. In addition, criminal actors often avail themselves of fragile political transitions to manipulate emerging political and business elites, and the limited capacity of weak law enforcement and governance institutions to extend their presence and services throughout the country.

### The Implications of a Geographical and Political Divide

Sierra Leone's tumultuous political life is often linked to its colonial bifurcation into two systems of governance: a formal British-oriented justice and an informal tribal customary system of justice. In 1808, Freetown, a former settlement for freed slaves, became a colony of the British Crown. Serving as the seat of administration for all of British West Africa, Freetown aspired to the organizational framework of a modern European state. It quickly developed advanced institutions and infrastructure and served as a trading base for resources from the country's interior. The upcountry, on the other hand, was long neglected. It was not until 1896 that this area was established as a British protectorate. While under British tutelage, the protectorate was designed as a separate area both spatially and politically, indirectly ruled by paramount chiefs who remained subordinate to British District Commissioners. These chiefs or “local agents of state power” often acted as brokers between the colonial power and the native populace.<sup>28</sup> They enforced colonial demands and maintained trade relations with Freetown. Their socio-political contribution is controversial. Some observers suggest that the system of indirect rule “provided a mechanism for patronage”<sup>29</sup> and set the stage for the country's collapse over a century later.

23. Mary Kaldor and James Vincent (2006), p. 4.

24. David Keen (2005). *Conflict and Collusion in Sierra Leone*; Jimmy D. Kandeh (1992). “Politicization of Ethnic Identities in Sierra Leone.”

25. Communication with Stephen Ellis, April 12, 2013.

26. Ibid.

27. The TRC Report can be found here: <http://www.sierra-leone.org/TRCDocuments.html>

28. William Reno (1995). *Corruption and State Politics in Sierra Leone*, p. 37.

29. Mary Kaldor and James Vincent (2006). *Evaluation of UNDP Assistance to Conflict-Affected Countries. Case Study Sierra Leone*, p. 25. See also: William Reno (1995).

After 150 years under British colonial rule, in 1961 Sierra Leone gained independence. While the two distinct territories were united in 1927, the base of power remained in Freetown and differences between urban modernism and rural traditionalism deepened. While Freetown Creole politicians focused their efforts on leveraging support in the capital, “protectorate politicians” such as Milton Margai mobilized rural voters, eventually sweeping his Sierra Leone People’s Party (SLPP) to power in the 1950s and leading Sierra Leone to independence in 1961.<sup>30</sup> Parallel sources of authority were reinforced, preventing the majority of Sierra Leoneans from taking part in the central political life of their independent state. As Victor Minikin notes, “a two-way process emerged: national politicians exploited local conflicts to further their own elite interests, while local brokers used national issues, and the conflict between the political parties in their struggle for advantage.”<sup>31</sup> Today, the divide between the center and the periphery still persists. Although chieftaincies have lost some of their influence, rural Sierra Leoneans continue to place their trust in chiefs while lacking confidence in the central government. Matters of residency, political representation and land use are frequently solved locally, with minimal or no involvement of formal state institutions.

The difficulty of reaching a durable political settlement in Sierra Leone after independence was further compounded by the politicization of ethnicities. The country is composed of a variety of ethnic groups, including Creoles, Mende, Temne, Limba, and Kono. Similar to settings such as Jamaica or Guyana, state-society relations are perpetually being reordered depending on which group is successful in political contestation. Following independence, existing ethnic divides<sup>32</sup> were eclipsed by a rivalry between the Temne, in the northern half of the country against the Mende, in the south and east. The Mende dominated the Sierra Leone People’s Party (SLPP), while the All People’s Congress (APC) “drew most of its support from the Temne. [...] Significantly, the 1967 elections produced only one

SLPP seat in the north and only one APC seat in the south [...]”<sup>33</sup> These parties remain the two significant political parties today. One interviewee noted that the country “continues to suffer from the chronic pathology of political exploitation of ethnicity as a key dynamic for success in electoral competitiveness and democratic consolidation, and there is no ideological visionary rivalry for political power in the country.”<sup>34</sup> With the Mende-Temne political divide deepening, violence and intimidation rapidly increased. The army was frequently used to bully opponents and intimidate voters. As David Keen argues, during the 1970s the army was often viewed “as ‘the paramilitary wing of the ruling party.’ (...) Those seeking to intimidate opponents [also made] use of the country’s secret societies and magical traditions – notably the Poro, which took its purest form among the Mende bedrock of the SLPP.”<sup>35</sup> APC leader Siaka Stevens transformed the political system into a one-party system after assuming the presidency in 1971, thus “stifling legitimate political dissent, thwarting attempts at the reassertion of electoral democracy, and the assertion of fundamental rights and freedoms.” Essentially, the emergence of a post-colonial rule of law had been replaced by the “rule of thuggery.”<sup>36</sup> Stevens and his party maintained this one-party rule until 1991 when the RUF launched its insurgency leading to the civil war.<sup>37</sup>

### Authoritarianism and the Expansion of Organized Crime

The advent of authoritarian, military, and single party political regimes, as well as the eleven-year civil war, provided the backdrop that allowed organized crime to flourish in Sierra Leone. While the illicit diamond trade already existed during the colonial period, the political dynamics of the authoritarian state influenced the growth of organized criminal activity. The situation was worsened by hard economic and social realities coupled with the existence of incapacitated and weak state institutions, including the security sector and justice system. The

30. Interview with Lansana Gberie, January 2013.

31. Victor Minikin (1973). “Indirect Political Participation in Two Sierra Leone Chiefdoms,” p. 130.

32. Historically, the Creoles (or Krios) constituted the political, social and economic elite until the 1940s when their dominance gradually waned. Creoles, descendants of freed slaves residing mostly in Freetown, differed strikingly from the Africans living in the protectorate. This polarization between Creoles (colony) and native ethnic groups (protectorate) remains structural entrenched, for instance in the 1966 Provinces Land Act which designates Creoles as “non-natives,” thus precluding them from land tenure in the provinces. See: Jimmy D. Kandeh (1992), p. 81; and Ade Renner-Thomas (2010). Land Tenure in Sierra Leone: The Law, Dualism and the Making of a Land Policy.

33. David Keen (2005), pp. 14 & 15.

34. Interview with Justice R.J. Bankole Thompson, Accra, Ghana, 29 April 2013.

35. *Ibid.* pp. 16 & 17.

36. Bankole Thompson (1997), *The Constitutional History and Law of Sierra Leone (1961-1995)*, Maryland: University Press of America Inc.

37. Freedom House (2012), *Sierra Leone, Country Report*. Available at <http://www.freedomhouse.org/report/freedom-world/2012/sierra-leone>.

introduction of a one-party state in 1978 coincided with deteriorating economic and social conditions. Calculated attempts by members of the political class to consolidate political power through patronage and repression both encouraged corruption and stymied progress on transparency, accountability, and professionalism within state institutions. In order to bring the security forces under firm control, Stevens recruited urban lumpens, particularly into the armed forces and into a Party-loyal paramilitary party force – the Special Security Division (SSD).<sup>38</sup>

A lax recruitment policy also made it easy to enlist loyal people through the card system. According to this system, entrance into the security forces was only guaranteed if the candidate was in possession of a card given to him/her by a politician or “party stalwart.”<sup>39</sup> Gbla believes this system attracted many young cadres interested in generating quick wealth. He further notes that the military was given special privileges such as monthly rice quotas, and that military finances were not transparent.<sup>40</sup> Throughout the 1980s these security forces, supported by paramount chiefs that Stevens had recruited into his patronage networks, used extensive violence to ensure that the APC always won the elections.<sup>41</sup> Bolstered by these shadow forces, rather than strengthening state institutions, the administrations of Siaka Stevens and his successor, Joseph Momoh, focused their efforts on strengthening ties to groups such as paramount chiefs, Lebanese businessmen, and (for a brief period in the 1980s) Russian mafia members who had valuable assets, including diamond fields.<sup>42</sup> The latter precipitated an approach to the acquisition of wealth and power by all means necessary, in the sense that both criminal initiatives and complicity with professional criminals became a distinct possibility and, indeed, a viable option for many.<sup>43</sup>

38. Communication with Stephen Ellis, April 12, 2013.

39. Sierra Leone Truth and Reconciliation Commission (2003), *Sierra Leone Truth and Reconciliation Report*, Appendix 3, Part 3, Section A, <http://www.sierraleoneonetr.com/index.php/appendices/item/appendix-3-part-3-section-a>.

40. Osman Gbla (2007). “Security Sector Reform in Sierra Leone,” in Len, LeRous, et al. (eds.), *Challenges to Security Sector Reform in the Horn of Africa*, p.15.

41. Communication with Stephen Ellis, April 12, 2013.

42. Ibid.

43. Sierra Leone Government White Paper on Serious Organized Crime, p. 11.

## Formal and Informal Institutions and Prevalent Norms of Behavior

Patronage and corruption cut across all sectors of public life in Sierra Leone to such a degree that systemic corruption hinders sustainable development.<sup>44</sup> In Sierra Leone, elites have routinely used public resources to advance their goals. Patronage systems flourish on the basis of mining and tax revenues and the misappropriation of foreign aid, while corruption cuts across all sectors, especially the police, the judiciary, the education system, and political parties.<sup>45</sup> Numerous scandals have revealed how predatory elites avail themselves of public resources to accumulate wealth on their own behalf or at the behest of other public officials. In April 2012, for example, two men were charged for accepting bribes on behalf of Vice President Sam Sumana in relation to the timber trade.<sup>46</sup> A trial is ongoing for the two men. No charges were brought against the Vice President who has remained in office.

The pervasiveness of the corruption intensified significantly in the post-independence era, particularly under the one party rule of Prime Minister (later President) Siaka Stevens,<sup>47</sup> and his chosen, albeit unsuccessful successor, General Joseph Momoh. Using state offices and public resources as a means to accumulate personal wealth was “the primary mode of accumulation among Sierra Leone’s political elite since independence in 1961.”<sup>48</sup> The actions of Abdul Karim, former presidential secretary and head of civil service under Stevens, provide a glimpse into the entrenchment of patronage and corruption. Karim was notorious for granting positions and promotions in the civil service based on a system of bribery and patronage.<sup>49</sup> Momoh’s “inexperience in statecraft” is also held to be “a contributing factor to the political malaise and upheaval that ensued.”<sup>50</sup> Indeed, under Karim, access to higher political ranks became synonymous with private enrichment:<sup>51</sup> “[c]ontracts were

44. Transparency International (2010), *Overview of Corruption and Anti-Corruption in Sierra Leone*. Anti-Corruption Resource Centre. Available at: <http://www.u4.no/publications/overview-of-corruption-and-anti-corruption-in-sierra-leone/>

45. Transparency International. Available at: <http://www.transparency.org/country#SLE>

46. Simon Akam (2012). “Two accused of taking bribes on behalf of vice-president,” *Reuters*.

47. Siaka Stevens held the office of Prime Minister from 1967 to 1971 and the office of President from 1971 to 1985

48. Jimmy D. Kandeh (1999), p. 351.

49. Ibid.

50. Interview with Justice Bankole Thompson, Accra, Ghana, 29 April 2013.

51. See: Christine S. Cheng & Dominik Zaum (2008). “Introduction – Key Themes in Peacebuilding



signed on behalf of the government with suppliers who were paid for consignments that were never delivered; salaries for 'ghost' workers were routinely paid into the accounts of top bureaucrats; public construction materials and equipment were often diverted to private use; [...] and; the involvement of politicians and bureaucrats in diamond mining and smuggling, as well as profiteering and hoarding of goods, deprived the state of revenue and hastened its functional contraction."<sup>52</sup>

After Stevens stepped down, Joseph Momoh more or less maintained the status quo. In fact, although less repressive, the state apparently became more predatory under Momoh whose dismissive and lax response to the problem of corruption – officials implicated in financial abuses were simply required to reimburse the state – “created an enabling environment for corruption to thrive.”<sup>53</sup> In one example, Momoh’s Permanent Representative to the United Nations sold Sierra Leone’s diplomatic headquarters in New York and pocketed the gains.<sup>54</sup> In the current post-conflict setting, corruption has become entrenched through a “politically driven distribution of state assets and positions,” undermining “institution building and reduc[ing] accountability as each faction asserts ‘sovereignty’ over its territorial or institutional turf.”<sup>55</sup> In addition, patronage and corruption is also pervasive in rural areas (e.g., within chieftaincies and local councils), where a colonially derived customary form of patrimonialism is held to be “just as destructive to social fabric as the state-centered version [...]”<sup>56</sup>

In short, corruption and patronage have become an institutionalized way of life for all Sierra Leoneans.<sup>57</sup> A survey by Transparency International (TI) conducted in 2010 showed that 71 percent of respondents reported paying a bribe in 2010 – an increase of almost ten percent

in relation to previous years.<sup>58</sup> The survey also found that 74 percent of Sierra Leoneans felt the government’s efforts against corruption were ineffective. More than half the respondents believed anti-corruption efforts had actually decreased between 2007 and 2010.<sup>59</sup> Sierra Leone features regularly among the most corrupt countries in the world with the 2011 Corruption Perception Index (CPI) ranking it 134th out of the 183 countries assessed.<sup>60</sup> The police service in particular is widely known to be the most corrupt institution, which is due in part to extremely low wages. In general, government salaries are low, leading public officials to “increasingly turn a blind eye to – and often participate in – smuggling.”<sup>61</sup> Judicial independence and effectiveness is “impeded by corruption, poor salaries, police unprofessionalism, prison overcrowding, and a lack of resources.”<sup>62</sup> Some claim that the prevailing system of corruption in Sierra Leone has created a political class that has also emerged as the dominant economic class.<sup>63</sup> Such a reality is common in many parts of the world; however, some developments such as the July 2012 announcement by the chair of the National Electoral Commission of a significant increase in nomination fees for presidential and parliamentary candidates give rise for concern, particularly the danger of creating a system in which only a few can afford to participate in the political process.<sup>64</sup> Meanwhile, corruption and weak institutions continue to create fertile grounds for organized crime.

