

**Post-War Reconstruction in Rural Sierra Leone:
What political Structures May Prove viable?
(DFID/SSR Project R8095)**

FINAL REPORT¹

Dr. Richard Fanthorpe
Department of Anthropology
University of Sussex

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1. Background and Objectives

1.1 Sierra Leone has preserved institutional systems characteristic of colonial indirect rule to a remarkable degree. Paramount Chiefs and other hereditary chiefs of lesser rank remain closely involved in almost every aspect of governance in rural areas. They are responsible for maintaining law and order, protecting customary land rights, authorising external commercial and development initiatives and mediating between government and populace. Unlike their counterparts in other African states, Sierra Leonean chiefs escaped critical scrutiny and curtailment of their power during the decolonisation process. Successive governments of the Sierra Leone Republic have remained supportive of the institution of chieftaincy.

1.2 Rebel forces targeted Paramount Chiefs along with other establishment figures during the war, and most were either killed or forced into exile. As the state and its agents retreated from the countryside, belligerent groups on both sides set up their own civil administrations. In the north, rebel forces set up structures that, in some places, mimicked pre-war chieftaincy. In the south, chiefdom administrations were often taken over, wholly or partially, by Civil Defence Force (CDF) command structures. These wartime rural administrations ruled by force rather than consensus, and the Government of Sierra Leone (GOSL) made the reinstatement of legitimate rural authorities (i.e. Paramount and lesser ranking hereditary chiefs) a priority for post-war reconstruction and stabilisation. DFID responded to this priority with support for the Paramount Chiefs Restoration Programme, later renamed the Chiefdom Governance Reform Programme (CGRP). The core aim the programme was reinstating the 'governance pact' between Paramount Chiefs and populace using the mechanisms of public consultation, new written guidelines for chiefdom elections and tax administration, and community mobilisation for building houses for Paramount Chiefs to replace those destroyed in the war. The United Nations Mission in Sierra Leone (UNAMSIL) also supported this priority by facilitating the ceremonial return of exiled Paramount Chiefs.

1.3 The CGRP was completed in June 2002, but it had become apparent early on that chiefdom administration in general had deep-rooted problems that no single donor programme was likely to resolve. Public consultations facilitated by the CGRP and relief agencies yielded a plethora of local complaints against chiefs of all ranks. Foremost amongst these grievances were that chiefs controlled a local judicial system regularly handing down fines that were grossly incommensurate with the offences committed, that chiefs frequently compelled their subjects to work farms for them without pay, that formal tax revenues were neither accounted for nor used to fund public services, and that chiefs frequently brokered deals with outside agencies to exploit local resources without consulting the people. Some rural voices went so far as to claim that this alleged oppression had driven local youth into the arms of the rebels and turned the rebel campaign into a war of retribution.

1.4 The GOSL acknowledges these grievances, but argues that the source of the problem is the moral turpitude of individual chiefs and past regimes'

political interference in the chieftaincy system – notably the practice of overriding hereditary rules of succession in order to reward clients with chieftaincies. The GOSL advocates a return to traditional rules and values in chieftaincy affairs and has set up the National Council of Paramount Chiefs to encourage chiefs to engage with national policy debate and devise plans for setting their own house in order.² Views of the chiefdom system among international agencies and consultants have often been far less charitable. It is argued widely that traditional modalities of rural governance overwhelmingly privilege patriarchy, to the detriment of the rights and voices of women and youths. Some analyses go further to claim that the experience of war and displacement has accelerated the modernisation process among the rural poor and generated new conversations about rights and social membership. In these circumstances, it is argued, preserving traditional modalities of governance is only likely to generate further conflict.³

1.5 Even so, the decentralisation process has largely sidelined policy debate about the future of the chiefdoms. Under the provisions of the Local Government Act, 2004, elected District Councils will manage devolved state functions and development investment in the Provinces. The Act empowers these Councils to raise revenue from the chiefdoms (via a precept on local tax), approve chiefdom administration budgets, and overturn local customs deemed obstacles to development. Council ward committees are expected to serve as the interface between chiefdom administration and local government. Paramount Chiefs, District Councillors, and elected representatives of the local community will sit on these committees, and the Act decrees that they will take on functions (notably the mobilisation of community labour for public works) previously discharged by the chiefdoms alone. Yet, the Act explicitly reaffirms the historic primacy of the chiefdoms for maintaining law and order at the local level and managing and protecting customary land rights.

