

SIERRA LEONE:
THE STATE OF SECURITY AND GOVERNANCE

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

There was euphoria in Sierra Leone in 2002 as the country finally emerged from eleven years of war and entered a period of democratic transition and better governance. Since the successful elections on 14 May of that year, however, the donor community and the people of Sierra Leone have grown increasingly frustrated with stagnating reform and recovery. The government has failed to offer a clear direction, and there are consistent signs that donor dependence and the old political ways are returning. Many are questioning the government's commitment and capacity to address the long list of internal challenges, ranging from security concerns and economic recovery through implementation of a broad spectrum of institutional reforms. The longer the issues are left unaddressed, the harder it will be to keep the peace process on track. Also worrisome are the troubles across Sierra Leone's borders, especially in unsettled and violent Liberia.

It is a moment of critical choice for Sierra Leone: difficult reforms that ultimately will pay high returns in stability and prosperity or politics as usual. The international community has invested billions of U.S. dollars to end the civil war and move the country toward peace. The UK, the UN Mission in Sierra Leone (UNAMSIL), the World Bank, and the International Monetary Fund (IMF) continue to commit time and resources but they cannot stay forever. The government needs to take a stronger leadership role in the rehabilitation process. Its performance has been disappointing, and complacency appears to have set in. While reform rhetoric abounds, action has yet to follow. There are three main areas of concern.

First, as UNAMSIL continues to draw down, Sierra Leone must increasingly take on responsibility for internal security and protection of its borders. Many question the ability of its armed forces, and even more contend the police have nowhere near the necessary capacity or

training. In July 2003, the UN Security Council approved a plan that foresees the departure of UNAMSIL by December 2004. The government needs to show it can take over but given the current situation, it would be wise for UNAMSIL to have contingency plans.

Secondly, a number of internal issues must also be addressed in order to make the peace process irreversible. The Special Court handed down its first indictments on 10 March 2003 and dramatically announced on 4 June the indictment of then President Charles Taylor of Liberia for his role in Sierra Leone's war. The Truth and Reconciliation Commission (TRC) began public hearings on 14 April. While both institutions are running reasonably well, concerns persist, particularly about the Special Court's impact on the peace process and the surprising indifference shown by much of the population to the TRC. The government has been unable to disband completely the Kamajor Civil Defence Forces, which maintain their command structure and claim to be ready to mobilise if necessary. The ex-insurgents, the Revolutionary United Front (RUF), have lost their command structure, and their political party struggles to keep offices and members. The reintegration program should finish in December 2003, but many ex-combatants have yet to complete training programs, and even with assistance, many are finding jobs scarce and believe the government should be doing more.

Thirdly, the government has failed to make significant progress on governance reforms since its resounding electoral victory. There is no systematic plan for decentralisation. While elections for paramount chiefs have taken place in 2003, and some semblance of traditional authority has returned to most areas, these communities remain essentially isolated with little monetary or administrative assistance from Freetown. Local elections are

scheduled to take place by the end of the year, but given inadequate infrastructure, they are likely to be postponed until early 2004, and few expect them to bring real change. Institutional reforms have fared little better. Efforts to address rampant corruption through an Anti-Corruption Commission (ACC) have proved fruitless as the ACC is too hamstrung by politics to be either independent or effective. The justice system needs a complete overhaul, from laws through judges. Youth groups have appeared across the country, some helping communities, others challenging local governments. The diamond mines, now often considered a curse rather than a blessing by the population, remain poorly monitored and managed, and illegal alluvial mining costs the government tens of millions of U.S. dollars in revenue each year.

International assistance and advice have promoted reforms in some areas but also allowed the government to relax rather than make necessary, albeit difficult, decisions. It is time for donors to demand action. Much of the hard work is currently being done by internationals and a handful of Sierra Leoneans who understand the dire consequences of not taking full advantage of a fleeting opportunity. Especially the UN and the British can be credited with bringing peace to Sierra Leone, but its own government will be held accountable if it does not sustain that peace by providing a clear way forward for post-conflict reform and reconstruction.

RECOMMENDATIONS

To the United Nations Security Council:

1. Ensure that the government meets stated benchmarks for performance, including security sector reform, as set out in the Secretary General's Fifteenth Report on UNAMSIL (September 2002), and adjust the UNAMSIL withdrawal plan accordingly.
2. Remain flexible on the UNAMSIL drawdown process and plan for the contingency that police and military may not be ready to ensure internal and external security respectively.

To the British government and the Commonwealth:

3. Continue to support the International Military Advisory and Training Team (IMATT) by focusing attention on training to handle border areas and threats of incursion, champion high standards to keep unqualified "political" candidates out of the armed forces, and help the armed forces reduce size and weed out unqualified soldiers and officers as well as remaining troublemakers.
4. Concentrate immediate attention and assistance on recruitment and training of new police officers and training of current officers, especially in the provinces, to ensure the police can handle internal security, and encourage UNAMSIL's civilian police unit to use only highly qualified trainers.

To Donors:

5. Use explicit benchmarks as the criteria for distributing and suspending aid, to include demonstrations by officials that they are increasing their capacity to function independently and that accountability and transparency measures are in place, and stop funding projects until benchmarks are met.
6. Assist the government to create and implement new investment, land ownership, and corporate laws to encourage international investors to return.
7. Provide the necessary funds for the Truth and Reconciliation Commission to complete its work.

To the Sierra Leone government:

8. Make a clear commitment to reform by following up rhetoric with action, including by:
 - (a) screening refugees more effectively and otherwise putting significant security measures in place in refugee camps;
 - (b) working with the donor community to restructure the Anti-Corruption Commission (ACC) to make it more independent and more effective in investigation and prosecution of cases and to ensure that the judges and prosecutor seconded by the Commonwealth for such cases have access to information and can operate free of government intervention;
 - (c) improving the capacity of the Auditor General's office to conduct yearly audits of government departments and sending questionable audits to the ACC for investigation;
 - (d) focusing greater efforts and resources on devising a comprehensive program for judicial reform, to include updating laws, improving the courts by appointing qualified judges, providing court recorders, and reducing case loads, improving police capacity to conduct competent investigations to support legal cases, and improving prison conditions;

- (e) establishing effective control over diamond mining by enforcing regulations, especially with respect to decreasing smuggling and reducing corruption and illicit mining conducted by government officials;
- (f) initiating reforms of key sectors such as agriculture and fisheries to assist in economic recovery and decrease unemployment, and
- (g) beginning the larger process of going beyond infrastructure improvements to overhaul all government institutions.

To civil society:

9. Hold the government accountable for recommendations made by the Truth and Reconciliation Commission (TRC).
10. Press the Attorney General either to forward corruption cases to the courts or explain the delays.

**Freetown/Brussels,
2 September 2003**



SIERRA LEONE: THE STATE OF SECURITY AND GOVERNANCE

I. INTRODUCTION

Some sixteen months after it successfully conducted national elections, Sierra Leone faces a much changed security environment. It continues to work toward consolidating the peace that took hold in early 2002. Key milestones include completion of the demilitarisation and demobilisation of ex-combatants and the beginning of country-wide reintegration activities in January 2002, and presidential and parliamentary elections on 14 May 2002. Nevertheless, true peace and stability are still far off. A coup attempt and a serious cross-border raid by Liberian rebels in January 2003 show that neither the government nor the international community can be complacent.

Understanding the challenges requires analysis of the regional security context as well as the internal situation. Security remains inextricably linked to regional stability. The peace processes in Liberia and Côte d'Ivoire are fragile. Guinea has a humanitarian crisis along its southern border, December elections, and a power vacuum that looms if its ailing president dies. Any or all of these problems could easily threaten Sierra Leone's peace process and its stability.

UNAMSIL began withdrawing in September 2002, and the government must be able to fill the security vacuum by December 2004 when the process is scheduled for completion. The Special Court for Sierra Leone and the Truth and Reconciliation Commission (TRC) play vital roles in consolidation of the peace process by addressing impunity and reconciliation respectively, but many question their achievements to date. Other key peace process actors include the Civil Defence Forces (CDF), which formally disbanded in April 2002, but whose core group, the Kamajors, retains its command structure and capacity to mobilise; the ex-rebels, the RUF, who made the transition to a political party that has become all but extinct due to its inability to attract financial support and

members; and, the large number of ex-combatants unhappy with the reintegration program and facing bleak employment prospects in the formal economy.

The government faces the additional tasks of decentralising services in the provinces, reforming institutions, especially the judiciary, addressing the growing dissatisfaction of youth and improving management of the diamond mines. It has taken small steps by planning reforms, with donor help, but it now must convert plans into achievements. Inactivity combined with systemic lack of transparency and accountability raises concerns about the government's actual commitment. The international community will not stay forever, and the government needs to act now if it is to be able to keep the country on course towards sustainable peace.

II. REGIONAL INSECURITY

A. LIBERIA

The chaotic and rapidly evolving situation in Liberia continues to represent the biggest external threat to Sierra Leone's security and prosperity. Ex-President Charles Taylor, whose indictment by the Special Court for Sierra Leone was unsealed and announced on 4 June 2003, is widely considered the single most responsible individual for the country's eleven-year war. For the past three years his government fought its own civil conflict with the Liberians United for Reconciliation and Democracy (LURD) insurgency. That war intensified in early 2003 as the LURD advanced on Monrovia, and a second rebel group, the Movement for Democracy in Liberia (MODEL) emerged.¹ By April an estimated 60 per cent of Liberia's territory was under rebel control.² The situation further deteriorated in June when the LURD used the Taylor indictment as a pretext for an offensive on the capital. The deteriorating situation impacted on Sierra Leone in several ways. First and foremost, fighting along the border increased the necessity for the army to patrol the area. Secondly, refugees (and some combatants) flowed into Sierra Leone while arms may well have moved in the opposite direction.

Sierra Leone shares over 300 kilometres of border with Liberia, and its armed forces and police are stretched thin to cover even the main crossing points. Reports in April indicated that LURD fighters were crossing into Sierra Leone over the densely forested southern border. Although a representative of the United Nations High Commission on Refugees (UNHCR) claimed Sierra Leone was maintaining an "open door" policy of accepting Liberian refugees, government troops said they were under strict orders

to let no one cross, including refugees, without clearance from commanding officers.³

Nevertheless, and despite reports indicating that Liberian government forces were attempting to prevent flight, thousands of Liberians crossed into Sierra Leone in the first half of the year, the heaviest influx as a result of fighting directly south of the border. Between February and March 2003 alone, Liberian refugees increased from just over 12,000 to over 25,000.⁴ Reports suggested that after gaining control of the area along the southern border, LURD attempted either to block civilian flight or to charge heavy fees for permission to cross.⁵ However, the flow of refugees picked up again in June with the resumption of heavy fighting.⁶

While Sierra Leone can absorb the refugees who have already arrived, a further increase could deplete available resources and hamper efforts to shift programs for its own citizens from humanitarian assistance to development.⁷ Moreover, the reported presence of a large number of Liberian combatants in and around the refugee camps, such as Jimmi Bagbo Camp, raises concerns about the security of those installations.⁸

Another issue that may pose risks for Sierra Leone is the reported trafficking of arms to LURD forces through Sierra Leone territory.⁹ There are three suggested routes: the first from the port in Bonthe along the southwest edge of the country, the

¹ For analysis of the conflict in Liberia, including of the parties involved, see ICG Africa Report No. 62, *Tackling Liberia: The Eye of the Regional Storm*, 30 April 2003, and ICG Africa Report No. 43, *Liberia: The Key to Ending Regional Instability*, 24 April 2002.

² "Second Report of the Secretary General pursuant to Security Council resolution 1408 (2002) regarding Liberia", UN Security Council, S/2003/466, 22 April 2003, paragraph 33, page 6. This information is based on observations of the ECOWAS mission that visited Liberia.

³ ICG interviews with Sierra Leone soldiers, April 2003.

⁴ UN High Commissioner for Refugees (UNHCR), May 2003. In May 2003, there were just under 71,000 Liberian refugees in Sierra Leone, of whom just over 54,000 were in refugee camps.

⁵ ICG interview with UNHCR representative, April 2003.

⁶ LURD representatives stated they would allow civilians to cross into Sierra Leone. ICG discussion with international NGO representative, June 2003.

⁷ ICG interviews with UNHCR representatives, April-May 2003; "Seventeenth Report of the Secretary General on the United Nations Mission in Sierra Leone", March 2003.

⁸ UNHCR claims there are no problems in the camps and no evidence of recruitment. ICG interview with UNHCR representative, May 2003. However, ICG interviews with various international NGO representatives and UNAMSIL officials in June and July 2003 provided an indication of increasing concerns with the camps. For an analysis of the recruitment issue, see ICG Report, *Tackling Liberia*, op. cit.

⁹ ICG interviews, April 2003. Also see ICG Report, *Tackling Liberia*, op. cit.

second from the east through to the southwest, and the third from the border with Guinea to the southeast. The first route is the most difficult given the lack of roads. The others are easier but more open to observation. UNAMSIL, which has investigated and maintained surveillance of LURD supporters in Sierra Leone,¹⁰ says it has found little concrete evidence of arms flows.¹¹

The Sierra Leone military had previously allowed LURD to trade and to send women to buy goods. However, it stopped these practices when LURD soldiers began using Sierra Leone territory for rest areas.¹² The Mano River Bridge, officially closed on 17 February 2003, is now blocked by several old cars to prevent cross border movement. The Ministry of Defence issued a clear directive against military cooperation with LURD, which appears to have been generally complied with despite LURD efforts to re-establish a relationship.¹³

Whether Taylor's departure and the ECOWAS and UN interventions will stabilise Liberia remains unclear.¹⁴ Even with an end to the fighting, however, Sierra Leone remains extremely sensitive to all developments, especially those involving refugees, including the possible return of its own citizens who fought in the war.¹⁵

¹⁰ ICG interviews with a number of officials from the Sierra Leone military, the CDF, and UNAMSIL, January-April 2003. Interviewees indicated that CDF have crossed the border to join LURD. Some claimed this was to repay LURD (then called ULIMO, United Liberation Movement for Democracy in Liberia) for help during Sierra Leone's war.

¹¹ One Western embassy official argued that arms supplies through Sierra Leone are unlikely given the presence of UNAMSIL, but a UNAMSIL official noted that the UN forces do not patrol at night when most shipments take place. ICG interviews, April and June 2003.

¹² ICG interview with Sierra Leone soldier, April 2003.

¹³ ICG interviews with Sierra Leone soldiers, April 2003.

¹⁴ The Fifteenth Nigerian Battalion of UNAMSIL were the first troops sent into Monrovia. The battalion had been scheduled to rotate out of Sierra Leone at the end of July 2003.

