The Landscape of Local Authority in Sierra Leone
How "Traditional" and "Modern" Justice Systems Interact

Ryann Elizabeth Manning
The inaugural volume of the Justice and Development Working Paper Series consists of three papers on local-level dynamics of justice and governance in Sierra Leone. These essays — one about the interaction between local councils and traditional authorities, another one about the power relations between youth and their elders, and a third one about false development promises — are the products of qualitative research conducted in 2006 and 2007 by the World Bank Sierra Leone Justice for the Poor team. The papers aim to enrich our empirical understanding of the workings of justice and governance in the country. The goal of Justice for the Poor, in Sierra Leone and elsewhere, is to employ such knowledge to improve development practice.

Abstract

When elected local councils were reinstated in 2004 after a hiatus of more than 30 years, they joined a complex system of already existing local authority structures that draw their organization and legitimacy from a wide range of different systems and traditions — customary, colonial, and modern. Findings from in-depth, qualitative research reveal that although the reinstated councils and other new “modern” systems have managed to establish a foothold in the local governance system, they are still not divorced from other, more traditional sources of power and authority.

In fact, the research confirms that chieftaincy remains the most important system of authority across rural Sierra Leone. Though criticized at times for autocratic rule, the chiefs retain a great deal of legitimacy in the eyes of ordinary Sierra Leoneans and indeed, often fill an important governance and justice gap between local communities and formal state structures. Researchers also found that “traditional” norms and systems are changing in relatively significant ways, and that “modern” interventions are engaging and interacting with other governance systems in a rich and sometimes unpredictable manner.

This process of mutual accommodation and adaptation results in a hybrid system — an interlinked network of institutions and individuals with overlapping sources of legitimacy — rather than a clear-cut duality between the “traditional” and the “modern.” Anyone seeking to improve local governance or otherwise engage with rural or peri-urban Sierra Leone should understand this environment and should seek to build upon the best tendencies of these various local authorities while limiting their worst.

The Justice and Development Working Paper Series serves as a platform for new and innovative thinking on issues of justice and development and features work from World Bank staff and from external authors. Justice and Development disseminates the findings of work in progress to encourage a more rapid exchange of ideas about development issues and justice reform. Papers carry the name of the authors and should be cited accordingly. The findings, interpretations, and conclusions expressed in this paper are entirely those of the authors. They do not necessarily represent the views of the World Bank and its affiliated organizations, or those of the Executive Directors of the World Bank or the governments they represent.
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This paper was written by Ryann Manning, but is based on fieldwork, analysis, and written contributions from the Justice for the Poor Sierra Leone research team, particularly Gibrill S. Jalloh, Lyttelton Braima, Hannah Hamida Karim, Edward Tengbeh, and Mahmoud Tarawallie. Other team members, including Geoffrey Pabie Koroma, Millicent Gbenjen, and international researcher John Combey, contributed through their field work and preliminary analysis. Justice for the Poor partnered with the Campaign for Good Governance (CGG), particularly Sheku Mambu and Valnora Edwin, in the design and implementation of this research, and later with Timap for Justice for follow-up research. (Both Timap and CGG are civil society organizations.) The author is also grateful for comments and contributions from Justice for the Poor team members, World Bank colleagues, external reviewers, and partners in Sierra Leone. (See Appendix B.) The views, opinions, analysis, and recommendations in this report—and most certainly any defects or errors—are those of the author, and do not necessarily reflect the views of The World Bank, CGG, Timap for Justice, or other team members. This research was funded by the Bank-Netherlands Partnership Program.
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Introduction

The topic of this paper is, in the words of one reviewer, “one of the most discussed sociological and societal issues in African studies:...the relationship between traditional institutions and new institutions.” Often in such discussions, the “traditional” and “modern” are framed as if in opposition to one another, and debate centers on whether and to what extent tradition should cede to modernity, or modernity should yield to the dictates of traditional norms.

In Sierra Leone, much has been said and written about the abuses of the chieftaincy system and customary law, including the history of chieftaincy as a tool for colonial rule, the exploitation of youth labor, the exclusion of “strangers” and young men from weak lineages from access to land or marriage, the imposition of harsh and arbitrary fines, and discriminatory practices against women. Many have argued that abusive and autocratic practices by traditional authorities helped to fuel the civil war that ravaged Sierra Leone in the 1990s by driving aggrieved young men away from their villages and into the various armed factions, in rebellion against a social system that trapped them in a rural underclass. On the other hand, many people see the traditional justice and governance systems as important mechanisms for maintaining peace and social order, particularly in rural areas. (This latter viewpoint is not necessarily incompatible with an acknowledgement of the kinds of abuses outlined above, but many people would argue that the chieftaincy is an important system despite such abuses.) Some on this side of the argument see the war as having resulted from a breakdown in this social order, and make the case for strengthening the chieftaincy systems to consolidate peace and promote development today.

Sierra Leone’s “modern” institutions have also earned their share of criticism. As many observers have documented, the postindependence, prewar period was characterized by massive corruption, political manipulation, suppression of dissent, and the failure or subversion of nearly all state institutions.

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The primary intention of this paper, however, is not to argue for any particular side in the “tradition versus modernity” debate—not least because the two are actually quite integrated and interdependent. Instead, the aim is to describe the landscape of local authority in Sierra Leone, especially for those not familiar with it, and to provide new data about how local justice and governance operate on the ground today, with a special focus on the interaction between traditional authorities and the new local councils.8

What that landscape shows is that local authority in Sierra Leone is not characterized by an antagonistic and mutually incompatible duality between the modern and the traditional, but is a complex and dynamic hybrid. Local governance and justice in Sierra Leone involve an array of institutions and individuals that draw their structure and legitimacy from a range of different systems and heritages—customary, colonial, and modern—and interact with one another in a rich and sometimes unpredictable manner. New “modern” systems, most prominently the local councils reinstated in 2004 after a hiatus of 30 years, adapt to operate with and alongside more “traditional” systems, which also transform themselves over time. This process of mutual accommodation results in a hybrid system different from what was intended by either in isolation.

The traditional justice and governance systems, though highly imperfect, are relatively familiar and accessible to the average community members they are meant to serve, most of whom are poor, illiterate, and largely disconnected from both the capital Freetown and the decentralized state institutions located in provincial and district headquarters. Members of these communities are also, however, quite willing to tolerate the complexity and apparent contradictions of having modern institutions operating alongside traditional ones,9 and indeed show a willingness to “forum shop” for the system that best meets the needs of a particular situation.

If this paper takes a normative position, it is that there is some need for the reform of both traditional and modern governance and justice systems operating in local Sierra Leone, as both fall short of effectively meeting the needs of communities and individuals. This is hardly a controversial position; in fact, there seems to be some consensus around the need for reform among even the strongest supporters of both traditional and modern authority structures, and even their most strident critics typically do not advocate their complete abolishment. The author also takes the view that this reform should serve to increase the voice and agency of those members of society who are now excluded or poorly served by local governance and justice mechanisms. The question of how such reform should take place, how quickly, and to what scope and degree, is left for others—particularly Sierra Leoneans themselves—to debate. This paper aims primarily to provide data to help inform that debate, as well as questions to help provoke a more constructive conversation, which hopefully will be useful to those trying to deliver services to or otherwise engage with rural and peri-urban Sierra Leone.

Research Methodology

This paper is one of several publications based on research conducted in 2006 and 2007 as part of The World Bank’s Justice for the Poor and Understanding Processes of Change in Local Governance (J4P/LG) project10, implemented in partnership with the Campaign for Good Governance and Timap11 for Justice, two civil society groups in Sierra Leone. Research was conducted throughout the country, in a range of rural and peri-urban areas, aiming to reflect Sierra Leone’s geographic, ethnic, and socioeconomic diversity. (Very little research was conducted in the larger urban areas.) The bulk of
research was carried out by a team of local researchers, who received intensive training in qualitative research methods at the outset of the project and who worked under the close supervision and support of international J4P/LG members.

Research was primarily qualitative in nature, using anthropological and ethnographic techniques, particularly in-depth, semistructured interviews and participant observation. The team did not conduct formally constituted focus group discussions, but the nature of communal village life meant that individual interviews sometimes developed into group discussions. The main four research sites were in the Bombali (Northern Province), Moyamba and Bo (Southern Province), and Western Area Rural districts; in addition, team members spent time in another five of Sierra Leone’s 13 districts (for a total of nine) during either the preliminary scoping research or core qualitative research, or in the administration of a study of local customary law courts. In total, original qualitative research contributing to this paper totaled approximately 83 distinct person-weeks of time. Core research covered approximately 31 villages in four chiefdoms, and involved at least 460 interviews with 360 individuals. Other related research, particularly the preliminary scoping research, involved dozens of additional interviews in a wide range of locations.

Appendix A provides a list of the core research questions. For more information about the research methodology, including the rationale behind the selection of the main research sites, please see “Research Methodology: Justice for the Poor and Understanding Processes of Change in Local Governance,” available at http://www.worldbank.org/justiceforthepoor.

Mapping Local Authority Structures in Sierra Leone

This section will provide an overview of local authority structures in Sierra Leone, particularly for those who are unfamiliar with how justice and governance function in rural and peri-urban areas. Some of these authorities have formally and legally constituted positions, while others have informal (but often no less powerful) mandates. As a visual map of this network of authorities, the diagram below outlines the most important institutions and individuals involved in local governance and justice. Though necessarily a simplification, it highlights the fact that those institutions considered “local” or “decentralized” from the perspective of Freetown—local councils, local courts, and paramount chiefs—are still relatively high in the hierarchy of authorities from the perspective of the people themselves.

