

Security System Transformation in Sierra Leone, 1997-2007

Aiming for Holistic Approaches to Justice Sector Development

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The working paper series on Sierra Leone is part of the research programme 'Security System Transformation in Sierra Leone, 1997-2007'. These working papers present perspectives from both Sierra Leone and the United Kingdom regarding the implementation of activities broadly defined as security sector reform (SSR) in the period towards the end of and following the Sierra Leone war.

Following a core narrative constructed around four key events in the history of post-war Sierra Leone, starting in the mid-1990s and finishing with the successful General Elections of 2007, the work draws on a range of experiences from the process that may be used to inform future SSR policy and implementation. The final output of this research is a book documenting the security system transformation activities in Sierra Leone, 1997-2007.

This series is both an intermediate stage and an important output in itself. All papers were written by Sierra Leonean and British participants in security system transformation activities. The philosophy of the series is to edit as little as possible so that the views and opinions of the individuals are expressed, as much as possible, in their own words. As such, while the papers vary considerably in style and length, they provide a unique, collective insight into the Sierra Leone security system transformation process.

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Introduction

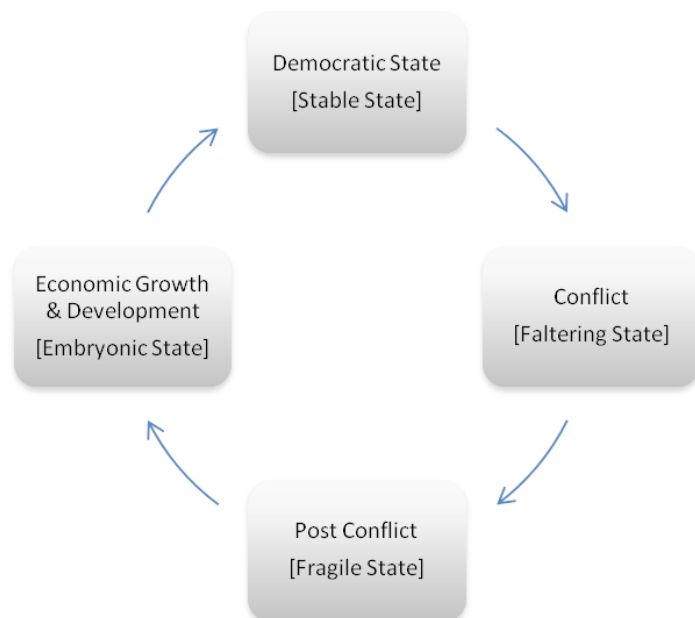
Whilst it might be said that one forgets one's heritage at one's peril, it must also be understood that the past does not necessarily dictate the future.

The purpose of this paper is twofold: To serve as a basis for ongoing discussion of the need to ensure holistic development approaches for both justice and security sectors and to document justice and security sector progress in Sierra Leone from 1999 to 2007.

Given the dominant influence of the security sector, which appears sometimes to attempt to subsume the justice sector, or at least portray it as a junior partner, this paper reflects the general approach of the Sierra Leone Justice Sector Development Programme (JSDP) by raising the profile of justice sector development whilst concentrating on those elements specifically allied to security.

The Strategic Cycle

In simple terms, at any one time a nation state could be described by its current position on a circle of democratic stability:



Each of these states has a number of attributes which can be described as follows:

Conflict

The conflict period denotes a faltering state, during which period state institutions are either incapacitated or destroyed. The economic basis of a country is paralysed; social and cultural mores are disrupted.

Post-conflict

The post-conflict period reflects a fragile state when overt hostilities have been reduced, but not entirely eliminated. Rule of law in this period is necessarily limited; re-establishing basic security is a priority. This is the time to sort out unresolved conflicts, provide reconciliation, engage in Disarmament, Demobilization and Reintegration (DDR) and provide stability. These post-conflict activities are often aided by international assistance, which provides a breathing space and an enabling environment within which to re-establish institutions and the democratic process.

A state's inability to control its external borders or significant parts of its territory, its failure to protect people and their human rights and its unwillingness to respect the rule of law are common characteristics of fragility. Justice and security are fundamental components of the state-building process, particularly in fragile states, where they provide the foundation for legitimacy and effectiveness.²

Economic Growth and Development

During this period, the stable nation state is embryonic, but still fragile. There is tangible evidence of normalisation of the democratic government process and restoration of international confidence that allow both national development and international investment in the state.