### Sierra Leone’s Unemployed Youth: A Political Tinderbox

The country’s socially excluded youth is another source of tension. Freetown is one of the oldest cities in West Africa and according to Ellis, has a history of youth gangs that stretches back at least to the 1940s. During the civil war, young combatants gained notoriety for their ferocious treatment of civilians. Many observers argue that this

and Corruption,” Reno (1995); Sahr John Kpundeh (1994), „Limiting Administrative Corruption in Sierra Leone.”

52. Kandeh (1999), p. 352.

53. Ibid. p. 353.

54. Ibid. p. 353. New Shaft, 10-16 December 1991:1-2)

55. Philippe Le Billon (2008). “Corrupting Peace? Peacebuilding and Post-conflict Corruption,” p. 350.

56. “Sierra Leone has a colonially derived ‚customary’ version of patrimonialism in rural areas, just as destructive to social fabric as the state-centered version [...]” See: Richard Fanthorpe & Roy Maconachie (2010). „Beyond the ‚Crisis of Youth’? Mining, Farming, and Civil Society in Post-War Sierra Leone,” p. 255.

57. Sahr John Kpundeh (1994); Gary Potter and Bankole Thompson (1997). “Governmental Corruption in Africa: Sierra Leone as a Case Study.”

58. Transparency International. Available at: [http://www.transparency.org/country#SLE\\_PublicOpinion](http://www.transparency.org/country#SLE_PublicOpinion)

59. Ibid.

60. Transparency International. Available at: <http://www.transparency.org/country#SLE>

61. David Keen (2003), Greedy Elites, Dwindling Resources, Alienated Youths. The Anatomy of Protracted Violence in Sierra Leone,” p. 76.

62. Freedom House (2012), Sierra Leone, Country Report. Available at <http://www.freedomhouse.org/report/freedom-world/2012/sierra-leone>

63. Sahr John Kpundeh (1994).

64. Security Council Report (2012), “September 2012 Monthly Forecast: Sierra Leone,” September. The decision was later reversed after opposition parties and the international community objected.

behavior stems in part from their rejection of existing political structures, particularly the chieftaincy system. As William Reno noted, “[w] hile some chiefs are popular, others were the targets of the ire of the local youth, who felt that they had abused their positions in Sierra Leone’s politics to arbitrarily extract money from them and interfere in their personal affairs.”<sup>65</sup> Danny Hoffman makes a similar argument when he portrays violence against civilians “as a type of political speech aimed at declassifying the orders of patrimonial privilege and exclusion.”<sup>66</sup> Even today, many youth are frustrated in their desire to belong and participate in a modern society, that is, to work, consume, and claim entitlements as individuals rather than as members of ‘communities’ governed by patron-client relations. Economic hardship further compels young (and sometimes unemployable) men to resort to other means of survival, including illicit drug trafficking along the Sierra Leone-Guinea border.<sup>67</sup> The total number of young people unemployed, employed without remuneration, or underemployed is estimated at 800,000 – a high number for a small country like Sierra Leone.<sup>68</sup> The African Economic Outlook states that Sierra Leone’s youth unemployment rate in 2012 was 60 percent, making it one of the highest in the region.<sup>69</sup> Surveys conducted for the 2011 World Development Report found that “unemployment and idleness” was the primary factor “motivating young people to join rebel movements.” It also states that “oppressive work conditions” may have influenced youth joining rebel groups in Sierra Leone.<sup>70</sup>

Since the end of the civil war, international donors and civil society organizations have supported domestic efforts to address the root causes of youth alienation and conflict. Five youth employment centers run by the National Youth Commission and Financed by UNDP opened in July 2012. In addition, UNDP finances additional “career advisory and placement centers that provide job search assistance and

soft skills training to at least 5,000 young people per year.”<sup>71</sup> Three more were set to open by end of 2012 and during the same period, a graduate internship program was launched to help build business skills for roughly 150 graduates.<sup>72</sup> These programs are a glimpse into efforts being made, but with such a high percentage of unemployed, some are sure to be lured into the opportunity for high monetary returns through illicit activity. Already most youth gangs in Sierra Leone use marijuana. The main threat however, is that they may become involved in both the consumption and distribution of hard drugs, producing a gang culture similar to that of US cities. Meanwhile, competition to control markets may lead to further violence.

## Regional Context

Over the last ten years, West Africa has become a pivotal transit point for illicit trafficking. It is one of the poorest regions in the world with many weak political systems and institutions, and large under- and unemployed populations, especially youth. Criminal groups and networks involved in different types of illicit trade are exploiting these weaknesses as well as West Africa’s geographical location to traffic products ranging from narcotics to natural resources to toxic waste.<sup>73</sup> Only three of the sixteen countries in the region do not figure on the United Nations’ list of “least developed countries (LDCs).” Five of the West African countries on that same list experience the very lowest levels of human development. According to a UNODC report on the globalization of crime, since independence, West Africa has experienced at least 58 coups and attempted coups.<sup>74</sup> This figure does not include the coups staged in Mali and Guinea-Bissau in 2012. Risks to Sierra Leone’s development are compounded by potential instability in the neighboring states of Liberia, Côte d’Ivoire and Guinea, all three of which are emerging from periods of political violence or civil conflict. Border issues or conflict spillover could rapidly test the stability of Sierra Leone’s fledgling political

65. William Reno (2009), “Understanding Criminality in West African Conflicts,” p. 54.

66. Danny Hoffman (2006), p. 17.

67. Ambassador June Carter Perry (2009), *Marijuana Cultivation Seen as National Security Threat*, Cable released on Wikileaks. Available at: <http://wikileaks.org/cable/2009/04/09FREETOWN135.html>

68. United Nations Security Council (2010), *Fifth Report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone*, p. 12.

69. African Economic Outlook (2012), “Sierra Leone,” Available at: <http://www.africaneconomicoutlook.org/en/countries/west-africa/sierra-leone/>

70. World Bank (2011), *World Development Report 2011: Conflict, Security and Development*, Washington D.C.: World Bank, 79

71. United Nations Security Council (2012), Ninth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, S/2012/679, August 13.

72. United Nations Security Council (2012), Ninth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, S/2012/679, August 13.

73. United Nations Office on Drugs and Crime (2009), *Transnational Trafficking and the Rule of Law*.

74. United Nations Office on Drugs and Crime (2010), *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*.

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and economic development.<sup>75</sup> Amidst the instability partially caused by conflict and post-conflict conditions in the region, some countries such as Ghana and Senegal continue to experience positive economic growth and relative political stability. Nevertheless, its location in such a volatile region, where drug trafficking and money laundering in particular have laid root, poses additional challenges to Sierra Leone and its efforts to consolidate peace.

While many of the organized criminal groups operating in West Africa are truly transnational in nature – for example, the cocaine trafficking exploits of Latin America-based cartels through West Africa and on to Europe – West African organized criminal groups and networks are also gaining strength. As noted by one commentator, this reality is creating powerful local actors with an interest in disrupting state responses to organized crime and drug trafficking.<sup>76</sup> Additionally, prevalent norms of behavior such as corruption and patronage within political, justice, and security systems across the region coupled with limited incentives for conducting public sector work, often facilitate the direct and indirect collusion of public officials with organized criminals for financial or political gain. The 2013 UNODC Threat Assessment holds that it does not require a large amount of cocaine to cause major issues in West Africa, citing the implication of high-level officials in several organized crime cases as evidence that building local capacity should be prioritized.<sup>77</sup> According to UNODC’s 2009 Threat Assessment on Trafficking in West Africa, the influence created by roughly US \$2 billion in annual illicit drug money affords traffickers “more resources than many of the law enforcement agencies in the region,” and the ability to “leverage corrupt officials at the highest levels of government.”<sup>78</sup> If the “blood diamond” trade, which facilitated and prolonged armed conflict [in Sierra Leone and Liberia], reached maximum annual revenue of roughly US \$200 million, the value of the drug trade is held to be significantly higher. In this regard, it is hardly surprising that organized criminals and particularly those involved in the cocaine, heroin, and methamphetamine

trade are using their money to “buy” public officials and traditional and emerging titles, entrenching their power in local systems and further blurring the line between criminal and political identities.<sup>79</sup> In short, a dual threat is emerging from within and beyond West African state borders threatening governance, as elements of state power are redirected towards illicit criminal activity rather than the delivery of basic services and the creation of legitimate institutions.

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79. James Cockayne (2012), West Africa: Africa and the War On Drugs - the West African Cocaine Trade is Not Just Business as Usual,” All Africa, October 19.

75. BTI, 28.

76. Mark Shaw (2012), “Leadership Required: Drug Trafficking and the Crisis of Statehood in West Africa,” Policy Brief no. 37, ISS, October, 3.

77. United Nations Office on Drugs and Crime (2013), Transnational Organized Crime in West Africa: A Threat Assessment, 18.

78. UNODC, 2009.

## II. The Nature, Scope, and Impact of Organized Crime in Sierra Leone

Sierra Leone has long been a theatre for illicit operations. Diamond smuggling and illegal logging have thrived for decades, as has the trade in small arms. More recently, concerns over a growing involvement in the international drug trade have drawn international attention back to Sierra Leone. The pervasiveness of illicit activity in Sierra Leone (and as noted above, West Africa in general) is usually linked to deep-rooted structural challenges related to the functioning of the political system, as well as limited enforcement capacities and weak infrastructure, porous borders, endemic corruption within the public sector, and the existing presence of local criminal groups.<sup>80</sup> Decades of under-development and limited investment in employment opportunities and the provision of basic services have also provided a broad base of people for whom there are limited alternatives to engaging in illicit activity.

### Violence and Organized Crime

In Sierra Leone, organized crime fueled violence and instability during the civil war.<sup>81</sup> The war was triggered in March 1991 when the Revolutionary United Front,<sup>82</sup> founded and led by Foday Sankoh, invaded the country with support from Liberia, Burkina Faso, and Libya. The government had little means to counter the invasion. After the repressive personal rule of Siaka Stevens and the even more predatory regime of his successor,<sup>83</sup> institutions were weak and hollow. Mismanagement and pervasive corruption undermined the government's legitimacy. As David Keen notes, "...much of the violence in Sierra Leone in the 1990s can be explained as a succession of attempts by those who have felt excluded or forgotten

to draw attention to their grievances, perhaps even their existence. Whenever one group managed to force its way into the 'inner circle' (as in the May 1992 coup or the RUF acquisition of cabinet posts in 1999) there were always other groups left outside with an incentive to use violence to draw attention to their continuing grievances..."<sup>84</sup>

Yet, the links between violence and organized crime in Sierra Leone can only be understood against the backdrop of corruption and predation that already existed in Sierra Leone in the sense that "...the predatory exercise of state power by APC politicians established patterns of rule that were inherently incompatible with societal interests and the long-term reproduction of elite dominance... A dysfunctional state increasingly at odds with society and incapable of performing basic tasks could not withstand the deadly struggle for access to the country's mineral resources by elites and ordinary citizens alike."<sup>85</sup> The appropriation of elite modes of accumulation by others gradually resulted in the transformation of violence "from a tool of political domination to a means of criminal accumulation by state agents."<sup>86</sup>

While large-scale violence in Sierra Leone has subsided since the civil war, outbursts of violence continue to occur, especially in relation to election cycles. In 2009, an important challenge to peace emerged when violence broke out in many parts of the country, including Freetown. It accumulated in the storming of the opposition party's headquarters and an attempt to lynch a group of opposition youth members (who consequently also belonged to another ethnic group). The incident paralyzed the government and the entire country, yet was resolved through peaceful means and cemented in a Joint Communiqué initially between the two main parties, although it later expanded to include others. The Communiqué not only dealt with the immediate issues that had led to an escalation of violence, but included a range of other vulnerabilities, including illicit activity, that were, and remain, potentially destabilizing.<sup>87</sup>

80. The Republic of Sierra Leone (2010). *Stability – Opportunity – Growth. It's Time*; Joint Progress Report on the Agenda for Change, January 2009–June 2010.