The diagram roughly places these institutions along a spectrum from formal to informal, though it is important to acknowledge that there is a great deal of grey in these distinctions. All structures listed on the right-hand side, down to local councils and local courts, are formally constituted bodies with a legally defined mandate. On the left-hand side is a network of mostly “traditional” authorities with a range of formality.
Focusing on the bottom (more local) part of the diagram and starting on the right-hand side, we find local councils and local courts. Local councils will be discussed in a later section. Local courts, also known as native administration (NA) courts, are the lowest level of the formally recognized justice system, with typically one or two courts per chiefdom (though numbers vary). The administration of local courts is governed by the Local Courts Act of 1963, which also outlines jurisdictional limits and an appeal process leading in principle through the court system up to the Supreme Court, though such appeals are extremely rare. Substantively, the courts hear cases on the basis of customary law, which is unwritten and varies from chiefdom to chiefdom.

On paper the administration of local courts may appear very formal and well-organized, but in practice the courts often overstep the bounds of their official mandate—for example, by hearing cases they should not, or levying fines that far exceed the allowable amount—or otherwise act outside the law. Court chairmen and members are often illiterate and have little or no training on the laws and regulations governing local courts, though the government and some civil society organizations have recently begun offering some training programs. Supervision of the courts is very minimal, and problems usually only come to light when the parties involved appeal to the district appeals court or contest to the customary law office. Local courts also lack sufficient judicial independence and their ties to local governance systems (particularly chiefdom authorities) often make them vulnerable to influence and bias. Chiefs wield a great deal of power over the local courts in many (though not all) chiefdoms, and rely on courts to help them exert authority over chiefdom residents. Chiefs are also known to interfere directly.

Moving toward the left-hand side, the most formal of the traditional authorities is the paramount chief. Sierra Leone (outside of the Western Area) is divided into 149 chiefdoms, each ruled by a single paramount chief considered the top authority in his or her chiefdom. Per statutory requirement, paramount chiefs are elected by a council of tribal authorities (TAs), also sometimes known as chiefdom councilors. The qualifications and election processes for paramount chieftaincy are laid down in law and regulation and are supervised by the central government, though qualification is still sometimes hotly contested. According to recent government documents, the roles of paramount chiefs can be delineated as follows (the latter three in consultation with chiefdom committees and chairmen of local courts):

- uphold and maintain traditions, customs, and practices of the chiefdom
- serve as custodians of land for the people of the chiefdom
- settle disputes
- maintain law and order
- deal with land, customary, and traditional matters in the chiefdom.

In practice, the chief is the primary representative of his or her chiefdom to outsiders having any dealings with the chiefdom, including nongovernmental organizations (NGOs) and other development agents, government representatives, politicians, and mining companies and other commercial interests. It is essentially impossible to do anything in a chiefdom without the knowledge and approval of the chief. Most chiefdom resources also fall under the authority of the
paramount chief, though it is the chiefdom treasury clerk who actually keeps all chiefdom accounts. Many chiefs also fulfill traditional and ceremonial tasks, particularly in relation to the secret societies, or sodalities. This is especially important in the north, where paramount chieftaincy is considered sacred.

Paramount chiefs also play a major role in resolving disputes. Chiefs no longer have the legal right to operate a court, but they are allowed to mediate or arbitrate, and often still adjudicate despite the legal prohibition. According to a 2007 national household survey, 6 percent of all cases and 13 percent of land disputes reported outside of the family are reported first to the paramount chief. Of cases that are reported elsewhere first but then to a second authority, 19 percent are reported second to the paramount chief. Given that most communities have a strong preference for resolving disputes at the lowest possible level, paramount chiefs usually hear only relatively major or intractable cases, as well as grievances in which someone from outside the chiefdom has wronged members of the chiefdom. It is also usually more expensive to bring a case to the paramount chief than to a lower chief.

Paramount chiefs rule through a network of subchiefs and chiefdom functionaries at chiefdom, section (each chiefdom is divided into anywhere between five and 15 sections), and town or village level. These functionaries are somewhat less formally mandated than the paramount chief, though many are recognized by legislation and all are considered quite “official” from the perspective of local communities. Some (specifically chiefdom treasury clerks and court clerks) are actually employed as civil servants by the central government. Others are paid a salary from chiefdom coffers. Often the actual importance of a particular institution in local governance does not coincide with its legislated role. For instance, chiefdom councils (composed of TAs) have specific functions outlined by statute, including the making of chiefdom bylaws, but in practice, as observed in field research, they seem to have few formal functions beyond the election of paramount chiefs and section chiefs.

The roles and responsibilities of subchiefs (section and town chiefs) largely mirror those of paramount chiefs, though they are much less clearly defined or mandated from the perspective of the central government. In terms of custom, however, these chiefs are considered just as “official” as (though subordinate to) paramount chiefs. Town chiefs serve as the main authority at the town or village level and play an important role in resolving small disputes. The household survey cited above found that 35 percent of disputes and grievances that were reported anywhere outside of the family were reported first to the village chief, the largest percentage of any institution. An additional 2 percent were reported first to the village elders. In small villages, these numbers rose to 51 percent and 3 percent respectively.

Town chiefs also have the primary responsibility for “strangers”—in the sense of nonresidents—who are visiting the community. Customary law dictates that strangers must report to the town chief upon arrival in a community and residents must report any strangers they have brought into the town. This is generally seen as a security measure. Town chiefs are sometimes also responsible for collecting tax revenue, which they then pass on to section chiefs and the chiefdom treasury clerk, often receiving a rebate equivalent to a percentage of the revenue collected.

Section chiefs, in turn, also resolve cases brought to them, but may hear bigger or more important cases—or different types of cases—than their town-level colleagues. (This also depends on the personality of the individual chiefs.) For instance, the household survey found that just 17 percent of
all cases but 28 percent of land disputes were reported first to the section chief; for land disputes, section chiefs were the second-most used authority after village chiefs.\textsuperscript{41} Section chiefs are also usually involved in tax collection and chiefdom decision making.

Other authorities listed in the diagram, including women and youth leaders, religious leaders, secret society heads, family or compound heads, and “big men,” are generally not formally mandated, but play an important role at a local level. (In the case of youth leaders, the Ministry of Education, Youth and Sports has been trying to formalize their position at the chiefdom, district, and even national level, but there remains a disconnect between the higher-level youth councils and local youth leaders.\textsuperscript{42}) For example, researchers found that religious leaders\textsuperscript{43} are often involved in decision making and consulted on disputes and other grievances, and are often viewed with respect by adherents of the other religion. Sodalities have been in existence since ancient times, and serve both a spiritual and sociopolitical role.\textsuperscript{44} The majority of men and women in rural Sierra Leone are initiated into one of several societies.\textsuperscript{45} Historically, these societies have sometimes served as a check on the power of paramount chiefs and other authorities, and as mechanisms of control and authority,\textsuperscript{46} but researchers found signs that they were declining in prominence and importance in at least some communities.\textsuperscript{47}

Women and youth leaders have a relatively limited role, primarily involving mobilizing their respective groups for communal work and resolving some intragroup disputes, though there are some signs this is changing (if slowly), particularly for youth leaders.\textsuperscript{48} Often these leaders, especially women, are brought into meetings only to speak to visitors—in part, it seems, to satisfy those visitors concerned with gender equity—or when some contribution is required from them. Even when respondents say they are included in decision making, a deeper investigation often reveals that they have been informed rather than consulted or truly involved.\textsuperscript{49} In some cases, the position of women’s leader is formally constituted and even filled by election, but in others, the position is more a matter of a preferred spokesperson. As one 36-year-old female community member from a small village in Moyamba district explained to a researcher, “Women are not organized in that structured manner that you think. Most often when visitors come the chief calls me and [another woman] to represent the women in the village. I think they call us because they have realized that we are bold, we are presentable and we can speak in public.”\textsuperscript{50}

It is also worth mentioning the variety of development committees that operate at a chiefdom or subchiefdom level. Some of these are formally constituted—for example, ward development committees (WDCs), created by the 2004 Local Government Act though still largely nonfunctional in most locations—but many are ad hoc and linked to particular projects or interventions.\textsuperscript{51} The duties of such committees vary widely, and their composition tends to mirror other kinds of authority in the locality, even when the members are supposedly selected in a transparent, participatory way.\textsuperscript{52}

In addition to these development committees, many communities have one or more persons who serve as a sort of development facilitator. This is usually an informal—and frequently self-appointed—position, but recognized by the local population. Thus community members and even the chiefs themselves may refer a visitor to a particular individual—often someone with greater education or English language skills, or a background working for a development agency or for the government—to discuss the community’s development needs and any planned projects, and to serve as a guide and host. (The accompanying box provides a description of one such facilitator from a remote northern chiefdom.) Another common profile is a head teacher or community health
worker who applies for grants and other support for schools or clinics. Some observers criticize these individuals as rent-seekers who carve off a slice of development funding for their own personal benefit. However, they can also perform a valuable service for their communities by attracting development projects and helping to fulfill the often significant demands that such projects place on communities (for example, for participation, input, and monitoring). Researchers found that community members and authorities alike often see value in the contribution of these “development facilitators.”
Profile of a Chiefdom Development Facilitator

It was on Friday in a predominantly Muslim community, at exactly the hour for congregational prayers, when the research team entered the chiefdom headquarter town of a very remote northern chiefdom. The vehicle alone gathered attention in a community so far from major transit routes, as did the obvious strangers within. A small crowd soon formed.