¹⁵ Many ex-fighters from Sierra Leone's civil war have fought in the Liberian conflict. For example, many RUF rebels who opted out of the disarmament process in Sierra Leone joined government forces in Liberia to fight against the LURD insurgency. Similarly, a number of CDF, mainly Kamajors, have been recruited by the LURD, which has paid relatively large amounts of money to young Sierra Leone men. Between June 2003 and the beginning of August, the recruitment price ranged from

B. CÔTE D'IVOIRE

The attempted coup in Côte d'Ivoire on 19 September 2002 led to an early standoff between the rebels in the north¹⁶ and government forces in the south but the situation descended into near anarchy in the west where two new rebel groups emerged in late November.¹⁷ The government and the rebels in the north appear to be abiding by the Linas-Marcoussis peace agreement signed on 25-26 January 2003 in France.¹⁸ The government and the two rebel groups in the west reached a ceasefire on 3 May intended to prepare the way for a joint French-ECOWAS intervention to create a weapons-free zone and remove any remaining Liberian mercenaries.¹⁹ While President Laurent Gbagbo declared the war officially over on 4 July, the rebels have questioned the disarmament process, and at least 2,000 former fighters, both government and rebel, continue to run wild in the west.²⁰ Nevertheless, all Ivorian factions seem to share the desire to force Liberian mercenaries out of the country.

To date Sierra Leone has largely managed to avoid damage from the conflict. The most noticeable impact was a fuel shortage and rise in fuel prices in February 2003. The humanitarian crisis and large refugee flows have been felt more by Guinea, Liberia, Mali and Burkina Faso.²¹ This could change if meddling from Côte d'Ivoire were to stir up new fighting in Liberia, and thus new refugee flows. Sierra Leone also faces the return of some former fighters if the Côte d'Ivoire ceasefire holds and disarmament proceeds.²²

U.S.\$300 to U.S.\$500. ICG interviews with international NGO representatives and UNAMSIL staff, August 2003.

¹⁶ The Patriotic Movement of Ivory Coast (MPCI), which is the main rebel group.

¹⁷ The Movement for Justice and Peace (MJP) and the Patriotic Movement of the Grand West (MPIGO).

¹⁸ The peace agreement provides for creation of a power-sharing transitional government to remain in place until elections in 2006.

¹⁹ A forthcoming ICG report will analyse the crisis in Côte d'Ivoire in detail.

²⁰ IRIN, "Côte d'Ivoire: Peacekeepers say 2,000 gunmen still roam the Wild West", 16 July 2003.

²¹ ICG interview with UNHCR representative, May 2003. Through May 2003, only two Ivorians had entered Sierra Leone as refugees.

²² As a result of escalating fighting in southeastern Liberia, an estimated 15,000 Liberians crossed the Ivorian border in May 2003 and another 15,000 by mid July.

C. UNCERTAINTY IN GUINEA

Guinea has long been accused of providing LURD with military supplies and a rear logistical base. While LURD served as a buffer for Guinea against attacks by President Taylor's forces, Guinean support gave the former Liberian leader all the more reason to wage war along that country's southeastern border.²³

Internally, Guinea faces difficult times with elections in December 2003 and the health of President Lansana Conté seriously in question. There are concerns that his death would produce a succession crisis. While he continues to claim he will stand in the December elections, opposition leaders stated in April and again in August that they would take to the streets if he did so, and it appears that regardless of what the president does, unrest is likely.²⁴ If either a succession crisis or the election led to widespread violence, there likely would be severe humanitarian ramifications for neighbouring Sierra Leone, in particular another flood of refugees. Indeed, Guinea itself already hosts a large and growing population of Liberian refugees, which is a heavy economic burden.²⁵

Many Sierra Leone citizens who took refuge in Guinea during the fighting in their home country have been returning, about half with UNHCR assistance and reintegration packages. Some of this movement is due to the improved security situation in Sierra Leone, some to the perception that the situation in Guinea is increasingly tenuous.²⁶ This

situation continues to be watched by humanitarian organisations, but for now, the focus is more on repatriating Sierra Leoneans than on handling an influx of refugees from Guinea.

One serious point of contention between Guinea and Sierra Leone is the issue of Yenga, a small territory along Sierra Leone's eastern border. Ownership has been disputed since decolonisation but became a source of tension between the governments over the past year. In March 2003, Guinea began moving people into the territory to start farming, though they departed after conducting some small-scale logging as a result of anti-Guinean sentiment in the village.²⁷ While there is little hard evidence of motivation, the territory could have economic and strategic importance for Guinea since there are diamond prospects along the river, and it might serve as a supply route along which to assist LURD.²⁸

In March 2003 Sierra Leonean ex-combatants threatened to resolve the issue themselves if the government or the army did not.²⁹ While some talks have taken place between the two governments, nothing has been resolved. A joint Yenga Border Demarcation Committee was tasked with identifying and agreeing on the border. Though it eventually was able to identify most of the 1912 benchmark points, no official agreement has been reached. It was preparing to finish its study during the summer but the next meeting to discuss the situation is scheduled only for January 2004.³⁰

²³ For more information on Guinea's role, see ICG Reports, *Tackling Liberia* and *Liberia: The Key to Ending Regional Instability*, both op. cit.

²⁴ In interviews with the BBC program "Focus on Africa", 30 August 2003, a number of opposition groups did not exclude the possibility of violence in the run up to elections.

²⁵ As of June 2003, Guinea hosted some 60,000 refugees from Liberia, Sierra Leone, and Côte d'Ivoire. A report by IRIN warned as early as 6 February of its decreasing capacity to absorb more.

²⁶ ICG interviews with international NGO representatives, January and February 2003. As of 9 May 2003, roughly 11,000 of an estimated 35,000 had returned. UNHCR had wanted to complete the repatriation process by the end of June in order to concentrate on the Liberian refugees in Sierra Leone, but due to the collapse from heavy rains of the Dondou-Belu causeway linking Guinea to the Kailahun District, this could not be done. UNHCR will provide

assistance through June 2004, if necessary, to conclude the process. ICG interview with UNHCR representative, May 2003.

²⁷ ICG discussion with UNAMSIL official, June 2003.

²⁸ ICG interviews with representatives of UNAMSIL, Ministry of Defence, the Sierra Leone military, and international NGOs, February-March 2003.

²⁹ ICG discussion with UNAMSIL official, June 2003. There were reports that the local paramount chief rebuilt a small civil defence unit of about 50 former CDF combatants to provide border security, but UNAMSIL has encouraged its disbanding.

³⁰ ICG discussion with UNAMSIL official, June 2003. On 26 August 2003, the Permanent Secretary in the Ministry of Internal Affairs, Sanna Marah, stated that the demarcation exercise is still in progress. At the same time, reports emerged that Guinea has sent troops to the area who are reportedly harassing Sierra Leoneans who cross into Guinea. ICG interview, August 2003. Also see "Guinea sends more troops to Yenga", *Salone Times*, 27 August 2003, pp. 1, 3.

III. SECURING SIERRA LEONE

Amid these regional concerns, Sierra Leone's government must also prepare to fill the gap that the departure of UNAMSIL forces will create. The pace and quality of security sector reform will come under increased scrutiny, and significant questions are already being posed about the capacity of the police to manage internal security and the military to secure the borders.

A. UNAMSIL DRAWDOWN

UNAMSIL and the UN Security Council acknowledge that a careful assessment of regional and internal security concerns must guide the drawdown. Secretary General Kofi Annan set benchmarks in September 2002 for the process, including: improving Sierra Leone's police and army to avoid a security vacuum; completing the reintegration of ex-combatants; re-establishing and consolidating government authority throughout the country; and re-establishing government control over diamond mining.³¹ Expectations were that security challenges, both internal and external, would be minor, and the reform process would accelerate.³² The opposite has happened, however. While UNAMSIL has been pulling out as planned, concerns have grown that the government will not meet the benchmarks, especially on police and diamond mining.³³ Those concerns, in parallel with the uncertain situation in Liberia, justify planning for the contingency that UNAMSIL will be needed past 2004.

In the initial phase of the drawdown, some 600 of the then slightly more than 17,000 UNAMSIL troops and observers departed between September and November 2002. On completion of the second phase in May 2003, the UNAMSIL force was down to 13,100, at which point the schedule was reviewed.³⁴ On 18 July, the UN Security Council, upon

recommendation of the Secretary General, approved a modified plan, pursuant to which December 2004 was established as the target date for completion of the withdrawal but the possibility was raised that a residual force of unstated size and mandate might need to stay on.³⁵ Given the fluid situation that now prevails, particularly with respect to Liberia, further modifications to the schedule are likely.³⁶

As of July 2003, the police in particular were finding it difficult to meet the benchmarks of the withdrawal process. They are under-equipped, under-staffed, and under-trained, and their deployment in many parts of the country is in such small numbers as to be more ceremonial than practical. The military (RSLAF) is faring better, even though it is also short on equipment, housing and training. Its performance in response to border incursions occasioned by the Liberian civil war has been erratic and at times unreliable. As a result, popular confidence in it remains low.³⁷ UNAMSIL conducted exercises in May and June with the RSLAF in part to reassure the population that it could perform after UN troops were gone.

While UNAMSIL will first leave the centre of the country, which is deemed safe and under police control, the bigger concern is with the eastern sector, the area where the war started and disarmament and demobilisation took place last. It

³¹ "Fifteenth Report of the Secretary General on the United Nations Mission in Sierra Leone", S/2002/987, 5 September 2002.

³² ICG interview with UNAMSIL official, April 2003.

³³ ICG interviews with Western diplomats, UNAMSIL and the Sierra Leone military and police, March-June 2003.

³⁴ On 5 September 2002, UNAMSIL strength was 17,398. "Fifteenth Report of the Secretary General", op. cit.

³⁵ The "Eighteenth Report of the Secretary General on the United Nations Mission in Sierra Leone", June 2003, presented three options for the drawdown schedule: "accelerated", "delayed", and "modified status quo". The Secretary General recommended the modified status quo option, S/2003/663, 23 June 2003, pp. 7-9. The plan calls for UNAMSIL to complete departure from the centre sector in June 2004, from the eastern sector in October, and from Freetown and the western sector in December.

³⁶ The above report (paragraph 69) stated that there is nothing to indicate an accelerated drawdown is possible because Sierra Leone's police and military will not be ready to assume full responsibility for security by June 2004. In the eyes of many, even December 2004 may be too early for a complete withdrawal. The Secretary General as much as said this in the report by recommending the presence of a "residual force" of undefined mandate and size if UNAMSIL did exit in December 2004.

³⁷ ICG discussions with international NGOs, May and July 2003, who argued that trust in the military is extremely low and that what needs to be done, in addition to making the force more professional, is to build community relations so that there is more understanding of the army's job and some popular oversight.

still lacks a significant government presence and remains vulnerable to incursions from Liberia if peace does not come quickly to that country.³⁸

While the Security Council appears committed to ensuring the peace in Sierra Leone, the question is whether it will maintain the UNAMSIL drawdown schedule if the government is not sufficiently ready to take over. That could undo much that has been achieved.³⁹ Some in UNAMSIL argue that while not politically desirable, postponing the drawdown is feasible because the Security Council does not want to lose the vast investment already made in the country.⁴⁰ But others argue that Council members are anxious to declare Sierra Leone a success in order to concentrate on other problems, in particular the UN mission in the Democratic Republic of Congo.⁴¹ Regardless, time is short for the government to prepare itself.

B. THE RESTRUCTURED ARMED FORCES

The RSLAF is improving but questions persist. The British-led International Military Advisory and Training Team (IMATT) has been instrumental in its restructuring and training over the past four years.⁴² RSLAF commanders and trainers claim their troops

now have a more democratic ethos, that most understand their role in a democracy and are no longer interested in being involved in the internal affairs of the country.⁴³ While this is a large step forward, the RSLAF admits that more training and assistance is needed to keep reforms on track, complete its own downsizing and prepare for the departure of UNAMSIL.

A number of incidents in early 2003 raised serious concerns about the operational capacity of the RSLAF. On 10 January rebels fighting in Liberia crossed the border into Mandavolahun. Shots were fired and thirteen houses burned before they escaped with RSLAF weapons and radios. While there is some disagreement whether the RSLAF retreated tactically because it was outnumbered or because of cowardice, most saw its performance as a sign that it still could not provide much border security.⁴⁴ Many villagers returned home, though apprehensively, a few weeks after the incident but others refused to go back because they felt unprotected.⁴⁵ In April, the army's ability to rebuff smaller raids in this area renewed some faith in its capacity. Similar worries, however, spread along the southern border as reports surfaced that Liberian rebels were threatening to come into Sierra Leone for food.⁴⁶

On 13 January 2003, a small group of former soldiers and civilians attacked an RSLAF armoury at Wellington, five miles outside Freetown. While the attack failed, a police investigation uncovered a plan by ex-combatants and current soldiers to destabilise the country reportedly to prevent the

³⁸ ICG interviews with Western diplomats, UNAMSIL, and the Sierra Leone military and police, April-May 2003. Many in UNAMSIL mentioned the need for slowing the drawdown, and some suggested staying until 2005. A few suggested that the drawdown continue as planned to force the government to take on responsibilities and to encourage those who are trying to meet the deadlines. One diplomat argued that there is no need at this point to slow the process and said the decisive point will come not with the withdrawal from the eastern sector but when the last 5,000 troops are to leave Freetown.

³⁹ ICG interviews with UNAMSIL officials, March 2003.

⁴⁰ ICG interviews with UNAMSIL officials, April-May 2003.

⁴¹ Budget constraints are driving the UNAMSIL drawdown, including the need to free resources for Côte d'Ivoire, Liberia and the Congo. Security Council members appear confident that Sierra Leone can protect itself from the Liberia situation. The UK, which has invested most in Sierra Leone, is leading the drive for a UNAMSIL withdrawal. ICG interviews with UN and Western officials, New York, May 2003.

⁴² For a broader discussion of military reform see Mark Malan "Security and Military Reform", in *Sierra Leone: Building the Road to Recovery*, ISS Monograph Series, No. 80, March 2003.

⁴³ ICG interviews with Sierra Leone army officers, March-April 2003.

⁴⁴ ICG interviews throughout Sierra Leone, March-April 2003. ICG found varying degrees of trust in the military depending on the level of interaction with it, the quality of leadership and discipline of the forces, and whether there had been any altercations with civilians.

⁴⁵ ICG interviews in Kailahun District, February 2003.

⁴⁶ This has not yet happened. Instead, the rebels have been trying to negotiate trade deals with the Sierra Leone military to enter and purchase goods legally. ICG interview with Sierra Leone soldier, April 2003. In early August 2003 ICG received reports that goods looted by LURD fighters in Monrovia, including air conditioners, cars, televisions, and generators were available in Sierra Leone market towns, namely Bo, Kenema, Pujehun and even Freetown. ICG interviews with international NGO representatives and UNAMSIL staff, August 2003.

