

*Justice for the Poor &
Understanding Processes of Change in Local Governance*

Sierra Leone

CONCEPT NOTE

December 2006¹

BACKGROUND AND COUNTRY CONTEXT

Sierra Leone, a small West African nation of 5 million people², is one of the world's very poorest countries. Ranking at the bottom of the UNDP's human development index,³ Sierra Leone had a GNI per capita in 2004 of just \$210 and an under-five mortality rate of 283 per 1,000 live births.⁴ An estimated 43% of the population lack access to an improved water source, and 61% lack access to adequate sanitation facilities.⁵

Sierra Leone is in the midst of an incredible period of change, particularly in areas of justice and governance. Sierra Leone's civil war came to an end just four years ago, and the country is still undergoing dramatic social and institutional change brought on by war and by the transition to peace. Moreover, the Government of Sierra Leone (hereafter, GoSL) has undertaken ambitious decentralization and justice reform programs and is planning a chiefdom governance reform effort, all of which has changed – and will continue to change – the face of local-level governance and justice.

Rebuilding and reforming justice and governance in Sierra Leone is considered essential not only for reducing poverty, but for preventing a return to violent conflict. The failure of local-level justice and governance systems has been cited among the root causes for the war,⁶ and both systems were further devastated by the eleven-year conflict. Reestablishing these systems, and addressing their pre-war shortfalls, is therefore a priority for post-war recovery. Failure to address existing or perceived inequities – including the political marginalization of youth and women, harsh penalties for violation of societal norms, unfair allocation of land and

¹ This updates a previous concept note from October 2006, with revisions reflecting peer review feedback.

² Statistics Sierra Leone, *Final Results, 2004 Population And Housing Census*, February 2006.

³ In 2005, the UNDP ranked Sierra Leone 176 out of 177 countries on its Human Development Index.

⁴ The World Bank Group, *Sierra Leone Data Profile*,

<http://devdata.worldbank.org/external/CPPProfile.asp?CCODE=SLE&PTYPE=CP> (08/04/2006).

⁵ Unicef, *At a glance: Sierra Leone – Statistics*, http://www.unicef.org/infobycountry/sierraleone_statistics.html (08/04/2006).

⁶ For example, see Richards, et al 2004 and Kane, et al 2004.

resource revenues, and arbitrary and excessive fines – could recreate the environment of mistrust and hopelessness that proved a breeding ground for conflict.⁷

Local-level justice and governance in Sierra Leone are complex, with multiple rules systems and no clear mechanisms for reconciling them. Sierra Leone has dualist legal and governance systems that incorporate traditional authorities and customary law alongside elected local governments and English common law.⁸ At a local level, this means that authority is shared by a complex web of individuals and institutions. Paramount chiefs and various sub-chiefs and elders administer chiefdoms, sections, and villages, while elected local councils administer districts, wards, and towns. All of these administrative units overlap, but not perfectly, and the relationships between the traditional authorities and newly-reinstated local governments have still to be clarified. Similar confusion exists in the local justice system, in which jurisdictional boundaries and institutional relationships are complicated and commonly misunderstood. Ordinary citizens seek justice through a variety of institutions with very different rules systems, including magistrate courts, recognized local customary courts, illegal (but widely tolerated) chiefs’ courts, or any number of alternative dispute resolution mechanisms. Existing research provides little insight into why and under what circumstances people choose to utilize these different systems, and to what result.

Many major governance and justice initiatives have emphasized local-level reform and other community-level interventions. The GoSL, with the support of donors, has undertaken a major decentralization effort, reestablishing elected local councils – suspended in 1972 – and devolving powers from central ministries.⁹ The GoSL is also embarking on an effort to develop a new policy on chiefdom governance, arguably the most local form of governance in Sierra Leone. Justice reform efforts have also included an emphasis on bringing justice to the community level; for example, a key part of the Justice Sector Development Program’s pilot program in Moyamba District is a circuit magistrate that holds court in rotating locations around the district. Meanwhile, community-driven development efforts – through the National Social Action Program (NSAP)¹⁰ administered by the National Commission for Social Action (NaCSA), as well as the pilot GoBifo program¹¹ – have involved individual communities in planning and managing their own small-scale development projects.

In general, there is a relative lack of understanding about how justice and governance systems function at a community level, and about the impact of recent reforms and interventions. Research on these issues, particularly research that focuses closely on dynamics

⁷ See Alterman, et al 2002, Sierra Leone Truth and Reconciliation Committee Report 2005, Keen 2003, and Jackson 2005.

⁸ [A third system of law applicable in Sierra Leone is Islamic law, but it has limited application. \(Abdul Tejan-Cole, Sierra Leone legal practitioner, comments on draft concept note, November 2006.\)](#)

⁹ For more information on these efforts, as well as initial analysis, see Rosenbaum & Rojas 1998, Jackson 2005, DfID 2004, and the Local Government Act of 2004.

¹⁰ NSAP is funded by the World Bank, IDA Credit #2748-SL, US\$35.0 million. Approved: April 24, 2003. Closing Date: Dec 31, 2008. The Community-Driven Program is the largest component of NSAP, at US \$25.0 million.