Research team members followed their usual process for entering a new community, observing traditional norms by visiting the paramount chief first to explain the purpose of their visit. The chief was very old and somewhat feeble, and the team met him on the porch of his house. As they began speaking with him, a middle-aged man interrupted and introduced himself as the chiefdom development facilitator, a voluntary job. He sat himself beside the chief and quickly dominated the interview, answering on the chief’s behalf and directing the conversation to what he believed the visitors wished to hear.

The facilitator had formerly lived and worked in Makeni, the capital and largest town of the northern province, but the war brought him back to his home community. After the war he had decided not to return to Makeni without the guarantee of a job, and opted instead to stay and, as he said, “help my people.” He has only a basic education, but in a chiefdom in which educated persons are few and far between, his qualifications gain him superiority over the others.

In discussions with the research team he described his role as development facilitator in many ways:
- “I am the project management committee secretary to most projects and often correct contractors when they want to do wrong things.”
- “I have overseen a lot of projects.”
- “I wrote a letter to NaCSA requesting a school, bridge, health center, toilets etc.”
- “We don’t have any complaint over project implementation yet. Other areas have weak [project management committees], that was why they often have problems with their projects.”

He also served as the primary guide, host, and contact person for visitors from development agencies. After co-opting the interview with the paramount chief, he led researchers to a binder containing information on the chiefdom, including information on the distance and accessibility of all chiefdom sections. The information was extremely useful to the team. He also organized accommodation for the team, and arranged for them to be fed at his own home. Another group of visitors in town to conduct a survey were treated similarly, though perhaps with less attention because their group did not include a foreigner.

Though helpful, the man also clearly tried to dominate and control the team’s stay. He attempted to control their interview schedule, and even wished to travel around with them on field trips beyond the chiefdom headquarter town. He was clearly uncomfortable when interviews were not conducted in his presence, and when he was present, frequently interrupted to supply answers.

The research team was left with no doubt that although he might be serving the community by facilitating projects, he was also serving his own interests. Before the team members left, he collected their phone numbers and told them that he was currently unemployed and would be open to their assistance.

Observations on Sources of Authority in Sierra Leone

Overall, the most consistent observation from this and other recent research on local governance in rural and peri-urban Sierra Leone is that despite the tumult of war, the changes of the postcolonial
and postwar eras, and the advent of the new local councils, chieftaincy remains the most important system of authority across rural Sierra Leone. Although criticism and challenges to chiefs' authority seem to be on the increase, chiefs—particularly the “subchiefs” that serve at section, town, village, or even subvillage level—are often the primary (if not the only) formal authority present and accessible. Moreover, even when alternatives are available, most people still accept the authority of chiefs and look to them to make decisions, resolve disputes, and engage with outside actors such as government representatives or development agencies.

Though there is some variation by context—for example, chiefs may be particularly powerful on “traditional” matters, including land use, but less so on other issues—chiefs are more trusted across the board, even in how they would administer development funds. For example, the same 2007 national household survey cited earlier found that people rated paramount chiefs higher than either local councils or the central government on measures of trust and responsiveness. Among respondents from the provinces, 65 percent of respondents said their paramount chief “listens to what people in this town / neighborhood say or what they need,” compared with 43 percent for local councils and 46 percent for the central government. Chiefs also scored significantly higher on a measure of how they would spend a large sum of money intended for development and on a measure of trust (46 percent said chiefs can be believed, compared with 34 percent for local councils and 41 percent for the central government).

The kin group also remains important in determining and legitimizing authority in Sierra Leone, both within and outside the chieftaincy. Access to some positions—most notably that of paramount chief—is limited by law or practice to certain “ruling” or “founding” families. Such requirements may be flexible in the case of lower chiefs, though not for paramount chief, and exceptions do exist. Members of ruling families often legitimize their position with reference to land. “Our forefathers first came and found this land and they first started building houses here,” said a male tribal authority (age 44) from a Moyamba chiefdom. “We are authorities because this village was founded by our ancestors. When they passed away they left it with us to get our living (from grandfather to grandfather) from it. Before their death they offered sacrifices to God for the development of the village,” said another male tribal authority (age 55) from the same chiefdom. Others refer to powers conferred by the colonial authority. As one male community member (age 56) from a Moyamba chiefdom said, “The right to leadership position for both town chief and section chief is by ruling families. Their right is gotten from those whose ancestors signed the treaty with the colonial masters.”

Even newer, supposedly more democratic positions are regularly awarded to those with links to ruling families. Past performance of family members, such as fathers or uncles who were previously chiefs, are also often taken into account in selecting individuals to serve in positions of authority, perhaps based on a long-standing idea that positions of power should be inherited. The J4P research team did not often ask people explicitly about their views on the ruling house system, and it may be a worthwhile area for future research. In general, however, it seems that while some people from various walks of life express a desire to make access to leadership positions more open, most accept and even defend the traditional sources of legitimacy.

Authority in rural and some peri-urban areas is also generally concentrated in a particular ethnic group, usually the group considered the “indigenes”—the original inhabitants, or founders—of that particular place. (See box for an explanation of the term “indigene” and its importance in Sierra Leonean society.) This is true even when the indigenes are not in the majority in a particular place,
though such cases are probably relatively rare. In some places, the indigene group is the same for the whole chiefdom; in others, different ethnic groups may lay claim to different sections or even villages. This ethnic claim may be explicit and immutable, or it may be amenable to exceptions, and the degree of flexibility may vary from place to place and from one position of authority to another. Sometimes, the leaders of a nonindigene ethnic group are considered authorities in their own right; for example, in many chiefdoms, “tribal headmen” are recognized as leaders and representatives of minority nonindigene ethnic groups, while in one ethnically diverse peri-urban research site in the Western Area, each of at least six ethnic groups has its own headman, most of whom operate an informal court. In nearly all locations, however, the majority of the most important positions of chiefdom authority—paramount chief, chiefdom speaker, and so forth—are held by members of the indigene group.

### Strangers and Indigenes

There are frequent references in the literature to what Richard Fanthorpe refers to as the “extreme localization of criteria of identity and belonging” in rural Sierra Leone (Fanthorpe 2001, 372). “Stranger” status can persist for generations, and it is often ascribed to or adopted by individuals whose ethnic identity is different from that of an area’s original inhabitants (“indigenes”). Rights and property in rural areas are conferred as both a result and validation of citizenship, and strangers in a community must frequently form relationships with indigenes, through paths such as marriage or the patronage system, in order to gain some of the benefits of citizenship (Reno 2003). Insufficient family or social connections are thus a key source of vulnerability and poverty (Richards et al. 2004), though other factors—such as wealth, political connectedness, or sheer numbers—can change the balance of power between strangers and indigenes.

One illustration of the power and persistence of the stranger and indigene identities is a conflict over access to power in one community in the Western Area Rural District. Decades of in-migration by “stranger” ethnic groups (particularly Temne) has led to a situation where the indigenes (Sherbro) are in the minority. When elections—first for a local councilor, and then for a village headman—were held, each group put up a candidate. The “stranger” candidate explained that this tension was what sparked his decision to run: “The main reason we decided to contest the election is that the [indigenes] used to refer to us as strangers even though we have spent a very long time here with them. We have been supporting them all along but they failed to recognize our efforts so we stood for ourselves.”

The “stranger” candidates won both elections, which sparked frustration on the part of the indigenes and tension and outright conflict between the two groups. Invoking tradition and customary law, the indigenes asserted that they owned the land and would not be governed by strangers. The strangers and their allies invoked electoral law and new rules of eligibility, which granted the right to run for office to anyone who had been resident in the area for at least five years. Thus traditional sources of power and legitimacy—ethnic identity and historical claims to the land—came into tension with modern, electoral sources of legitimacy.

*Adapted with permission from Dale 2007.*

One consequence of this concentration of power among indigenes, and more generally of the strength of indigene-stranger identities, is the marginalization from power and decision making of those considered strangers. This is compounded for strangers who are also members of other marginalized groups, such as women, youths, or the disabled. Some strangers also report being the victims of bias in the settlement of grievances.
Areas where the group considered indigenes are in the numeric minority present an interesting case. In such places, strangers can often access power through democratic means—for example, by running for parliament or local council—particularly because political support tends to follow ethnic lines. This can cause tension and conflict if indigenes feel they are being excluded from their rightful position of authority (as in the case study from Western Area Rural District described in the box).

The famously gerontocratic nature of Sierra Leonean society, and the generational tensions that have been cited as helping to fuel the civil war, are also still evident in the structure and exercise of local governance and justice. Young people are expected to respect and obey their elders, and elders are expected to wield authority and decision-making power in families, communities, and most other contexts. For instance, two common Krio phrases invoked by respondents to explain why certain people cannot challenge others are “borbor na borbor” (a young boy is just a young boy), and “u no sae big one na big one” (one has to realize that an elder is always an elder). One town chief (male, age 82) from a Moyamba chiefdom told researchers that “it is not right for a child to challenge the town or chiefdom”; the “child” he was referring to was 44 years old.

Nonetheless, there are signs from all the sites included in this research that the relationships between elders and youths are changing in important ways, though perhaps more slowly than some might hope. Indeed, the position of youth leader is more formalized and seen more positively than was the case before the war, and chiefs seem more willing to include youths in chiefdom governance, though often falling short of true consultation. In some cases, chiefdom authorities have been persuaded that greater inclusion is in their own interests; for instance, in one northern chiefdom, the paramount chief and court chairman were convinced by a civil society group that they could avoid allegations of unfair verdicts by reserving seats on the court for women and youth representatives.