81. The eleven-year civil war resulted in over 70,000 casualties. More than half of the population was displaced from their homes; thousands were injured or maimed. The country's economy succumbed; the physical infrastructure lay in ruins. What is more, the collapse of state authority was accompanied by a corresponding collapse in the socio-economic fabric of the society. As Mary Kaldor and James Vincent rightly point out, "it was the experience of Sierra Leone that led Robert Kaplan to coin the term 'the coming anarchy.'" See: Mary Kaldor and James Vincent (2006), p. 6.

82. One commentator describes the RUF as a group of "unemployed and unemployable youths [with] one foot in the informal or underground economy [and] prone to criminal behavior, petty theft, drugs, drunkenness, and gross indiscipline." See: Ibrahim Abdallah (1998). "Bush Paths to Destruction: Origin and Character of the Revolutionary United Front/Sierra Leone," pp. 207–208.

83. During the Momoh administration, there was the so-called *Binkolo Mafia*, a powerful cabal or exclusive circle of Limba politicians around the President. The name is derived from Joseph Momoh's hometown, Binkolo.

84. David Keen (2003), p. 290.

85. Jimmy Kandehe (1999), p. 364.

86. Ibid.

87. Joint APC-SLPP Communiqué of 2 April 2009; and the Statement of H.E. the President [of Sierra Leone] on the occasion of the Signing of the Inter-Party Communiqué, April 2009.

Notwithstanding, in 2011 several instances of violent events directed at candidates and members of government led the Sierra Leone police to call off all political campaigning events until December 2011.<sup>88</sup> Following further efforts to reconcile tensions and differences,<sup>89</sup> national elections were held in November 2012 and declared free and peaceful by external observers. Prior to the elections the UN Security Council lifted its last remaining sanctions, acknowledging the country's ability to take control of its territory and reintegrate former combatants.<sup>90</sup>

In the absence of clear data and in trying to assess the links between organized crime or gangs and drug-related crimes and violence, the UN Peacebuilding Office – UNIPSIL – did not register significant evidence indicating an emerging incidence of violent crime or drug-related crime that could lead to violence.<sup>91</sup> Ex-combatants rarely figured among those arrested for serious crimes in the country (although they did play a more prominent role in political violence), nor did they form criminal gangs, as has been the case in other settings. Indeed, there has been limited evidence that crimes are committed with the aid of weapons, suggesting that the disarmament program in the country has been somewhat successful.<sup>92</sup>

In general, the main concerns regarding illicit trafficking seem less related to their potential to foment violence than to the risk of high level political or security force involvement and the subsequent potential cooptation of state resources for illicit purposes, as was seen before and during the civil war. For example, the US Department of State's 2012 OSAC Crime and Safety Report for diplomats working in Sierra Leone raised the concern of narcotics trafficking but did not outline any clear threats of violence posed by this phenomenon. Rather it states

that “the considerable wealth associated with the drug trade, channeled through corruption and involvement of government officials, could have a destabilizing impact on the country,” but does not provide specific security concerns.<sup>93</sup>

### The Nature of Organized Crime in Sierra Leone

In Sierra Leone, criminal groups engaged in the illegal trade of diamonds, arms, illicit drugs, and timber are generally composed of Sierra Leoneans who appear to only occasionally work with foreign nationals from the sub-region and beyond.<sup>94</sup> Most criminals establish front companies or small business ventures as a cover for their illegal activities.<sup>95</sup> While Sierra Leonean criminal groups are often considered less sophisticated than larger criminal groups in the region, some players from Sierra Leone have regional and international reach. In 2011, the US Department of State stated that “[d]rug trafficking rings are increasingly active in Sierra Leone, often relying on corrupted government officials, police and intelligence officers, who have accepted bribes to turn a blind eye to the traffickers' illegal activities.”<sup>96</sup> For example, Gibrilla Kamara – a notorious Sierra Leonean ‘drug lord’ and prime suspect in the aforementioned Lungi Affair – “actively sought to recruit South American drug trafficking organizations to establish operations in West African countries including Liberia, Guinea-Conakry, Guinea Bissau, Sierra Leone and Nigeria.”<sup>97</sup> In 2010, he was arrested in Liberia along with seven others in a joint sting operation involving the US Drug Enforcement Administration (DEA) and Liberian security agents, and extradited to the United States to face trial.<sup>98</sup> Kamara was subsequently given a twenty-year prison sentence by the United States Attorney for the Southern District of New York.<sup>99</sup> According to the court

88. International Foundation for Electoral Systems (2012), “Ahead of Elections, Sierra Leone Focuses on Mitigating Political Violence,” January 17.

89. For example, the President established a Commission of Inquiry to investigate the incidences of violence. The panel concluded that supporters of the two main parties were complicit in the violence. A memorandum of understanding in which the main parties vied not to use additional violence was later signed. See Report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone (S/2012/160) [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2012/160](http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/160).

90. United Nations Department of Public Information (2010). *Security Council Unanimously Agrees to Lift Sanctions against Sierra Leone, Extend Mandate for Integrated Peacebuilding Office in Country until September 2011*, Press Release.

91. Communication with Michael von Schulenburg, former ERSG to Sierra Leone, June 2013.

92. Ibid. The latter would require deeper research and cross-checking of crime data collected by the UN and specialized agencies such as SOCA, the DEA and others working in the country.

93. United States Department of State (2012), “Sierra Leone 2012 OSAC Crime and Safety Report,” February 16.

94. Consider, for example, the case of the cocaine airplane, which landed at Lungi International Airport. The Sierra Leonean police arrested three Colombians, two Mexicans, a Venezuelan national, a US citizen and two Sierra Leoneans. See: BBC (2008). “Sierra Leone Police Seize Drugs Plane.” Available at: <http://news.bbc.co.uk/2/hi/africa/7504953.stm>.

95. Sylvia Olayinka Blyden (2011). “Sierra Leone Police in Dawn Raid of Alleged Cocaine Traffickers,” *Awareness Times. Sierra Leone News and Information*.

96. United States Department of State (2011). *International Narcotics Control Strategy Report. Drug and Chemical Control, Report Volume I*.

97. The United States Attorney's Office – Southern District of New York (2012). *Sierra Leone Narcotics Traffickers Sentenced in Manhattan Federal Court to 20 Years in Prison on International Cocaine Conspiracy Charges*, May 11.

98. Ibid.

99. The United States Attorney's Office – Southern District of New York (2012). *Sierra Leone Narcotics Traffickers Sentenced in Manhattan Federal Court to 20 Years in Prison on International Cocaine Conspiracy Charges*, May 11.

transcript, Kamara “attempted to bribe high-level officials in the Liberian Government in order to protect shipments of vast quantities of cocaine, and to use Liberia as a trans-shipment point for further distribution of the cocaine in Africa and Europe.”<sup>100</sup>

Organized crime has also contributed to the distortion and later decay of Sierra Leone’s economy. Sierra Leone has a predominantly cash-based economy, with only around twenty percent of the population having access to formal banking institutions.<sup>101</sup> There are eight official banks centered mostly in Freetown. Money laundering occurs from drug proceeds as well as illicit mineral transactions. GIABA states that diamonds not certified by the Kimberly Process are smuggled out of the country “where it is believed to be used for money laundering and the financing of other illicit activity.”<sup>102</sup> The impressive economic performance experienced during the first decade after independence, with a growth rate of nearly four percent per year, gave way to a much slower growth rate of 1.5 percent in the 1970s. By the 1980s, the gross domestic product growth rate was virtually non-existent and by the end of that decade had turned negative. In the 1980s, increases in smuggling, estimated to be 95 percent of the diamond trade by the late 1980s, coupled with massive undervaluing of exports “seriously reduced state revenues from diamonds and other primary products.”<sup>103</sup> As a result, the country witnessed economic downtrends leading to consistent low rankings in the UN Human Development Index (HDI). The situation worsened in 1989 with the government’s adoption and implementation of the Structural Adjustment Program (SAP), supported by international financial institutions. Although the SAP was designed to achieve substantial private sector-led growth and poverty alleviation, it involved measures (especially with regard to requirements for retrenchment, devaluation, and subsidies), which had adverse effects on the country’s economy. Accordingly, by the 1990s, 82 percent of the country’s population was living below the

poverty line.<sup>104</sup> Today, Sierra Leone is a low-income country with roughly 60 percent of the population living below the poverty line. The HDI, which aggregates data focused on quality of life, such as life expectancy, education, and gross national income per capita, for the country was 0.336 in 2011, ranking it among the bottom ten of all countries surveyed.<sup>105</sup> While Sierra Leone is currently experiencing positive economic growth, the country is still far from reaching its potential.<sup>106</sup>

## Drug Trafficking

As suggested above, Sierra Leone has emerged as a source, transit, and destination point for various illicit drugs. Cocaine is the primary trans-shipment drug in the country, but small amounts of heroin coming from Southeast Asia are also believed to travel through Sierra Leone via commercial flights from East Africa.<sup>107</sup> Driven by growing demand in Western Europe, shrinking markets in the United States, and the pressure from interdiction efforts along the Caribbean Corridor in particular, the amount of drug transshipments from South America passing through West Africa has increased substantially over the past eight years.<sup>108</sup> The bulk of drugs is produced in Colombia and shipped through Venezuela. Other sources include Bolivia, Brazil, and Peru.

Sierra Leone has served as a transit platform for some of these illicit drugs. For example, in 2007, Venezuelan authorities discovered 2,500 kilograms of cocaine on a small aircraft allegedly destined for Sierra Leone.<sup>109</sup> The following year, at Lungi International Airport, Sierra Leonean authorities seized over 700 kilograms of cocaine on a Cessna airplane bearing a falsified insignia of the Red Cross. The Lungi Affair brought to light many obstacles to combating drug trafficking in Sierra Leone. First, the seizure of the cocaine was apparently accidental,

100. United States Attorney Southern District of New York (2011). Sierra Leone Trafficker Pleads Guilty in Manhattan Federal Court to Cocaine Importation Charges. Available at: <http://www.justice.gov/usao/nys/pressreleases/October11/kamaragilbrillapleapr.pdf>.

101. GIABA (2012), Member States: Sierra Leone, [http://www.giaba.org/member-states/20\\_sierra-leone.html](http://www.giaba.org/member-states/20_sierra-leone.html).

102. GIABA (2012), Member States: Sierra Leone, [http://www.giaba.org/member-states/20\\_sierra-leone.html](http://www.giaba.org/member-states/20_sierra-leone.html)

103. David Keen (2003), p. 76.

104. Ibid.

105. Sierra Express Media (2011), “Human Development Report 2011: Summary highlights Sierra Leone,” November 3. Available at [www.sierraexpressmedia.com/archives/31813](http://www.sierraexpressmedia.com/archives/31813)

106. HDI for the country is 0.336, ranking it last of the 177 countries surveyed.

107. United States Department of State (2012). *International Narcotics Control Strategy Report. Drug and Chemical Control*, p. 388.

108. It is estimated that between 20 to 50 tons of cocaine currently transit the region annually. In the late 1990s, demand in the United States surpassed European figures by a factor of four. Recently, however, the volume and value of the European cocaine market (US\$33 billion) is almost on par with that of the United States (US\$37 billion). See: United Nations Office on Drugs and Crime (2011a). *The Transatlantic Cocaine Market*, p. 2.