1.6 Whether or not the chiefdoms and the new local government structures can cooperate effectively remains to be seen. Some international agencies expect that the chiefdoms will wither away as soon as the new local government system becomes fully operational. Yet this is emphatically not the view of the GOSL. Furthermore, while some Sierra Leonean civil society organisations (especially youth-oriented organisations) are often extremely critical of the chieftaincy system when the matter is discussed in private, there is, as yet, no sign of any organised public campaign for abolition.

² *Ceremony for the Recognition of Newly-Elected Paramount Chiefs and the Establishment of a Council of Chiefs by His Excellency the President in Kenema, Bo, Makeni and Port Loko from 26-30 January 2003*, online at www.statehouse-sl.org/docs/pchiefs2003.doc.

³ Archibald, S. & Richards, P., 'Conversion to human rights? Popular debate about war and justice in central Sierra Leone' *Africa* 72(3), 2002; P. Richards, K. Bah and J. Vincent, *Social Capital and Survival: Prospects for Community-Driven Development in Post-Conflict Sierra Leone*, World Bank Social Development Paper No. 12, April 2004.

1.7. The objective of the project is to monitor Sierra Leone's recently restored chiefdom system, to identify problems it poses for social integration and consider opportunities and possible strategies for local government reform in rural areas.

2. Methodology

2.1 The first year of the project was largely taken up with preparatory work and field research in the Provinces of Sierra Leone. The second year was devoted to library and archival research and technical report writing (see Section 4).

2.2. Rokupr in Magbema chiefdom (Kambia District) served as a base for the first, three-month phase of fieldwork and Bumban in Biriwa chiefdom (Bombali District) served in the same role for the second phase. In the second phase, shorter visits were made to Gbonkolenken chiefdom (Tonkolili District), Kandu Leppiama chiefdom (Kenema District) and Kenema town. Both of the main research sites are located in the north of the country. The research was focussed in this region in order to complement the outputs of the CGRP, which had already facilitated more than seventy public consultations on the chieftaincy system in the south. Another reason for working extensively in the north was that the researcher already had contacts in Rokupr and Bumban and these were able to facilitate rapid access to local communities.

2.3. The main technique employed in fieldwork was participatory ethnographic research. Living in local communities enabled the researcher to observe governance issues as they arose on a daily basis, and discuss these further with community members. Participatory research modalities were established in formal consultative meetings with local leaders (including paramount and section chiefs) and social sector representatives. Formal meetings also yielded valuable data in their own right. The first phase of fieldwork coincided with post-war Paramount Chieftaincy elections, and case studies were made of two such elections in the vicinity of Rokupr: Bureh-Kasse-Makonteh (BKM) in Port Loko District and Bramaia in Kambia District. Case study research included interviews with aspirants and observations of the Declaration of Rights process and the elections themselves. The second phase of fieldwork coincided with national consultations on the decentralisation process, facilitated by the Task Force on Local Government and Decentralisation (TFLGD). The researcher participated in a TFLGD workshop in Freetown, observed two further workshops in Makeni and Kamabai (Biriwa Chiefdom) respectively and conducted follow-up discussions in several villages in Biriwa chiefdom.