Special Court from carrying out its mandate.⁴⁷ This incident raised popular suspicions about the loyalty of an army that is composed of formerly hostile factions⁴⁸ and has an abusive history. Rumours that certain army and police officers helped Johnny Paul Koroma, one of those sought, to escape only reinforced suspicions.⁴⁹

ICG reported in July 2002 concerns about the army's cohesiveness and loyalty, specifically with respect to Koroma, the former junta leader who received significant support from the military in the May 2002 elections.⁵⁰ That support appears to have declined over the past year.⁵¹ Some argue soldiers voted for him not out of affection but out of a desire for a change in government leadership.⁵² There may still be elements within the military that do support him but several officers insisted to ICG that it is unlikely they could threaten the government.⁵³ One argued that new procedures within the army to address grievances have decreased the potential constituency of Koroma, or others like him. However, this officer

added that only 60 per cent of the troops were loyal to the government, while the remainder were split equally between the disloyal and the uninterested.⁵⁴ In such an atmosphere, it is not surprising that public apprehension persists about the capacity of the military to perform its duties and not threaten the state.⁵⁵

There is a general consensus in both the RSLAF and IMATT that reconstruction of the military is not yet complete.⁵⁶ These officers point to commanding officers promoted beyond their capacities for political reasons in the past as well as to officers who have yet to accept civilian rule and continue to consider the military the primary institution in the country and essentially above the law.⁵⁷ One officer argued that placing newly trained soldiers and recruits under the command of such officers produces the same result as never having trained the soldiers in the first place and wastes limited resources. An RSLAF commander believes these officers will be weeded out over time, but others are more sceptical, arguing that those who should be the subject of such reforms are the same ones hindering the process.

⁴⁷ "Seventeenth Report of the Secretary-General on the United Nations Mission in Sierra Leone", S/2003/321, 17 March 2003. This sentiment was also expressed by a number of people involved in the Special Court's operations. Global Witness claimed in March 2003 that then President Taylor of Liberia also had plans to destabilise Sierra Leone in order to prevent the Special Court from functioning. Global Witness, "The Usual Suspects: Liberia's Weapons and Mercenaries in Cote d'Ivoire and Sierra Leone", pp. 32-33. However, during their treason trials, several of those arrested for the armoury incident testified that the reason for the attack was to overthrow the government in order to reinstate Johnny Paul Koroma, whom, they claimed, had won the May 2002 election but had been cheated from taking office. See "55 told us to overthrow for Johnny Paul", *Awoko*, 21 May 2003; "Treason: Kabbah's overthrow planned at Rambo's house", *Concord Times*, 21 May 2003.

⁴⁸ The Military Reintegration Program, completed in 2002, brought in roughly 2,300 ex-combatants from the various factions.

⁴⁹ ICG interviews in Zimmi, April 2003.

⁵⁰ See ICG Africa Report No. 49, *Sierra Leone after Elections: Politics as Usual?*, 12 July 2002, pp. 9-10.

⁵¹ Some believe that support for Koroma has declined following his indictment by the Special Court.

⁵² ICG interviews with Sierra Leone army officers, April 2003.

⁵³ *Ibid.* and ICG interview with Western diplomat, April 2003.

In addition to decommissioning some officers, the military is attempting to recruit 100 new officers and 300 new regulars each year, but it is hard pressed to meet these goals. The quality of recruits has been low, due in large part to the lack of educational opportunities over the past ten years.⁵⁸ The desire to maintain high standards for entering cadets means the recruitment numbers may remain lower than desired for some time.⁵⁹

Over the coming year, the RSLAF needs to reduce its size while improving its operational capacity.

⁵⁴ Another officer gave a similar assessment of military loyalty. ICG interviews with Sierra Leone army officers, April 2003.

⁵⁵ ICG interviews with international NGOs, the Sierra Leone police, and CDF, March-May 2003.

⁵⁶ ICG interviews with Sierra Leone army officers, April-May 2003.

⁵⁷ *Ibid.*

⁵⁸ The military is targeting young men aged 18-25. Unfortunately, these are the people most affected by the war in terms of education, so finding quality recruits is difficult.

⁵⁹ ICG interview with Sierra Leone army officer, May 2003.

The target is to cut back from 14,500 to 10,500 over the next four years.⁶⁰ The process is underway but the offer of attractive retirement packages and the lure of the private sector have not produced as many requests for voluntary discharges as hoped.⁶¹ The problem, according to one commanding officer, is that soldiers know few jobs are available and that staying in the military guarantees a pay cheque and food.⁶² However, according to the Ministry of Defence, the military will not start to discharge involuntarily individuals deemed incapable of performing their duties until the third year of the program.⁶³ There are limited concerns that this may then cause some trouble but most officers believe a violent response is unlikely.⁶⁴

Despite continued efforts by IMATT and donors to improve quality, continuing shortfalls in housing, salaries, communications, heavy military equipment, and vehicles pose serious constraints on the army's capacity. Troops complain of "doing too much with too little" and of the impossibility of covering the entire border area.⁶⁵ Some commanders argue they can do their jobs if they get logistical help, including vehicles and air support.⁶⁶ Even with enhanced training, however, the RSLAF will lack UNAMSIL's capabilities because it will not have the equipment for rapid deployment.⁶⁷ These shortfalls also negatively affect troop morale and attitudes toward the government. Evidence can be seen in the

disrespectful behaviour of some soldiers towards civilians and the police.⁶⁸ As a result of low salaries and poor living conditions, some soldiers have reportedly taken to selling their equipment, ammunition, fuel and uniforms.⁶⁹ These problems may not pose an immediate security threat but they suggest the length of the road still ahead for the military to meet the Security Council benchmarks.

C. THE POLICE

The Sierra Leone Police (SLP) are the weakest link in the security sector, with shortfalls in personnel, training and resources.⁷⁰ There have been noticeable improvements in officer quality and in the level of public trust. Nevertheless, it remains questionable whether the police can meet the Security Council benchmarks.⁷¹

The SLP number 6,500 to 7,000, the majority in Freetown, which has been the focus of retraining efforts. The numbers are insufficient to meet national needs.⁷² The goal is to increase the force to the pre-war level of 9,500. This means the SLP must recruit and train at least 3,000 new officers by 2005.⁷³ Quality candidates, however, are both difficult to find and hard to attract. The war left a generation largely without education, and many with qualifications have left the country or are put off by salaries that are low even by civil service

⁶⁰ One officer involved in the reform process questioned whether the government can afford this size force. ICG interview, April 2003.

⁶¹ ICG interview with Sierra Leone army commander, April 2003. The details of the voluntary discharge exit packages have not been publicly disclosed.

⁶² Ibid. An international NGO representative suggested to ICG in July 2003 that a program offering agricultural training and assistance would encourage more soldiers to retire and return to the fields.

⁶³ ICG interview with the Ministry of Defence, March 2003. The reduction in force is scheduled to begin in January 2004 and include a reinsertion package to help soldiers re-enter civilian life.

⁶⁴ ICG interviews with Sierra Leone army officers, April 2003.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid. The Sierra Leone army is currently conducting Operation PEBU, which aims to consolidate troops into ten rather than 50 locations. This will make having a deployment capability all the more important.

⁶⁸ ICG interview with Sierra Leone army commander and UNAMSIL officials, April 2003. An example was given of a soldier insisting that the police officer did not have the authority to arrest him for smoking cannabis.

⁶⁹ ICG interviews, February-April 2003.

⁷⁰ For a broader discussion of police reform see Sarah Meek, "Policing Sierra Leone", in *Sierra Leone: Building the Road to Recovery*, ISS Monograph Series, No. 80, March 2003.

⁷¹ These include increases in officers, training capacity, housing, police stations, and equipment across the country. For more details see "Fifteenth Report of the Secretary General on the United Nations Mission in Sierra Leone", September 2003.

⁷² ICG interviews with Western diplomats, Sierra Leone police, the Commonwealth training team, CIVPOL and UNAMSIL, April-May 2003.

⁷³ The actual number is probably closer to 4,000, if not higher, due to the loss of officers through retirement, voluntary departures, dismissals, and deaths each year. ICG interviews with Sierra Leone police officers and Commonwealth training team, April-May 2003.

standards and the negative attitude that persists in some sectors of society. Low salaries are also hurting current officer morale.⁷⁴

The second constraint is the availability of training facilities. The SLP has only one school, Hastings, to train new recruits. Its capacity is roughly 200 recruits per session, with three sessions annually. Efforts are underway with the United Nations Development Programme (UNDP) to rehabilitate the school and increase session capacity to 300 and eventually, if funding from the British Department for International Development (DFID) comes through, to nearly 600.⁷⁵ Facilities are needed, both in Freetown and the provinces, for retraining and continuing education of current officers as well. There are plans to rebuild regional training centres in Bo, Kenema and Makeni that were destroyed during the war but this will take time.

Two key organisations involved in advising and training the police are the Commonwealth Police⁷⁶ and the civilian police section of UNAMSIL (CIVPOL).⁷⁷ They work in complementary fashion. The Commonwealth team assists the SLP with developing overall structural and operational strategic planning. CIVPOL helps implement this strategy and is deployed throughout Sierra Leone to assist with training and mentoring. The relationship was initially ill-defined but appears better organised now.⁷⁸ The main training focus has been a “back to basics” program designed by the Commonwealth to create a uniform framework of knowledge throughout the force. It initially concentrated on Freetown but has been extended to the provinces since May 2003.⁷⁹

⁷⁴ ICG interviews with Sierra Leone police officers, February-March 2003.

⁷⁵ The goal is to increase the number to 300 by August 2003 and to 600 by January 2004. ICG interview with CIVPOL, June 2003.

⁷⁶ The Commonwealth established the Commonwealth Community Safety and Security Project (CCSSP) in 2000.

⁷⁷ In addition to these training efforts, several dozen police officers have been sent abroad for training over the past four years, and the Commonwealth team has brought trainers to work with the Operational Security Division (OSD), the armed division of the police.

⁷⁸ ICG interviews with Commonwealth and CIVPOL officials, May-June 2003.

⁷⁹ ICG interviews with Sierra Leone police officers, March-April 2003.

Commonwealth and CIVPOL efforts have produced substantial improvements but questions remain about this model of reform. The Commonwealth team, numbering about ten, must rely heavily on CIVPOL to implement training programs and mentor the SLP, resulting in delays, especially in the provinces.⁸⁰ Concerns have also been raised about the level of training and experience of the CIVPOL officers themselves.⁸¹

In addition to regular law enforcement, the police must also be trained in border and refugee camp patrol and refugee screening. The Operational Support Division (OSD)⁸² of the SLP conducts joint patrols with the army, and its officers are posted at major border crossing points. OSD officers, with officials from customs and UNHCR, are responsible for screening refugees to prevent combatants from entering the camps.⁸³

Training must also include building community trust and cooperation. Officers have yet to be deployed to many remote areas where there may be no other government presence.⁸⁴ The SLP has been deployed to larger towns, but not necessarily in the most effective manner. ICG visits in both Freetown and the provinces revealed many officers sitting around station houses. One objective of the Commonwealth team is to get them out on patrols and more visible in the community.⁸⁵ Unfortunately in some places the

⁸⁰ The Security Council authorised deployment of up to 170 civilian police officers in Resolution 1436 of 24 September 2002. In July 2003, roughly 128 were on the ground.

⁸¹ ICG interviews, April-May 2003. Countries contributing officers to CIVPOL include: Bangladesh, Cameroon, Canada, Gambia, Ghana, India, Jordan, Kenya, Malawi, Malaysia, Mauritius, Nepal, Nigeria, Norway, Russia, Senegal, and the UK.

⁸² The OSD is the only armed element of the police and numbers some 1,800. The goal is to increase its strength to 2,700 and maintain it as a rapid-reaction force freed from daily police duties. ICG interview with CIVPOL officer, June 2003.

⁸³ There are reports of ex-combatants in Jembe and Jimmi Bagbo camps, in Kenema and Bo districts respectively; however organisations assisting refugees are reluctant to confirm this. In addition, there are reports that crime is increasing in the Gerihun camp (Bo District) beyond the capacity of the police to handle.

⁸⁴ Some of those areas may have their own chiefdom police, who are under the jurisdiction of paramount chiefs. For discussion of paramount chiefs, see Section V below.

⁸⁵ ICG interview with Commonwealth officer, May 2003.

police are better known for nightly checkpoints, whose sole purpose is to squeeze money out of the local population, than for effectiveness in enforcing the law.⁸⁶ The police are making efforts to address this problem, and in mid-June 2003 claimed they had dismantled all vehicle checkpoints, but this is difficult to monitor, especially in the provinces. It is not surprising to hear reports of complaints taken to the paramount chief⁸⁷ or an international NGO representative because the police are not trusted to act.⁸⁸

The third constraint is lack of resources. The only major donor for police reform has been DFID. The lack of funds means the SLP are often short on vehicles, radios, and even police stations. UNAMSIL, UNDP and DFID have funded construction of the latter and of prisons but many stations lack furniture, and some police sleep in the office because they have no housing. One officer argued that the lack of resources stems from the donor tendency to focus on military reform because the army is seen as more dangerous in a post-conflict situation.⁸⁹ But, the officer continued, to keep the military out of internal affairs, a country needs good police.

There are signs of vast improvements. In the major towns where the SLP has deployed, especially Freetown, structures of command, organisation and accountability are being put in place. Though more needs to be done, including with junior ranks, corruption is being tackled in the higher ranks. Police recruits are being well trained and start their careers enthusiastically. The SLP arrested those indicted by the Special Court with impressive efficiency. But the reality remains that police

deployments are often more symbolic than effective for law enforcement, training is still needed in most areas of the country, and there is great resistance to change by some older officers. The Commonwealth team claims the SLP will be an effective force by the end of 2003 but the end of 2005 might be more realistic.⁹⁰

⁸⁶ Reports of such checkpoints come from across the country, including Port Loko, Moyamba, Pujehun, and Freetown.

⁸⁷ Paramount chiefs have long been the authority in the provinces, charged with addressing the needs of their communities. However, there appears to be continued reliance on this traditional system even after the national government has established authorities in the provinces such as police.

⁸⁸ ICG interviews with national NGO and UNHCR representatives, October 2002 and April 2003. An increasing number of prison breaks in recent months and continued reports of armed robberies in Freetown further hurt confidence in the police.

⁸⁹ ICG interview with Sierra Leone police officer, April 2003.

⁹⁰ ICG interviews with Commonwealth, CIVPOL, and UNAMSIL officers, May-June 2003. According to the Consultative Group Results Framework Progress Report, March 2003, the police will only be able to recruit 1,700 officers through 2004.

IV. MAKING THE PEACE PROCESS IRREVERSIBLE

In addition to filling the gap left by UNAMSIL, the government must also address a handful of challenges that continue to test the stability of the country and the peace process. Two key post-conflict institutions – the Special Court and the Truth and Reconciliation Commission – offer hope of promoting accountability and reconciliation, respectively, but are also potential sources of unrest. The Kamajor Civil Defence Forces remain a concern. The RUF is dismantled as an insurgency but many unemployed ex-combatants from all former fighting factions pose a challenge to stability.

A. THE SPECIAL COURT FOR SIERRA LEONE

The Special Court's pace since it began operations in July 2002 has been impressive. The first seven indictments were issued on 10 March 2003, followed by four more in April, May and June, and the unsealing of Charles Taylor's on 4 June. However, while the prosecutor has moved aggressively to achieve the Court's mandate of trying "those who bear the greatest responsibility" for the eleven-year civil war, it is too early to assess the impact on the population. The Court has not yet done a sufficient job of educating citizens about its work. While some worry that it may bring to justice too few of those who committed serious crimes, others express the somewhat contradictory concern that it will jeopardise a still fragile peace by stirring up too many memories of the war. ICG recently analysed these issues and the Court's performance in detail.⁹¹

⁹¹ ICG Africa Briefing, *The Special Court for Sierra Leone: Promises and Pitfalls of a "New Model"*, 4 August 2003.