109. United Nations Office on Drugs and Crime (2007). *Cocaine Trafficking in Western Africa. Situation Report*, p. 5.

provoked by an air traffic controller who, unaware of the plan to smuggle the drugs into the country, alerted authorities to the plane's unauthorized landing. Second, prosecutions for the case were only made possible when the government enacted a retroactive law making cocaine trafficking illegal. Sixteen of the eighteen arrested were found guilty, fined, and sentenced. The other two were acquitted. The convicted included Colombians, Mexicans, a Venezuelan, a resident of Guinea Bissau, and Sierra Leoneans, including two police officers, a national security officer, and two air traffic controllers.<sup>110</sup> The third point of interest in the case is that it brought to light that high-level officials could be implicated in drug trafficking networks. In this case, the Minister of Transport and Aviation, Kemoh Sesay was implicated in the case by his cousin, Ahmed Sesay, one of the defendants in the case. Indeed, during the trial he alleged that it was his minister 'brother' who gave permission to land the cocaine-filled plane.<sup>111</sup> In his judgment, Judge Nicolas Brown-Marke, who presided over the case, accused the prosecution of withholding evidence and compelling two of the accused to commit perjury to protect the Minister.<sup>112, 113</sup>

A US diplomatic cable obtained by WikiLeaks stated that President Koroma gave orders not to arrest or charge Sesay after he was brought in for questioning on August 5th, 2009.<sup>114</sup> After internal deliberations over how to proceed, Minister Sesay was suspended from office on August 4th. However, for reasons that remain unclear, a thorough investigation never took place following the first round of questioning and while Sesay was eventually removed from his duties as Minister of Transport and Aviation, Koroma nominated him his Special Advisor after his re-election. Conversely, the WikiLeaks cable paints an intricate picture of the connections between Ahmed Sesay, Kemoh Sesay, and the administration, noting that "Mohamed [Ahmed] Sesay, not considered competent or

educated enough to be a politician, was one of the key financial backers of the 2007 Presidential campaign. His contributions during the election are said to have earned Kemoh Sesay the ministerial position and the position of manager of the national football team for himself. It is also likely that use of illicit funding to influence the outcome of the elections secured them these positions from which they can continue to facilitate illicit business and influence decision-making."<sup>115</sup>

Limited law enforcement capacity and lack of oversight in Sierra Leone make it difficult to gauge the magnitude of illicit drug shipments entering the country via sea- and airports.<sup>116</sup> By the end of 2010, cocaine seizures in Sierra Leone were estimated at 142.4 kilograms "with a street value of approximately US \$8.5 million in Europe."<sup>117</sup> After the case involving Sesay, the current government, responding to pressure from its main bilateral partners, stepped up its efforts to target drug traffickers at the international airport, and has sought bilateral support, notably from the US DEA and the UK's Special Organized Crime Agency (SOCA) in investigations and extradition processes.<sup>118</sup> A Transnational Organized Crime Unit (TOCU) was also established within the framework of the West Africa Coastal Initiative (WACI), a UN-backed effort aimed at supporting the implementation of the ECOWAS Regional Action Plan to Address the Growing Problem of Illicit Drug Trafficking, Organized Crime, and Drug Abuse in West Africa.<sup>119</sup>

Sierra Leone also faces important challenges concerning the illicit cultivation and trafficking of *cannabis sativa*, locally known as *jamba* (*diamba*). In 2008, more than ten tons of cannabis herbs were seized.<sup>120</sup> While not a new phenomenon, there are concerns that the marked increase in cannabis cultivation over the past decade is not only posing a series of social challenges, but also a threat to national food security as farmers substitute cannabis (or

110. Voice of America(2009), Drug Smugglers Expelled from Sierra Leone to Face US Charges, *Voice of America*, November 2; Telegraph (2009), Sierra Leone Targeted by Latin American Drug Cartels, Telegraph, February 27.

111. Gberie, Lansana (2010), "Sierra Leone: Business More Than Usual," Situation Report, Institute for Security Studies, November 8.

112. Judge Nicolas Brown-Mark, *The State vs. Archilla and Others: Judgement*, 33.

113. According to Justice Bankole Thompson, "the judicial attitude of Justice Browne-Marke on this aspect of the case was a classic example of judicial activism and forthrightness, desirable in cases involving transnational criminality, the negative effects of which can strike at the very root of social justice for the vulnerable." Interview, Accra, Ghana, 29 April 2013.

114. US Embassy Cable (2008), "Cocaine Bust: Minister of Transport Sacked," August 6, obtained by Wikileaks, available at "US embassy cables: Sierra Leone minister sacked after cocaine bust," *The Guardian*, December 6, 2010, accessed at <http://www.guardian.co.uk/world/us-embassy-cables-documents/165082>.

115. "US embassy cables: Sierra Leone minister sacked after cocaine bust," *The Guardian*.

116. United Nations Office on Drugs and Crime (2011b). *World Drug Report*. Available at: [http://www.unodc.org/documents/data-and-analysis/WDR2011/Seizures\\_2011\\_Final.pdf](http://www.unodc.org/documents/data-and-analysis/WDR2011/Seizures_2011_Final.pdf).

117. United Nations Security Council (2011), p. 7.

118. The Republic of Sierra Leone (2010), p. 76.

119. The WACI is a program co-led by UNODC, UNDP, UNDPKO and Interpol. The WACI is helping ECOWAS establish Transnational Crime Units in Sierra Leone, Liberia, Cote d'Ivoire, and Guinea-Bissau.

120. United Nations Office on Drugs and Crime (2011b).

marijuana) for subsistence farming.<sup>121</sup> A 2009 report by Sierra Leone's Office of National Security (ONS) confirmed these concerns, stating that the country is "gradually emerging as one of the states in West Africa where the cultivation of marijuana is overtaking vital domestic crop farming."<sup>122</sup> In the eyes of local communities, cannabis offers an alternative source of income, particularly in rural areas where both formal and informal employment opportunities are scarce. Planting illicit crops is often cheaper and yields high returns. For instance, a kilogram of cannabis can be sold for US \$50 while one bag (50 kilograms) of rice sells for US \$35.<sup>123</sup> As one commentator notes, "it is like an industry [...] in which every family or household has stake."<sup>124</sup> Meanwhile, in 2012, Sierra Leonean authorities discovered over one hundred acres of cannabis plantation in the Kambia District north of Freetown.<sup>125</sup> Police vehicles were reportedly ambushed by several youth trying to protect cultivation sites.

The increase in cannabis cultivation has also been noted across the border in Liberia. At a recent meeting of the Liberian Humanitarian Action Committee (HAC), it was pointed out that, "Sierra Leoneans drug dealers... prefer the Liberian market for their cannabis as it attracts more money than in Sierra Leone. This [has enticed] many Sierra Leonean youth in rural areas to engage in large scale farming of the substance."<sup>126</sup> It is likely that the combination of a lucrative cash crop and large unemployed youth populations may continue to foster domestic production of cannabis in both Sierra Leone and Liberia in the near future. Unfortunately, the response to cannabis production, including by the UN-backed TOCU, has been predominantly anchored in traditional counter-narcotics efforts aimed at zero-tolerance and eradication, with limited consideration for alternative sources of livelihoods for local farmers and unemployed youth in particular, or for the broader spillover effects of these out-dated policies. As noted by the former ERSG to

Sierra Leone, there is a risk that "destroying the country's traditional drugs will provoke unnecessary opposition to the anti-drug policy and push traditional drug users into heavier drugs as has happened in other countries such as Iran and Pakistan."<sup>127</sup>

Meanwhile, an emerging concern is the involvement of security services, police, and military personnel from Sierra Leone and Liberia in cross-border drug trafficking. Recently, a soldier from Sierra Leone was arrested in Liberia smuggling cannabis, while a Liberian police officer was arrested in April 2013 in Sierra Leone for attempting to smuggle cocaine.<sup>128</sup>

During the civil war, members of the warring factions used mostly heroin ('brown-brown') and crack cocaine to build up courage and drug those that were forcibly recruited.<sup>129</sup> Jamba, the use of which was also widespread in rebel camps, was already introduced in the late 1960s and early 1970s. Increasing concerns are being voiced in Sierra Leone and the broader sub-region today that illicit cultivation and trafficking of illicit drugs in and through Sierra Leone is leading to a rise in drug consumption, a challenge the country is ill-prepared to respond to. As noted by the ONS, for each ton of cocaine trafficked through Sierra Leone, at least several kilograms will remain.<sup>130</sup> In relation to the broader region, governance and organized crime expert Lansana Gberie echoed this assertion warning that "the assumption that West Africa is merely a transit point for [hard] drugs is a dangerously misleading one; the drugs are increasingly being sold within West Africa and other sub-regions of the continent. Once they establish a foothold, foreign drug traffickers tend to pay lower-level cadres – mainly unemployed youth and students – in kind rather than in cash, and the drugs are then sold in the community."<sup>131</sup>

Street level drug dealers often double as drug abusers. Freetown has a history of gang activity since the 1940s,

121. Ambassador June Carter Perry (2009). *Marijuana Cultivation Seen as National Security Threat*, Cable released on Wikileaks. Available at: <http://wikileaks.org/cable/2009/04/09FREETOWN135.html>.

122. Ambassador June Carter Perry (2009). *Marijuana Cultivation Seen as National Security Threat*, Cable released on Wikileaks. Available at: <http://wikileaks.org/cable/2009/04/09FREETOWN135.html>.

123. Ibid.

124. Ibid.

125. Abu Bakarr Kargbo (2012). "38 arrested for diamba cultivation," *The Daily IJ – A Weblog By the International Institute of Journalism of the GIZ*. Available at: <http://inwent-ij-lab.org/Weblog/2012/05/09/38-arrested-for-diamba-cultivation/>

126. Humanitarian Action Committee (2011). "Information Sharing Meeting."

127. Communication with Michael von Schulenburg, former ERSG to Sierra Leone, June 2013.

128. Communication with Lansana Gberie, April 10, 2013.

129. For further information on the use of drugs during the civil war, see: Stephanie H. Bald (2002), "Searching For a Lost Childhood: Will the Special Court of Sierra Leone Find Justice for its Children?"; Tom Masland (2002), "Voices of the Children," *Newsweek*; Matthew Price (2001), "Sierra Leone: The Battle for Childhood," *BBC News Online*.

130. IRIN (2010). *Sierra Leone: A Ballooning Drug Problem*, Interview with Kellie Conteh. Available at: <http://www.irinnews.org/Report/88727/SIERRA-LEONE-A-ballooning-drug-problem>.

131. Lansana Gberie (2010), pp. 8-9.



which raises some concern that the groundwork already exists for future conflicts over trafficking and dealing rights, as the quantities and types of drugs increase, although there is still little evidence to indicate that this will happen. In a recent interview with Al Jazeera, street dealers said they were part of a gang that “distributed drugs across the country” but were unaware of the origin of the recent influx of cocaine and heroin. They stated their primary interest was to remain high.<sup>132</sup> Already in 2009, UNODC noted that Sierra Leone already had “a huge substance abuse problem [...]. A survey conducted in some communities and prisons [...] revealed that 79 percent of the respondents used cannabis, 28 percent used cocaine, 26 percent used heroin and some were using multiple drugs. The study further revealed that some children aged 7-8 years were also taking drugs.”<sup>133</sup> Another survey reproduced in the UNODC’s 2012 World Drug Report states that drug abuse is significantly higher among street children than students, with cannabis far outweighing the prevalence of other drugs, although roughly five to seven percent of street children surveyed reported using cocaine and heroin.<sup>134</sup> Despite these studies and surveys, reliable and regularly up-dated data on the amount and type of drugs transiting through or circulating and consumed in Sierra Leone remains elusive. Consequently, and as with other countries in the sub-region, it is unclear what the basis for the formulation of core policies regarding crime, drug interdiction and drug treatment actually is.

Today, drug users in Sierra Leone have only limited recourse to treatment. One of the few residential drug rehabilitation centers, the ‘City of Rest’ opened in 1996 and is funded by church donations. Its capacity in 2010 was 40 patients.<sup>135</sup> In a country with high vulnerability to drug abuse, the increase in local availability coupled with hundreds of available foot soldiers among unemployed youth will require robust responses. Conversely, the much-needed baseline data required to inform such responses is limited, if at all existent. As is the case across the West Africa sub-region, limited investment has been made by

132. Travis Lupick (2013), “Drug Traffic fuels addiction in Sierra Leone,” Al Jazeera, January 26. Available at <http://www.aljazeera.com/indepth/features/2013/01/2013121105523716213.html>.