The Transition

Transition from the conflict to the post-conflict phase is generally well-defined. Usually, there is a formal agreement on the cessation of hostilities and a call to the international community for ongoing assistance. The transition from the post-conflict phase to one of economic growth and development is less clear; its timing could be described as a judgement call by both national and international authorities. In some ways, it could be described as a leap of faith, given the fragile nature of the

state. Inevitably, there will be those who resist this leap of faith, either because they do not think the time for transition has arrived or because there are political and material benefits to maintaining the status quo. To make the paradigm shift, there is a need for evident statesmanship from national leaders and active strategic and practical support from the international community.

Post-Conflict Support in Sierra Leone

Regardless of where a state is on the circle of democratic stability, interventions and programmes should emanate from an overarching strategic direction. Practice guidelines to establish such a strategic direction for Sierra Leone were published by the United Kingdom (UK) Department for International Development (DfID) in April 2007³. However, at the time that the country was still emerging from civil war in the early 2000s, the strategic approach was less defined than it was evolutionary. Strategic direction guidelines were not evident; less sector-wide coherence existed than exists today.

With the end of hostilities in 2001, and the war declared officially over in early 2002, post-conflict support was provided by the international community. Justice and security sector support manifested itself principally as support to the Republic of Sierra Leone Armed Forces (RSLAF), the Sierra Leone Police (SLP) and later, to the Office of National Security (ONS), the Central Intelligence and Security Unit (CISU) and the Anti-Corruption Commission (ACC). Prior to the arrival of the Justice Sector Development Programme (JSDP), no assistance was given to either the Ministry of Internal Affairs or the Prison Service. (Currently, these institutions still suffer from difficulties due to lack of support.)

The Relationship between Justice and Security Sectors

Security is a cross-cutting issue. While justice and security sectors complement each other, they have both similar and different objectives and distinctly different target interests. The security sector relates to national security, i.e. the stability of the state and its government. The justice sector relates to human or individual safety founded on the rights and duties of individuals according to principles determined by the rule of law. The security sector is

primarily accountable to government, whilst the justice sector is charged, *inter alia*, with holding government accountable, which is why its independence is deemed to be essential. The justice sector works within the rules determined by civil and criminal justice systems, whereas the security sector, in extraordinary circumstances, may over-ride ordinary standards of justice in the interest of national security. Thus, the two sectors are not the same and it is dangerous to widen the definition of security to the extent that it is all-embracing. Whilst strategically, there is sense that these sectors have common approaches, it is in the interest of the state for them to collaborate, but be operationally separate. It must also be remembered that generally, in countries emerging from conflict there is a mistrust of security agencies. Attempts to co-locate justice and security sectors will undermine credibility further and inhibit the development of a normal democratic state.

The security and stability of a state is usually a prerequisite for development, growth and peace and justice within its borders. Often these are brought together under the arena of 'good governance'. Thus, as elsewhere, post-conflict priorities in Sierra Leone have included re-establishing basic security as a pre-condition for further development. UK assistance from the Africa Conflict Prevention Pool (ACPP) has contributed significantly to this objective.

Whilst both justice and security have been jointly located under Pillar One of Sierra Leone's Poverty Reduction Strategy Paper (PRSP), it has been difficult to establish a workable model that ensures complementary and holistic development between the sectors. This may be a consequence of the fact that Sierra Leone is somewhat unique: within the aid framework, its justice and security sectors have been given substance and exist side-by-side.

In the post-war period, the relationship and engagement between justice and security sectors, indeed the engagement of actors in the justice sector itself, have been difficult. This has become more significant in the move to economic growth and development, as attention has turned from PRSP Pillar One priorities of good governance, security and peace to priorities of Pillars Two and Three, relating to the promotion of pro-poor sustainable growth for food security, job creation and human development. In essence, all these areas could be described as being in competition for government and

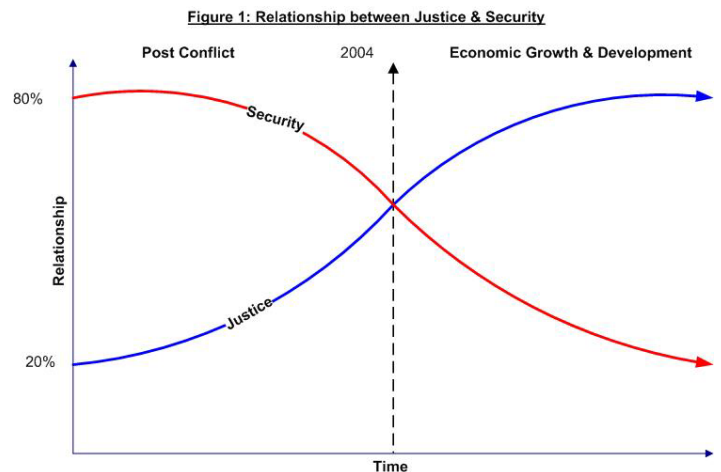
donor money. From a treasury point of view, it is a general principle that it is not acceptable for any institution to fish in two ponds at the same time.