¹¹ GoBifo is a Krio word meaning “go forward” or “progress,” and is the name of a pilot CDD project operating in Bombali and Bonthe Districts. GoBifo is funded by the World Bank’s JSDF trust fund facility. (US \$2million, Feb 2005-Dec 2007)

within communities, is relatively limited.¹² The strong localization of identity in the provinces and the unwritten nature of customary law also contribute to the lack of understanding of local dispute resolution mechanisms.¹³

The *Justice for the Poor and Understanding Processes of Change in Local Governance* research program, sponsored by The World Bank, is intended to help fill that gap. The project combines two multi-country studies.¹⁴ The first, *Justice for the Poor*, seeks to develop an “empirically based understanding of how the poor or excluded navigate through local justice systems,” in order to inform and evaluate innovative efforts at local-level justice reform.¹⁵ The second, *Understanding Processes of Change in Local Governance*, examines prevailing governance rules and norms within communities and municipalities, and explores whether and how externally-introduced rules of inclusive and transparent decision-making affect the prevailing governance norms at the local level. Given the integrated nature of justice and governance at a local level and the similarity of the methods and questions posed by the two studies, a decision was made to synthesize the two projects in Sierra Leone.

There is therefore ample opportunity for rigorous, community-based research of the sort proposed here to influence and inform both new and ongoing interventions. The research proposed here should provide not only a rich understanding of local-level dynamics, but also findings with direct operational relevance for the GoSL and its development partners. The program is also linked with an ongoing joint evaluation program for the World Bank-supported Institutional Reform and Capacity Building Project (IRCBP)¹⁶ and GoBifo community-driven development projects, and with a planned evaluation of a community-based justice initiative, Timap for Justice, which will also be receiving World Bank support under a JSDF grant.¹⁷

PROJECT OBJECTIVES

The project is designed to inform and support interventions that can improve local governance and enhance access to justice, particularly for the poor and marginalized. It emphasizes partnership and knowledge-sharing, and research that is linked directly to operations. Rigorous, in-depth research and analysis will feed into program design and evaluation, and operationally-relevant questions will drive research design. To ensure operational relevance and implementation of research findings, J4P and its partner organization will work to identify and

¹² Exceptions include Alterman et al 2002; Fanthorpe 2002 and 2006; Mamdani 1996; Maru 2006; and Richards 2004. See further discussion of literature below under “Research Questions and Methodology.” A literature review and background paper are currently in preparation in parallel with this concept note.

¹³ Alterman et al, 2002.

¹⁴ Both are sponsored by the World Bank’s BNPP trust fund facility. J4P is a global research, knowledge sharing and development program, which includes an Africa regional program supported by BNPP (*Justice for the Poor: Breaking Legal Inequality Traps at the Local Level*, \$450,000, Jan 2006-Dec 2007) of which Sierra Leone is a part. The “Understanding Processes of Change in Local Governance” research program is also supported by BNPP (\$150,000, Feb 2006-Dec 2007), and will be implemented in approximately three countries.

¹⁵ Sage and Woolcock, 2005.

¹⁶ IRCBP is funded by a World Bank IDA Grant No. H0860-SL, US\$25.12 million. Approved: 11-May-04. Closing Date: 30-Jun-08.

¹⁷ Timap is a Krio word meaning “stand up”. Timap for Justice will be funded by the World Bank’s JSDF trust fund facility (\$880,000, 2006-2008)

address the needs and interests of different stakeholders. The World Bank will partner with a local organization at every stage of the project, and the project team is committed to building the capacity of local partners.

The project’s four main objectives are:

1. Enhance the understanding of how governance and justice systems function at a local level, and how individuals and communities navigate those systems in order to resolve disputes and to make claims to (or against) state- or non-state authorities.
2. Inform the evaluation of existing interventions, such as:¹⁸
 - a) World Bank-supported community-driven development projects (GoBifo and the CDP component of NaCSA)
 - b) World Bank-supported IRCBP project components (including decentralization and chiefdom governance reform)
 - c) DfID-supported justice sector reform (through the Justice Sector Development Programme, implemented by the British Council)
 - d) Civil society initiatives (including the World Bank-supported Timap for Justice and others)
3. Inform operations in the areas of governance and justice, including ongoing and planned initiatives on decentralization, chiefdom governance reform, and justice sector reform, as well as related civil society activities.
4. Build the capacity of a local partner institution and a team of local researchers to design and implement high-quality research (particularly using rigorous qualitative methods), to disseminate findings, and to use such findings to inform ongoing policy reform.

In the first phase of research, special attention will be focused on Objective #4, capacity building of a local partner institution and research team. Experience has shown that investing substantial time and resources in training at the outset will lead to more rigorous and informative findings. As the local partners gain experience using qualitative field research methods to elicit information and develop insights into local level justice, they will be better equipped to produce operationally-relevant findings.