133. Cited in: World Health Organization (2009). *WHO Country Cooperation Strategy 2008-2013. Sierra Leone*, p. 13.

134. UNODC (2012), *World Drug Report: Recent Statistics and Trend Analysis of Illicit Global Markets*, 17.

135. IRIN (2010), *Sierra Leone: A ballooning Drug Problem*, April 7, <http://www.irinnews.org/Report/88727/SIERRA-LEONE-A-ballooning-drug-problem>.

both governments and external actors in introducing sustainable mechanisms to capture, monitor, analyze and regularly update the baseline data required to inform policy. Instead, investment tends to be front-loaded to strengthening law enforcement capacity, resulting in the criminalization of what, in reference to consumption and small-time dealing, essentially corresponds to a health and sustainable development problem, particularly among the poor, placing needless pressure on already over-burdened and over-crowded judicial and corrections systems.

### Illegal Timber Logging

Illegal logging is endemic in Sierra Leone and presents significant challenges to the country’s environmental sustainability and development. Timber extraction and export has a long history, dating back to the colonial era when a constant supply of commercial timber and other forestry products, including ivory and rubber, to Britain and other traders substantially depleted the country’s forest resources. Indeed, the extent of depletion was such that only around four percent of the country’s original forests were left untouched.<sup>136</sup> Stringent logging legislation in neighboring Côte d’Ivoire and Guinea, which imposed bans on timber logging, encouraged firms (national, regional, and international) to relocate their operations to Sierra Leone’s unmanaged forest areas – particularly in the border regions – and carry out illegal logging activities.<sup>137</sup>

A 2011 Al Jazeera documentary revealed that several individuals in the Office of the Vice President Alhaji Chief Sam Sumana were involved in the illegal timber trade. The Anti-Corruption Commission (ACC) acted promptly, charging two Vice President aides – Momoh Kemoh Konte and Alex Mansaray – with the commission of corruption offences.<sup>138</sup> Their trial began in April 2012 in the High Court of Sierra Leone but it remains unclear what the outcome was. With only ten legally registered companies in Sierra Leone, companies that operate without required permits undertake the vast majority of logging activities. The prevalence of the problem is exemplified by the

136. United Nations Environment Programme (2010). *Sierra Leone. Environment, Conflict and Peacebuilding Assessment*, p. 25.

137. *Ibid.* p. 61.

138. Anti-Corruption Commission (2012). *ACC Indicts Two (2) on Al JAZEERA „Africa Investigates” Documentary*.

ACC's interception of 24 ship containers carrying illegally harvested timber in early 2011 and the subsequent arrest of port and customs officials as well as shipping agents.<sup>139</sup> In the previous year, the Sierra Leonean Navy intercepted a boatload of more than 100 logs headed for Guinea and arrested seven people in the process.<sup>140</sup> While most of the illegal exports are destined for neighboring Guinea and Liberia, large consignments worth tens of millions of US dollars are also smuggled from the country to China,<sup>141</sup> as well as countries in Southeast Asia and the Middle East.<sup>142</sup> Illegal logging operations in Sierra Leone and the greater Mano River region are often managed and controlled by Lebanese criminal groups, based in Guinea-Conakry and Liberia, who allegedly form agreements with local traditional chiefs and employ the services of locals.<sup>143</sup> The illegal operations "involve felling and wasteful in-situ processing to produce planks that are manually extracted to roadside for onward transport with quasi-legal status conferred through payment of a fee and issue of official transport documents by the Forestry Division."<sup>144</sup>

Over 80 percent of Sierra Leone's land has already been designated for mineral concessions and ten percent may be granted for commercial agriculture. The UN Environmental Program (UNEP) states that "forests are threatened by charcoal production, encroachment, logging and slash and burn agriculture, and waste and water management."<sup>145</sup> UNEP predicts that mining practices, combatant bases, and civilian desperation during the war accelerated forest cover and biodiversity decline.<sup>146</sup> Illicit mining practices and illegal operations run by licensed logging companies may continue to expedite forest loss as the participants are not confined by the burgeoning regulations that exist. In the mid-2000s there were allegations that foreign companies engaged in larger scale and unmonitored logging operations, after which the government placed a temporary ban on foreign timber

139. Anti-Corruption Commission (2011). *ACC Intercepts 24 Containers Loaded With Timber for Illegal Export*; Agence France Press (2010). *S. Leone Anti-Graft Agency Stops Illegal Timber Exports*.

140. Agence France Press (2010).

141. European Commission (2008). *Cross-Border Flows of Timber and Wood Products in West Africa*, 59.

142. *Ibid.*

143. *Ibid.*

144. *Ibid.*

145. United Nations Environment Programme, *Sierra Leone Environmental Cooperation for Peacebuilding*. Available at <http://www.unep.org/sierraleone/>.

146. United Nations Environment Programme (2010), *Sierra Leone: Environment, Conflict, and Peacebuilding Assessment*, Technical Report, 25.

companies.<sup>147</sup> The environmental consequences of large-scale logging – whether legal or illegal – are enormous. They include loss of biodiversity, soil erosion, aridity, and climatic disruption. For instance, the Ministry of Forestry has warned that "unless immediate action is taken against illegal timber trade, all of the country's forests, and many endangered animal and plant species could disappear by 2018."<sup>148</sup> Indeed, as a 2010 report by the United Nations Environment Program suggests, the "remaining forest cover is estimated to be 4 percent, with most located in the 55 forest reserves and conservation areas."<sup>149</sup> It is unclear what effect marijuana cultivation may have on the environment, but as an illicit cash crop, practices used to grow it are not regulated by any agency. Illicit operations may cause more damage to the environment, as most often the aim is to skirt obligations imposed by the government and international community.

### The Illicit Trade in Minerals

The Extractive Industries Transparency Initiative (EITI) states that 30 percent of Sierra Leone's GDP derives from the mining sector, namely through diamonds, gold, bauxite, butyl, and iron ore which exist in large quantities. The EITI also noted that the majority of mining operations are artisanal and illegal.<sup>150</sup> During the war, government officials used illicit monies to fund the army and finance patronage systems. Rebel fighters relied on precious minerals to purchase or exchange arms, ammunition, and drugs.<sup>151</sup> Diamond fields therefore became the center of contention, particularly in Kono and Tongo in the eastern part of the country.<sup>152</sup> The Sierra Leone Government sought to prolong the war in part to sustain economic gains from diamond mining; its complicity in the process was most pronounced during the reign of the National Provisional Ruling Council Junta (NPRC), which reigned from 1992-1996. During that period the army allegedly sold arms to the RUF, defected in large numbers and looted diamonds. Its leader at the time, Captain V.E.M. Strasser, reportedly

147. United Nations Environment Programme (2010), *Sierra Leone: Environment, Conflict, and Peacebuilding Assessment*, Technical Report, p. 26.

148. Kemo Cham (2012). "Two Indicted in Sierra Leone's Al Jazeera 'Timbergate' saga," *African Review*.

149. United Nations Environment Programme (2010), p. 26.

150. Extractive Industries Transparency Initiative, *Sierra Leone*. Available at <http://eiti.org/SierraLeone>

151. Justice Nicholas Browne-Marke (2012).

152. Lansana Gberie (2003). *West Africa: Rocks in Hard Place: Political Economy of Diamonds and Regional Destabilization*.

smuggled diamonds to Belgium in 1993. The junta's notoriety for looting state resources was well captured by the late Thaimu Bangura, a former Minister of Finance, who noted, "those boys (NPRC) looted everything they could lay hands on; not a cent was left in the treasury, they stole everything."<sup>153</sup>

According to a UN Panel of Experts on Liberia, roughly 10,000 Sierra Leonean miners are said to be engaged in the illicit mining of diamonds in Liberia, with many of them operating with the tacit support of diamond dealers in Kenema, Sierra Leone.<sup>154</sup> The report cites an increased threat for regional conflict as Liberians and Sierra Leoneans fight over access and domination of mining and logging areas. Since illicit diamond mining factored greatly in the facilitation and perpetuation of Sierra Leone's civil war, and in response to pressure from different groups, the government has shown an interest in reigning in these activities and curbing the trade in illicitly extracted diamonds. For example, Sierra Leone joined the Kimberley Process in 2003 and published its first report for the Extractive Industries Transparency Initiative in 2010. In the report, companies claimed it made a total payment of US \$18.3 million in mining revenue to the government during the two-year period 2006-2007 although the government reported receiving only US \$17.4 million. The discrepancy led to the launch of an investigation by the Anti-Corruption Commission; however, it is unclear what the outcome of the investigation was. Notwithstanding, in December 2012, Sierra Leone submitted a reconciled report for the 2008-2010 period to the EITI. The report was rejected by the EITI Validation Committee a second time for "failing to reconcile its figures."<sup>155</sup> While a second negative report should have led to the delisting of Sierra Leone from the EITI, the EITI board has given it time to "undertake 'corrective measures.'"<sup>156</sup>

Furthermore, with the support of UNDP, the German Society for International Cooperation (GTZ), the Revenue Development Foundation, and the World Bank, Sierra Leone launched an online monitoring system for mining

revenue in 2012. The Online Repository System is meant to collect and make available "information on all revenue data for the country's extractive industry – payments made for licenses, royalties, and contributions to local chiefdoms – collected, recorded and published for public accessibility."<sup>157</sup> The data is collected and input by the nationwide offices of the government's Strategy and Policy Unit. However, like many of its regional neighbors, Sierra Leone lacks a freedom of information act, which can make the original documents public. Concerns were raised that poor pay and working conditions in these offices as well as possible top-down intimidation to only input desirable data may allow corrupt practices such as bribery to continue regardless.<sup>158</sup> Concerns over illicit activity in the mining industry are two-pronged. The first, as in the instance of the timber bribery case, is that government officials and elites may use positions of power to extract private revenue from mining deals. This is a top-down concern, which the government seeks to assuage through initiatives such as the EITI. The second is the more disorganized form of illicit mining involving small groups engaged in territorial creep, as well as illicit and environmentally unsound extraction practices for economic gain. The latter has more of a chance of sparking localized conflict, whereas the former negatively affects governance and the growth of public revenue.

### **Other Forms of Trafficking: Human Trafficking and Trafficking in Small Arms and Light Weapons (SALW)**

Sierra Leone remains on the United States' Tier Two Watch List for Human Trafficking. As in other countries in the region, internal human trafficking cases involve trafficking persons from rural areas to work in the mining, agriculture, or fishing industries "for the purposes of exploitation in prostitution, domestic servitude, and forced service or labor."<sup>159</sup> The US report found that while significant progress has been made, Sierra Leone is still not in compliance with the minimum standards needed to confront human trafficking, with the government

153. Jimmy Kande (1999), p. 355.

154. All Africa (2012), "Liberia: Over 10,000 Sierra Leoneans Illegally Mining Diamonds in Liberia – Report," December 17.

155. Africa Confidential (2013), "Sierra Leone: Groans about Growth," Africa Confidential, Vol 54, No 6, March 15, 9.

156. Ibid.

157. Dumbuya Mustapha and Damon Van der Linde (2012), "Sierra Leone launches online mining database to increase transparency," *The Guardian*, February 1.

158. Ibid.

159. United States Department of State (2012), Trafficking in Persons Report 2012, Country Narratives: Countries N Through Z. Available at <http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm>.

failing to "(...) make efforts to identify trafficking victims, allocate adequate financial or human resources to provide protective services to victims, or educate the population about the dangers of trafficking."<sup>160</sup> Furthermore, in 2011 the courts convicted no trafficking offenders, and fewer suspects were charged with trafficking crimes compared with the previous year.<sup>161</sup>

Trafficking of SALW does not appear to remain a large issue within Sierra Leone. The country figures into the regional arms trafficking context as a former combat zone whose 'legacy weapons,' especially ammunition, continue to surface a decade onwards.<sup>162</sup> In August 2012, the Sierra Leone legislature passed the Arms and Ammunition Bill legalizing gun ownership for the first time since the end of the civil war, while aiming to comply with commitments under Economic Community of West African States conventions to regulate the use of small arms.<sup>163</sup> Of concern however is a 012 incident regarding the purchase by the government of heavy weaponry, apparently from a former diamond dealer, to equip a recently enlarged paramilitary wing of the police loyal to the President's party.<sup>164</sup> The government finally backtracked and committed to handing over the weaponry to the armed forces.<sup>165</sup>

160. Ibid.

161. Ibid.

162. United Nations Office on Drugs and Crime (2013), 35.

163. United Nations Security Council (2012), Ninth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, S/2012/679, August 13.

164. *UN Raises Question about President Koroma's Arms Purchase*, 22 March 2012 <http://www.thesierraleonetelegraph.com/?p=1417>.

165. See UN Security Council Presidential Statement (S/PRST/2012/11) <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/SL%20S%20PRST%202012%2011.pdf>.