B. THE TRUTH AND RECONCILIATION COMMISSION (TRC)

After a troubled start at the end of 2002, the TRC appears to be on a solid footing.⁹² Statement-takers have collected many statements from both victims and perpetrators. A new executive secretary, Franklyn Kargbo, and much of the permanent secretariat staff were on board by the end of February 2003.⁹³ Public hearings began in Freetown on 14 April, continued throughout the country and concluded on 5 August. A TRC representative expressed confidence that given adequate funds the Commissioners will meet the original deadline of October 2003 for submitting a final report.⁹⁴ These are positive signs but concerns persist. First and foremost is the persistent shortage of funding. Second is the disconcerting lack of support and interest by both the population and the government.

Between December 2002 and the end of the public hearings, the TRC had collected close to 8,000 statements from civilians and ex-combatants throughout Sierra Leone as well as from Sierra Leone refugees in The Gambia, Guinea, and Nigeria. Interviews are ongoing, and the expectation is that the final total will approach 9,000. The TRC has also held meetings in Ghana

⁹² For a discussion of the TRC and its early management problems, see ICG Africa Briefing, *Sierra Leone's Truth and Reconciliation Commission: A Fresh Start?*, 20 December 2002.

⁹³ Kargbo took his oath of office on 18 February 2003. He has broad experience in human rights and administration and a degree in law. He has led the Human Rights Office and been chief adviser to the Special Representative to the UN Secretary General at the UN Mission in Ethiopia and Eritrea, and was Sierra Leone's attorney general and minister of justice under the National Provisional Ruling Council, the military government that seized power in a 1992 coup and ruled until national elections were held in 1996.

⁹⁴ Nevertheless, Commissioners are expected to request a six-month extension, as they are permitted to do once under the establishing legislation, the Truth and Reconciliation Commission Act. The request is likely to coincide with the early September visit of a representative from the Geneva-based United Nations Office of the High Commissioner for Human Rights (OHCHR), which has responsibility for the TRC budget. Sources within the TRC tell ICG, however, that they believe their work can be completed by January 2004, which would mean making use of only half such an extension. ICG interviews, August-September 2003.

to collect information.⁹⁵ Most citizens expressed a great desire to provide their stories,⁹⁶ with women and children giving the largest percentage of statements. The statements formed the basis for the selection of hearing witnesses and will also serve as a foundation for the final report.

After the first two weeks of public hearings in the capital, hearings alternated on a weekly basis between Freetown and the other twelve districts.⁹⁷ The hearings in Freetown were more structured than those in the districts, but all, especially those in the capital, drew smaller crowds than anticipated, raising doubts whether they served one of their main purposes: to develop understanding of what happened and so lead to healing. Several reasons have been offered for the poor response: lack of interest, an inaccessible venue, an insufficient outreach campaign, and the fact that hearings were broadcast on radio and television.⁹⁸ Some opposition also remained among those who fear the TRC will reopen old wounds.⁹⁹ While some in the population asked for the hearings to be extended, this did not happen. Instead, the TRC is working with national NGOs to create local forums for reconciliation.¹⁰⁰

Perhaps even more disturbing than the lack of popular participation has been the lack of active governmental support. While President Kabbah asked donors to contribute to the TRC during his foreign travel in 2002, the government has done very little on the ground to promote its work. Indifference has been demonstrated a number of times by government officials and political figures who failed

to appear for scheduled testimony or to submit statements.¹⁰¹ Threats by the Commissioners to subpoena the officials rang alarm bells in government and usually prompted a quick response, however.¹⁰² One TRC official suggested the government's indifference was due to its perception of the institution as one merely investigating old human rights abuses, and therefore of little relevance to its work.¹⁰³

The TRC's final product, however, will be a report on the causes of the war (including an historical narrative) that attempts to offer a roadmap with recommendations on a range of reforms necessary to prevent a new conflict.¹⁰⁴ It will likely cover governance, corruption, management of the diamond mines, and the national recovery plan. It should also address gaps in current policy. The government will be responsible for carrying out the recommendations, but it will be civil society's job to ensure it follows through.¹⁰⁵ The problem is civil society is not paying enough attention, and in some cases may not have the capacity to act, thus raising concerns that there will be no one to pressure government to implement the recommendations.¹⁰⁶

⁹⁵ The team of some 70 statement-takers who operated inside Sierra Leone were instructed to take a certain number of statements in each village and then move to the next in order to get a representative sample of war experiences.

⁹⁶ Some ex-combatants were reluctant to testify or give statements for fear of retribution or exclusion by their communities, or indictment by the Special Court.

⁹⁷ Hearings were held for one week in each of the twelve districts. However, due to budget and time constraints, two districts were covered each week when the hearings were in the provinces, with the commissioners dividing into two groups.

⁹⁸ ICG interview with TRC representative, May 2003. In part, the disinterest may stem from the fact that many in the population believe that the Commission can have little impact because of the amnesty granted to all fighters in the 1999 Lomé peace agreement. ICG discussion, July 2003.

⁹⁹ ICG interview with Western diplomat, April 2003.

¹⁰⁰ ICG interview with TRC representative, June 2003.

¹⁰¹ Eke Halloway, Attorney General and Minister of Justice, and Jonathan Kposowa, RUF-P spokesman, failed to appear on 7 May 2003. Halloway's testimony has been rescheduled. The Sierra Leone People's Party (the current ruling party) failed to send a representative on 6 May to give its statement, though two representatives, Prince Harding and Dr. Samuel Banya, testified subsequently. The head of the government gold and diamond office, Lawrence Ndola-Myers, appeared a day late. Several other government officials have failed to provide the written statements requested by the TRC.

¹⁰² ICG interviews with TRC representatives, May-June 2003. The officials concerned usually said that they had not received written notice of hearings, though the TRC disputed this. President Kabbah appeared before the TRC on 5 August 2003.

¹⁰³ ICG interview with TRC representative, June 2003.

¹⁰⁴ ICG interview with TRC representative, May 2003.

¹⁰⁵ Bishop Humper, Chairman of the TRC, reiterated this sentiment in his statement at the opening of the first hearing. According to the Truth and Reconciliation Commission Act of 2000 "The Government shall faithfully and timeously implement the recommendations of the report that are directed to state bodies and encourage or facilitate the implementation of any recommendations that may be directed to others".

¹⁰⁶ A recent study indicates that civil society has low capacity to effect change in Sierra Leone. This was said to be particularly true of national NGOs for several reasons: they

Successful completion of the TRC's task by October 2003 also depends on funding. As ICG reported in December 2002, the TRC has been seriously short of money from the beginning. While a number of management problems and questions about the first budget led to initial donor reluctance, those reasons no longer exist.¹⁰⁷ The TRC is now accomplishing what it was mandated to do – though it still needs to be better at explaining itself – and the international community should fill out the U.S.\$4.5 million budget.¹⁰⁸

C. THE KAMAJORS

The Civil Defence Forces (CDF) were a major part of the government effort to win the civil war. They participated in the disarmament program and were officially disbanded in April 2002 but demobilisation remains difficult for a fighting force that is community based.¹⁰⁹ By most accounts, all its elements have demobilised except for the Kamajors, who are traditional hunters and were the largest CDF element.¹¹⁰ They remain well-organised and have

have little experience being proactive citizens with rights; there is rivalry based on personalities and competition for resources; they tend to follow donor money and do what donors fund; they lack organisational and technical capacity; they are often used as political vehicles; and, they have their own internal problems with transparency and accountability. International NGOs appear to have much greater capacity, but still claim they have little influence on policy. "Sierra Leone: A Framework for DFID Support to Civil Society" (draft version), November 2002.

¹⁰⁷ For a more detailed discussion of issues pertaining to the budget problems, see ICG Briefing, *Sierra Leone's Truth and Reconciliation Commission*, op. cit.

¹⁰⁸ The initial budget was some U.S.\$10 million, but was pared down to U.S.\$6.5 million in 2002, and then further reduced to U.S.\$4.5 million in March 2003. As of May 2003, the TRC had received U.S.\$2.3 million of U.S.\$3.7 million pledged. If all pledges are redeemed, a deficit of just under U.S.\$750,000 would remain. Unfortunately, there seem to be difficulties in obtaining the pledge from the European Union (€1 million). In interviews, the TRC acknowledged to ICG it should be more proactive about seeking international support but the UN's Office of the High Commissioner for Human Rights (OHCHR), which manages the TRC's finances, could be doing more as well to assist in procuring additional funding.

¹⁰⁹ Just over 37,000 CDF combatants participated in the disarmament program.

¹¹⁰ President Kabbah told the UN Security Council mission to West Africa that the CDF had been disbanded. "Report of the Security Council mission to West Africa, 26 June-5

kept their command structure, thus raising questions about their intentions. While the Kamajors claim they have no intention of causing trouble, they have expressed concerns about the Special Court, specifically the arrest of Minister of Internal Affairs Sam Hinga Norman, previously the head of the CDF, and two other leaders (Allieu Kondewa, the former high priest and initiator, and Moinina Fofana, the former director of war) and the flaws they see in the police and army. Since the indictment and arrest of Hinga Norman, rumours of Kamajor mobilisation have circulated, raising security worries.

Evidence suggests the Kamajors, unlike the other former fighting factions, still see themselves as a distinct group in society. ICG interviewed one former CDF fighter in the Kailahun area who claimed that while he was no longer an active member, he remained responsible for reporting any strange occurrences or troubles to the nearby CDF command post.¹¹¹ A local Kamajor leader offered scouting assistance to the government when Liberian forces started surrendering at the southern border in February and March 2003.¹¹² The Kamajors also offered to assist in the search of the Gola Forest for the fugitive Johnny Paul Koroma.¹¹³ The government did not accept but the offers imply an organisational capacity well beyond mere town defence. This raises two key questions: can the Kamajors mobilise, and for what cause?

The most likely reasons the Kamajors would mobilise are the arrests of their leaders by the Special Court and a failure of the military and police to provide security. Many feared trouble after the Hinga Norman indictment¹¹⁴ but most Kamajors have adopted a "wait-and-see" attitude in part because

July 2003", S/2003/688, 7 July 2003. The Secretary General had shortly before stated that "To date, the CDF continues to exist as an organized group and, in some areas, its structures operate almost in parallel to those of the Government's security sector". See "Eighteenth report of the Secretary General on the United Nations Mission in Sierra Leone", S/2003/663, 23 June 2003, p. 2.

¹¹¹ ICG interview with ex-CDF combatant, February 2003.

¹¹² ICG interviews with Sierra Leone army officer and CDF ex-combatant, April 2003.

¹¹³ ICG interview with CDF ex-combatant, April 2003. The Gola Forest is a dense forest area along the Liberian border.

¹¹⁴ For a more detailed discussion, see ICG Briefing, *The Special Court for Sierra Leone*, op. cit.

they believe that once Hinga Norman is allowed to tell his story he will be acquitted.¹¹⁵ Others are not eager to fight for a man they believe cheated them of disarmament benefits and failed to deliver promised assistance. The arrests in May 2003 of two highly respected leaders may have caused more alarm¹¹⁶ but there was no active response, except for indications that some Kamajor leaders may have moved underground. This is generally a positive sign but questions remain about what will happen if the trials produce convictions. Court proceedings are not likely to start until late 2003, and it is hoped that by the time verdicts are declared even the most radical leaders will have lost interest in causing trouble or have been persuaded that the trials were fair.¹¹⁷

The Kamajors continue to hold a grudge against the army from the war, when, they claim, they were ill-treated by commanding officers.¹¹⁸ They trust neither the RSLAF nor the SLP, and some local leaders continue to argue the necessity for a Territorial Defence Force (TDF). One ex-combatant said the CDF would work with the RSLAF and SLP but that a TDF should have a separate command structure and be distinct from either. He argued that the army "should go back to the barracks and the TDF will provide security". This level of distrust hampers the peace process and indicates the serious nature of the divisions that persist among the security forces. Plans for a TDF remain on the shelf, and there are no indications it will be formed in the near future. Should it eventually happen, the structure would look more like that of a military reserve rather than a simple translation of the CDF.

While one leader claimed that the CDF could mobilise if necessary within 24-48 hours,¹¹⁹ Kamajor

ability to achieve mass destabilisation depends on two things: man-power and weaponry. It appears the Kamajors would have difficulty assembling enough of either. The rank and file are increasingly unhappy with their leadership, who they claim have kept most reintegration benefits to themselves.¹²⁰ Many joined the CDF to defend the country and the government, not to avenge any specific leader, so there appears to be little willingness to mobilise because of Special Court indictments. Furthermore, there appear to be distinct groups within the Kamajors each with their own leaders, financiers, and loyalties that may work against unified action.¹²¹ While the Kamajors could cause local disruptions, there is little evidence they could destabilise the country.¹²²

Assessing access to weapons is a bit more difficult. Even though disarmament of ex-combatants ended in January 2002, it is widely believed that weapons remain in the country, especially in the provinces where they are nearly impossible to trace.¹²³ The close links between well armed LURD rebel fighters in Liberia and the CDFs, mainly Kamajor, established as far back as April 2000 are also a growing concern.¹²⁴ The police have conducted some operations to find weapons caches, but their presence in the provinces is limited. Community arms collection efforts continue, and some civilians are handing in weapons, but these efforts are voluntary and unlikely to sway those who believe they need to keep their arms for self-defence or other endeavours.¹²⁵

¹¹⁵ ICG interviews with CDF ex-combatant and UNAMSIL officials, April-May 2003.

¹¹⁶ There are suggestions that the arrests of Allieu Kondewa and Moinina Fofana may provoke a more serious response than that of Hinga Norman because these men are seen as real Kamajors, whereas Hinga Norman was perceived more as an outsider. ICG interviews with Western diplomat and disarmament commission (NCDDR) official, June 2003.

¹¹⁷ ICG interviews with UNAMSIL officials, journalist, and NCDDR official, May-June 2003.

¹¹⁸ ICG interviews with CDF ex-combatant and Sierra Leone army officers, April-May 2003.

¹¹⁹ ICG interviews with UNAMSIL officials and CDF ex-combatants, February/April 2003.

¹²⁰ ICG interviews with Western diplomat and NCDDR official, June 2003.

¹²¹ ICG interviews, July 2003. These groups are geographically and community based, raising questions about how effective any national command structure can be.

¹²² Many interviewees argued to ICG that the CDF/Kamajors do not now have this capacity but could acquire it over time.

¹²³ ICG interviews with Western diplomat and representatives of UNAMSIL, IMATT, UNDP and the Sierra Leone police, March-June 2003.

¹²⁴ On the role of the Kamajor in Liberia's conflict, see ICG Report, *Liberia: The Key to Ending Regional Instability*, op. cit., pp. 2-7 and ICG Report, *Tackling Liberia*, op. cit., pp. 12-13.