TERMINOLOGY

Many of the terms used in this concept note will convey different things to different people. In keeping with the goals of this project, terms will largely be defined in the course of fieldwork, in order to take into account local definitions and meanings. However, several key concepts and terms found in this document include:

¹⁸ Final decisions about which interventions to include in the study will be made during the preliminary phase of research.

- ③ **Grievances.** As in the Justice for the Poor research in Cambodia, the Sierra Leone program will focus on grievances – violations of rights or law that could result in a claim for redress, whether or not that claim is ever pursued– rather than disputes, claims, or instances of conflict.¹⁹ This will allow the researchers to capture those “non-disputes” or “silenced injustices”²⁰ in which the parties do not pursue redress, and to analyze the reasons they did not do so. Translating this term into local languages will be crucial and not always straightforward; for instance, in preliminary discussions the research team suggested such terms as “bon hat” (“burn heart”) in Krio and a phrase in Mende meaning “things that make the heart warm” to express the notion of grievance.²¹

- ③ **Marginalized Populations.** The concept of marginalized groups has been considered throughout program design, and it is well-established that certain characteristics, such as age, gender, ex-combatant status, migration status, ethnicity, education level, connectedness, and land title status may all contribute to barriers to justice. However, limiting the research to a specific set of “vulnerable” criteria presupposes that we have an exhaustive understanding of the relevant dimensions of vulnerability. Instead, the research will take a broader approach, examining a wide range of grievances while actively seeking to better understand marginality in the areas of justice and governance.

- ③ **Community.** Though communities can be defined in many ways, the term is used in this document to refer to those which are primarily geographically defined. Sierra Leone is divided into districts (12 plus the Western Area), chiefdoms (149), chiefdom sections, local council wards, villages and towns. The team will determine during the course of the research what exactly we will define as a single community, based primarily on these official political boundaries but also taking into account people’s own understandings of how their community is defined and delineated. Logistical considerations will also be a factor, in terms of what size are can be adequately covered by a team of researchers.

- ③ **Justice and Governance.** Definitions for both of these terms are highly normative, and one goal of this research is to better understand how people in different communities themselves define and understand justice and governance. For now, it is important to note that although we understand these concepts to be interlinked, they are also distinct and should not be used interchangeably.

RESEARCH QUESTIONS AND METHODOLOGY

Although social scientists and other observers have produced some high-quality studies on Sierra Leone, the existing pool of literature tends to focus on “macro” issues, such as the

¹⁹ We are also inspired by the notion of a “justiciable event” used by Genn (1999), which is defined as “a matter experienced by a respondent which raised legal issues, whether or not it was recognized by the respondent as being “legal” and whether or not any action taken by the respondent to deal with the event involved the use of any part of the civil justice system.”

²⁰ We are grateful to Rennie (2006) for the term “silenced injustices”.

²¹ The current research team includes speakers of both of the most widely-spoken tribal languages in Sierra Leone: Temne and Mende. One of the researchers also speaks Fula, and all team members speak Krio, the English-based Creole spoken nationwide. Translation exercises in the first training period focused on Krio, Mende and Temne.

causes of large-scale conflict, contributions to underdevelopment, or law and policy. In particular, there is excellent literature on the structure of the dualist legal system as it exists on paper and the colonial and post-colonial precursors of the present-day legal structure²²; retrospective analyses of the causes of civil war²³; discussions of the Truth and Reconciliation Commission (TRC) and Special Court²⁴; some ethnographic studies of linguistic and cultural groups²⁵; and overviews of common disputes and conflicts²⁶.

With some notable exceptions²⁷, there is a dearth of literature on governance and access to justice *on the ground* – that is, research that poses questions about how written law is applied and how people experience justice and governance in their everyday lives. Though some studies have discussed the types of crimes and conflicts that are commonly experienced by rural Sierra Leoneans, we lack a clear understanding of how individuals navigate the complex and competing dispute resolution structures, and why they choose to pursue justice (or not) through these different avenues. Without such “micro” analysis, we risk implementing “solutions” that are ineffectual at best, and counterproductive at worst.

In an attempt to build on existing literature and fill gaps – particular those with operational relevance – where they exist, this project will address the following questions:

1. Who are the main authorities or power holders in the communities? Where do they derive their authority and legitimacy?
2. What are prevailing social norms and governance rules regarding how collective decisions are made, how public resources are mobilized and utilized, and how authority is exercised? Do different groups have noticeably different attitudes towards and perception of authorities, and different degrees of participation in collective action?
3. What kinds of systems and mechanisms are utilized to resolve and manage grievances and to lodge claims against state or non-state authorities, and why? Are certain groups or communities more likely to pursue justice? If so, why?
4. What trajectories do the grievances follow, and why? What are the outcomes of these processes, and what factors influence the results?
5. How do the mechanisms employed, the trajectories, and the outcomes differ with respect to:

²² For example, see Kane et al 2004.

²³ For example, see Richards 1996 and 2005; and Keen 2003.

²⁴ Sierra Leone Truth and Reconciliation Committee, 2005.

²⁵ Among the numerous studies of this sort, one excellent example is Ferme 2001.