### III. Responding to Organized Crime in Sierra Leone

#### The Government Response

Over the years, Sierra Leone has taken various steps to tackle the multi-faceted problems posed by organized crime. The country is a signatory to the UN Convention Against Transnational Organized Crime, the Protocol Against Trafficking in Human Beings, and the Protocol Against Trafficking in Firearms. Three acts of Parliament dealing with specific aspects have been enacted: the Anti-Human Trafficking Act (2004), the Anti-Money Laundering Act (2005) with the corresponding establishment of the Financial Intelligence Unit (FIU) located in the Bank of Sierra Leone, and the Anti-Drugs Act (2008). An Inter-Ministerial Committee on Human Trafficking and its implementing arm – the Task Force for Human Trafficking – have also been established.<sup>166</sup>

In order to fight smuggling, the National Revenue Authority (NRA) has a Preventive Services and Special Duties Department at its disposition, although it is viewed as having been largely ineffective to date.<sup>167</sup> It is however, about to be organized with the aim of improving its performance. In addition, the National Security and Central Intelligence Act (2002) established the Office of National Security and the Central Intelligence and Security Unit (CISU). The ONS Department of Serious Organized Crime Coordinating Group is mandated to assist in the coordination of all aspects of organized crime. In addition, in its Second Poverty Reduction Strategy, the government called for stronger "partnerships between already established security sector institutions and MDAs [Ministries, Departments, and Agencies] to prevent and combat transnational organized crimes such as international terrorism, smuggling, money laundering, mercenaries and dissidents, drugs and human/child trafficking, and proliferation of Small Arms and Light Weapons (SALW)."<sup>168</sup>

166. However, the 2012 US Trafficking in Persons Report states that Sierra Leone's "national trafficking in persons task force re-submitted a budget request in late 2011, but as with past years, the funding had not been approved by the end of the reporting period." US Department of State (2012b).

167. Research project validation workshop, London, May 2013.

168. Government of Sierra Leone, An Agenda for Change, Second Poverty Reduction Strategy (PRSP II) 2008-2012, p. 102.

Concerns about the resilience and capacity of law enforcement and Sierra Leone's judiciary have always existed. In 2010, Sierra Leone was ranked in the 10th-25th percentile for the World Bank's Rule of Law indicators.<sup>169</sup> According to the latest Bertelsmann Foundation's Transformation Index Report (BTI), "there is a de facto lack of separation of powers due to the executive's attempts to influence and put pressure on the legislative and judicial powers."<sup>170</sup> Moreover, the report notes that the combination of Attorney General and Minister of Justice functions in a single individual is viewed "as a structural factor impeding the effective separation of powers."<sup>171</sup> While "judicial independence in Sierra Leone is constitutionally guaranteed, it may be problematic since not all judges perceive it as a core value of the judicial culture."<sup>172</sup>

Security sector reforms introduced since the end of the conflict, and largely led by the UK, have created a multi-tiered security architecture combining local level councils and policing groups with the national level. The reforms have restored an important degree of functionality to the country's security services. By late 2011 the Sierra Leone police had reached an authorized strength of 10,000 police men and women, with plans to reach 12,000 in the following period. The police force is still however, recovering from the civil war, and as was the case before the war, remains greatly constrained by inadequate resources, equipment and capacity. Poor infrastructure beyond urban centers means that many areas remain outside the reach of law enforcement. As noted in a 2012 Institute of Development Studies (IDS) report, "not only have insufficient numbers of incompetent and corrupt police been replaced in the SLP to create the kind of thorough reform that was accomplished with the SLA, but the NA police rural base for policing was ignored, is starved for support and now rarely functions properly. SSR cannot be accomplished from the capital alone; community institutions have to be supported or changed as well."<sup>173</sup>

169. The World Bank (2011). *The Worldwide Governance Indicators, 2011 Update*, available at: <http://www.govindicators.org>

170. BTI (2012).

171. BTI (2012), p. 9.

172. Interview with Justice Bankole Thompson, Accra, Ghana, 29 April 2013.

173. James B. M. Vincent, (2012) *A Village-Up View of Sierra Leone's Civil War and Reconstruction: Multilayered and Networked Governance*, Institute of Development Studies, Research Report vol 2012, no 75, May, 27.

In November 2011, the Inter-Governmental Action Group against Money Laundering in West Africa issued a statement voicing its concern about the significant weaknesses in the anti-money laundering/combating the financing of terrorism (AML/CTF) regime of Sierra Leone. The country has not yet operationalized its approved National AML/CFT Strategy designed to facilitate the implementation of the AML/CTF regime in a coordinated and concerted manner.

And while organized forms of criminality, particularly in the diamond sector, have been reduced through stricter regulations and monitoring, and there have been limited reports of organized arms trafficking in Sierra Leone, other forms of organized crime such as illegal logging and drug trafficking have moved to the foreground.<sup>174</sup> The case of Ibrahim Komeh Sesay (the Lungi Affair) is indicative of the challenges that law enforcement and the judiciary are facing. Justice Browne-Marke, the judge who presided over the trial, lists several lessons that can be drawn from the case including the importance of "regularly assess[ing] old and new threats, and pass[ing] appropriate legislation as soon as possible." He also raised the concern of how easily penetrable Sierra Leone's security sector still is since "[s]pecial branch officials, intelligence officers, police officers, could all be got at with ease where large amounts of money were concerned."<sup>175</sup> Notwithstanding, according to a former senior member of the judiciary, "Sierra Leone's hitherto lethargic attitude to the incorporation of international conventions and treaties into its domestic law forced it to have recourse to political expediency in the cocaine case presided over by Justice Browne-Marke rather than uphold the principal of legality precluding, as a rule, the enactment of retroactive penal laws, one of the issues that came up for litigation before the judicial committee of the Privy Council in the case of *Akar v Attorney-General*."<sup>176</sup>

174. Introducing the United Nations Secretary-General's latest report, Michael von der Schulenberg voiced his concern over "reports that the Government had imported millions of dollars worth of assault weapons in January [2012] to equip a recently enlarged paramilitary wing of its police force, known as the Operational Services Division. See: United Nations Department of Public Information (2012). „Sierra Leone Must Pass ‚Crucial Test‘ of November Elections to Consolidate Exceptional Success Achieved Since Civil War, Security Council Told;" and United Nations Security Council (2012), p. 5.

175. Justice Nicholas Browne-Marke (2012).

176. Interview with Justice Bankole-Thompson, Accra, Ghana, 29 April 2013. See also African Law Reports: Sierra Leone Series (1964-66), and Bankole Thompson (1997), *The Constitutional History and Law of Sierra Leone (1961-1995)*, Maryland: University Press of America Inc. for a legal analysis of the decision in that case (pp. 21-25).

Significantly, Sierra Leone did not have a law prohibiting the trafficking of cocaine in place prior to this case.<sup>177</sup> The government's response was to draw up a law banning cocaine smuggling, allowing charges to be pressed retroactively against the eighteen accused.<sup>178</sup> Yet the passage of anti-drug legislation has failed to bring to book many of those involved in trafficking of hard drugs, particularly high-ranking officials and politically connected persons. At the same time, weak law enforcement and porous borders facilitate the movement of criminals to neighboring countries. For instance, a leaked US diplomatic cable revealed that following the Lungi Affair, well-known trafficker Gibrilla Kamara fled Sierra Leone aboard a convoy of three luxury vehicles belonging to Zainab Conteh, the wife of Guinea's former President, Lansana Conteh.<sup>179</sup> According to official documents, Mr. Kamara was wanted for the offence of conspiracy to traffic cocaine into Sierra Leone but was reportedly "tipped off by some people in power to escape to Guinea."<sup>180</sup> Mr. Kamara was finally arrested in Liberia in a joint operation involving the US DEA and Liberian security agents.<sup>181, 182</sup>

Furthermore, although the National Security Council Coordinating Group (NSCCG) has launched several campaigns on drug trafficking, many of these measures have been half-hearted and ineffective, not least due to the alleged involvement of state actors themselves in the drug trade. The lack of clarity regarding their involvement undermines the legitimacy of the efforts. In 2003, Foreign Affairs and International Cooperation Minister Momodu Koroma was forced to resign after he was caught in possession of heroin at London's Gatwick International Airport.<sup>183</sup> A 2005 study on alcohol and drug consumption in Sierra Leone found that cannabis farmers, regularly paid bribes to police officers to avoid detention or destruction of their crops. The lack of alternatives to cannabis growing

177. Lansana Gberie (2010).

178. D. Blair (2009), "Sierra Leone Targeted by Latin American Drug Cartels," *The Telegraph*, February 27, 2009. Available at <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sierraleone/4863771/Sierra-Leone-targeted-by-Latin-American-drug-cartels.html>.

179. After having fled to Guinea, Gibrilla Kamara has now been charged. See: "Popular Sierra Leonean Cocaine Convict Goes to Jail in America," *Standard Time Press Newspaper*.

180. Standard Times Press (2012). *Popular Sierra Leonean Cocaine Convict Goes to Jail in America*, February 3.

181. Ibid.

182. Kamara was subsequently given a 20 year prison sentence by the United States Attorney for the Southern District of New York. The United States Attorney's Office – Southern District of New York (2012). *Sierra Leone Narcotics Traffickers Sentenced in Manhattan Federal Court to 20 Years in Prison on International Cocaine Conspiracy Charges*, May 11.

183. Country Watch (2012). *Sierra Leone. 2012 Country Review*.

has placed additional pressure on farmers.<sup>184</sup> The more recent Lungi Airport case also suggests that these challenges are difficult to overcome. This notwithstanding, in May 2012, Sierra Leone and Liberia reaffirmed their resolve to work together on countering different forms of criminal activities through a Joint Communiqué, in which President Ernest Bai Koroma and his Liberian counterpart, Ellen Johnson Sirleaf vowed to "curb illegal cross border activities including, but not limited to, illicit mining, drugs, illegal human and arms trafficking and money laundering."<sup>185</sup>

Finally, successive governments have failed to implement punitive measures against illegal logging. Indeed, the government's stance on timber logging has been somewhat incoherent. In 2008, President Koroma re-imposed a ban on timber exports to slow the rapid pace of deforestation and curb unsupervised harvesting by domestic and foreign companies.<sup>186</sup> The ban was lifted shortly thereafter. In January 2010, another ban on timber exports was instituted, only to be withdrawn half a year later.<sup>187</sup> The latest moratorium on timber exports was lifted in October 2012, leading to renewed concern amongst conservationist groups that the lifting of the moratorium will lead to an increase in both licit and illicit logging activities.<sup>188</sup> Forestry officials have also noted that illegal logging actions have often ended in minor fines – usually less than US \$500 – after a lengthy court case.<sup>189</sup> Notwithstanding, even if a ban was reinstated, monitoring and enforcement are extremely difficult to achieve, especially in remote rural areas.

As noted earlier, public and private sector corruption and extensive patronage networks underpin many of Sierra Leone's organized crime-related challenges, providing an enabling environment for state and non-state criminal actors to pursue illicit business opportunities and to shape politics according to their interests.<sup>190</sup> Accordingly

184. Morten Bøås & Anna Hatløy (2005). *Alcohol and Drug Consumption in Post War Sierra Leone – an Exploration*, p. 41.

185. Joint Communiqué Issued at the End of the Visit of His Excellency, Dr. Ernest Bai Koroma, President of the Republic of Sierra Leone to the Republic of Liberia, May 10-11, 2012.