2.4. Data was also collected from the following documentary sources:

- Local tax assessment registers and estimates of annual revenue and expenditure for five chiefdoms (Magbema, Biriwa, Gbonkolenken, Kandu Leppiama and Nongowa).
- Local court record books for two chiefdoms (Magbema and Biriwa).
- Various letters and petitions relating to recent paramount chieftaincy elections held by the Ministry of Local Government and

Community Development (MLGCD) and the Anti-Corruption Commission (ACC).

- Historical material on chiefdom elections held at the Sierra Leone Government Archives in Freetown and at the Provincial Secretary's Office, Kenema.
- Historical sources on colonial chiefdom administration held at the British Library and UK National Archives.

3. Findings

3.1 Chiefdom Financial Administration⁴

- The local tax system barely functions and is severely hampered by staff, training and equipment shortfalls. Non-payment of tax, whether deliberate or the result of administrative error and oversight, is widespread.
- Chiefdom clerical and technical staffs are hired by district administrations, but their pay comes out of chiefdom revenues and these limit the size of the staffs allocated to each chiefdom.
- Low pay and poor working conditions encourages chiefdom clerical and technical staff to demand 'expenses' in money or in kind from local people. These demands are deeply resented.
- Historically, many of the problems in chiefdom financial administration were compounded by inefficiency, opacity and corruption among district-level Central Chiefdom Administrations, which took over the management of chiefdom finances in 1973. New financial management structures and accountability mechanisms brought in by decentralisation may help to alleviate these problems, but it will take time to re-establish public trust in district bureaucracies.
- The Local Government Act, 2004, states that the new District Councils will delegate tax-raising functions to the chiefdoms rather than manage revenue collection directly. At first sight this seems a hollow distinction, since district administrations already manage the local tax system. But it is a tacit acknowledgement that the GOSL currently lacks the capacity to collect tax in rural areas without the assistance and cooperation of chiefs.

3.2. The Local Justice System.⁵

- The local courts and chiefdom police are operational in all areas, but also suffer from very limited capacity. Working conditions are poor and staff moral is low.
- Most communities in the Sierra Leonean countryside are effectively self-policing, with justice administered by the hierarchy of village, section and paramount chiefs. Chiefs' jurisprudence is no longer sanctioned by the state, but many rural people find it accessible, rapid and cheap in comparison to the local and magistrate's courts.

⁴ See the attached technical report, *Tax Administration and Representative Authority in the Chiefdoms of Sierra Leone*.

⁵ For further details, see the attached *Social and Institutional Appraisal* annexed to the Sierra Leone Safety, Security and Access to Justice (SSAJ) Programme Memorandum, 2004.

- In some areas, demand for the services of the local courts appears minimal and is largely confined to a) chiefs and councillors seeking to enforce government licensing, tax and sanitary regulations; b) chiefs seeking punishment for individuals who have allegedly defied their authority; c) non-local agents (e.g. traders) seeking to recover property or debts from chiefdom citizens.
- Recent years have seen increasing public disquiet over the quality of local justice. Some informants allege that all forms of local jurisprudence have descended into corrupt, moneymaking exercises in which justice goes to the highest bidder. Others claim that chiefs and 'big-men' use the local justice system to harass and impoverish anyone (but especially youths) disposed to challenge their authority. Whether the iniquities of the local justice system are a symptom or a cause of rupture in rural communities is therefore open to question. But it is noteworthy that the worst excesses are often attributed to those who win authority in the chiefdoms by means other than hereditary right. Wartime CDF administrations fall into this category, as do individuals who win chieftaincies on the basis of elite patronage.