Youths, in turn, are more likely to speak out and challenge chiefs and other authorities, including over such issues as the setting of development priorities, the management and use of communal resources, and the provision of communal labor. There are various possible reasons for this greater willingness to challenge: perhaps youths have been more exposed to—and are more likely to embrace—ideas of human rights and good governance; or perhaps young men no longer fear challenging their elders because the war gave them the opportunity to do so, often violently, and generally without consequence.

Other changes in local justice and governance are evident in many communities. Democratic processes for selecting leaders are widespread, and although elections are a long-standing practice for many positions (including some traditional posts), there are signs that such practices and the accompanying norms are becoming stronger and more deeply embedded. Many respondents report that exposure to human rights ideas and principles—through “sensitization” by NGOs, news and information heard on the radio, and experiences gleaned during the mobility and upheaval of the war years, among others—have changed the views and behavior of “rulers and the ruled” alike. Also, many people, including some who are themselves uneducated, express a desire for authorities to be educated and have exposure or connections outside the chiefdom, in order to help attract development and to protect the community from exploitation. As with democratic procedures, this desire is not necessarily new, but there are signs that it may be increasing. In many cases, the emphasis on education and connections actually serves to reinforce the power of the traditional elites, who are more likely to be well-connected able to send their children to school.
Local Councils and the Interaction with other Authority Structures

This section will look more closely at the local councils, which were reinstated in 2004 (after being abolished in 1972) with the passage of the Local Government Act. Councilors were elected later the same year, with each representing a geographic constituency known as a ward. Councilors serve in one of 19 local councils: 13 district councils for Sierra Leone’s 12 districts plus the Western Area Rural, and six city councils representing Freetown, Bo, Kenema, Makeni, Bonthe, and Koidu/New Sembehun. Councilors are elected every four years in an open and balloted election, run by the country’s National Electoral Commission, and all residents and taxpayers over the age of 21 and not otherwise disqualified are eligible to run.

As defined in the local government act, the local council is “the highest political authority in the locality,” with both legislative and executive powers. It also “shall be responsible, generally for promoting the development of the locality and the welfare of the people in the locality with the resources at its disposal and with such resources and capacity as it can mobilize from the central government and its agencies, national and international organizations, and the private sector.” A more specific list of functions outlined in the act are listed in the accompanying box.

According to the J4P/LG research, it seems that local councilors have generally been accepted by communities as legitimate actors, particularly in terms of “bringing development,” but are not perceived as equal authorities to the chiefs and others. As mentioned above, they also rank lower than either the chiefdom or the central government in perceptions of responsiveness or trust, and lower than chiefdoms in how they would be expected to manage a large financial grant.

However, people do seem to look to the councilors to bring benefits in terms of schools, roads, health care, and other crucial development needs. And in some instances, the councilor is one of the people approached by community members when help is needed. For example, when a group of nine villages, led by their town chiefs, decided to construct a road between their villages, the one authority they consulted before beginning was the councilor. They did not approach other...
authorities—including more senior chiefs, local NGOs, or government agencies—until later in the process, because (by one account) they wanted to “demonstrate our ability” first. The councilor then got involved when some villages did not turn up for the first day of work, taking action himself to sue the villages in court.

Criticisms of the councils are usually about the failure of a particular councilor to deliver benefits to the respondent’s community, rather than a more fundamental challenge to the councils’ legitimacy. This is consistent with Sierra Leone’s long history of patrimonial governance, in which those in power were expected first and foremost to bring concrete and localized benefits to their supporters and home areas. Many people say they do not know their councilor or what he or she or the council as a whole are doing, or that they find their own councilor to be ineffective. As one respondent said, “our [councilor] is not doing much because we haven’t seen anything since we elected him into office,” but concluded that the councils should continue with the councilors being more active. A village development committee chairman (male, age 40) from Bombali district said, “My only problem with the local council goes to our councilor as he is not making moves in bringing development projects in our ward.” A paralegal and civil society activist with a local human rights organization (male, age 36) said, “The councilor is not doing anything… It would have been better we don’t have a councilor.” He continued, however, to say that another councilor from a neighboring ward was “doing well as he has repaired and even constructed a few bridges in his ward,” thus showing that the gripe is not with the council per se but with an individual councilor’s inaction as defined in terms of localized benefits. The bridges, for instance, were seen to benefit only the ward where they were located rather than the broader area. Several said they wanted the council to continue even though they felt they had not benefited to date, because it might benefit them later.

Praise of the councilors is similarly focused on localized deliverables. “The local council is doing well. It has provided tools for the maintenance of roads in this ward,” says one community-teacher association chairman (male, age 42) in a Bo district chiefdom. One of the most popular councilors encountered during this research, in Moyamba district, was widely praised for things he had done with his own personal money: buying school uniforms for secondary school students, paying stipends to community teachers, buying uniforms for chiefdom (NA) police officers, sending shovels and a bag of rice to people constructing a road to one village, and helping with the construction of a mosque in another. Thus his success as a councilor was dependant more on his own personal wealth and local patronage than on any activity of the council. Such patronage also serves him well, reinforcing his role as a “big man” in the community and building a stronger political base for future elections for local council or higher office.

Quantitative data supports this emphasis on delivering projects. Although local councils scored lower overall than the central government on measures of trust, responsiveness, and expectations on how they would spend a large sum of money, they actually scored higher—or at least as high—among respondents who knew of a local council project or knew their councilor’s name.
Consultation, it seems, is valued much less than delivery. As one male 45-year-old teacher from a very rural town in Bombali district said, “The councilor often comes to the school and talks to us, but we have never received any benefit from him. I don’t think it is necessary to have a councilor.” Nonetheless, clear and open lines of communication between councilors and their constituents are essential, and when they break down, it can lead to confusion and suspicion. In one instance in the Western Rural District, a local council project (to rehabilitate water supply in several communities) was scaled back because of a change in the level of funding available. This change was not effectively communicated to the communities, however, and people felt the project had been botched or left incomplete. Some began to suspect that the resources had been misused, and at least one community leader suggested that the councilor and town headman had connived to steal the funds.

The relationship between councilors and chiefs—and more generally the interaction and engagement between the new local council system and the chieftaincy system—are among the least understood dimensions of local governance. This is in part because the initial design and implementation of the decentralized local government system left unanswered many of the questions relating to how these two systems would interact (see box, Local Councils and Paramount Chiefs: the Key Disputes, for details). It is also because a certain amount of jostling was inevitable, as new authorities were introduced into an existing governance system, sharing responsibilities as well as resources.

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### Getting a Local Council to Deliver

The citizens of one ward in Bombali district had been complaining to their councilor informally for some time about the fact that no council projects had come to their area. In particular, they pointed to a broken bridge along one of the main routes out of town that they wanted the council to repair. According to residents, their community had the highest rate of payment of local tax in the whole district during the previous year. Having seen no benefit, they started grumbling that they wouldn’t pay again the next year.

At some point in 2007, a young man who serves as the village development committee chair approached the community elders with an idea: Why not write a letter to the district officials, threatening not to pay taxes the next year if the council did not sponsor some sort of project in their ward? The elders agreed and they wrote to the paramount chief, copying the provincial secretary, central chiefdom finance clerk, district council chief administrator, district council chairman, and the resident minister.

Two weeks later the council came and repaired their bridge. The resident minister, for good measure, sent word that he would build a court barri (a public structure housing local court sittings as well as other community meetings). It seems the community members now have reason to pay their taxes again next year.
Though talk of chiefdom-council interaction generally emphasizes the conflicts, the J4P/LG research findings reveal an unexpected degree of cooperation and collaboration between chiefs and councilors. (Representatives from the government’s Decentralization Secretariat also say that conflict and tension between chiefs and councilors have decreased significantly since the councils’ inception.\textsuperscript{25}) Of course this varies from chiefdom to chiefdom, and depends on many factors—including the personalities involved, the family connections (or lack thereof), and political affiliations—but it is clear that in many instances, the chiefs and councilors are working closely and developing their own informal rules of interaction and shared responsibility, often in the absence of any clear guidance from the central government (see box, \textit{Paramount Chiefs and Local Councils as Partners}).
On some level this is probably predictable and even inevitable, as the councilors themselves come from the same social system, which sees the paramount chief as the ultimate local authority and which demands respect and deference to the paramount chief and subchiefs. The councilors are not necessarily any more likely to challenge or reject that system than are other members of the community. “[The Madam] is very good to us all and hates to see people taking advantage over others,” said one respondent, a male community member who was otherwise quite aggrieved against authorities in the chiefdom.

Moreover, many councilors recognize—as does anyone working in rural Sierra Leone—that they will accomplish much more by working with the chiefs than by trying to work against or around them. In fact, the necessity for councilors to work with chiefs seems so obvious that perhaps the more difficult question is why—besides the legal requirement to do so—the chiefs cooperate with the councilors. This research did not yield a ready answer to that question.
Councilors are heavily reliant upon the chiefs in some very tangible ways. One is the collection of local tax, which (as mentioned in the box above) is carried out by the chiefdoms and then shared with the local councils. The chiefs also have a much greater ability to mobilize labor and enforce cooperation with community projects. In one chiefdom in northern Bombali district, the research team came upon a handful of people fixing a rough log bridge and discovered that two of the people involved were actually local councilors from the neighboring wards. Wanting to fix the bridge but believing they did not have the power to mobilize labor themselves, the councilors had gone to the section chief and obtained his promise that he would mobilize a group of youths to help with the bridge. The youths never turned up—because, the councilors believe, the section chief did not fulfill his promise—and so the frustrated councilors were left to fix the bridge themselves with the few people they caught passing by.