186. BBC (2008). "Sierra Leone Bans Timber Exports."

187. Agence France Press (2010). "Sierra Leone Lifts Ban on Timber Exports: Government."

188. Kemo Cham (2012). "Conservation Groups Protest Lifting of Sierra Leone Timber Export Ban."

189. Ibid.

190. David Keen (2005); Melissa Labonte (2011). "From Patronage to Peacebuilding? Elite Capture and Governance from Below in Sierra Leone."

the current Sierra Leonean government has renewed its pledges to eradicate corruption. In 2000, the former government, led by Ahmad Tejan Kabbah, enacted the Anti-Corruption Act and subsequently established the Anti-Corruption Commission.<sup>191</sup> The government also signed and ratified the United Nations Convention Against Corruption in 2004. Yet Sierra Leone's anti-corruption arrangements, many of which were set up in response to donor pressure, have had little tangible impact. In its early days, the ACC struggled with limited autonomy, engaged in questionable practices, and failed to meet expectations.<sup>192</sup> Nonetheless, since the enactment of stronger anti-corruption laws in 2008, the ACC is slowly picking up pace, as evidenced by its improved use of its investigatory and prosecutorial powers. Abdul Tejan-Cole, a former Commissioner of the ACC, recounts how "until 2008, only about 30 cases had been prosecuted, but between 2008 and 2010, the number had doubled and the quality of those prosecutions improved."<sup>193</sup> In a 2012 report, the UN Secretary General confirmed this progress noting that a new approach to countering corruption based on "prevention, investigation and prosecution," allowed the Anti-Corruption Commission to report the recovery of some "552 billion Leones (just over US \$129 million) from corrupt individuals and corporate entities in the first six months of 2012."<sup>194</sup> By late July 2012, the Commission had submitted 17 cases to the High Court in Freetown and eight to the Court of Appeal. "On August 10, 2012, the High Court convicted the Mayor of Freetown (from the ruling party), for corruption and a breach of procurement regulations. He was sentenced to a three-year prison sentence or alternatively a fine of 170 million leones."<sup>195</sup> The positive development in the prosecutorial and judicial responses to the crime of corruption as a by-product of the statutory and functional independence now enjoyed by the anti-corruption commissions confirmed the legislative

191. Ironically, in the 1960s, when Kabbah was a civil servant, a commission of inquiry found him guilty of corruption and was removed from his post. He went on to work for the UN, returning to Sierra Leone to run for the Presidency. He made significant efforts to ensure the 1960s report implicating him was suppressed. Communication with Stephen Ellis, 12 April 2013.

192. Melissa Labonte (2011), p. 93.

193. United Nations Department of Public Information (2012). "Corruption Feeds Criminality, Fuels Public Distrust, Secretary-General Tells," Economic and Social Council 2012 Substantive Session, 21st and 22nd Meetings, ECOSOC/6529, July 9. Available at: <http://www.un.org/News/Press/docs/2012/ecosoc6529.doc.htm>.

194. United Nations Security Council, (2012). *Ninth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, S/2012/679*, August 13. UNIPSIL is the integrated peacebuilding office in Sierra Leone which coordinates the work done by UN agencies within Sierra Leone, including UNODC, UNDP, the PBC, and others.

195. United Nations Security Council, (2012). *Ninth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, S/2012/679*, August 13.

decision to remove the consent of the Attorney General as a condition for prosecuting cases involving corruption.<sup>196</sup> Despite these developments, overall prosecutions remain low and sentencing disproportionately light, as evidenced in the sentencing of the Mayor of Freetown. In addition, information on asset recovery is not widely available.<sup>197</sup>

## The International Response

Multilateral and bilateral partners are supporting Sierra Leone's efforts to respond to organized crime and its impacts. The country remains heavily dependent on international assistance. The IMF, the World Bank and the European Union are the most significant multilateral donors, while the key bilateral donors remain the United Kingdom, Germany, and the United States.<sup>198</sup> In 2012 international aid represented nineteen percent of national income.<sup>199, 200</sup> While the government of Sierra Leone cooperates with the international community to facilitate its continued aid flow, it still "faces serious difficulties in performing as such due to economic problems, the influence of clientelism and the inability to overcome major domestic political conflicts, including the persistent north-south divide."<sup>201</sup> At present, Sierra Leone is cultivating relationships with non-Western donors, such as China, to "diversify its foreign policy and dependency profile."<sup>202</sup>

## Multilateral Support

As of 2011, the UN Secretary General declared that "transnational organized crime and drug trafficking should be taken into account in integrated missions' assessments and planning process of the UN."<sup>203</sup> In line with this recommendation, UN integration efforts in Sierra Leone led by UNIPSIL have included a focus on illicit trafficking.<sup>204</sup>

196. Interview, Justice Bankole Thompson 29 April 2013.

197. Research project validation workshop, London, May 2013.

198. Bertelsmann Stiftung's Transformation Index BTI (2012), 26.

199. Freedom House (2012).

200. Human Rights Watch (2011), World Report 2011: Sierra Leone. Available at <http://www.hrw.org/world-report-2011/sierra-leone>. In July 2010, The World Bank pledged \$20 million for a three year program "addressing high unemployment by supporting skills training and cash-for-work programs." HRW states the EU gave \$73.7 million to support infrastructure, agriculture, and governance, while the UN Peace Building Commission (PBC) has "approved more than \$35 million since 2007 to support justice, security, youth employment, and good governance." Additionally, HRW states the UK provided US\$80 million in 2010 to "support the health sector, anti-corruption efforts, security sector reform, and access to justice."

201. Bertelsmann Stiftung's Transformation Index BTI (2012), 27.

202. Bertelsmann Stiftung's Transformation Index BTI (2012), 26.

203. United Nations Peacebuilding Support Office (2011), *Drug Trafficking and Organised Crime as a Security Threat to West Africa and the Role of the Peacebuilding Commission*, PBSO, UNODC and UNOWA, July, 2.

204. United Nations Peacebuilding Commission (2012), Draft second review of the outcome of

The UN's peacebuilding efforts have been particularly concerned about the impact of organized crime on peacebuilding efforts and progress in Sierra Leone and the broader region.<sup>205</sup> Meanwhile, the 2012 Draft Second Review of the Outcome of the High-Level Special Session of the Peacebuilding Commission (PBC) on Sierra Leone stressed that the focus of the PBC in Sierra Leone will remain on "good governance and the rule of law, illicit drug trafficking and youth employment (...)"<sup>206</sup> The report also recommended that the international community continue to focus on organized crime by "support[ing] further sub-regional cooperation in combating illicit drug trafficking, especially through the Economic Community of West African States (ECOWAS) and the Mano River Union, and provide the Transnational Organized Crime Unit (TOCU) with the financial and technical assistance necessary to expand its capacity."<sup>207</sup> Regarding corruption, the PBC requested that the international community provide continued support for institutionalizing and decentralizing the Anti-Corruption Commission.<sup>208</sup> With the UN Security Council requesting UNIPSIL to submit plans for a draw-down and exit strategy for its operations in Sierra Leone,<sup>209</sup> it is unclear how these efforts will be monitored and implemented once the mission has withdrawn, although a much more concerted and strengthened regional effort will certainly be required.

To date, a number of attempts have been made to increase the effectiveness and coordination of counter-narcotics efforts in particular – with mixed results. In 2008, the government established the National Drug Law Enforcement Agency (NDLEA). Yet the agency is severely constrained – almost to the point of non-existence – by

the high-level special session of the Peacebuilding Commission on Sierra Leone, PBC/6/SLE/L.1, August, 3.

205. A report of the UN's Peacebuilding Support Office (PBSO) on drug trafficking in West Africa recommended that the UN Peacebuilding Commission's West Africa Configuration strengthen its ties to ECOWAS in regards to matters of transnational organized crime; establish a "working partnership with WACI; lend political support and help mobilize resources; help build capacity; ensure security sector reforms are in line with efforts to combat transnational organized crime; and advocate for a regional prosecution mechanism to build cross-border criminal cases. The report further suggests the PBC encourage action on these issues from member countries, continued investment from donors and continued research and analysis by UNODC and others on PBC country conditions.

206. In addition to regarding regional cooperation, gender equality, and human rights. United Nations Peacebuilding Commission (2012), Draft second review of the outcome of the high-level special session of the Peacebuilding Commission on Sierra Leone, PBC/6/SLE/L.1, August, 3.

207. United Nations Peacebuilding Commission (2012), Draft second review of the outcome of the high-level special session of the Peacebuilding Commission on Sierra Leone, PBC/6/SLE/L.1, August, 3.

208. United Nations Peacebuilding Commission (2012), Draft second review of the outcome of the high-level special session of the Peacebuilding Commission on Sierra Leone, PBC/6/SLE/L.1, August, 5.

209. United Nations Security Council (2012), *Resolution 2065 Adopted by the Security Council at its 6831st meeting, on 12 September 2012*, S/RES/2065, September, 5.

extremely limited staff and resources.<sup>210</sup> The Joint Drug Interdiction Task Force (JDITF), established in 2009, faced similar challenges. It has since been superseded by an inter-agency TOCU established within the framework of the West Africa Coast Initiative (WACI),<sup>211</sup> which is responsible for the majority of counter-measures.<sup>212</sup> UNIPSIL, UNODC, and other external actors such as the US Africa Command (AFRICOM) continue to provide support to the Sierra Leone TOCU.

The TOCU is reported to have made initial progress in investigating transnational crime. Thus far it has investigated some 113 cases involving drug, human and arms trafficking, and financial crimes. A total of 68 drug-related cases, three cases of financial crimes and one case of human trafficking have been referred to the courts. "Some 112 suspects have been indicted and 8 convictions secured [...]"<sup>213</sup> The TOCU has also helped shed light on several new techniques and patterns of concealing drugs.<sup>214</sup> Nonetheless, the TOCU, like other Sierra Leonean security institutions, is hampered by limited operational sophistication and lack of specialized personnel. Basic equipment such as scanners, forensic laboratories, and detectors remain scarce.<sup>215</sup> These constraints could potentially turn the TOCU into a "mere skeleton agency."<sup>216</sup> The UN is requesting that international donors release more funds, citing the need to build a headquarters for the Unit and to support a maritime interdiction squad, RSLAF Maritime Wing.<sup>217</sup> In its September 2012 Resolution, the Security Council called on the government to strengthen the TOCU "including by addressing concerns about its sustainability and to strengthen coordination with

210. United States Department of State (2012), p. 388. The report notes that the agency has virtually no budget and no demonstrated success

211. The WACI is a program co-led by UNODC, UNDP, UNDPKO and Interpol. The WACI is helping ECOWAS establish Transnational Crime Units in Sierra Leone, Liberia, Cote d'Ivoire, and Guinea-Bissau.

212. The Sierra Leone TOCU is the operational outcome of joint commitments by UNODC, DPA, UNOWA, DPKO and INTERPOL and stems from the ECOWAS Political Declaration and Regional Action Plan. It operates as a domestic crime-fighting agency with international assistance. The five main objectives of the TCU are intelligence, coordination, surveillance, investigation, and Interpol liaison. Guinea-Bissau, Liberia, Ghana and the Ivory Coast have formed similar units to implement the ECOWAS Regional Action Plan on drug trafficking, organized crime and drug abuse.

213. United Nations Security Council (2012), p. 7.

214. For example, in laptop computers, shoes, baby food tins and diapers, the lining of traveling bags, concealment in body cavities, swallowing of sealed pellets, and concealment within other food items, especially yams and palm oil containers.

215. In 2010, the Dutch Government pledged US\$1.4 million for the unit's law enforcement operations. The Government of the United States made a commitment of approximately US\$1 million for 2010/2011. See: United Nations Security Council (2011), p. 7.

216. The Republic of Sierra Leone (2010), p. 78.

217. United Nations Security Council (UNSC) (2012), *Ninth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone, S/2012/679*, August 13.



regional countries through the WACI.”<sup>218</sup> Yet, while capacity and resource needs are a major issue, little attention is paid to potentially more dynamic approaches to combat illicit activity, particularly drug trafficking. And as noted earlier, most efforts to stem drug trafficking are centered on strengthening law enforcement with limited attention being placed on health and other social and political implications of the trade.

The EU 2008-2013 Country Strategy Paper on Sierra Leone<sup>219</sup> is based on Sierra Leone’s Poverty Reduction Strategy for 2005-2007, the ACP-EU Partnership Agreement, the EU Strategy for Africa (2005), the European Consensus on Development and the ten-year Memorandum of Understanding signed between the DFID and the government of Sierra Leone in 2002.<sup>220</sup> The main priorities for the five-year period are governance; peace and security; promoting pro-poor sustainable growth; and promoting basic service delivery and human development. Organized crime and drug trafficking are raised in relation to migrant smuggling operations in an annex titled “Country Migration Profile”. The annex calls attention to the weak maritime borders of Sierra Leone and cites connections between operators who smuggle migrants and those who smuggle drugs. Despite the annex, the plan does not integrate responses to organized crime in its strategy. Under its ‘Governance, Peace and Security’ pillar, the document does state that “all future operations will include a component which addresses corruption.”<sup>221</sup> It calls for improving oversight bodies within the government ranging from natural resource management to the finance ministry.<sup>222</sup>

## Bilateral Support

According to one expert, the UK government has effectively turned Sierra Leone into a “laboratory for post-conflict rebuilding.”<sup>223</sup> Much of its support to Sierra Leone’s post-conflict reconstruction efforts into institution

building with the hope of supporting the emergence of an “effective and democratic civilian control over the police, military, intelligence services, and internal security services.”<sup>224</sup> Through one particular initiative – the International Military Assistance Training Team – the UK has sought to separate the military from civilian politics while encouraging “constitutional control of military and security services.”<sup>225</sup> It was also a primary funder of the Sierra Leone Security Sector Reform Program, (SILSEP) until 2008, which aimed to strengthen civilian control by improving “civilian coordination of internal security tasks” through the Office of National Security (ONS) within the executive branch. Freedom House notes, however, that “the intensive involvement of the UK Government in this program’s success causes some concern about the sustainability of these achievements as foreign financial support and monitoring declines.”<sup>226</sup> The security sector reform program was later succeeded by the Justice Sector Development Program and more recently by the Access to Security and Justice Program, which also includes support to the ONS. Additional US efforts are centered around maritime narcotics interdiction efforts, including joint Coast Guard training, surveillance, and law enforcement operations through the African Maritime Law Enforcement Partnership, a program of the Africa Partnership Station administered by AFRICOM.”<sup>227</sup>

The extensive support provided to the Sierra Leone government by the United Nations, the UK and other external donors is important. At its peak, the UN had some 17,500 peacekeepers in the country, the highest proportion of peacekeepers in relation to the local population of any other peace mission. Sierra Leone has also been one of the largest external assistance recipients of post-conflict countries.<sup>228</sup> This massive presence and investment is perceived to have been what helped the country transition back to peace and stability, re-enter the international community, and protect the country from a much more pervasive reach of organized crime. International actors

218. UNSC (2012), *Resolution 2065 Adopted by the Security Council at its 6831st meeting, on 12 September 2012, S/RES/2065*, September, 4.