¹²⁵ The first phase of the community arms collection program began in December 2001 and ended in March 2002. A second phase began in November 2002. It is a pilot project to encourage citizens to turn in their weapons in exchange for being certified arms free and given monetary assistance from UNDP for development projects.

D. THE RUF

Since the May 2002 elections the former rebel group turned political party, the Revolutionary United Front Party (RUF-P), has suffered more divisions and lost much of what little support it had prior to entering the political contest.¹²⁶ It has poor prospects for survival, particularly after the indictment of four of its top leaders by the Special Court.¹²⁷ As a fighting force, the RUF is obsolete, though there is evidence some former rebels remain loyal to their local commanders. While there have been no attempts to mobilise these ex-combatants, their poverty and frustration with the lack of promised government assistance and employment opportunities make them a highly volatile group that could be mobilised by a charismatic leader or at least become the centre of localised trouble.

Paolo Bangura resigned as Secretary General of the RUF-P and left the party in August 2002. Some party stalwarts welcomed this because they had never viewed him as a true member. While Issa Sesay, Eldred Collins and Jonathan Kposowa took on leadership roles, they provided no clear direction. None commands much rank and file loyalty, and even if they wanted to, it is extremely unlikely they could rally ex-combatants, who show no desire to return to war.¹²⁸

The announcement of the RUF indictments inspired little response from the ex-combatants, though Sierra Leoneans, especially in the north, are unhappy about the treatment of Sesay, whom, they believe, helped bring peace by persuading the RUF to disarm. He is also credited with protecting the

town of Makeni from destruction during the war.¹²⁹ However, while they consider these deeds should outweigh his war-time involvement and be taken into consideration at his trial, they appear to have no plans other than to demonstrate peacefully.

E. WHAT NOW FOR EX-COMBATANTS?

The Disarmament, Demobilisation and Reintegration Program (DR) is scheduled for completion in December 2003.¹³⁰ The disarmament and demobilisation phases were considered completed on 23 January 2002.¹³¹ By the end of that year, nearly 57,000 ex-combatants had registered for reintegration assistance.¹³² Since then, ex-combatants have been placed in reintegration and training programs in an on-going process the quality of which has received mixed reviews.¹³³

The objective is to provide ex-combatants with skills training and help in finding employment. In many cases, there is a long wait between demobilisation and the opportunity to enter training, however, and then a further two to three-month delay before receiving tool kits. Ex-combatants expect more from the government and are frustrated with the slow pace. Furthermore, those completing the program face bleak job prospects.¹³⁴ The question is what can be done

It was conducted in four districts (one chiefdom in each district), with a view to possible extension to all 149 chiefdoms. ICG interviews with Sierra Leone police and UNDP, March-April 2003.

¹²⁶ For a discussion of RUF-P difficulties in the lead up to elections see ICG Report, *Sierra Leone after Elections*, op. cit.

¹²⁷ Four former RUF leaders have been indicted: Foday Sankoh, Sam "Mosquito" Bockarie, Morris Kallon, and Augustine Gbao. Two are under arrest and awaiting trial. Bockarie was likely killed in Liberia in early May 2003 though the Court has yet to positively identify his corpse. Sankoh died in prison on 30 July 2003.

¹²⁸ ICG interviews with Western diplomat and UNAMSIL representative, January-March 2003.

¹²⁹ ICG interviews in Makeni, April 2003.

¹³⁰ For greater simplicity and in the hope that the usage will become more common, ICG employs in this report the abbreviation DR, to include the concepts of disarmament, demobilisation, repatriation, resettlement, and reintegration that are elsewhere often abbreviated as DDRRR or DDR.

¹³¹ For a review of the DR program, see "The DDR Programme: Status and Strategies for Completion", a report to the Consultative Group Meeting, Paris, 13-14 November 2002.

¹³² Ibid.

¹³³ An interview with an NCDDR official revealed that the programs had no standards for training, no syllabi, and no requirements for uniformity, April 2003.

¹³⁴ A number of criticisms have been levelled at the DR program for not only poor training but also failure to offer training to ex-combatants in agricultural or other skills such as literacy that they could use to obtain jobs in the formal economy.

before the complaints swell into a serious national problem.

All ex-combatants eligible for reintegration training were to have been registered and enrolled by June 2003¹³⁵ but the deadline has been extended. The program started slowly in parts of the country that became accessible only in late 2001, in particular the Kailahun district,¹³⁶ and information appears to be insufficient in more remote areas¹³⁷ due to the lack of reliable partners for the government on the ground.¹³⁸ The national commission (NCDDR) responsible for the entire DR process provides the administrative structure but all reintegration programs are implemented by local or international NGOs. A commission official claimed that some partners have not fulfilled their promises or have provided inadequate training, and in some areas there are no reliable partners at all.¹³⁹ Training goes better where there is an international NGO but this is limited in parts of the country, especially in the east.

The lack of employment opportunities across the country poses an enormous challenge¹⁴⁰ that affects civilians and ex-combatants alike but is particularly sensitive for the latter. As one official put it, the program has to be successful to prevent a return to violence. Success for this official is measured in the opportunities available to ex-combatants upon completion of their training. But

these opportunities are scarce in part because of the poor quality of that training. Ex-combatants receive up to six months of training, depending on the program, but this is rarely enough to prepare them fully in their chosen craft or enable them to set up their own workshops. Instead, they sell their training kits for cash, join established workshops, or find alternative employment if they can. Those who wish to set up their own businesses often lack the knowledge and financial capital.¹⁴¹ Thus, many ex-combatants work at jobs they were not trained for,¹⁴² are unemployed, or are mining the diamond fields of Kono with little prospect of striking it rich.

Most diplomats, NGO officials, and UNAMSIL personnel do not consider any single ex-combatant group as particularly threatening but all agree that taken together ex-combatants are a young, volatile population whose frustration and energy could be harnessed for disruptive purposes. There is, therefore, a pressing need to do better with them.

¹³⁵ At the beginning of June 2003, an NCDDR official speaking on UNAMSIL radio claimed some 11,000 ex-combatants eligible for reintegration assistance have yet to sign up for training programs. The UN Secretary-General's has given the number as 9,100, "Eighteenth report of the Secretary General on the United Nations Mission in Sierra Leone", S/2003/663, 23 June 2003, p. 5.

¹³⁶ One chiefdom (Kissi Tongi) has yet to be declared safe for resettlement due to the war in Liberia.

¹³⁷ UNAMSIL officials have received reports that ex-combatants are unaware of reintegration opportunities and lack access to them, April-May 2003. One NCDDR official also raised this problem in an interview with ICG, January 2003.

¹³⁸ ICG interview with NCDDR official, September 2002. NCDDR has had problems working with national NGO partners, whereas international NGOs have tended to provide better training.

¹³⁹ ICG interview with NCDDR official, January 2003.

¹⁴⁰ This is one of the main concerns expressed by Sierra Leone government officials, Western diplomats, and national and international NGOs in the provinces as well as in Freetown.

¹⁴¹ ICG interview with NCDDR official, April 2003.

¹⁴² Results of two studies of the DR process (conducted by the World Bank and DFID) indicate that roughly 45 per cent of those completing the program found employment, and only 28 per cent of those in sectors for which they had been trained.

V. GOVERNING SIERRA LEONE

Many in the donor community and the local population believe the government could do more to accelerate the reform process and get Sierra Leone back on its feet.¹⁴³ While progress is being made, the steps have been small, and the donor community has led. It is time for the government to take on this leadership role, especially in the key areas of concern: decentralisation, institutional reform, corruption, youth, and the mining sector.

A. DECENTRALISATION: HOW REAL?

Former President Siaka Stevens (1967-1985) dissolved local government institutions in 1972, leaving the paramount chieftaincy system as the main administrative unit in rural areas.¹⁴⁴ Paramount chiefs continue to wield this power. The district officers and other government representatives in the districts are non-elected and relatively few. New laws and local elections are meant to resolve this problem but it is unclear how well or how fast a framework for decentralisation can be created and implemented. Meanwhile, the well-entrenched authority of the paramount chiefs may be difficult to alter even by elections, thus leaving the risk of competing power centres.¹⁴⁵

¹⁴³ The government's "National Recovery Strategy for 2002/2003" provides a broad framework for rebuilding Sierra Leone and is a step forward. Based on needs assessments conducted in the country, it focuses on four key areas for government intervention: restoration/consolidation of state authority; rebuilding communities; peace building and human rights; and, restoration of the economy. The document briefly mentions the larger problems of corruption and institutional reform, but fails to integrate these into any planning for 2003.

¹⁴⁴ District councils were re-established in 2000, but consist of appointed management committees, not elected officials.

¹⁴⁵ The following two sections provide a brief overview of some key local government issues. Local government topics will be examined further in subsequent ICG reporting.

1. Paramount Chief Elections: The Return of Traditional Authority

The system of indirect rule created by British colonial authorities attached great importance to the role of local notables designated by the colonial government as "paramount chiefs", who continued to wield great influence in rural areas after Sierra Leone had become an independent state. During the government of Siaka Stevens in particular, officials and politicians based in Freetown manipulated the system to appoint their own placemen as paramount chiefs. This and other abuses combined to create widespread discontent in many chieftaincies, and it is apparent that the RUF insurgency in the 1990s was sometimes strengthened by young people from rural chieftaincies protesting against what they felt to be the misgovernment of their home areas by chiefs.

A paramount chief must be from the "ruling houses" that were originally established during colonial times. This has concentrated power in a few families and marginalised much of the population since only tax paying community members are eligible to vote in each chiefdom to elect the councillors who in turn elect the paramount chief for a life term.¹⁴⁶ Paramount chiefs have been known to distribute resources and jobs to family and business relations, thereby further reducing the numbers involved in decision-making and sustaining a patronage system that continues today. There is no institutionalised accountability since paramount chiefs cannot be voted out of office for incompetence or failure to meet the needs of the population.¹⁴⁷ While the December 2002-January 2003 elections to fill 65 vacant paramount chief positions might be a first step towards extending the national government into the provinces, they also risk papering over a serious lack of administration and judicial mechanisms.¹⁴⁸

Those elections led to arguments and in some cases violence over eligibility of candidates as well as

¹⁴⁶ Taxpayers in each chiefdom elect chiefdom councillors, who in turn elect the paramount chief.

¹⁴⁷ ICG interview with the National Commission for Social Action representative, April 2003. Similar sentiments are expressed by the national NGO, Campaign for Good Governance, in their analysis of the chieftaincy elections.

¹⁴⁸ The elections were scheduled to end on 20 January 2003, but due to questions about candidate eligibility and other issues some took place later.

results. There was some political interference, though on the whole this was judged to be minimal by a national NGO that monitored the process.¹⁴⁹ Despite these hiccups, the elections achieved their primary goal of reinstating traditional authority nation-wide and filling gaps in local governance.

Paramount chiefs rarely get necessary financial and administrative support from Freetown to address constituent concerns. Instead, some have turned to NGOs for help. However, NGO assistance is insufficient for most communities. Some paramount chiefs also reportedly have focused more on personal gain rather than the well-being of the chiefdom.

The paramount chief system may be a useful stopgap measure, but it cannot substitute for decentralised government administration or democratic governance. The paramount chiefs provide a traditional form of administration but there is no consistency in how chiefs rule, and the elections that put them in place are only marginally democratic. The return of paramount chiefs to the provinces since the end of the war, and especially following the May 2002 elections, initiated the process of re-establishing government authority throughout the country, but the process cannot stop there.

2. Local Elections: Governance or Illusion?

Local government has been essentially non-existent for over three decades but efforts are underway to reinstate elections for district councils.¹⁵⁰ This will be an historic step for Sierra Leone, but a successful transition will be difficult. The elections were initially scheduled for April 2003 but have already been postponed once and may be again until local government legislation is passed and the debate about the type of elections is settled. It is hoped that elections will be possible in the first half of 2004.¹⁵¹

The legislation that is needed should clearly identify the duties of the district councils and establish how they will relate to the national government. It is expected to increase and define district council responsibilities, perhaps in phases as capacity develops. The government created a Task Force on Decentralisation and Local Governance, which began meeting in October 2002 to prepare a plan and write the legislation. It failed to meet its deadline to deliver a draft at the end of May 2003, and a new target date is uncertain.

The working assumption is that district councils will largely handle certain fields such as health and education but many other matters still need to be worked out. Fiscal affairs – the division of local revenues between the central government in Freetown and local institutions, but also how the funds that remain at the local level are to be divided between the councils and the paramount chiefs – are likely to be particularly sensitive. Other delicate matters involve the relationship between the national police and the police controlled by paramount chiefs and the division of responsibility for local markets. Establishment of an effectively working district council for the Freetown area is considered particularly important since the capital lacks even the attributes of local government that paramount chiefs provide elsewhere.¹⁵² Some fear that if elections are held before these matters are settled, they will result in deconcentration rather than true decentralisation, in other words, the mere delegation of duties from the central government to the district councils rather than a genuine transfer of authority.¹⁵³

A serious point of contention with respect to the elections is whether they should be partisan or non-partisan.¹⁵⁴ Those who favour partisan (or party-

¹⁴⁹ “Overview and Analysis of the Paramount Chieftaincy Elections”, Campaign for Good Governance, available at: <http://www.slccg.org/electionanalysis.pdf>.

¹⁵⁰ There are twelve districts in Sierra Leone plus the western area (Freetown), which for electoral purposes is divided into two districts.

¹⁵¹ The government hopes to hold the elections in November 2003. Establishing district councils by the end of 2003 was a benchmark set by the Consultative Group, but this is unlikely to happen. The National Electoral Commission and the donor

community are already quietly saying that elections are more likely around April 2004, though some prefer postponement until December 2004. This assessment was confirmed by the International Foundation for Election Systems mission to Sierra Leone earlier in 2003. ICG interviews with Western diplomats, and representatives of UNDP and international NGOs, May-July 2003.

¹⁵² ICG interview with international expert, Freetown, 1 September 2003.

¹⁵³ ICG interviews with UNDP representative and Western diplomats, May 2003.

¹⁵⁴ Ernest Koroma, the leader of the All People's Congress, the main opposition party, publicly rejected partisan elections in his speech at the opening ceremony of

based) elections argue that it would be impossible to hold elections on any other basis at the local level where it is easy to identify party supporters, and, moreover, that it would harm the nascent democratic system to exclude parties. A series of government and UNDP-supported consultations throughout the provinces indicated a strong preference for non-partisan elections because of a belief that Freetown would otherwise dictate candidates and policies.¹⁵⁵ There is also concern that in party-based elections the ruling party would be able to use state assets to gain an overwhelming advantage. Given the results of the consultations and statements by President Kabbah and Vice President Berewa, it appears that elections will be non-partisan, though this has not yet been officially announced.