3.3. Chiefdom Councils and Chieftaincy Elections

- The Chiefdom Council is the governing body of the chiefdom, responsible for maintaining law and order and protecting customary land rights. Senior chiefs are *ex-officio* members of these councils and every locale with twenty or more resident taxpayers is entitled to elect a councillor. The latter arrangement was designed in the colonial era to ensure that 'natural' leaders (i.e. village chiefs and compound heads) would fill most councillorships.
- The Chiefdom Council has become a focus of intense local debate, if not conflict, over the legitimate authority. Traditional concepts of community look beyond mere blood ties to a matrix of social relationships and prerogatives established by historical precedent. Ideally, a chief is a descendant of this matrix and accountable to others who share in that heritage. A chief 'knows a person's right' (i.e. historical property and social membership rights) and is expected to protect it. However, a popular grievance is that senior chiefs are appointing business associates, NGO managers, trades union leaders and other agents of the modern world to chieftaincies and councillorships. Many of these appointees are not locally born nor otherwise considered to be 'chiefs'. Senior chiefs counter that they need to accommodate and reward those who bring development to the chiefdom. Yet, they also go on to complain bitterly that the district administration and metropolitan elite are usurping their prerogatives by placing clients in positions of authority in the chiefdoms.
- Paramount chieftaincy elections provide further evidence that the Sierra Leonean chieftaincy system has become a battleground for patronage networks of entirely modern origin. Chiefdom councillors are the only local citizens eligible to vote in these elections. Rival factions strive to ensure that their candidates win chieftaincy elections and have every incentive to inflate taxpayer numbers in the settlements of their supporters in order to win extra councillors

and therefore extra votes. Since independence, Chiefdom Councils have expanded at a far greater rate than chiefdom populations. Indeed, the whole bureaucratic process of assessing tax and compiling councillor lists has become divergent from realities on the ground. Isolated settlements populated by young farmers rarely obtain councillors and some are never assessed for tax. On the other hand, 'ghost' villages, councillors and taxpayers are regularly listed in government gazettes and other official documents.

3.4 Political Currents and Policy Opportunities

- It might indeed seem as if popular grievances against chiefs represent the 'real' politics behind the recent war and that chieftaincy is a moribund institution long overdue for replacement by more modern institutions. However, this analysis overlooks the fact that many rural Sierra Leoneans trust central government and bureaucrats even less than chiefs. At present, many are resigned to the fact that state services are poor, local bureaucracies are corrupt and that their only real security lies in the matrix of customary rights and properties. For people in this position, it is absolutely imperative that chiefs, the protectors of these rights, remain accountable to the local community and not to outside interests. With so much at stake, it is understandable that any misconduct among chiefs generates intense local grievances. Recurrent conflict between patriarchal community leaders and local youths may be a symptom of the same political pressures.
- The above-noted imperative severely limits current policy opportunities in respect of justice provision. People who are resigned to the idea that access to justice is a function of patronage are unlikely to make greater use of the formal justice system until they are confident that it will protect their rights (especially in land). A widespread, and not unjustified, belief is that anyone with money and contacts can forge legal documents and have these accepted in court. However, a way forward may lie in the newly expanded state police force and intensified local needs policing.
- Spontaneous discussion of human rights, democracy and good governance does occur at the grassroots, but again it is often sidelined by the imperative of securing patronage. For example, demand for full adult suffrage in paramount chieftaincy elections is widespread, but still largely motivated by the desire to ensure that the successful candidates have the proper hereditary credentials. The relative merits of educated versus illiterate chiefs are also debated locally. The former are considered better equipped to bring development to their communities, yet more prone to exploiting the people; the latter are considered to be more communitarian yet too easily outmanoeuvred by exploitative external agents.
- Opportunities for institutional reform and capacity building are emerging, however. A strong message from the public workshops facilitated by the CGRP was that people want stronger and more representative local committees, better auditing of local

government accounts and better record keeping.⁶ Furthermore, during the recent round of post-war chieftaincy elections, there was considerable demand at the grassroots for official information - archives, maps census data, etc – that might help to combat fraud. Here, one finds a possible pathway towards a 'bottom-up' rebuilding of the Sierra Leonean state: providing local communities with the wherewithal to secure rights and properties for themselves, thus alleviating dependence on chiefs and other patrons.