219. This is a joint European Commission and DFID report.

220. European Commission and Government of Sierra Leone, *Country Strategy Paper and National Indicative Programme for the period of 2008-2013*, 2008.

221. *Ibid.*, 333.

222. *Ibid.*, 36.

223. Correspondence with Stephen Ellis, April 12, 2013.

224. Freedom House (2012). *Countries at the Crossroads: Sierra Leone*, Available at: <http://www.freedomhouse.org/report/countries-crossroads/2012/sierra-leone>.

225. *Ibid.*

226. *Ibid.*

227. . Exercises included locat[ing] and board[ing] vessels suspected of illegally trafficking narcotics. US Department of State (2012).

228. UNIPSIL estimated that the UN alone must have channelled between USD 5 – 5.5 billion for peacekeeping, humanitarian and development assistance between 1998 and 2010.

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continue to support the country and consolidate the peace dividend. At the same time however, the significant international intervention has also done some harm in the sense that it has not been able to influence attitudes and behavior regarding corruption. In fact to some, continuing investment in a government mired in corruption has only served to legitimize these actions.<sup>229</sup> Indeed, a 2008 country program evaluation of Sierra Leone conducted by DFID states that the “most significant failure” during the 2002-2007 period was tackling corruption, noting the ACC had not achieved “the ambitious objectives” set out for it.<sup>230</sup> DFID’s 2011-2015 Operational Plan for Sierra Leone continues to highlight the need to address corruption, noting increased cooperation between DFID and UK police relating to work on Sierra Leone, continued support to the ACC, and improved monitoring of corruption *within UK staff and UK funded projects*.<sup>231</sup>

The 2011 UNIPSIL Transition Report noted that the government had “made credible progress in its fight against corruption,” including through the promulgation of one of the toughest anti-corruption laws in Africa, the development of an anti-corruption strategy and the strengthening of the Anti-Corruption Commission.<sup>232</sup> The latter has prosecuted and tried several prominent government ministers and other senior officials. At the same time however, serious challenges remain, particularly regarding “social attitudes to corruption,” and as noted in the UNIPSIL report, “the recent move to exploit the country’s mineral and hydrocarbon resources will make it even more difficult to control corruption.”<sup>233</sup>

Recognizing the complexity of these challenges, international actors continue to support initiatives aimed at curbing corruption through a number of direct and indirect means. DFID for example, is funding the Anti-Corruption Commission, the National Revenue Authority, including customs and anti-smuggling, a public financial management reform program. It is also supporting the

Audit Services of Sierra Leone.<sup>234</sup> Meanwhile, the World Bank is supporting the strengthening of the Sierra Leone Transnational Organized Crime Unit and an asset declaration program, while several donors are supporting the EITI process the establishment of a National Minerals Agency and a number of measures to encourage revenue, contracts and concession transparency.

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234. Research project validation workshop, London, May 2013.

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229. Communications with Stephen Ellis and Lansana Gberie, April 2013.

230. United Kingdom Department for International Development (2008), Evaluation of DFID Country Programmes: Sierra Leone, Evaluation Report EV 690, September, xi.

231. United Kingdom Department for International Development (2012), Operational Plan 2011-2015: DFID Sierra Leone, Updated June 2012, 3,10.

232. United Nations Integrated Peacebuilding Mission (UNIPSIL), Transition of UN Operations and the draw-Down of UNIPSIL: Detailed Review and Assessment of Sierra Leone’s Achievements and Challenges in Peace Consolidation, March, 2011.

233. Ibid.

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## V. Conclusions

Sierra Leone has made significant progress since the end of the internal conflict and despite important cases the country has largely been able to keep organized crime at arm's length, or at least out of the international news. As noted at the outset of this paper, the country has survived some thirteen military coups, twenty years of one-party rule, eleven years of brutal civil war, the virtual collapse of the state and its institutions, an almost complete loss of territorial control, the displacement of 50 percent of its population and a youth that only knew violence and drugs. Today, the country stands as an important example of a state that turned from a prime candidate for becoming a major narco-state along the cocaine route in West Africa to a relatively stable and peaceful country in which the international drug trade and organized crime play a limited role, at least for now.<sup>235</sup> This has been largely due to a shift in attitudes and behavior in the country and its elites whereby political tensions in particular are generally resolved by peaceful means rather than through violence.

Serious challenges remain however, and Sierra Leone still stands on a shaky political settlement. In addition, a similar shift in attitudes and behavior regarding corruption and entrenched systems of patronage has been much slower to register, in part because the robust international response to peacebuilding in Sierra Leone has at times inadvertently nurtured corrupt practices, slowing down efforts to shape responsible behavior within public office and the security services. As noted in some key cases involving high level public officials, the capacity for such a system to nurture and encourage organized crime is significant, and the disincentives for participating in organized crime or acts of corruption that facilitate organized criminal activity remain limited. Indeed, the combination of a still fragile political settlement, entrenched patronage, corruption, organized criminal activity and huge unemployment among the youth places the country's reconstruction and peace consolidation efforts at risk. To date external actors, have provided significant support to Sierra Leone's transition efforts. As the country moves toward a 'normalization' of its

relations with the international community, development actors in particular need to ensure that efforts to respond to corruption and organized crime remain a priority alongside other core peace and stability measures. While development assistance generally does not specifically target organized crime, there are a number of indirect ways to bolster preventive measures and measures aimed at responding to the governance and development impacts of organized crime. More specifically, they could:

### Continue Supporting Anti-Corruption Efforts

- Beyond their continuing support to core oversight and dedicated anti-corruption institutions, including the ACC, donor programs should integrate a focus on accountability and transparency mechanisms, including supporting the drafting and passage of the access to information act, as well as legislation related to asset disclosure and political party financing. Special focus should be afforded to building parliamentary and civilian oversight capacity, and in investing in anti-corruption education initiatives (for example, BTI recommended that anti-corruption education become an entrenched part of education at all levels society, beginning with primary and continuing throughout).<sup>236</sup>
- In particular donor countries should maintain a focus on the money, seizing internationally held assets obtained through corruption and ensuring they are redirected back to the state and invested appropriately.
- Donors could also rally the engagement of the private sector, potentially learning from the experiences of the South African initiative – Business Against Crime South Africa BAC(SA) – to involve the private sector in the fight against crime and corruption both within the private sector and in general.

### Bolstering the Role of Political Institutions in Responding to the Impacts of Organized Crime

- Efforts should focus on building on previous or existing inter- and intra-political party dialogue processes established to resolve political tensions<sup>237</sup> to see through

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235. Communication with Michael von Schulenburg, former ERSG to Sierra Leone, June 2013.

236. BTI (2012), p. 28.

237. For example, the Joint Communiqué between the APP and SLPP of 2009 (Para. 11).

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commitments made regarding organized crime and illicit trafficking, particularly in terms of developing a bipartisan approach to developing policies and programs aimed at responding to drug trafficking and consumption. In particular, such a platform could be used to study the impact of current zero-tolerance interdiction and eradication efforts, the scope and nature of drug dependency and the availability of treatment, and develop informed policy positions and decisions, focusing more on deterrence and prevention than full-scale interdiction and responding to the needs and realities of Sierra Leone. Donors could provide support through commissioning of papers, hearings at the national level, and interactions with experts and/or political parties in other countries in the sub-region.

- International actors could also support efforts aimed at bolstering the resilience of political institutions vis-à-vis organized crime, including through the implementation Article 13 of the Praia Declaration on Elections and Stability in West Africa whereby political parties would commit to protecting the political process and their institutions from criminal funding as well as other commitments in the UN Convention Against Corruption. Similar support could be provided to the Electoral Management Body in Sierra Leone and other core governance institutions.
- Donors can also help build the capacity of civil society groups to monitor effective implementation of asset disclosure, access to information, political party funding and campaign financing laws, and build the capacity of citizens to hold their representatives, government officials and institutions to account for failure to comply with their obligations in this regard.

### **Bolstering the Empirical Base for Policy Formulation**

- Despite UNODC's useful threat assessments, in Sierra Leone and across the sub-region there is still a huge dearth of publicly available information on the nature and impact of organized crime, which international actors can help fill. Gaps include information on organized crime- related legislation; type and length

of convictions; number of officials (particularly high level) that have been implicated or convicted for their involvement in organized criminal activity; and citizen perceptions of different types of organized crime.

- Regarding drug trafficking in particular, there is limited information available regarding the number of people that have been arrested, are in pre-trial detention, have been convicted, or even extradited on drug trafficking charges.
- There is even less baseline data available on the impact of drug trafficking, particularly on the reported increases in consumption of heroin, cocaine and methamphetamines. The absence of reliable and regularly updated data on consumption trends makes it difficult for governments to formulate policy and deliver specialized treatment to those who require it. The latter also undermines the principal of ownership, since the lack of empirical data and the capacity to collect, analyze and regularly update it pushes governments such as Sierra Leone to constantly rely on external analysis and policies, even if incorrect or ill-suited to respond to the issues at hand.

### **Strengthening Criminal Justice and Law Enforcement Institutions**

- Again, donors could support more targeted discussions and debate on deterrence of high-level targets rather than blanket zero-tolerance approaches to illicit trafficking and organized crime. Shaping institutional and societal behavior regarding crime should be at the center of these efforts. This would require regular investment in citizen perceptions of crime and criminal and corrupt behavior.
- Significant effort should be placed on developing the capacity of specialized agencies, while simultaneously ensuring that effective mechanisms to protect these agencies from corruption and preventing operatives from going rogue are put in place. Monitoring progress of the DEA-supported vetted crime units in Ghana and Nigeria would be important in this regard.

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- Beyond traditional support and capacity building efforts related to Sierra Leone's organized crime and anti-corruption treaty obligations, external actors should continue to support efforts aimed at enhancing cooperation and coordination between countries in West Africa, including through ongoing support to the Transnational Organized Crime Units that have been established across the sub-region. Conversely, the focus of these efforts should expand beyond interdiction to address the endemic corruption that exists within security forces and custom posts, institutions supposedly at the forefront of combating trafficking.

deeper research than the scope of the current desk-based study has allowed.

### Youth Empowerment

- More attention should be placed on youth empowerment and employment, including through investment in technology and education in this area and moreover, investing in start-up initiatives. The high level of unemployment should be addressed as a driver for both drug use and involvement in illicit markets, such as the drug or illicit mineral trades.

### Deepening the Knowledge Base on Organized Crime

- As noted, donors should make deeper investment in understanding the "self-healing process" in Sierra Leone that resulted in reconciliation and a change in attitudes and behavior particularly with regard to the peaceful resolution of conflicts and involvement in organized crime. As noted by the United Nations' former Executive Representative of the Secretary-General (ERSG) to Sierra Leone, "without these changes in attitude and behavior, it would never have been possible to anchor peace and stability or prevent transnational organized crime from taking considerable root in the country in the immediate post-conflict phase."<sup>238</sup> This wider aspect regarding Sierra Leone's apparent resilience to violent or wide-scale organized crime at a crucial moment of its transition from conflict to sustainable peace and when organized crime (particularly drug trafficking), was increasing in the West Africa sub-region, merits much

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238. Ibid.

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