²⁶ These include Commonwealth Human Rights Initiative 2002; and a preliminary analysis of the GoBifo/ENCiSS/Decentralization survey data collected November 2005-January 2006. (Analysis conducted by Elizabeth Foster, Evaluation Specialist, IRCBP. For more information, contact efoster@ircbp.org).

²⁷ As noted above, these include Alterman et al 2002; Fanthorpe 2002 and 2006; Mamdani 1996; Maru 2006; and Richards 2004. Reports from the 1999-2001 DfID-sponsored consultations on chiefdom governance are also relevant. For a summary of these reports, see Fanthorpe 2004.

- a. the characteristics of individuals and communities involved (and why)?
 - b. the characteristics of particular grievances (and why)?
6. What barriers to effective justice and governance exist, and which individuals, groups, and communities are most affected? How are these barriers overcome, or how could they be overcome? Which groups have a vested interest in maintaining the barriers?
 7. How are the answers to all of these questions changing over time? How and why does local-level justice and governance improve or deteriorate?
 8. What is the impact of external justice and governance interventions? Do they affect people's attitudes towards authorities, their participation in public affairs, and their perception of influence? Do they trigger change in what people demand and obtain in relation to justice and governance? Do they result in more just outcomes? Are their effects sustainable beyond the end of the intervention?

Research will build upon methods developed in ongoing *Justice for the Poor* projects in Indonesia and Cambodia, utilizing a mixture of quantitative and qualitative methods. The core primary research will consist of considerable periods of qualitative field work, utilizing a wide range of methods, and focused on case studies of grievances,²⁸ including those which do and do not result in claims or other means of pursuing redress. Cases of individual grievances will serve as the entry point for understanding how justice and governance systems function at a local level, and how communities and individuals – particularly the poor and marginalized – navigate these systems.

Quantitative analysis will be used to provide an aggregate or macro-level picture, allowing generalization to a larger population and comparison across districts or regions. Quantitative data will be drawn from surveys conducted for the joint IRCBP-GoBifo evaluation, as well as other possible sources, such as NaCSA's opportunities and services mapping and the GoSL's census and public expenditure tracking surveys (PETS). Quantitative analysis may also include a study of records from customary and/or common law courts. Such data may be valuable for identifying geographic and thematic areas on which to focus the qualitative research, and for testing the validity of findings from qualitative research.

- **Quantitative survey data can provide information about knowledge, attitudes, and self-reported behavior, as well as about the characteristics of respondents and of communities.** Among the topics covered by the IRCBP-sponsored surveys, for instance, are knowledge and participation in local governance; access to services and perceptions of quality; experience with crime and disputes; inclusion, trust, and social cohesion; and attitudes toward different authorities. NaCSA data provides an alternative measure of communities' relative vulnerability, and PETS tracks the use (and misuse) of public funds.
- **Court records analysis can offer insight into the functioning of primary justice institutions – including customary and general law courts – and on the cases they**

²⁸ Please see the section on Terminology for more information on what we mean by "grievances".

handle. Types of information generally captured by court records and available for analysis include types and frequency of cases, length of time to resolve cases, fees and penalties assessed, and possibly basic characteristics of the involved parties. Records can be examined to identify variations among different courts, different levels of courts, and different areas of the country, as well as variations among population groups.

Qualitative methods will delve more deeply in a smaller number of communities and cases, allowing greater insight into processes and community-level dynamics. This helps researchers to understand why certain norms and behaviors prevail, and why certain processes of change are taking place. Qualitative methods also allow greater opportunity for surprising or unexpected findings.

- **Primary data collection methods will include case studies, in-depth (semi-structured) interviews, focus group discussions, various participatory methods, and observation techniques.** Researchers will target a wide range of stakeholders, including chieftom and local government authorities, customary and general law courts officials and personnel, police, NGO representatives, and women and youth leaders. Research will also target a cross-section of community members – male and female, youth and non-youth, farmers and non-farmers, “natives” and “strangers”²⁹ – with an emphasis on the poor and marginalized in each community.
- **Qualitative field work will serve two interrelated goals: to map local power structures and sources of authority and legitimacy, and to track how people attempt to resolve disputes or claims.** Assessing (or mapping) local authority structures is not only a key component of the research in and of itself, but is also crucial background for selecting and tracking cases of grievances. Similarly, following these cases will lend insight into structures of local authority and how they relate to individuals and communities, issues that may or may not arise during personal interviews.
- **Case-study research will prioritize grievances involving groups of individuals, such as a community, association, or other group.** Such instances provide the opportunity (whether taken or not) for collective action, which has proven in other contexts to be a crucial mechanism for leveraging increased responsiveness to the needs of the poor or marginalized. These types of grievances also allow researchers to study how formal and informal leaders at a local level do or do not represent and pursue the interests of the group.
- **Research will focus on two categories of grievances – grievances over land and natural resources, and grievances involving local authorities – ,** though researchers can also allow for the inclusion of cases that do not fit within these two categories if they prove to be particularly interesting and relevant.