Though the councilors may have been able to mobilize action without resort to the chiefs—by holding a public meeting, for instance, and persuading the community to participate, or by approaching youth leaders directly—they seem to perceive the chiefs and local courts as their most likely avenue. (Local courts, as in the road construction case discussed earlier, can be used to coerce participation by punishing those who refuse.) When the chief did not help, the councilors found it very difficult to get things done.

Another form of reliance relates to the simple fact, mentioned earlier, that it is nearly impossible—and quite often illegal in terms of chiefdom bylaws—to initiate community projects or activities without the permission of the paramount chief. This is reinforced by the policies of outside agencies demanding proof of local ownership and consultation in the form of the chiefs’ involvement. In one chiefdom in Bombali district, researchers spoke to a very frustrated local councilor who had been trying for weeks to get the paramount chief to sign off on a small HIV/AIDS project. Funds were available for such projects, but to access them the councilor needed the signatures of key local authorities. The paramount chief, a particularly inaccessible man, had not yet agreed to meet to discuss the matter; as a result, the project was on hold and in jeopardy. The fact that the councilor was from one party and the chief was a known supporter of another party, and that the chiefdom was itself deeply divided and embroiled in political disputes, probably did not help.

These findings provide only a preliminary, incomplete picture of some of the ways that chiefs and local councilors interact in rural and peri-urban Sierra Leone. The engagement between these two important groups of authorities would be a rich area for further research, particularly as those relationships continue to evolve and adapt and as further devolution gives greater resources and decision-making power to the local councils. It would also be interesting to explore further the extent to which local councils and councilors actually mirror traditional power dynamics—for example, what proportion of councilors come from traditional ruling elites, as is commonly the case with development committees and other “modern” structures.
Conclusions and Recommendations

This paper has given a glimpse of the complexity and dynamic nature of local justice and governance in rural and peri-urban Sierra Leone. It has shown that local justice and governance in these areas are delivered less by formal, modern state structures—the most “local” of which are the local courts and local councils—than by a complex network of institutions varying in formality and in sources of authority. It has also shown that these institutions are constantly evolving and adapting to changing norms and incentives.

Local councils have established a foothold in the local governance system since their reinstatement in 2004, but are just one of many authorities in rural Sierra Leone, and are not divorced from traditional sources of power and authority. They also are not, in fact, very local, and in practice seem to rely on the subchiefs (at section and village level) and other traditional actors to fill the resulting governance gap. Councilors also engage extensively and often constructively with chiefs and other local leaders, both as a matter of pragmatism and because they share with the majority of Sierra Leoneans an acceptance and respect for the legitimacy of chiefs.

Chieftaincy remains the most important system of authority across rural Sierra Leone, though there are signs that the power of chiefs may have decreased since the war, and that people are increasingly willing to challenge chiefs and other local authorities over such issues as communal labor and (less commonly) the use of resources. Although traditional authorities are associated with various forms of bias, corruption, and injustice, so too are many modern authorities, and average Sierra Leoneans express greater trust for their chiefs than for either the local councilors or central government officials. At its best, the chieftaincy helps to keep the peace and mobilize collective action, and provides systems for decision making and the resolution of disputes that are familiar and accessible to average community members. The chieftaincy system and other traditional institutions also engage constructively with new “modern” structures and ideas—most prominently the local councils, but also concepts of human rights and democracy, and civil society groups and various project management and development committees—and are adapting to the changing norms and realities of the postwar era.

Ultimately, it is probably more helpful to see local governance and justice in Sierra Leone as an interlinked network of institutions and individuals with multiple and often overlapping sources of legitimacy, than as a clear-cut duality between the “traditional” and the “modern.” The fact that a development committee is a “modern” creation, with members (in theory) elected democratically and with representation by women, youth, and other marginalized populations, does not mean it does not reflect traditional power structures. On the other hand, the fact that customary law can be—and often has been—discriminatory against women, youths, and nonlandholding lineages does not mean it cannot adapt to deliver justice more in line with modern notions of human rights.

Local actors themselves tend to understand and engage with governance and justice institutions in this way, exploiting the relative strengths and weaknesses of different institutions. Councils and councilors have recognized that they need to work with, rather than against, the existing chiefdom governance structures if they are going to succeed. Chiefs have taken steps—albeit limited and sometimes superficial—to accommodate greater representation and consultation, particularly for youths and women. Individuals and communities frequently “forum shop” to find the system most likely to meet their needs in a given situation.
Outside actors (including Freetown elites) looking to improve local governance in rural and peri-
urban Sierra Leone should in the same way make efforts to understand and engage with the broad
spectrum of systems operating at that level, and consider how to build upon the strengths—and
minimize the weaknesses—of both traditional and modern local governance and justice systems.
Much of what has been said about traditional forms of justice and governance—that they impose
harsh and arbitrary judgments, for example, or that they can be abusive, corrupt, and exclusive,
serving the interest of a narrow set of elites while marginalizing the majority of citizens—has also
been true of many “modern” systems in Sierra Leone. The important question is how best to
eliminate those negative practices, in whichever system or systems are in place.

Rather than offer specific recommendations, the author puts forward several questions to provoke
consideration of and debate over how best to engage with local authority in rural and peri-urban
Sierra Leone:

- Is it possible to promote more constructive engagement between chiefs and councils, or
even to formalize the often ad hoc relationships between them? As one government
participant in the review meeting for this paper said, “these two systems could be married,
with one complementing the other.”

- Could the network of formal and informal local authorities be mobilized as a series of
checks and balances against one another, to help ensure greater monitoring and
accountability all around? For instance, could village headmen, local youth and women
leaders, religious leaders, and civil society representatives be given an explicit role in
monitoring and publicizing the activities of local councilors, paramount chiefs, and others?

- Instead of trying to create new institutions with little local legitimacy, such as village and
ward development committees and project management committees—particularly given that
such committees tend to mirror local forms of power and authority anyway—could
traditional authorities be mobilized to play a similar role? If they were required to adhere to
standards for inclusion, transparency, and good governance, this could provide an
opportunity to reform traditional systems of governance.

- More generally, can some of the requirements of transparency and accountability currently
applied to local councils and to some development projects be applied to the chieftaincy
system? For example, could chiefs, like local councils, be mandated to make public their
annual budgets and to allow review and comment by civil society groups and ordinary
citizens? Importantly, such mandates must not only be legislated but also enforced.

- Could reforms be introduced to make traditional authority systems more inclusive and
representative? Specific changes could include broadening the franchise for chieftaincy
elections, imposing term lengths on paramount chiefs and other officials, formalizing the
role of youth and women leaders (and establishing and enforcing standards on how such
individuals are selected and who qualifies), or encouraging more public and inclusive
methods of decision making, particularly about the use of chiefdom funds. More
controversial reforms, such as eliminating the system of ruling houses, may be desirable but
less politically palatable.

- Can interventions achieve greater voice and agency, in both modern and traditional systems,
on the part of youths, women, strangers, and other marginalized groups? Research findings
show that some changes are underway, but they have been limited and are often superficial.
Can traditional elites be convinced that it is in their own interest to allow a greater involvement by these groups? Creativity and persuasion can go a long way in this regard, as can using resources (for example, for development projects) as a form of leverage.

The dynamism and complexity of local authority in Sierra Leone could be seen as an obstacle to the effective delivery of justice and governance, or as an opportunity for building a system that combines the local legitimacy of traditional sources of power with the best ideas from new, modern systems. People concerned with developing a lasting, effective form of local governance and justice in Sierra Leone that can deliver services, resolve disputes, and consolidate peace should find ways to engage constructively with both modern and traditional local authorities in rural and peri-urban areas of the country, and draw on their best tendencies while mitigating their worst.
Appendix A – Research Questions

As outlined in its concept note, the J4P/LG project set out to answer a long list of research questions:

1. Who are the main authorities or power holders in the communities? Where do they derive their authority and legitimacy?

2. What are the prevailing social norms and governance rules regarding how collective decisions are made, how public resources are mobilized and utilized, and how authority is exercised? Do different groups have noticeably different attitudes towards and perception of authorities, and different degrees of participation in collective action?

3. What kinds of systems and mechanisms are utilized to resolve and manage grievances and to lodge claims against state or nonstate authorities, and why? Are certain groups or communities more likely to pursue justice? If so, why?

4. What trajectories do the grievances follow, and why? What are the outcomes of these processes, and what factors influence the results?

5. How do the mechanisms employed, the trajectories, and the outcomes differ with respect to:
   a. the characteristics of individuals and communities involved (and why)?
   b. the characteristics of particular grievances (and why)?

6. What barriers to effective justice and governance exist, and which individuals, groups, and communities are most affected? How are these barriers overcome, or how could they be overcome? Which groups have a vested interest in maintaining the barriers?

7. How are the answers to all of these questions changing over time? How and why does local-level justice and governance improve or deteriorate?

8. What is the impact of external justice and governance interventions? Do they affect people’s attitudes towards authorities, their participation in public affairs, and their perception of influence? Do they trigger change in what people demand and obtain in relation to justice and governance? Do they result in more just outcomes? Are their effects sustainable beyond the end of the intervention?

To that end, the planned qualitative research would both “map local power structures and sources of authority and legitimacy” and “track how people attempt to resolve disputes or claims.” The concept note proposed two categories of grievances on which research would focus: first, grievances involving land and natural resources and second, grievances involving local authorities (including claims either to or against local authorities, broadly defined).