How meaningful elections and elected district councils are will be determined by the structure and authority given to local government by the legislation, which is still uncertain. Over the coming months it will be important for donors to push for true decentralisation and incumbent on the government to bring along ministries that fear decentralisation would mean loss of resources and power. In any event, it will take time to establish the councils and fill them with qualified individuals. What is needed meanwhile, some argue, is to change the parliamentary electoral system so that members are accountable to a specific constituency.¹⁵⁶

B. THE REALITY OF INSTITUTIONAL REFORM

Reforming ministries and institutions and considerably reducing corruption in the government and the economy are key requirements for national

the public hearings of the Truth and Reconciliation Commission and subsequently. This sentiment was also expressed by a member of parliament to ICG. This section reviews the main debate currently taking place in Sierra Leone and is based on interviews with representatives of civil society, international NGOs, and UNDP, Sierra Leone government officials, Western diplomats, and local journalists.

¹⁵⁵ ICG interview with UNDP representative, May 2003.

¹⁵⁶ ICG interviews with Western diplomat and international and national NGO representatives, September 2002 and May 2003.

reconstruction and development.¹⁵⁷ Unfortunately, there have been only cosmetic changes. Institutions still lack credibility and accountability, which has reduced popular confidence over the past year. The government has created new departments, such as the National Privatisation Commission and the National Revenue Authority, but has done little to reform existing ones, and it still lacks the capacity to deliver services, especially in the provinces. Unfortunately, the government remains incapable of making difficult decisions, instead preferring to accommodate those who are obstacles to progress.¹⁵⁸ Corruption needs to be tackled aggressively but even punishing the corrupt will not change a system based on patronage that tends to reinforce opportunities and incentives for bad practices. Only extensive institutional reform and social education can make a real difference. That this may take a generation or more should not inhibit government from beginning the process. A good place to start would be with the broken and dysfunctional judiciary.

1. Corruption

Every day local newspaper articles offer numerous examples of corruption. The message is clear: corruption is still rampant in government and throughout society. However, merely pointing out the problem, or blaming it on poor salaries,¹⁵⁹ does not change the system. A focus is needed on what the government is doing to address the problem and what more must be done. First and foremost, the public does not believe the government is dedicated to eliminating corruption, but rather sees it as attempting to hide its own guilt. Consequently, it tends to throw up its hands in despair rather than increase pressure on government to fulfil promises. Secondly, the Anti-Corruption Commission (ACC), the establishment of which was seen as a sign of reform, is losing public confidence. It needs to demonstrate clearly what it is doing and lead in developing the political will to tackle the problem.

¹⁵⁷ The donor community, especially DFID, have been engaged in the reform process since the late 1990s.

¹⁵⁸ ICG interview with Western diplomat, January 2003.

¹⁵⁹ This is a common justification for corruption, but given the economic situation and budget constraints imposed by the IMF, it is unlikely salaries will soon be raised. Nor is it clear such a step would help that much. ICG interviews with Western diplomats, Sierra Leone lawyers, international NGOs, UNAMSIL, and Sierra Leone police, September 2002-May 2003.

Thirdly, donors need to hold the government to its promises¹⁶⁰ while helping it to carry through. Corruption will not be eliminated overnight but it will never disappear on its own.

There has been little evidence of government action on this front since creation of the ACC, and a national strategy remains undefined.¹⁶¹ The ACC claims it investigates every reported instance of corruption but that most involve only simple fraud or theft. It has sent 40 cases to the Attorney General's Office for prosecution, but only twelve have reached the courts.¹⁶² ACC officials stated they have never been asked to produce additional information even though in some instances cases have been in that office for over a year.¹⁶³ The ACC says the excuse has been lack of personnel but the Attorney General reportedly claimed to the Consultative Group of donors in March 2003 that the cases had not been adequately prepared for trial by the ACC.¹⁶⁴ If so, there appears to be little reason for the lengthy delay in telling the ACC what more was needed. The ACC may well need to document its submissions better but there must also be clear lines of communication between the two institutions and willingness to work together.¹⁶⁵

The ACC is not the government's only tool. It could use the Auditor General's office to conduct

more frequent audits.¹⁶⁶ For example, audits of each government parastatal should be completed each year but this rarely happens. Some parastatals have not been audited for years.¹⁶⁷ Under current legislation these audits are submitted to Parliament. The ACC wants the Auditor General to submit questionable results directly to it so that problems do not slip through the cracks, and it can speed up investigations and prosecutions.¹⁶⁸

However, the overarching difficulty appears to be that the government lacks the will to address the problem, and the donor community lacks the will to apply serious pressure. The ACC's annual report for 2002 claims that "government support has been characterised by open apathy and in a fair number of cases outright non-compliance" and that Parliament is uninterested.¹⁶⁹ There are also suggestions that those who might be targeted by the ACC are well-protected by their loyalty to the ruling party.¹⁷⁰ Given this environment, it is not surprising that change is slow in coming.

Crucially missing in anti-corruption efforts is public participation. When the ACC opened, the public called attention to very few cases. Reports increased substantially following an ACC public education campaign. However, those reporting corruption crimes have rarely followed up.¹⁷¹ This apathy may in part be the result of a belief that corruption is everywhere and therefore impossible to fight. A survey conducted by a private consulting firm in 2002 indicated that public trust of officials remains low. Only four of 35 government departments and parastatals were

¹⁶⁰ President Kabbah raised this issue in his inaugural address in May 2002 and at a press briefing a year later when he berated several ministers for not doing more to reduce corruption. Various newspapers published articles on 26 May 2003: "Treasury, Customs, others under fire!" *Sierra News*; "Kabbah Falls Hard on Corruption", *The New Storm*; "Big Shakeup for Customs", *New Vision*; "Kabba Baranta Declares War", *The Democrat*.

¹⁶¹ The ACC was established in February 2000 under the Anti-Corruption Act, but began operations in February 2001.

¹⁶² Only two of these twelve cases have actually been completed; one is under appeal, and the other resulted in an acquittal.

¹⁶³ ICG interviews with ACC officials, May 2003.

¹⁶⁴ *Ibid.* The Consultative Group was formed in 1997, mainly by the EU, the African Development Bank, the UK Department for International Development (DFID), the World Bank, the U.S. Agency for International Development (USAID) and UN bodies, to coordinate assistance policy in Sierra Leone. It has grown in size and continued to meet periodically.

¹⁶⁵ DFID is investigating ways to improve the ACC's technical capacity. ICG interview with DFID representative, June 2003.

¹⁶⁶ This may be difficult without donor support as the Auditor General's office lacks capacity to handle its current caseload. ICG interviews, July 2003.

¹⁶⁷ ICG interviews with Western diplomat and ACC official, May 2003.

¹⁶⁸ ICG interview with ACC official, May 2003.

¹⁶⁹ ACC Commissioner Val Collier recognises the institution has had little success. When presenting its 2002 Annual Report to President Kabbah in mid-August 2003, Collier admitted there had been little progress even in cases pending since 2001, www.sierra-leone.org (18 August 2003).

¹⁷⁰ ICG interview, April 2003.

¹⁷¹ ICG interview with ACC official, May 2003.

considered dishonest by less than half the population; all others surpassed 50 per cent.¹⁷²

There is also a failure to acknowledge that deeply ingrained corruption is a serious problem. To address such an entrenched issue requires not only prosecutions but also a change in popular attitudes and behaviour.¹⁷³ The lack of an active and extensive civil society is a concern.¹⁷⁴ There are civil society groups whose mandate includes working to reduce corruption¹⁷⁵ but questions need to be raised about why they have been reluctant to play a far greater leadership role in pressuring government. A number of civil society groups work with the ACC, but there is again little public evidence of this. There is a need for a naming and shaming campaign, but this must be done by Sierra Leoneans, not by outside organisations alone. Civil society, in conjunction with the ACC, journalists, and other groups, must stop complaining generally about corruption and start bringing specific cases to public attention, tracking all cases the ACC investigates and whether they get sent to the Attorney General, then pressuring that official either to forward them to the courts or explain why not, and finally tracking the cases in court to ensure they are handled appropriately.¹⁷⁶

¹⁷² Draft of the “Governance and Corruption Survey 2002, Sierra Leone”, Conflict Management and Development Associates, prepared for the Governance Reform Secretariat of the Government of Sierra Leone. By contrast, an ACC official argued that the public believes corruption could be quickly countered by determined prosecutions and that the ACC is itself corrupt because prosecutions have been few and corruption has not been eliminated. ICG interview with ACC official, May 2003.

¹⁷³ ICG interviews with ACC official and Western diplomats, May 2003.

¹⁷⁴ ICG interview with member of parliament, May 2003.

¹⁷⁵ One is the National Accountability Group (NAG), which states that its mission is “to closely watch the conduct of public functionaries and to strive towards the elimination of corruption, fiscal impropriety and injustice in Sierra Leone” (organisational brochure). It is the local contact organisation for Transparency International.

¹⁷⁶ The local NGO Campaign for Good Governance (CGG) is producing an analysis of attempts to curb corruption but more willingness to speak up is needed from other Sierra Leone NGOs. The CGG report, an advance copy of which ICG has seen, highlights the deficiencies in government, media, civil society and the donor community. Chris Mahony, “Teaching an old dog new tricks? Addressing Corruption in Post Conflict Sierra Leone”, CCG, forthcoming, September 2003.

The donor community also has a role to play in holding government accountable for money it receives. This is being done by some donors already, but should be standard practice for all.¹⁷⁷ In addition, the government needs resources and technical support if it is to make serious headway against corruption. The Commonwealth has provided a great deal of support for the ACC and may send two judges and a prosecutor to Sierra Leone to handle cases. None of these would be independent of the Sierra Leone legal system. The judges would be under the jurisdiction of the Chief Justice, and the prosecutor under that of the Attorney General. Nevertheless, it is hoped that they would be free of any political interference and could address the backlog.

2. The Justice System

The public perceives the judicial system to be slow, ineffective, and corrupt – “as long as you have money you can walk away”.¹⁷⁸ Judicial reform remains a critical part – arguably the foundation – of a comprehensive government reform program without which corruption cannot be reduced.¹⁷⁹ There has been much discussion of the need for a comprehensive overhaul of the justice system including courts, laws, parliament, police, and prisons. What was done over the past year, however, with large donor support, was a band-aid effort merely to get the legal system functioning again. Now more substantial reforms are needed. The task is daunting, but the international community has

¹⁷⁷ The governments of the UK and Sierra Leone agreed to a “Poverty Reduction Framework Arrangement” whereby the UK has pledged support for a ten-year bilateral aid program, but tied to progress on key reforms in public administration, corruption, financial management and the security sector. The EU has similar requirements for its budget support.

¹⁷⁸ ICG interviews with international NGO representative and Sierra Leone lawyers, September 2002. “Justice is for the highest bidder” is another popular description of the legal system. To its credit, in its “National Recovery Strategy 2002-2003” the government acknowledged the need for “strengthening the relationship between the police, the judiciary and the penal system” in order to build an effective and accountable police force, but it provided no plan for accomplishing this goal.

¹⁷⁹ ICG interview with international NGO representative, May 2002.

initiated a number of programs. Unfortunately, the government appears reluctant to engage.¹⁸⁰

A complete overhaul is needed.¹⁸¹ Even before the war the judicial system was not functioning. Years of neglect and corruption had produced a broken system lacking both government attention and financial resources. Only the few with money had effective access to that system. The police were deemed untrustworthy and the judges and courts corrupt. Laws were not always enforced, and some were outdated.¹⁸² The system lacked accountability and credibility, and impunity ruled. This is the system Sierra Leone still had as the war ended, and the immediate international response was to provide resources to get it functioning on a basic level before beginning more substantial reforms.¹⁸³

Progress has been made in rebuilding infrastructure.¹⁸⁴ A number of courts, prisons, and police stations have been opened throughout the country. On 7 September 2002 the magistrate's court opened in Makeni, in the northern area, for the first time in five years. On 16 September 2002 President Kabbah swore in 300 justices of the peace to handle minor court cases until other magistrate's courts can be set up and a sufficient number of judges hired. Retired judges have been appointed by the president on an interim basis. Police reforms have also helped. These measures have provided the judiciary with a very limited capacity to mete out justice. What is needed now is a serious commitment not only to cosmetic reforms and stop gap measures, but also to restructuring and reforming of the entire judicial system.

Many of the problems that plagued the judiciary before the war persist. Costs and lengthy delays deter many from using the courts, and they turn instead to customary laws and local bodies to address their

problems.¹⁸⁵ However, these customary laws are often in conflict with the common law of the country. There is a need to establish uniform law throughout the country. Judges and lawyers have too many cases with too little time and resources to handle them efficiently. This leads to numerous adjournments and delays of justice. The courts lack adequate libraries, training facilities for continuing education, and recording equipment. Judges often have to write down trial records and decisions themselves by hand. Due to poor conditions of service and low salaries, it remains difficult to attract qualified lawyers to the bench.

The government needs to develop a comprehensive plan for reform and rehabilitation of the judicial system. The World Bank has conducted a detailed study of the key players and institutions, including strengths and weaknesses,¹⁸⁶ but nothing has been done to turn this report into a national strategy that would address judicial reform in a holistic fashion. If reform does not address the shortcomings of all the key institutions, improvement in one area will have only a limited effect on the overall system. For example, it achieves little if police become better at capturing criminals but no court or judge is available or willing to try the case, and wealthy individuals can buy their way out. DFID and the World Bank are making substantial efforts to move the process forward¹⁸⁷ but the government's practical commitment is needed. It can no longer use lack of resources as an excuse to avoid action.¹⁸⁸ Again, this is an area where civil society and the Sierra Leone Bar Association need to push harder.

¹⁸⁰ ICG interview, May 2003.

¹⁸¹ This section is based on numerous ICG discussions with Sierra Leone lawyers and judges, September-October 2002, April 2003.

¹⁸² Examples include the 1938 Evidence Act, which requires original copies of all documents, something which is of questionable necessity in the era of computers and photocopy machines; and the Larceny Act of 1916, which does not cover a number of current types of theft.

¹⁸³ Discussion with UNAMSIL official, May 2003.

¹⁸⁴ Funding has been provided by UNDP, DFID, and UNAMSIL.

¹⁸⁵ ICG interviews, July 2003.

¹⁸⁶ "Sierra Leone: Report on Preliminary Review of Justice Sector", Joint DFID/World Bank Visit, July 2002. A study conducted by the Commonwealth Human Rights Initiative in 2002, "In Pursuit of Justice: a report on the judiciary in Sierra Leone", provides a detailed assessment of the Sierra Leone justice system.

¹⁸⁷ The World Bank has funded studies to identify the status and shortfalls of the judicial system in order to begin the reform process. DFID has funded a series of projects on legal reform, such as looking at how customary law might be brought into conformity with the legal system in terms of human rights and gender issues. It is currently designing a plan for comprehensive legal reform, including the police and prisons.

¹⁸⁸ ICG interview with UNAMSIL official, May 2003.

C. YOUTH: LEFT OUT OF THE EQUATION

By 2005, “youth” will constitute, by some calculations as much as 55 per cent of the population,¹⁸⁹ though Sierra Leone’s socio-cultural concept differs from Western cultures: a person may, under certain circumstances, be considered a youth until 35, and sometimes older.¹⁹⁰ The impact of this is that citizens are sometimes not treated as adults until relatively late in life and have little training in an adult’s rights and responsibilities in society.¹⁹¹ Similarly, youths are often sidelined from the political process. The result is a large, disgruntled population with time on its hands and capacity to do both great good and harm.