²⁹ As discussed elsewhere, the distinction between “natives” or “indigenes” and “strangers” is extremely important in Sierra Leone, and is often tied to power and privilege. The definition of a native or indigene can vary, but is often limited to members of a particular tribe(s) or family(ies). This means that even people who live in a community for years or even generations can still be considered “strangers.”

- 1. Land and natural resources:** Land cases are not only central to issues of poverty and marginalization, but are also among the most common and the most contentious type of disputes in Sierra Leone specifically and Africa generally, and the most likely to be pursued through different levels or avenues of authority. Moreover, land is one of the key areas of tension between customary laws and traditional authorities on one hand, and English common law and institutions of local and central government on the other.

Though land cases are common in every part of the country, there are significant regional variations according to the ways in which land is used in different areas (e.g., mining, agriculture, cattle-herding.) Research will consider not only grievances around title or ownership, but also those involving land use and compensation for damage to land.

- 2. Grievances involving local authorities:** This category would aggregate a number of different types of disputes, all related to claims either *to* or *against* local authorities. “Local authorities” would be defined broadly, to include traditional authorities, local councils, local representatives of central government, justice officials, community leaders, and others.

Among the disputes that could be included in his category are:

- Disputes about the management and use of community resources, particularly resources for development. (E.g., this could include accusations of corruption as well as conflict over development priorities.)
 - Challenges to the authority of particular office holder. (E.g., this could include cases where a community or faction attempts to remove a paramount chief or another chiefdom official, or where civil society groups challenge the performance of a local council chairman.)
- **Case selection will ensure that marginalized populations are strongly represented.** There is some concern that the two categories of grievances listed above may under-represent the experience of certain vulnerable or marginalized groups, such as women and youths. We recognize this danger and will take concrete steps to counteract it in our selection of cases, for instance by including cases of land inheritance involving women, or grievances involving women or youth leaders at a local level..
 - **Grievances will include but will not be limited to cases which are filed with one of the various justice institutions, or other formal resolution mechanisms.** Some of the grievances may be brought before local or magistrate courts, or traditional, local or central government authorities, but some will not. The researchers will actively pursue non-disputes or “silent injustices,” in order to capture cases where disputants do not feel empowered to pursue claims.
 - **Cases will be selected not on the basis of representativeness, but on their potential to shed light on the research questions.** Although these cases will not be representative of

the universe of cases in Sierra Leone, they should yield insights into systems of justice and governance – and changing norms and dynamics of both systems – that might not be revealed by studying solely “typical” cases.

- **Grievances which are pursued more persistently or aggressively than would be expected may be over-sampled, and contrasted with similar cases which are not pursued.** For instance, while corruption is widespread, cases of people challenging authorities suspected of corruption are actually quite rare. Such cases – examples of “positive deviance” – can be contrasted with the “do nothing” norm to help illuminate the first signs of changing norms and behavior, as well as opportunities to support such change.
- **Care will be taken to ensure that this emphasis on positive deviance does not result in an under-emphasis on the poor and marginalized.** Thus, for example, a land case involving a very poor or otherwise marginalized farmer who pursued his claim through to the chiefdom level may be of greater interest than a case which a powerful landowner pursued to the chiefdom, district, and even beyond.
- **Once cases have been identified, researchers will follow the trajectories of those cases,** seeking to understand what avenues people pursue to resolve a dispute or to file a claim (i.e., to which formal or informal institutions, or to which authorities); how those different institutions and individuals handle the dispute or claim; what is the outcome; and what factors influence this process.

GEOGRAPHIC FOCUS

Phase I research will begin in the Western Area rural areas, with subsequent sites in Bombali, Kono, Bo, and/or Moyamba districts as as time, funding, and researcher capacity permit. Initiating research in the Western Area Rural area (WAR) will allow the research team to gain valuable experience conducting interviews under close supervision of the Field Research Coordinator, and the diversity of languages spoken in the WAR will allow the entire team to conduct research in the relevant local languages. The proximity of the WAR to Freetown also ensures that logistical considerations will be simpler, allowing the research partner to gain valuable administrative experience prior to commencement of more complex logistic activities.

Research sites reflect the geographic and ethnic diversity of Sierra Leone, and were selected according to their ability to capture the information sought in the research questions. While these sites, taken together, represent a diverse and informative cross-section of the country, each site is on its own able to yield interesting findings. Thus, if the team finds that more intensive research is required in each community in question, limiting the number of sites that can be reached in the first project phase, operationally relevant findings may still be generated from a more restricted list of sites. A list of site selection criteria is included below.³⁰

³⁰ A participatory site selection exercise conducted with the local partner institution used a slightly different list of criteria, but arrived at the same list of priority districts. Criteria used during that session: ethnicity/regional diversity; livelihood types; presence of “strangers” or migrants; large numbers of women or youths; levels of urbanity; child