- Initiatives like the World Bank's Community Driven Development Scheme and DFID's forthcoming ENCISS programme are designed to help meet this demand. But government must emerge as the chief supplier of such wherewithal if 'bottom-up' state rebuilding strategies are going to be sustained. Decentralisation has a critical role to play here. For example, there is no reason in principle why the Treasury Clerks cannot be replaced by small teams of fully trained and properly paid local tax inspectors operating at the district level. District administrations already control the local tax system and clerical and technical employment in the chiefdoms, and there is no logical reason to persist with the fiction that the chiefdoms are separate from the state. Democratisation and professionalisation of administrative functions currently performed by chiefdom administrations is an urgent necessity, although there is every likelihood that chiefs, perhaps with a changed role, will remain part of the Sierra Leonean political landscape for many years to come.
- Land is the major asset of rural communities. Elsewhere in Africa, there have been schemes for transferring the management of customary land rights from chiefs to local committees (South Africa) and for large-scale registration of land rights (Ghana). A review of land tenure is flagged as a priority in Sierra Leone's Interim Poverty Reduction Strategy Paper. Whether it is feasible to institute a land registration scheme in Sierra Leone at the present time is open to question. But if one is instituted, its success will depend upon the support and cooperation of chiefs.
- There are many risks attendant upon governance reform initiatives in the Sierra Leone countryside. If public trust in government is going to be restored, it is absolutely vital that services, particularly information, remain accessible through public rather than private channels. Furthermore, for reasons already noted, weak bureaucracies and poor services may serve powerful vested interests. Even honest bureaucrats may cling to empty administrative procedures because to do otherwise would be to confront the full magnitude of the governance problems facing rural Sierra Leone.

⁶ See the attached technical report, *Chiefdom Governance Reform Programme Public Workshops: An Analysis of the Facilitators' Reports*.

4. Dissemination

4.1 Media

- Participation in Sierra Leone Broadcasting Service radio discussion programme *Nationwide*, on the topic 'How will local governance operate in the democratic process', 26.9.2002.

4.2 Workshops, Seminars and Conferences

- Presentation of project research on paramount chieftaincy elections, DFID, 19.02.2003.
- Seminar presentation on the origins of chieftain sections and boundaries to UN-OCHA Geographical Information Services workshop, Freetown, 03.2003.
- Participation in workshop, *The Future Division of Responsibilities Between Central and Local Government*, Freetown 05.04.2003.
- Presentation of paper (attached) in conference, *Traditional Accountability and Modern Governance in Africa*, University of Durham, 5-7 July 2004.

4.3 Technical Reports

- *Constraints in Access to Justice in Rural Sierra Leone: Some Observations From Field Research in Kambia District*, report prepared for the Commonwealth Safety and Security Project, 12. 2002 (attached).
- *Social and Institutional Appraisal* annexed to the Sierra Leone Safety, Security and Access to Justice (SSAJ) Programme Memorandum, 01.2004 (attached).
- *Chieftain Governance Reform Programme Public Workshops: An Analysis of the Facilitators' Reports* 09.2004 (attached).
- *Tax Administration and Representative Authority in the Chiefdoms of Sierra Leone* 09.2004 (attached).
- *Key Issues: Traditional Authorities and Formal/Informal Systems of Justice in Africa*, report prepared for the UK Commission for Africa, 09. 2004 (attached).

4.4 Publications

- A monograph entitled *Chieftaincy and the Politics of Post-War Reconstruction in Sierra Leone*, is in preparation. The International African Institute has seen the book proposal (attached) and has expressed an interest publication.
- An article also entitled 'Chieftaincy and the Politics of Post-War Reconstruction in Sierra Leone', to be published a special edition of the journal *Africa* along with other papers from the Durham conference, *Traditional Accountability and Modern Governance in Africa*.
- An article entitled 'Political Representation and Justice in the Sierra Leonean Countryside' is in preparation for the journal *African Affairs*.
- An article entitled 'Chieftaincy politics and Colonial Policy in Sierra Leone' is in preparation for the *Journal of African History*.