The government faces a large, though not insurmountable, challenge to address the problems of youths, including: poor education, high unemployment, low productivity, and lack of access to the political system. It created the Ministry of Youth and Sports in 2002, which developed a National Youth Policy that was launched on 30 June 2003. Unfortunately, the NYP reads more as a statement of youth rights and general goals than a policy to be implemented on a timetable.¹⁹² An editorial in a local paper stated “The NYP is just another document created in isolation and as bland and unimaginative as many

others before it ...shallow and lack[ing] substance to legitimise it[s] existence”.¹⁹³ The author, a student at Fourah Bay College, claimed that few, if any, young people were part of the policy creation process.

President Kabbah has invited young people into the decision-making process relating to issues affecting them but not into the larger decision-making process pertaining to broader issues of governance and economic reform.¹⁹⁴ The government promises free primary education to address the nearly 80 per cent illiteracy rate, though this has yet to become reality for most.¹⁹⁵ But such steps are not enough.

Youth unemployment remains extremely high as do frustrations with government inefficiency.¹⁹⁶ Educational opportunities are scarce, especially in the provinces and for the poor. Instead of going to school or working, many youths sit on street corners with nothing to do and slim prospects. If this is not addressed, the government will not only lose a great opportunity to tap into energy that could help develop the country, but it will also risk radicalising youth. As a local NGO representative argued, unemployed, idle youth are a great security concern because they can be mobilised.¹⁹⁷ But a large part of the problem is finding resources. An NGO representative suggested that donors are slow to provide funds for intangibles such as literacy, civic education and social education generally, preferring to build school houses, court rooms, and health centres, even if Sierra Leone lacks

¹⁸⁹ “Sierra Leone National Youth Policy”, Ministry of Youth and Sport, 2003, p. 5. According to the government’s “National Recovery Strategy 2002-2003”, children up to fourteen account for roughly 45 per cent of the population, while those aged 15-64 account for 52 per cent; average life expectancy is 37.

¹⁹⁰ The National Youth Policy defines a youth as a person between the fifteen and 35; however, it is not uncommon for a person to be called a youth up to the age of 40 or even 50. The UN defines a youth as a person aged fifteen to 24.

¹⁹¹ ICG interviews with Western diplomat and Sierra Leone government official, May 2003.

¹⁹² ICG interview with international NGO representative, May 2003. The policy calls for focus on six “strategic areas”: job creation, skills training, information and sensitisation, community development projects, presidential award for excellence, and youth consultation/participation. But there is no elaboration of how to achieve these, though the concluding paragraph calls vaguely for an action plan to provide implementation details. “Sierra Leone National Youth Policy”, op. cit. pp. 12, 15.

¹⁹³ See Emmanuel Saffa Abdulai’s editorial, “Critiquing the National Youth Policy”, *Concord Times*, 10 July 2003.

¹⁹⁴ Independence Day Address by President Kabbah, 27 April 2003.

¹⁹⁵ The National Youth Policy claims that only 33 per cent of school age children attend school, p. 5. While free education has been legislated, it is rare in practice. In testimony to the TRC, a woman pointed out that she could not afford textbooks and uniforms, and the schools she had approached had insisted on her paying fees. TRC hearings, Koidu, June 2003.

¹⁹⁶ Current official unemployment figures are not available. The only available labour survey – from 1989-1990 – put unemployment at 25 per cent, with the highest rates among those ages 18-25. See Sierra Leone National Youth Policy, the Ministry of Youth and Sport, 2003, p. 5. The intervening years of war and crisis have almost surely raised this figure substantially.

¹⁹⁷ ICG interview with national NGO representative, May 2003.

trained professionals to staff them.¹⁹⁸ Already, youth dissatisfaction has led to creation of a number of youth groups throughout the country. While some are working to better their communities, others are more dubious and have been described by one official as seeking to replace their elders within the current political system rather than to reform the system.¹⁹⁹

A number of youth groups have emerged in resource rich areas such as Koidu and Tongo Fields and in the former RUF base, Kailahun. They are attractive to youths and ex-combatants because they offer something to do, a way of achieving respect, and the prospect of earning income. While some have bettered their communities through work projects,²⁰⁰ others have done little more than join together under a common name. None appear to be a threat to the country as a whole but there is concern about their dominance in certain areas. This is heightened by the presence of formerly armed elements in some groups, as well as apparent disregard by some for law enforcement. These groups, if left to their own devices, may hinder the extension of government authority to the provinces, have a detrimental impact on international investment, and pose a threat to peace and stability if they become more militant and more radical in pursuing redress for their grievances.

Two youth groups are often cited as troublemakers: Movement of Concerned Kono Youth (MOCKY) and the Lower Bombara Youth Council (LBYC).²⁰¹ They receive bad press in Sierra Leone, but also much attention from internationals. Some argue the bad press is unwarranted; others believe international

attention is unhelpful.²⁰² Each stakeholder – paramount chiefs, police, community leaders, NGOs, donors – views each group differently. The concern is that each favours a particular group, sometimes for political reasons, sometimes for efficiency, thereby producing a struggle for primacy and resources among them.²⁰³

These groups have a great deal of power to influence what happens in their towns. They are reluctant to give this power up once government authority has been re-established and even more reluctant to share it with other youth groups.²⁰⁴ All too often, they focus their energies on vying for primacy in their community rather than working on projects with a positive impact. An example is the inability of MOCKY and the Kono District Youth League to work together under an umbrella organisation because neither is willing to see the other get its presidency.²⁰⁵ What is also clear is that various stakeholders are willing to utilise the youth groups that suit their purposes by helping them to achieve their agendas.

While some groups claim, and perhaps receive, a great deal of local support, they are not a substitute for government authority and should not be allowed to take the law into their own hands, as they have done in the past. For example, MOCKY has conducted night patrols in villages, monitored mining activities, and tried to control border crossing points, claiming the police were incapable of handling these tasks.²⁰⁶ This support for enforcing the law is welcome so long as MOCKY is working in conjunction with the police rather than in parallel. Indeed, MOCKY played a significant role in the early days of disarmament when the police were not present in Kono.²⁰⁷ However, its reluctance to give

¹⁹⁸ ICG interview with international NGO representative, July 2003.

¹⁹⁹ ICG interview, May 2003.

²⁰⁰ One such group is the Sierra Leone Youth Development Association in Moyamba. It claims its goal is to keep youths busy through public works programs such as road work and agriculture. ICG interview, UNAMSIL official, September 2002. The minister of youth points to several small and nameless groups of organised youth who perform a wide variety of community services, but are unknown outside their small communities. ICG interview with minister of youth, May 2003.

²⁰¹ MOCKY is located in Koidu. LBYC, formerly the Lower Bombara Youth Development Association (LBYDA), is located in Tongo Fields. Koidu and Tongo Fields are two of the largest diamond mining areas.

²⁰² ICG interviews with government officials, international NGOs, UNAMSIL, and Western diplomats, May 2003.

²⁰³ ICG interviews with government official, international NGO, and UNAMSIL, May 2003.

²⁰⁴ In the Kono district, MOCKY has been particularly unwilling to share the spotlight with other groups. ICG interviews with Koidu government and UNAMSIL officials, May 2003.

²⁰⁵ ICG interviews, May 2003.

²⁰⁶ ICG interviews with UNAMSIL officials and MOCKY representatives, May 2003.

²⁰⁷ ICG interview with USAID representative, May 2003. MOCKY was used to push the RUF out of Kono, resulting

up authority and prominence is disconcerting. MOCKY has moved away from action that was considered by many to verge on vigilantism but the possibility of a reversion remains, as it does for other large youth groups.²⁰⁸

Youth groups tend to target international mining companies, in some cases to the point that they have contemplated withdrawing from the country.²⁰⁹ In particular, LBYC has halted the operations of the Zijay company in Tongo Fields, asserting it will not be allowed to mine until it meets the group's demands, which include providing water and electricity to the town.²¹⁰ MOCKY has been at the centre of a dispute in Koidu with an international mining company, Branch Energy, which it claims has not fulfilled promises to the community.²¹¹ While these groups may be right to demand that some mining profits be returned to the communities,²¹² they have made extreme demands that prevent companies from operating that have already paid the national government in Freetown for the appropriate permits. Unfortunately, those agreements are often negotiated without the consent or participation of affected communities. The national government apparently does not have the will or capacity to enforce them or simply chooses not to do so in order

in a big clash in December 2001. It also played a critical role in the May 2002 elections.

²⁰⁸ ICG interviews with Western diplomats, UNAMSIL, USAID, and international NGOs, May 2003.

²⁰⁹ ICG interview, April 2003.

²¹⁰ Zijay Mining Company is owned by an American businessmen in partnership with a Sierra Leonean. It reportedly has a 1992 agreement with the community to mine, purchased a mining license (2000), and has paid all necessary fees. It began mining in July 2002 but activities were halted the next month as a result of LBYC activities. In June 2003 there were reports of progress but the dispute remains unresolved.

²¹¹ Branch Energy (BE), a South African firm, originally set up operations in Koidu in 1997 but was forced to leave due to fighting. It now has a similar operation but is facing difficulties due to community demands to share benefits. It has promised to complete various community projects but will not be able to do so until it begins mining and turning a profit. The community wants the projects completed now, and 1,000 youths demonstrated in late June 2003, resulting in a series of community meetings to try and resolve the situation.

²¹² Wealth from Sierra Leone's natural resources has rarely been shared with the communities from which it was extracted. Profits have customarily been shared between the companies involved and the government in Freetown.

to avoid a political challenge. One positive outcome is that companies are now reaching agreements with local communities before attempting to begin operations.

If channelled in the right direction, youth groups can benefit their communities²¹³ but they are likely to become more radical if government continues to marginalise them. The answer is to train and educate them about their rights and responsibilities and how to pursue reform non-violently.

D. DIAMONDS

Monitoring and controlling diamond mining is a major challenge for the coming year. Diamonds have long been a vital economic asset for Sierra Leone. However, mismanagement of the profits engendered popular dissatisfaction with the government and the mining companies. Diamonds did not cause the war but they did become a symbol of the greed, corruption, mismanagement and poor economic development that provided the foundation for serious grievances that ultimately resulted in its outbreak.²¹⁴ To prevent new problems, the government needs to gain control of the industry; ensure its fair and transparent operation, from mining to export; and return some of the benefits to the communities where mining occurs. It has started this process. On 27 August 2003, President Kabbah launched the Kono Peace Diamond Alliance, the goals of which, he said, were to eradicate unfair practices in Sierra Leone's diamond industry and curb the financing of terrorism, while ensuring legality and profitability.²¹⁵ Among the government's partners in this alliance are the U.S. and UK development agencies (USAID and DFID, respectively), industry experts, and community representatives. Nevertheless, while this is a step towards improving control and management, many obstacles remain, including rampant illegal mining, ineffective monitoring and law enforcement, and exploitation of miners.

²¹³ ICG interviews with UNAMSIL official and Western diplomat, May 2003.

²¹⁴ The international focus on diamonds tends to let the government off the hook with respect to the real – and still largely unaddressed – root causes of the war cited above and concentrate instead merely on the greed of individuals such as Charles Taylor and certain RUF leaders.

²¹⁵ President Kabbah spoke of “clean[ing] up the diamond industry” and the “evil practices associated with it”.

On 5 July 2000, UN Security Council Resolution 1306 prohibited the import of diamonds from Sierra Leone. The Ministry of Mineral Resources then created a licensing and certification regime to enable Sierra Leone to export diamonds legally again. Since October 2000, the government has had an exemption from Resolution 1306 to export diamonds through this regime.²¹⁶ These measures, in conjunction with the end of the war and the return of the diamond areas to government control, have begun to increase legal exports and reduce the trafficking of illicit diamonds but they have not solved the dilemma of controlling illicit mining and smuggling. While officials believe smuggling has been significantly reduced, most donors believe it is still a major problem and the government has not done enough.²¹⁷ Ideally, the government would take on a tougher enforcement role, ensuring that all involved with the industry are licensed, prosecuting violators, better supervising what is mined and where it goes, and watching the Guinean border more closely. However, much of this requires more resources than the government has, and more will than it has demonstrated.

Reports of illegal mining abound.²¹⁸ There is no apparent planning for how to monitor and manage the mines, especially alluvial mines, which are numerous and require minimal equipment to

exploit.²¹⁹ The certification regime has increased legal exports of diamonds to some U.S.\$42 million from U.S.\$10 million in 2000 and U.S.\$1.2 million in 1999,²²⁰ but there is no evidence that illegal exports have declined appreciably. Estimates of smuggling are difficult to assess, but they suggest Sierra Leone exports diamonds worth up to U.S.\$300 million per year.²²¹ This leaves a tremendous amount of money unaccounted for – and unavailable to help rebuild the economy.²²²

UNAMSIL has realised the need to address diamond mining in order to ensure the stability of the country.²²³ Government control of the mines is one of the benchmarks for its drawdown. UNAMSIL military observers posted throughout the country provide mining information, including global positioning system (GPS) coordinates to map areas of mining and identify illegal activity. While these are positive steps, the government still needs to use this information, and there is not yet a systematic policy in place.²²⁴ Unfortunately, it appears that even when the government is presented with clear evidence of illegal mining, it

²¹⁶ The exemption requires all exported diamonds to be accompanied by a Certificate of Origin that guarantees they were legally mined and are not “conflict” diamonds. On 5 June 2003, the Security Council decided not to renew the sanction, thereby ending the ban on importing Sierra Leone diamonds. This was based on an assessment of Sierra Leone’s capacity to monitor and control mining, as well as the effectiveness of the certification regime – a surprise since most experts believe that tens of millions of dollars worth of diamonds continue to be smuggled out, albeit no longer by the warring groups.

²¹⁷ ICG interviews with Western diplomats and representatives of USAID, UNDP, UNAMSIL, and the ministry of mineral resources, April-May 2003.

²¹⁸ There are numerous allegations that politicians, both local and those in Freetown, are involved in illegal mining. ICG interviews in Kono district, May 2003. There are also allegations that some in the Lebanese community, which is heavily involved in the diamond industry, are reluctant to alter practices from which they benefit.

²¹⁹ Alluvial mining is usually conducted by hand with shovels and sieves to sift through rock and sand to find diamonds. Kimberlite mining requires industrial equipment and greater expertise.

²²⁰ Statistics from the government gold and diamond office.

²²¹ Estimates of diamond exports range from U.S. \$70 million to \$300 million per year. A UN Experts Panel estimated in 2000 that illicit exports were worth U.S. \$25 million to \$125 million, and the diamonds went mostly to The Gambia and Guinea. In his speech welcoming the launch of the Kono Peace Diamond Alliance on 27 August 2003 (see above), U.S. Ambassador Peter R. Chaveas said, “In 2002, only U.S.\$41 million of the projected U.S.\$300 million worth of diamonds mined in Sierra Leone were legally exported”.

²²² ICG interview with Western diplomat and representatives of USAID and the ministry of mineral resources, May 2003.