- **Inclusion of sites in each of Sierra Leone’s three provinces (North, South, East) and the Western Area.** Geographic diversity has the benefit of capturing different ethnic groups, different economies, and different histories (particularly different experiences during the war). It may also allow for greater legitimacy and operational relevance of any conclusions.
- **Inclusion of locations with ethnic and political divisions.** Some of the most interesting disputes seem to occur in areas with a mix of ethnic groups or of political affiliation. Conflicts between ethnic groups may also add another dimension to the interaction of multiple rules systems.
- **Frequency, visibility, and intensity of grievances.** Given that cases will be selected not for their representativeness but for their ability to shed light on the research questions, it seems that locations with more frequent, more visible, or more aggressively contested grievances will be a richer source of data than locations where such disputes and claims are rare, silent, or quickly-abandoned. However, care will be taken to ensure that this does not result in an under-emphasis on the poor and marginalized, and the researchers will seek to capture “silent injustices”.
- **Presence of justice and governance interventions.** (See list under project objectives) Some initiatives operate nationwide, while others operate in certain districts or regions.³¹
- **Relative isolation / connectedness of communities.** Selection will aim for a mix of more and less remote communities, ensuring that the sample includes both relatively isolated communities and those that are more connected to transport, communications, and social and economic networks.
- **Inclusion of key types of disputes.** Some types of disputes (e.g., mining) are strongly location-specific but have great national significance, and/or seem like particularly good entry points for understanding local-level justice and governance.
- **High density of key population sectors.** Preliminary literature reviews have suggested that some populations, such as “strangers”, ex-combatants, women, and youths, may face increased barriers to access to justice systems, both formal and informal. The project will explicitly seek sites with high densities of these populations, though it will avoid categorization of these groups as “marginalized” and “vulnerable” at this time.

labor/welfare; quantity of governance and central government involvement; levels of infrastructure/connectedness; presence of ruling houses; presence of development interventions; natural resources; community health; presence of ex-combatants; presence of interesting or informative conflicts/disputes; population density; access to services; and / or competency of community justice and mediation actors.

³¹ Decentralization and the NaCSA community-driven development project operate nationwide, though regional variations exist. The JSDP’s pilot efforts are focused in Moyamba and the Western Area. GoBifo and ENCISS both operate in Bombali district, and GoBifo also operates in Bonthe district. Timap for Justice, a civil society initiative that will be receiving support from the World Bank-sponsored JSDF grant, currently operates in Tonkollili and Bo districts but will be expanding.

- **Overlap with GoBifo evaluation.** The World Bank is sponsoring a randomized evaluation of this pilot community-driven development project. Overlapping with that ongoing evaluation will allow for sharing of data and other collaboration, as well as consideration of the impact of GoBifo on local-level justice and governance.

On the basis of the criteria outlined above, consultation with the local research partner, and preliminary scoping research, several districts have emerged as likely research locations. Selection of chiefdoms and communities within these districts will take place following interviews with key informants and community members, and initial research on cases and grievances in the district.

- **Western Area Rural Areas**

The Western Area is the only part of the country not governed by Paramount Chiefs, and the only area without legally-recognized local courts administering customary law, though it does have Tribal Headman and various unofficial “courts” and other for administering customary law. Freetown is the only place where every level of common law court is present,³² as well as all central government institutions. The region is more ethnically and likely more socio-economically diverse than other parts of the country. In particular, selecting communities in the impoverished rural fishing and agricultural communities outside the city would lend insight on some very marginalized and poorly served areas.

- **Kono District, Eastern Province**

Disputes in Kono seem to be more common, more contentious, and more likely to escalate, in large part because of the area’s rich mineral deposits. Multiple authorities are involved in allocating mining rights, and changes to the division of responsibility (including devolution of the ministry of mines) increase the potential for conflict. There are signs that citizens in Kono, particularly young people, are more willing to challenge prevailing power structures. Resources for development are more plentiful, so there is greater opportunity to study decisions about (and conflict over) those resources. The district also was a key flashpoint during the war and embodies many of Sierra Leone’s justice and governance challenges, including corruption and a “culture of impunity.”

- **Bombali District, Northern Province**

Bombali represents a confluence of many of the criteria for district selection. It is one of the two GoBifo districts, and is the pilot district for the ENCISS program. It is also said to have a particularly active civil society, which played a role in one recent (and relatively rare) case of government officials being held publicly accountable for the use of public funds.³³ Bombali is also home to one of the most high-profile recent disputes over local authority: the Paramount Chieftaincy election in Biriwa chiefdom.³⁴

³² Only magistrate courts are available in most districts, with a single high court in each province; the appeals and supreme courts are only in Freetown.

³³ Accusations of corruption led to the resignation of the chairman and vice chairman of the Makeni Town Council.

³⁴ Biriwa’s majority ethnic group (Limba) refused to contest the election, leaving a minority (Madingo) candidate to be elected chief. The case highlighted a number of complex and hotly-contested issues, including qualification for

- **Moyamba District, Southern Province**
Because Moyamba is the pilot district for JSDP, locating research in Moyamba would allow investigation of the impact of the JSDP’s interventions. Ongoing research by JSDP in Moyamba, including a restatement of customary law and a survey on “silent injustices” faced by women, can also be a rich source of supplementary data. Moreover, the Mende-dominated Moyamba is said to have a stronger culture of resolving disputes through the courts, which may make it an interesting contrast to the northern and eastern districts.
- **Bo District, Southern Province**
Bo town is one of the largest urban areas in Sierra Leone, and is the site of many types of conflicts common in urban and peri-urban areas, as well as a number of civil society interventions (including by Conciliation Resources, Search for Common Ground, and Timap for Justice) intended to help resolve and/or minimize such disputes. One prominent category of disputes involves conflict between motorbike taxi drivers – primarily young men, many of them ex-combatants – and other transportation stakeholders, including customers and the police.