As research and training progressed, however, it became clear that this research agenda was overly ambitious given the time and capacity constraints. The team therefore focused on the second category of grievances—those involving local authorities—and narrowed the research questions somewhat. In particular, question 8 was addressed only superficially, and several other questions were addressed only in part. Future research, whether by The World Bank or others, could usefully follow up on those areas not covered exhaustively in this project.
Appendix B – Acknowledgements

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J4P/LG Sierra Leone Research Team
Lyttelton Braima
John Combey
Millicent Gbenjen
Gibrill S. Jalloh
Hannah Hamida Karim
Geoffrey Pabie Koroma
Mahmoud Tarawallie
Edward Tengbeh

Campaign for Good Governance (CGG)
Valnora Edwin
Sheku Mambu

The World Bank – Justice for the Poor
Tanja Chopra
Maya Mynster Christensen
Beth Anne Dabak
Pamela Dale
Vivek Maru
Nicholas Menzies
Caroline Sage
Milena Petrova Stefanova
Michael Woolcock

The World Bank – Other
Douglas Addison
Eunice Yaa Brimfah Dapaah
Engilbert Guimundsson
Sabine Hader
Manush Hristov
Daniel Owen
Pia Peeters
Vivek Srivastava
Giuseppe Zampaglione
Yongmei Zhou

Sierra Leone Partners
Gibril Massie Bah, Centre for Democracy and Human Rights
Michael V. Belmoh, CGG
Floyd Davies, Institutional Reform and Capacity Building Project (IRCBP)
Liz Foster, IRCBP
Emmanuel Gaima, IRCBP
Ambrose James, Search for Common Ground
Alhassan Kargbo, Anti-Corruption Commission
Idrissa Kargbo, Law Reform Commission
Philip F. Karbgo, IRCBP
Simeon Koroma, Timap for Justice
Matt Muspratt, Timap for Justice
Joseph Pokawa, Network Movement for Justice and Development (NMJD)
Tristan Reed, IRCBP
Charles Rogers, National Commission for Social Action (NaCSA)
Monfred Sesay, Customary Law Officer
Nancy Sesay, Timap for Justice
Momo Turay, Justice Sector Development Programme (JSDP)
Katherine Whiteside, IRCBP

External Reviewers
Tim Kelsall, University of Newcastle
Paul Richards, Wageningen University
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Endnotes

1 Giuseppe Zampaglione, Senior Operations Officer, The World Bank, in review comments on this paper received on October 28, 2008.


3 Probably the most prominent advocate for this analysis is Paul Richards. See, for instance, P. Richards, “To Fight or to Farm? Agrarian Dimensions of the Mano River Conflicts (Liberia and Sierra Leone),” African Affairs 104/417 (2005): 571-590; and J. Chauveau and P. Richards, “West African Insurgencies in Agrarian Perspective: Cote d’Ivoire and Sierra Leone compared,” Journal of Agrarian Change 4, no. 3 (October 2008). For the broad strokes of Richards’ argument, and that of those who disagree with him, see E. Sawyer, “Remove or Reform? A Case For (Restructuring) Chiefdom Governance In Post-Conflict Sierra Leone,” African Affairs 107/428 (2008): 389-393, as well as Paul Richards’ response to Sawyer’s article, “A Comment on ’Remove or Reform?’” African Affairs (August 2008), http://afraf.oxfordjournals.org/cgi/eletters/107/428/387. (Sawyer himself argues that chieftaincy may not be as bad as Richards leads us to believe, and presents findings of widespread support for chiefs, particularly as agents of local dispute resolution.)

4 This support—often paired with an acknowledgement of the abuses and other problems with traditional authority—is frequently expressed among local and Freetown elites as well as average Sierra Leoneans, including those living in rural and peri-urban areas. This emerges in the research explored later in this paper, but also in other studies. See, for example, R. Fanthorpe, “On the Limits of Liberal Peace: Chiefs and Democratic Decentralization in Post-War Sierra Leone,” African Affairs 105/418 (2005): 27-49. Fanthorpe argues that, “For the poor, securing political leaders that remain downwardly accountable is an absolute priority. Many continue to find chiefs preferable to elected politicians and bureaucrats” (45).

5 Though he does not frame it as a breakdown per se of the chiefdom social order, Richard Fanthorpe argues that large numbers of rural youth were excluded from access to locally defined citizenship, as meted out by chiefdom authorities, and from the privileges—including access to “basic rights to land, living space, and legal protection”—that follow. He argues that “alarming numbers of people have become neither ‘citizen’ nor ‘subject,’” a fact that he believes may help explain why many “underprivileged young Sierra Leoneans” embraced the RUF (385). R. Fanthorpe, “Neither Citizen Nor Subject? ‘Lumpen’ Agency and the Legacy of Native Administration in Sierra Leone,” African Affairs 100 (2001): 363-386. Ibrahim Abdullah does not focus on rural power dynamics or chiefs, but he also argues for a characterization of fighters as “lumpen” youth, “largely unemployed and unemployable youths, mostly male, who … are prone to criminal behaviour, petty theft, drugs, drunkenness, and gross indiscipline” (207-208). Ibrahim Abdullah, “Bush Path to Destruction: the Origin and Character of the Revolutionary United Front (RUF/SL),” Africa Development 22: 3 and 4 (1997).

6 The country’s Truth and Reconciliation Commission, for instance, documents the abuses of chiefs and other traditional authorities in both the colonial and postcolonial eras, but argues that this resulted from the manipulation and co-option of chiefs by the colonial authorities and later, postcolonial political parties. “Chiefs lost sight of their traditional roles and neglected their duties to their subjects,” argues the Commission’s final report. “The Commission calls for the return of Chiefs to their traditional roles and functions… [and] for a national dialogue on the restoration of the Chiefs to their symbolic and traditional roles.” Truth and Reconciliation Commission, vol. 2, chap. 3, 159.

7 As Sierra Leone’s Truth and Reconciliation Commission concludes, “Successive governments diminished the state’s capacity to meet such critical challenges as the security and livelihood of its citizens, let alone to provide for democratic participation in decision-making processes.” (Truth and Reconciliation Commission, vol. 2, chap. 1, 7); and “The continual assault on the rule of law weakened the capacities of state institutions to perform. The judiciary was subordinated to the executive, parliament did little more than ‘rubber-stamp’, the civil service became a redundant state
machine and the Army and police force became vectors of violence against the very people they were established to protect. Non-state bodies that ought to ensure accountability - like media houses or civil society groups - were thoroughly co-opted. Opposition political parties were suppressed and eventually banned.” Truth and Reconciliation Commission, vol. 2, chap. 1, 8.

8 Another recent paper tackles similar issues, and is useful as a companion to this paper. See P. Jackson, “Reshuffling an Old Deck of Cards? The Politics of Local Government Reform in Sierra Leone,” African Affairs 106 (2006).

9 In fact, such complexity can also be found within a single individual, such that the leader of a modern human rights organization is also a traditional chief and secret society member. To make this point in his review comments on this paper, Giuseppe Zampaglione used the example of an interview with the three major presidential candidates in the 2007 election, in which two of the three—after speaking fluently the “modern” language of development and good governance—confirmed that they belonged to secret societies, while the third declined to answer the question. Giuseppe Zampaglione, Senior Operations Officer, World Bank, in review comments on this paper received on October 28, 2008.

10 For more information about Justice for the Poor or to download other papers from this series, please visit http://www.worldbank.org/justiceforthepoor.

11 “Timap” is a Krio word meaning “stand up.” Timap for Justice is a local organization providing community-based paralegal services in a number of chiefdoms in Sierra Leone. Timap receives funding from the World Bank-administered Japanese Social Development Fund (JSDF), and also partnered with Justice for the Poor on research and evaluation.

12 Sierra Leone is divided into a number of administrative units at different levels. Provinces (of which there are three, plus the Western Area, which includes the capital Freetown) are the largest. These are subdivided into 12 districts, plus the Western Area, which are in turn divided into 149 chiefdoms, each ruled by a single paramount chief. Chiefdoms are further divided into sections, each led by a section chief. Villages and towns are the final, and smallest, administrative unit.


14 This discussion does not cover every type of local authority, but those generally considered more important by communities themselves, as well as those of particular interest to the research team. One arguably important group not covered here is members of parliament. Another neglected area is political parties; neither the paper nor the research itself have delved much into the partisan power structures of rural Sierra Leone. This could be an important area for further research, as political divisions have long been interlinked with other forms of rural power and authority.

15 The diagram does not include every authority at a community level, but those generally considered more important. At higher levels, it includes just the main justice institutions and the local council; the central government is not disaggregated into its component parts. It is important to note that the diagram is generic rather than specific, sketching the authorities common across most Sierra Leonean communities rather than those present in any one specific location. There is a remarkable degree of consistency in these systems across geographic areas and sociocultural contexts in Sierra Leone, but such systems are inherently context-specific and in any one place may differ significantly from the norm.

16 This is particularly true given what Fanthorpe refers to as the “extreme localization of criteria of identity and belonging,” in which a very localized area—often even a village —is the main source of identity and citizenship, reinforced by the links between that area and the ancestors buried there. Fanthorpe, “Neither Citizen nor Subject.”

17 A recent study surveyed local court clerks in 30 chiefdoms in four districts and found that, according to the clerks, the 30 chiefdoms had a total of 56 local courts, of which 50 were operational. The research was sponsored by the Justice Sector Development Programme and designed and conducted in partnership with Justice for the Poor. B. Koroma, “Local Courts Record Analysis Survey in Sierra Leone” (Freetown: Justice Sector Development Programme [JSDP], October 2007), 14.