²²³ The need for the government to control the mines was also emphasised by the UN Security Council Mission to West Africa, “Report of the Security Council mission to West Africa, 26 June – 5 July 2003”, *op. cit.*, and the Secretary-General, “Eighteenth Report of the Secretary General on the United Nations Mission in Sierra Leone”, *op. cit.*

²²⁴ ICG interview with Sierra Leone police officer, April 2003.

remains unwilling and unable to address the problem.²²⁵

The Mines Monitoring Offices throughout the country lack the necessary resources and Freetown support. Most have only a few vehicles or motorbikes to cover vast areas. Their authority is extremely limited and rarely backed up.²²⁶ Instead, monitors often work alone and can do little more than identify, but not stop, illegal mining. The police are not always capable of arresting illegal miners.²²⁷ Because they are unhappy with losing the patrolling job to the monitors, they are not always responsive to requests for investigation and arrests.²²⁸ This lack of support and resources results in low morale and lacklustre performance by the monitors, who themselves sometimes engage in corrupt practices to enhance meagre salaries.²²⁹ Under these circumstances the monitoring regime is ineffective and a waste of resources. The government needs to investigate alternative methods of monitoring mines and enforcing the law such as creation of a special unit within the police,²³⁰ hiring a management company for the mining districts or, perhaps most drastic and undesirable of the options, nationalising all mining activities. There are advantages and disadvantages to each of these options, and there may be better alternatives, but the current policy clearly needs to be changed.

Roughly 500,000 men, mostly young and illiterate, are engaged in mining.²³¹ They can rarely afford to buy equipment or licenses and so must seek benefactors to provide them tools in exchange for their work. They often end up impoverished and in

exploitative relationships. For example, miners often cannot estimate the value of the diamonds they find and are therefore severely underpaid, or worse yet, cannot pay their debts. The lack of alternative financing that would release them from what is in effect slave labour as well as the lack of alternative job opportunities ensures continuation of this situation.²³² The U.S. Agency for International Development (USAID) is funding projects to educate miners about the value of diamonds and bring in international dealers to increase competition and thus the prices paid miners for their stones.²³³ It also hopes to begin a micro-credit project for Kono to free miners from the stranglehold of their benefactors. These efforts are starting to produce results, but as one USAID representative admitted, much more international donor assistance and government action is required.

The government appears to see the diamond mines as the key to economic recovery. The problem with emphasising the mines is that other areas of the economy such as agriculture and fisheries, that could employ large numbers and provide food and other goods to the population, are being neglected.²³⁴ Diamonds are not a panacea.²³⁵ Sierra Rutile, once the largest export earning company,²³⁶ is scheduled to renew its operation by the end of 2003. Though this will be the beginning of

²²⁵ ICG interviews with UNAMSIL and other Western military and diplomatic officials, April and June 2003.

²²⁶ For example, mine monitors do not have authority to arrest illegal miners but must report cases to the police.

²²⁷ ICG interviews with mine officers and UNAMSIL officials, May 2003.

²²⁸ ICG interview with mine monitors, May 2003.

²²⁹ ICG interviews with a Western diplomat, and officials from USAID, the Government Gold and Diamond Office (GGDO), and UNAMSIL, April-May 2003. ICG interview with mine monitor in Kono, July 2002.

²³⁰ As noted, the police do not have the manpower for this job but they have requested assistance in the form of a diamond policy adviser. Two officers recently went to South Africa for training on diamond monitoring. ICG interview with CIVPOL official, June 2003.

²³¹ Women do not engage in mining in Sierra Leone.

²³² For an assessment of the mining situation in Sierra Leone, see USAID, "Sierra Leone: 'Conflict' Diamonds, Progress Report on Diamond Policy and Development Program", 30 March 2001, available at: www.usaid.gov/hum_response/oti.

²³³ ICG interview with USAID representative, May 2003. Additional information on USAID projects, especially the Kono Peace Diamond Alliance pilot project, can be found on the USAID website, www.usaid.gov.

²³⁴ ICG interviews with representatives of USAID, UNAMSIL, EU, and the Sierra Leone parliament, March-May 2003. A report by IRIN on 11 June 2003 indicated that food production has recovered greatly over the past year, and rice output is up to 78 per cent of pre-war levels. Even so, Sierra Leone continues to import rice, and at least 135,000 families require food aid. Though 75 per cent of the population is engaged in agriculture, Sierra Leone remains incapable of feeding its population.

²³⁵ According to the government's "National Recovery Strategy 2002-2003", mining provided 20 per cent of GDP before the war but less than a tenth of one per cent in 2000.

²³⁶ Sierra Rutile was forced to cease operations in 1995 due to the war. At that time, the company was providing nearly 90 per cent of government export revenue.

renovations not full operation of the mine, it will provide a boost to the economy and the labour market (an estimated 900 job openings at the start of operations) but is unlikely to solve Sierra Leone's economic woes.²³⁷

The government has started to address community concerns regarding how the monies it receives from diamond exports are used. In December 2000, it created a Community Development Fund to return some of the profits from legal exports to mining communities. Three-quarters of a per cent of the 3 per cent export tax on diamonds is distributed about every six months according to the number of licenses issued by each community.²³⁸ This fund encourages community monitoring of mines by creating a monetary incentive; encourages paramount chiefs to issue licenses rather than allow illicit mining; and returns profits that can be used for development projects. After a rocky start, changes to the distribution scheme have greatly improved the program.²³⁹ However, a recent study by Talking Drum Studio, an international NGO, revealed that many community members are unhappy with how the fund is managed locally, complain they are not part of the decision making process and do not know what the money is being spent on.²⁴⁰

²³⁷ ICG interview with representative of Sierra Rutile, June 2003.

²³⁸ This is true for all diamonds below ten carats in weight. If a diamond is ten carats or more, the receipts from it are distributed to the community where it was found rather than according to the number-of-licenses process.

²³⁹ Funds were initially given to the paramount chief for use in development projects. Some kept money from the fund for themselves rather than distribute it to the community. Paramount chiefs must now submit proposals for how the money will be spent and records of disbursements in order to receive their community's share of the fund. ICG interviews with representatives of the ministry of mineral resources and USAID, May 2003.

²⁴⁰ Talking Drum Studio (Search for Common Ground) revealed these findings in an article, "Know About your Chiefdom Development Fund", placed in a special advertising section in Sierra Leone papers during the third week of July 2003.

VI. CONCLUSION

Sierra Leone had a positive year in 2002 with the end of the war, peaceful elections, and some small signs of economic recovery. However, 2003 has shown that both internal and external threats to stability persist. In order to address these, the international community needs to remain attentive, and the government needs to step up the pace on reforms and take over the responsibility of leading the country. Sierra Leone is approaching a time when it will have to stand on its own two feet. Donors are willing to help but success ultimately depends on a strong commitment by the government to follow up its rhetoric with action.

The Liberia situation remains a security risk for Sierra Leone as long as the border population is vulnerable. UNAMSIL must take into consideration events in Monrovia when determining the pace, timing, and geographic coverage of its withdrawal.

The quality and capability of the military and the police are improved but they remain fragile, immature institutions. The army faces the challenges of weeding out officers uncommitted to democracy, reducing overall force size, and protecting extremely porous borders. The police face significant challenges in meeting force size requirements and extending their reach throughout the provinces. Both institutions need more and better resources but also the political will to deal with remaining old regime elements.

The Truth and Reconciliation Commission and the Special Court are supposed to be forums for the population to face the history of its war, punish egregious perpetrators, and begin to heal wounds. Unfortunately, it has shown a surprising lack of interest. The institutions need to make a greater effort to publicise their work and encourage local participation if they are to leave a lasting legacy.

High unemployment is one of the biggest threats to stability and perhaps one of the most difficult to address given the education and economic situations. Government must provide incentives for foreign investment, including by rewriting investment and land ownership laws, rebuilding the national infrastructure, and improving internal

security. Education and training opportunities are necessary to create a more capable work force. Rebuilding the economy cannot happen overnight, but the government needs to develop a national plan to begin this process and reduce its dependency on donors.

Local elections are not an end in themselves but rather a means toward decentralising an overly centralised government. Unfortunately, more attention seems to be paid to the elections and their format than to what the elections should achieve. The government should prepare legislation that lays out a clear plan for decentralisation, including the responsibilities and powers to be given the district councils and a timeline for the process – and only then focus on elections.

Corruption continues to plague the government, the economy, and the wider society. There is little evidence of a serious effort to change practices or educate the population to convert a system of patronage to one of accountability and credibility. The government needs to demonstrate a commitment to reform by supporting the Anti-Corruption Commission (ACC) and pressuring the Attorney General to move the cases that are on his desk. It should also give the Auditor General resources and a mandate to conduct yearly audits of all government departments and submit suspect cases to the ACC for investigation.

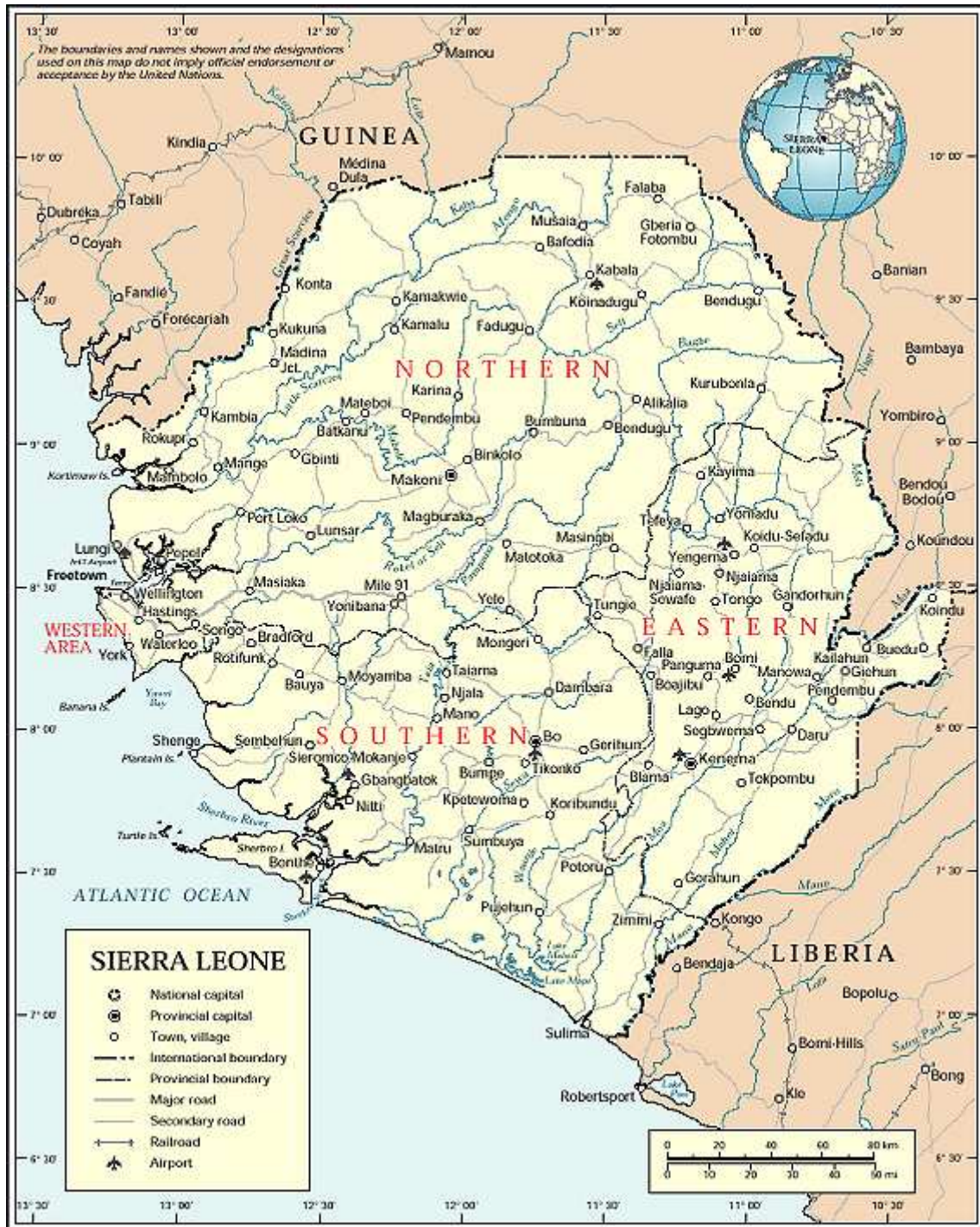
The World Bank and DFID are already assessing the judicial system and formulating plans for its reform. The government ought to use this research to formulate a national strategy for judicial reform that involves all concerned ministries and departments and approaches reform in a holistic fashion.

Youth will be the driving force of growth and change in coming decades. Whether this will be for good or ill depends heavily on the opportunities available to engage constructively in the economy and politics. The government needs to capitalise on the energy of youth to rebuild the economy and reform the political system. If young people are merely inculcated in the old ways, Sierra Leone has little hope for a stable recovery.

Government cannot depend on the diamond mines to rebuild the economy – the industry is simply not large enough. It does need, however, to establish an effective regulatory system so that it can control mining, increase revenues, and return benefits to the mining communities. In addition, it must look to other areas of the country and sectors of the economy to boost agricultural production, capitalise on abundant fishery resources, and otherwise utilise a too idle population.

Freetown/ Brussels, 2 September 2003

APPENDIX A:
MAP OF SIERRA LEONE



APPENDIX B:

LIST OF ACRONYMS

ACC	Anti-Corruption Commission
CCSSP	Commonwealth Community Safety and Security Project
CDF	Civil Defence Forces
CG	Consultative Group
CCG	Campaign for Good Governance
CIVPOL	Civilian Police unit of UNAMSIL
DR	Demobilisation, Demilitarisation, and Reintegration
DFID	Department for International Development
ECOWAS	Economic Community of West African States
GGDO	Government Gold and Diamond Office
IMATT	International Military Advisory and Assistance Team
IMF	International Monetary Fund
LBYC	Lower Bombara Youth Council
LURD	Liberians United for Reconciliation and Democracy (Liberia)
MMO	Mines Monitoring Office
MJP	Movement for Justice and Peace (Ivory Coast)
MOCKY	Movement of Concern Kono Youth
MODEL	Movement for Democracy in Liberia (Liberia)
MPCI	Patriotic Movement of Ivory Coast (Ivory Coast)
MPIGO	Patriotic Movement of the Grand West (Ivory Coast)
NACSA	National Commission for Social Action
NCDDR	National Commission for Demobilisation, Demilitarisation, and Reintegration
NGO	Non-governmental organisation
NYP	National Youth Policy
OHCHR	Office of the High Commissioner for Human Rights
OSD	Operational Support Division of the Sierra Leone Police
RSLAF	Republic of Sierra Leone Armed Forces
RUF	Revolutionary United Front
RUF-P	Revolutionary United Front Party
SLP	Sierra Leone Police
SLPP	Sierra Leone People's Party
TDF	Territorial Defence Force
ULIMO	United Liberation Movement for Democracy in Liberia
UNAMSIL	United Nations Mission in Sierra Leone
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development