

Constraints in Access to Justice in Rural Sierra Leone: Some Observations From Field Research in Kambia District

General

In the rural communities of Sierra Leone, people are taught to keep disputes within the family. Part of the moral sentiment at work here is that one's primary loyalties lie with the local community – that if people are unable to live peaceably with their kin and neighbours they will be unable to live peaceably with anyone. A socially responsible person does not discuss 'family business' with outsiders, and is taught to maintain a polite demeanour even with enemies and competitors. Dissimulation – the art of never talking all you know and concealing meaning in metaphor and allusion – is a valued social skill.

However, when local communities begin to suffer economic and political tensions, these moral sentiments can become counter-productive. A household head can take serious offence if people living under his/her roof appeal to members of the extended family to mediate in a dispute before bringing the problem before him/her. People may signal their displeasure at a family head or patron by moving out and going to live with other members of their extended family, but when times are hard the latter may be unwilling to take on the extra burden of feeding and clothing them. In this environment it is extremely difficult for a person to obtain a hearing for a complaint against another of higher status within the local community.

Chiefs and other powerful individuals have become adept at exploiting these moral constraints. Rural people often put up with any number of illegal fees and levies because they see chiefs and other 'big-men' as their prime means of access to the government and the resources it may see fit to distribute. Employees may even work for long periods without pay if their employer is a member of their own community promising to bring benefits for all when things turn out for the better. Furthermore, some 'big-men' in the Kambia area have a reputation for bribing the judiciary to ensure that no member of their communities ever serves a prison sentence. But often these loyalties are underpinned by fear. It is a widespread belief in rural areas that truth and justice are only available to the highest bidder. Even if you win a case against a 'big-man' in a local court, he will take it to appeal in a higher court, bribe the magistrate and have the verdict overturned. Outspoken people find their names deleted from Chiefdom Councillors lists without prior warning, or subjected to punitive fines in the local courts for trifling offences. Youths number heavily among the victims of such practices, and many, it is alleged, are forced to leave home in search of work in order to pay these fines. They tend to return in order to spare other members of their families from the same harassment.

As far as many rural people are concerned, the only weapon available to the exploited is witchcraft. In a remote part of Kambia District one may find the ruin of a grand house, built by a former Vice President of Sierra Leone. This man built his house without first obtaining permission from the landowner, a poor farmer. Rather than attempting to fight a losing battle in the courts, the landowner laid a curse on the house. When, after some years, the Vice President sickened and died, local people attributed his demise to the curse. Subsequent occupants of the house also suffered

misfortunes, and the house was abandoned long before the RUF had an opportunity to burn it. Fear of such unseen retribution is one of the few checks on the exploitative behaviour of the rich and powerful.

Women's issues

The main grievance voiced by women is their lack of rights in marriage. Women are primarily responsible for feeding and clothing their children, and may also have to look after their elderly mothers. If a husband fails to provide housekeeping money and the wife complains too forcefully she may be beaten. If she goes to the chief for redress he will always take the husband's side. If the wife decides to divorce an unsupportive husband she gets nothing further from him, and in any case her natal family may oppose such an act because they are unwilling to take on the burden of feeding her and the children. Men have also been known to abandon their families when times are hard, only to return to resume their position as family head if the wife and children begin to prosper. On the other side of the coin, men complain that their wives would not hesitate in leaving them if they managed to attract a man with greater wealth and prospects.

Concluding comments

Many of the social problems touched upon here are the product of poverty. Yet there is no doubt that years of patrimonial politics have eroded regimes of truth and justice in Sierra Leone. Indeed, despite all the exploitation they have suffered rural people continue to maintain that their lives will never improve except by means of patrimonialism. Hence, in recent months, the intense and often bitter contests over vacant paramount chiefships. Seen from below, a patrimonial political system is not just about getting one's own people into high places and in a position to distribute largesse, but also doing whatever seems necessary to attract the interest and patronage of the rich and powerful. At the moment, the SLP represents just about the only demonstrably politically impartial state service provider in the rural towns of northwestern Sierra Leone. It has an immense task ahead of it, but I am heartened that the two commanding officers I happened to meet on a regular basis (in Mange and Rokupr) displayed impressive intelligence, commitment and professionalism.

Richard Fanthorpe
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