18 Local courts are governed by the Local Courts Act 1963 and subsequent amendments (1965, 1966, 1974, 1975), which include limits on what punishments courts can assess. In fairness, the limits are based on long-outdated currency values and are highly inappropriate today. The legislation was last amended in 1975 and the monetary jurisdictional limits were last amended in 1965, at which time the local courts were given jurisdiction “to hear and determine all criminal cases where the maximum punishment which may be imposed does not exceed a fine of two hundred leones.” The Local Courts (Amendment) Act 1965, sec. 13, subsection 1. Two hundred leones today is worth roughly $0.07 and is not even enough to buy a small loaf of bread. Similarly, a table of allowable terms of imprisonment for nonpayment of fines is nonsensical, if not tragic: a person who defaults on payment of a fine not exceeding one leone can be imprisoned for up to seven days, and for nonpayment of a fine exceeding 100 leones can be imprisoned for as much as 12 months. The Local Courts (Amendment) Act 1965, sec. 13, subsection 1. The smallest currency unit in use in Sierra Leone today is a 50 leone coin.

19 The director of Timap for Justice, an NGO providing community-based paralegal services, says that when they offered training to a subset of local court officials in 2004, they were told it was the first training the officials had
received since the early 1980s. Simeon Koroma, presentation to the Justice Sector Donor Coordination Group, April 2, 2008.

20 The customary law office has primary responsibility for supervision of local courts, but does not have the power to appoint, remove, or discipline court chairmen or clerks. The office is also understaffed; though expanded in recent years, it employs just three customary law officers to cover the entire country. Local court supervisors are more numerous, but are based in district headquarter towns and have an extremely limited ability to conduct supervisory court visits.

21 This is in part because court chairmen are recommended for their position by paramount chiefs. Sometimes the chiefs’ influence on cases is systematic; in a Bombali chiefdom, for example, a previous court chairman was alleged to have consulted the paramount chief on all cases before ruling. In other cases, the court is alleged in a particular case to have ruled in favor of a party with ties to chiefdom authorities. As one young community member (male, age 37) claimed in a debt case in Bo district, “The court supported the [other] fellow because he was related to the paramount chief and court chairman.”

22 As one paramount chief said at a consultation on the draft local courts act, “if you take the authority of the local courts away from the paramount chiefs, they won’t have any power.” Consultation in Makeni, Bombali district. June 19, 2006.

23 Researchers heard allegations of paramount chief interference in the courts of all three main provincial research sites. (The fourth site, in the Western Area, has neither local courts nor paramount chiefs.) In one case, the paramount chief in a Bo District chiefdom allegedly demanded that a case continue even if the parties wished to withdraw, and threatened to shut down the court if it did not. In another case, the same chief wrote to the court clerk to forbid a case moving forward, arguing that because all lands in the chiefdom are under the custody of the paramount chief, only he or people he selected could hear the case. In a Bombali court, when the chairman (who was said to have consulted the chief on all cases) and court clerk were removed by district-level authorities, the chief allegedly scared off replacement clerks in order to block the court from operating. And in a Moyamba chiefdom, the paramount chief frequently encourages the parties to withdraw cases from the local court and bring them to the chief to settle “at home.” Although this last example was seen positively by some respondents as a way of minimizing antagonism and cost for the parties involved, it also has the potential for bias.

24 Chieftaincies exist throughout the country except the Western Area. As a result of the country’s divided colonial system, in which Freetown and its environs were governed as a colony while the rest of the country was governed indirectly as a protectorate, there are no chiefdoms in the Western Area.


26 A very prominent recent case is the 2006 Biriwa chieftaincy dispute, in which the majority Limba population challenged the qualification of the minority Mandingo population (whom they considered “strangers”) to field a candidate. The Limbas also complained of biased and inappropriate interference from the central government. The Limbas ultimately boycotted the process and a Mandingo was elected paramount chief of Biriwa chiefdom for the first time in history. Limba representatives appealed the outcome to the Supreme Court, but the petition was struck down in November 2006.

27 These include the Provinces Act 1933, chap. 60, and the Chiefdom Councils Act 1938, chap. 61. The chieftaincy system as it now stands has its origin in the country’s colonial era, though it builds in many areas on a longer tradition. As the British colonial authorities spread their frontiers outward from the colony Freetown and consolidated their power in the protectorate, they signed treaties with traditional rulers—some of whom had previously gone by the title “king”—and gave them the title of paramount chief, at the same time making them subordinate to the colonial officials. They also redrew boundaries, at times dividing chiefdoms whose rulers had become too powerful, at other times combining previously independent areas into consolidated chiefdoms, thereby creating chiefdoms with multiple ruling families or even ethnic and cultural traditions. Between 1945 and 1959, the number of chiefdoms was reduced from 217 to 149.


29 Modified slightly from Republic of Sierra Leone, Ministry of Local Government and Community Development, Role, Functions and Responsibilities of Paramount Chief and Chiefdom Administration, Freetown. (Received from the Ministry during preparation for the Chieftdom Governance Reform Task Force, 2006.)

30 The chiefdom treasury clerk is a civil servant hired and paid by the central government and managed by a district-level central chiefdom finance clerk.
Decentralization Survey

percent to the village elders. R. Manning, P. Dale, and L. Foster, research site, several respondents said you can bring cases to chiefs without money, but they won’t take them seriously.

by the World Bank, discusses societies (sodalities) as a form of social capital. P. Richards et al., Governance in Sierra Leone

Issues are likely to be long-standing. Christian, and 2 percent other or no religion. Though fewer than 1 percent of respondents reported their religion as organization got involved.

papers held in October 2008. See Appendix B for details.

This disconnect was described by civil society participants in a discussion meeting about this and other J4P/LG papers held in October 2008. See Appendix B for details.

The most recent government census, conducted in 2004, found that 77 percent of people were Muslim, 21 percent Christian, and 2 percent other or no religion. Though fewer than 1 percent of respondents reported their religion as “traditional,” the majority of Sierra Leoneans combine Christian or Muslim beliefs with various traditional beliefs.

As a 2004 report argues, “In many Chiefdoms, governance issues of critical importance are addressed within the confines of secret societies and not by chiefdom governance structures. These issues are likely to be long-standing disputes dealing with land and/or local political authorities.” DFID, Identifying Options for Improving Chiefdom and Community Governance in Sierra Leone (London: Department for International Development, 2004), 14. Another 2004 study, published by the World Bank, discusses societies (sodalities) as a form of social capital. P. Richards et al., “Social Capital andSurvival, 9-11.) In a more recent article, R. Fanthorpe argues that Sierra Leone’s societies have tended to be strengthened rather than threatened by political modernity. He argues that societies played an important role during the civil war, and in its aftermath were one of the institutions that many people were anxious to reinstate. Using newspaper reports as evidence, he highlights a number of incidents in postwar Sierra Leone that he says illustrate the societies’ continued importance, particularly in politics and community-level disputes. R. Fanthorpe, “Sierra Leone: the Influence of the Secret Societies, with Special Reference to Female Genital Mutilation,” A Writenet Report (Geneva: UNHCR, August 2007).

Most literature, as well as conventional wisdom, say that the majority (most say as high as 80–90 percent) of people are initiated into secret societies. A recent national household survey found that just 29 percent of respondents nationally, rising to 37 percent in villages, identified themselves as members of traditional societies (IRCBP, National Public Services Survey). The cause of this discrepancy is unclear, but there may have been problems with translating the survey, or of people underreporting to enumerators.

For instance, it remains usual (and often mandatory) for candidates for paramount chieftaincy to be members of the local society, though some of the newer and more educated chiefs seem to have more lukewarm views on the societies. In addition, a number of individuals whose parents served important chiefs seem to have refused on religious or other grounds to take their place. In a peri-urban community in the Western Area, respondents confirmed that societies used to play many of the decision-making and dispute-resolution functions outlined above, but argued that the societies had declined significantly as a result of urbanization and Islam. Even in the most remote of the main research sites, in Moyamba district—a district well-known for the strength of its cultural practices, including the Sande, Poro, and Wunde societies—there are signs that the local Poro society has significantly decreased in power and influence. For example, the Poro society used to be responsible for cleaning the water wells and setting rules for their use, but no longer does so. In another, the same chiefdom, authorities refused to support the initiation of a local Poro society and later ruled against the society members in a rare public hearing after several community members filed a formal complaint about theft of property by the society’s “devil.” One respondent argued that the influence of secret societies in that chiefdom had diminished due to the spread of Islam. (Respondent details not available.)


For example, a 45-year-old female chief in one northern chiefdom said the chief sometimes consulted her when he wanted to take decisions and involve her in chiefdom activities; asked for an example, she cited the case where the country’s president and vice president visited the chiefdom and she was asked to mobilize female drummers and singers to entertain the visiting dignitaries.

Respondent’s age not available.

For example, community-driven projects sponsored by NaCSA (the National Commission for Social Action, a World Bank-supported government agency) must be managed by a 10-person project management committee (PMC). In at least one case, a community that already had a NaCSA PMC decided on its own accord to create a new PMC for a separate project, a school funded by the European Union (EU), even though the EU neither required any such community participation nor allowed any real role for the PMC. Other development agencies will often require that communities form special project committees; for instance, researchers found such committees linked to World Vision, Action Aid, and projects funded by the local council.

For instance, one respondent alleged that PMC members in a Bo district chiefdom were appointed by the councilor who first initiated the project, and that her husband was the PMC chairman. The PMC in a Moyamba research site was particularly striking: the (female) paramount chief’s nephew is the storekeeper and her daughter is the PMC treasurer; the PMC secretary is from the other ruling house in the chiefdom and is a nephew of the former member of parliament; the PMC chairman is the son of a section chief; and the NaCSA contract was awarded to the paramount chief’s son-in-law, husband to the PMC treasurer. In a 2006 article, Jackson discusses similar dynamics, noting that NGOs have a tendency to work with Village Development Committees (VDCs), which “tend to be dominated by those within the patronage networks rather than outside” (Jackson, “Reshuffling an Old Deck of Cards,” 100).