TIMELINE

The six-month project phase detailed here will involve intensive capacity-building of the research team, in addition to preliminary research. Because of the low qualitative research capacity in-country, it will be necessary to proceed with a very small and well-supervised research team in this initial phase of the project. Initial research, which will combine practical field training with data gathering, will build upon preliminary scoping research and a background literature review completed during the first preparatory phase of the project.³⁵ During this time, the team will complete approximately 10 weeks of field work, researching and developing a written analysis of one complete case study for each research stage. A training period will precede, and an analysis period will follow, each stage of research.³⁶

- **Stage 1: Practical Field Training and First Case Study** (6 weeks)
The research team is dispatched to the fishing village of Tombo in the Western Area to practice qualitative research techniques and gather information on the community and on the range of grievances present. The team receives intensive supervision, feedback, and support from the World Bank and the partner institution. The researchers, in cooperation with the supervisory team, select one interesting case to develop and analyze, and together produce a comprehensive case study at the conclusion of Stage 1.

paramount chieftaincy (the Limbas claimed the Madingos had no right to stand for election because they were “strangers” or newcomers, despite having lived there for generations); the role of the central government (some claim the central government manipulated the register of chieftom councilors and otherwise interfered in favor of the Madingos because they wanted to instate a chief that would support the ruling party in next year’s national election); and sources of legitimacy (particularly as the Limbas have subsequently elected their own “chief”, opening the door to a power struggle.) It has also become embroiled in national politics.

³⁵ This preliminary work was conducted between April and October 2006.

³⁶ For more information, see the section below on partner and capacity-building activities.

- **Stage 2: Second Case Study / Studies** (6 weeks)
The research team is dispatched to a second research site or sites.³⁷ As in Stage 1, they introduce the research initiative to key stakeholders and conduct key informant interviews, leading to selection of one informative case. Case analysis is conducted and a case study is released.
- **Stage 3: Final Phase I Case Study / Studies** (6 weeks)
The research team(s) are dispatched to the final research site(s) for Phase I research. As in the preceding stages, the teams develop a single case study from start to finish, analyzing the trajectory of the grievance and the outcomes through information gained in key informant interviews, focus group discussions, and participant observation exercises.

The first round of classroom training and initiation of Stage 1 research took place in early December. Case studies will be developed over the next several months, and initial research, combining analysis of each initial case study and information gathered from desk research, is expected to be finalized by mid-2007. At that point, the team will consider activities for the next phase(s) of work, to run at least until December 2007.³⁸

PARTNERSHIP AND CAPACITY-BUILDING

One important goal of this project is to build the capacity of local researchers and partner institutions. The World Bank team, in collaboration with local experts, will provide a combination of training, support, and supervision throughout the project. Senior researchers will also provide training and support for the more junior members of the research team, which may include individuals with relatively little experience but with evidence of the capacity and desire to build the research skills and expertise.

Training will be a primary component of the project's activities during the first phase, and will continue in subsequent phases of the project. Training will cover such topics as research methods and practice, analytic techniques, and both the theoretical and contextual background for understanding justice and governance in Sierra Leone. A rigorous classroom-based training period preceded initial field research, and the first case studies will combine research with an intensive field practicum. Additional classroom-based training periods will follow each stage of research, responding to needs identified in the field. Supervisors and senior researchers will prepare specialized materials as needed. Training will include practical exercises in which researchers conduct practice interviews and focus groups and use other qualitative research techniques, and are observed and critiqued by World Bank personnel and local experts.

Periods of fieldwork and of analysis and write-up of findings will themselves be seen as an opportunity for ongoing learning-while-doing, as well as another opportunity for partnership. The participation of the team (as much as possible) in every stage of research will

³⁷ The number of sites will be determined based on the experience during Stage 1, but will most likely be no more than two, and quite possibly just one.

³⁸ The current BNPP grant will support both projects through February 2008. Additional funding may be sought to continue the project beyond that date, depending on the need.

allow all team members to learn from and about the processes of research design, site selection, data collection, analysis, and dissemination of findings. Supervisors will provide the ongoing support necessary to help team members continue to build their skills and knowledge.

OUTPUTS AND DISSEMINATION

The Justice for the Poor / Understanding Processes of Change in Local Governance program is intended to increase the knowledge base on local level justice reform and governance practices in Sierra Leone, and to use this information to provide operationally-relevant policy and program recommendations. By mapping the barriers Sierra Leoneans face while attempting to access justice and discovering the quantity, quality, and origin of governance practices in various communities, the program will provide existing justice and governance programs with a lens through which to analyze the outcomes of their programming, and to strategically realign those programs as necessary.