For example, the head teacher in a Bombali chiefdom had successfully applied for funding for both an EU-funded school and a NaCSA-funded clinic. For the former, he said he noticed a billboard in a neighboring town advertising that the school had been built by the EU; he then asked around until he found out how to contact the EU office, to whom he wrote directly.

The fact that they recognize and permit, if not facilitate, the facilitators’ role suggests it is something they value. Moreover, communities that lack such an individual often bemoan the absence, and attribute—perhaps rightly—their own failure to benefit from development projects to the lack of an educated individual (a “book man”) to advocate on their behalf.

This was evident from the J4P/LG field research, particularly in relation to youths, as documented in Manning, “Challenging Generations.” It has also been noted by other observers. See, for instance, Richards et al., “Social Capital and Survival,” 36. “Rural people are now more prepared to challenge authority and seek accountability from government or other service providers.”

IRCBP, National Public Services Survey. Respondents from Freetown are excluded because there are no paramount chiefs in Freetown.

Ibid. Respondents were asked, “If the [Paramount Chief / Local Council / government in Freetown] was given 500 million leones to complete a project in this area, do you believe they would spend all the money doing a good job on the project or would they cut [steal] some of the money?” There were five response options: “they would do a great job and spend all the money,” “they would do a good job but cut a little money,” “they would do a bad job and cut most of the money,” “they would just take all the money,” or “don’t know.” Responses were scored from 0 to 3. Paramount chiefs scored an average of 1.7, significantly higher than local councils (1.3) and the central government (1.4).
community is typically divided between leading lineages and the rest, and that the most severe poverty and vulnerability
the respondent said, suggesting that
work. ―If that contract was given to a private individual we would have gone after him to come back and complete it,‖
selected by all the paramount chiefs in that area.
area with paramount chieftaincy also includes a specified number of seats reserved for paramount chiefs, who are
service. Paramount chiefs, chiefdom speakers, and ministers are also barred from contesting, though each council in an
crimes, or a member of parliament, the armed forces, the police, the judiciary, the electoral commission, or the civil
that have been able to raise awareness of both the rulers and the
representative of one such NGO, who said that women's participation had increased dramatically ―thanks to… NGOs
All but Freetown were originally town councils, but were changed to city councils in 2007.
Exceptional places at a town or even section level, though this varies from place to place.
As a deputy town chief (male, age 41) in one Moyamba chiefdom said, “The chieftaincy here is based on inheritance, but if a stranger is serious, active and is able to organize well, the people sometimes make that person chief.” In another chiefdom, a man was allowed to stand for section chief despite not being from a ruling house, primarily because for 35 years he had continued to pay local tax in that chiefdom despite living in another province, thus proving his “love” for the chiefdom. After campaigning vigorously, he was elected unanimously by the 36 TAs in his section, earning himself the nickname “Jama” or “Crowd Puller.”
As mentioned earlier, project management committees formed to manage specific development projects often mirror other types of authority in the chiefdom, with members from chieftaincy families or with strong ties to those families.
As one paramount chief said, good works of the father convince people to “compensate” the son, though they also take into account the son’s character. (Bombali district, June 2006 preliminary field work.)
Exceptions do exist. For example, in a Bombali chiefdom, two women contested (in May 2006) for the position of woman chief. The election was by open headcount, and the winner was both younger and a stranger.
Tribal heads interviewed by researchers include those representing the Fullah, Limba, Mende, Sherbro, Susu, and Temne groups. Others may also exist but these were the most prominent.
This marginalization is discussed in greater detail in Richards et al., “Social Capital and Survival.” As they say, “the rural community is typically divided between leading lineages and the rest, and that the most severe poverty and vulnerability is mainly found among strangers and members of weaker lineages” (iii).
As one male respondent in a remote Moyamba chiefdom said, his youth and “stranger” status combined to prevent him from challenging an authority. “I cannot condemn the youth leader because I am a stranger and a small boy,” he said. (Age of respondent not available.)

The 2007 national election can be seen as a partial break with that tradition. Though the majority of votes still followed ethnic lines, there were some surprises, particularly in the runoff between the northern and Temne-dominated All People’s Congress (APC) party and the southern and Mende-dominated Sierra Leone People’s Party (SLPP). After coming in third in the first round, the new PMDC (People’s Movement for Democratic Change) party, the founder of which had only recently broken from the SLPP and therefore had its roots in the Mende-dominated South, threw its support in the runoff behind the APC, which likely contributed to the APC’s eventual win.
For a more detailed discussion of the changing relationships between youths and elders in Sierra Leone, see Manning, “Challenging Generations.”

A 33-year-old male community member from a Moyamba chiefdom used this expression.
A 38-year-old male youth leader from a Bombali chiefdom used this expression.
This is called the “principle of seniority” in anthropology, and is shared by many societies.
This is evident from field research, but has also been noted by others. See, for example, Richards et al., “Social Capital and Survival,” 42.
A large number of respondents attributed change to sensitizations. The quoted expression comes from a representative of one such NGO, who said that women’s participation had increased dramatically “thanks to… NGOs that have been able to raise awareness of both the rulers and the ruled.” (Respondent age and gender not available.)
All but Freetown were originally town councils, but were changed to city councils in 2007.
 Certain categories of people are disqualified, including those employed by the council, those convicted of certain crimes, or a member of parliament, the armed forces, the police, the judiciary, the electoral commission, or the civil service. Paramount chiefs, chiefdom speakers, and ministers are also barred from contesting, though each council in an area with paramount chieftaincy also includes a specified number of seats reserved for paramount chiefs, who are selected by all the paramount chiefs in that area.

The respondent went on to accuse local government officials of misusing these tools, and said the councilor was awarded a construction contract from an international organization to build toilets in the village but never completed the work. “If that contract was given to a private individual we would have gone after him to come back and complete it,” the respondent said, suggesting that—in this case at least—the involvement of a councilor actually hurt the cause of accountability.

Jackson also discusses these ambiguities and the resulting conflicts in Jackson, “Reshuffling an Old Deck of Cards.”
It may be that councilors, by virtue of holding their positions, do feel more able to challenge traditional systems than an average community member. However, there is no reason to believe this is significantly different than for other authorities, such as religious leaders, society heads, or the informal development brokers and other “big men.”

This power to mobilize labor has also been abused in the past, and has been cited by some as a contributing factor in the civil war. See, for example, Richards et al., “Social Capital and Survival.” Today it may be a double-edged sword: chiefs mobilizing young men to provide labor may reap the benefits (whether individually or collectively) but may risk breeding resentment that would spark a return to violence.

In another case mentioned earlier, a councilor used the local court to enforce the involvement of several villages that did not show up to work on a road project to which they had previously agreed. The project in that case originated with town chiefs rather than the councilor, however, so is a somewhat different scenario.

This paper does not attempt to include an exhaustive review of literature on local governance in Sierra Leone, but does cite a number of relevant materials. These are listed here. For a longer literature review on justice and governance issues in Sierra Leone, see P. Dale, “Access to Justice in Sierra Leone: A Review of the Literature,” (Washington, DC: World Bank, May 2008), http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/Access2JusticeSierraLeoneLitReview.pdf.
The inaugural volume of the Justice and Development Working Paper Series consists of three papers on local-level dynamics of justice and governance in Sierra Leone. These essays—once about the interaction between local councils and traditional authorities, another one about the power relations between youth and their elders, and a third one about false development promises—are the products of qualitative research conducted in 2006 and 2007 by the World Bank Sierra Leone Justice for the Poor team. The papers aim to enrich our empirical understanding of the workings of justice and governance in the country. The goal of Justice for the Poor, in Sierra Leone and elsewhere, is to employ such knowledge to improve development practice.

Abstract

When elected local councils were reinstated in 2004 after a hiatus of more than 30 years, they joined a complex system of already existing local authority structures that draw their organization and legitimacy from a wide range of different systems and traditions—customary, colonial, and modern. Findings from in-depth, qualitative research reveal that although the reinstated councils and other new “modern” systems have managed to establish a foothold in the local governance system, they are still not divorced from other, more traditional sources of power and authority.

In fact, the research confirms that chieftaincy remains the most important system of authority across rural Sierra Leone. Though criticized at times for autocratic rule, the chiefs retain a great deal of legitimacy in the eyes of ordinary Sierra Leoneans and indeed, often fill an important governance and justice gap between local communities and formal state structures. Researchers also found that “traditional” norms and systems are changing in relatively significant ways, and that “modern” interventions are engaging and interacting with other governance systems in a rich and sometimes unpredictable manner.

This process of mutual accommodation and adaptation results in a hybrid system—an interlinked network of institutions and individuals with overlapping sources of legitimacy—rather than a clear-cut duality between the “traditional” and the “modern.” Anyone seeking to improve local governance or otherwise engage with rural or peri-urban Sierra Leone should understand this environment and should seek to build upon the best tendencies of these various local authorities while limiting their worst.

The Justice and Development Working Paper Series serves as a platform for new and innovative thinking on issues of justice and development and features work from World Bank staff and from external authors. Justice and Development disseminates the findings of work in progress to encourage a more rapid exchange of ideas about development issues and justice reform. Papers carry the name of the authors and should be cited accordingly. The findings, interpretations, and conclusions expressed in this paper are entirely those of the authors. They do not necessarily represent the views of the World Bank and its affiliated organizations, or those of the Executive Directors of the World Bank or the governments they represent.
Exploitation of Poor Communities in Sierra Leone
False Promises in Reconstruction and Development

Ryann Elizabeth Manning