The primary output of this stage of research will be a series of case studies analyzing the trajectories and outcomes of various grievances, and a consolidated report which integrates literature reviews and stakeholder meetings in order to place these findings within the wider context of justice and governance reform efforts in Sierra Leone. The case studies shall be released at the conclusion of each stage of field research, at intervals of approximately six weeks, with the consolidated report expected in mid-2007.

Each stage of this project, from preliminary research to production and dissemination of the final report, will be undertaken with consultation from local and national government representatives, civil society groups, donor partners, and other stakeholders. The project's Freetown-based Field Research Coordinator has conducted initial and follow-up meetings with key stakeholders, and has integrated their input on topics such as research sites and research questions into the project materials. The project is also developing a proposed roster for an advisory committee, made up of academics, program staff, and government officials with unique experience or influence on issues of justice and governance. Efforts such as these both increase buy-in and ensure operational relevance of project outputs.

Works Cited

- Alterman, O., A. Ninienda, S. Rodella & K. Varzi. (2002). *The law people see. The statute of dispute resolution in the provinces of Sierra Leone in 2002*. National Forum for Human Rights Publication, Freetown, Sierra Leone.
- Commonwealth Human Rights Initiative. (2002). *In pursuit of justice: A report on the judiciary in Sierra Leone*. CHRI Newsletter, Vol 9:2. Accra, Ghana.
- Department for International Development. (2004). *Identifying options for improving chiefdom and community governance in Sierra Leone*. London, UK.
- Fanthorpe, R. (2004). *Chiefdom Governance Reform Programme Public Workshops: An analysis of facilitator's reports*. Department for International Development. London, UK.
- (2006). On the limits of liberal peace: Chiefs and democratic decentralization in post-war Sierra Leone. *African Affairs*, 105:418, 27 - 49.
- Ferme, M. (2005). *The underneath of things: Violence, history, and the everyday in Sierra Leone*. Berkeley: University of California Press.
- Genn, H. (1999). *Paths to justice: What people do and think about going to law*. Oxford, United Kingdom: Hart Publishing.
- Jackson, P. (2005, February 3). Chiefs, money, and politicians: rebuilding local government in post-war Sierra Leone. *Public Administration and Development*, 25:1, 49 - 58.
- Kane, M., K Mackiggan, C. Mburu, I. Gassama, E. Morley & C. Eldon. (2004). *Sierra Leone: Legal and judicial sector assessment*. World Bank.
- Kane, M. (2005). Reassessing customary law systems as a vehicle for providing equitable access to justice for the poor. Conference paper: *New Frontiers of Social Policy*.
- Keen, David. (2003). *Greedy elites, dwindling resources, alienated youths. The anatomy of protracted violence in Sierra Leone*. *Internationale Politik und Gesellschaft*, 2.
- Malan, M. (2003, March). The challenge of justice and reconciliation. *Sierra Leone: Building the road to recovery*, ISS Monograph No 80, Pretoria: Institute for Security Studies.
- Mamdani, M. (1996). *Citizen and subject. Contemporary Africa and the legacy of late colonialism*. New Jersey: Princeton University Press.
- Maru, V. (2005, February). The challenges of African legal dualism: An experiment in Sierra Leone. *Human Rights and Justice Sector Reform in Africa; the Justice Initiative*, Open Society Institute, 2005.

-- (2006) Between law and society: Paralegals and the provision of justice services in Sierra Leone and worldwide. *The Yale Journal of International Law*. Vol 31:2, 427 - 476.

Rennie, N. (2006, October). *Silenced Injustices in Moyamba District*. Justice Sector Development Programme Sierra Leone.

Republic of Sierra Leone. Local Government Act of 2004.

Republic of Sierra Leone. (2006). *Final results, 2004 population and housing census*. Statistics Sierra Leone. Freetown.

Richards, P. (1996). *Fighting for the rain forest: War, youth, and resources in Sierra Leone*. Oxford: International African Institute and James Currey.

-- (2005). To fight or to farm: Agrarian dimensions of the Mano River conflicts (Liberia and Sierra Leone). *African Affairs*, 104:417, 571 – 590.

Richards, P., K. Bah & J. Vincent. (2004). *Social capital and survival: Prospects for community-driven development in post-conflict Sierra Leone*, World Bank: Social Development Papers No. 12.

Rosenbaum, A & M. Rojas. (1998, December 4). Decentralization, local governance, and centre-periphery conflict in Sierra Leone. *Public Administration and Development*, 17:5, 529 – 540.

Sierra Leone Truth and Reconciliation Committee. (2005). *Final report*. Freetown, Sierra Leone.

The World Bank Group. *Sierra Leone Data Profile*. Retrieved August 4, 2006, from the World Wide Web:
<http://devdata.worldbank.org/external/CPProfile.asp?CCODE=SLE&PTYPE=CP>.

UNICEF. *At a glance: Sierra Leone – Statistics*. Retrieved August 4, 2006, from the World Wide Web: http://www.unicef.org/infobycountry/sierraleone_statistics.html.