This has been a real consideration for the SLP and indeed for the Ministry of Internal Affairs, as inevitably they have a foot in both justice and security sectors. Both have a significant role to play in guaranteeing state security; for this reason they are key members of the state security co-ordinating machinery set up under the National Security and Central Intelligence Act. However, in a democracy, their key role is to move away from a state security role to one of upholding the rule of law and the rights of citizens within the criminal justice system.

It should be remembered that policing goes to the heart of civic stability. It has been described as *the most fundamental relationship between citizens and the state*.⁴ The police do not serve the state. A police force acceptable and accountable to the people it serves is one that is seen as an upholder of the law that protects the rights and liberties of every individual citizen, rather than as a defender of the state. History and international experience suggest that police forces that do not see themselves as part of the criminal justice system and function outside its checks and balances can themselves become security threats and instruments of oppression.

The relationship between the justice and security sectors is not an *'either-or'* situation; rather it is a degree of balance – a trade-off of one against the other. The degree of trade-off depends on where the country is at any one time on the circle of stability. Figure 1 portrays this in the form of a continuum. It is clear that in a post-conflict environment, the needs of the state to secure itself against threats must predominate; rights of the individual are inevitably subordinated. But as society evolves into the economic growth and development period, the rights of the individual are reasserted and predominate.

It could be suggested that this is principally an academic issue that manifests itself in strategic directions from an international donor perspective. However, in practice, funding follows strategy. This evolution of emphasis between national security needs and individual security rights, and thus the relationship between justice and security sectors, has real impact in developing countries. If mishandled, it has the potential to undermine and damage



relationships. It also has the potential to be an unwarranted distraction that diverts attention from developmental goals.

Allied to this issue is the consideration of the length of funding. Whilst justice may predominate in periods of economic growth and development, one ignores at one's peril the fragility of this period. DfID have themselves commented that "insecurity can have direct and indirect effects on growth. High levels of violence will destroy lives, property and infrastructure, inflicting replacement and hospitalisation costs. In the absence of effective public provision, private resources will be diverted towards protection – an inefficient solution given the 'public good' nature of security. Over time, the difficulties of managing risk in such an environment will impact on incentives for international firms, local entrepreneurs and households to invest in physical or human capital. International companies cite insecurity as the greatest risk facing investors."⁵

Effective security provides a breathing space – a period in which normal democratic institutions can be allowed to develop. If funding is diverted away from sustaining security gains too quickly, there is a real danger of reversion to the *status quo ante*, as the emerging functionality of the institutions will have not been sufficiently developed, internalised and implemented.

An important consideration for the justice sector is where the police reside, i.e. whether it is a core component of the justice sector or the security sector. The Sierra Leone Justice Sector Reform Strategy acknowledges that justice is not delivered unilaterally by one Ministry, the judiciary

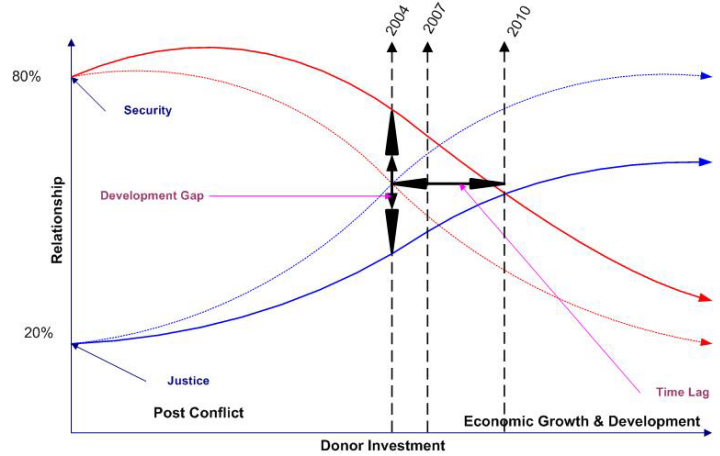
or a single institution. Rather, it is the outcome of a symbiotic relationship of component parts.

One of the unintended consequences of the Commonwealth Community Safety and Security Project (CCSSP) programme that ran from 1999-2005 was the development of the police at the expense of the other justice institutions. The police themselves regularly comment that weaker capacity across justice institutions undermines their own effectiveness. It was this realisation that led to the establishment of a Law Development Programme in 2003, followed up by a JSDP, a sector-wide justice programme. It could be argued, however, that this programme re-configuration was too late, that development of the justice sector *per se* should have started earlier.

Figure 2 reflects the gap caused by the temporal delay in addressing a sector-wide approach at an early stage in the development process. The dotted lines reflect the theoretical model portrayed in Figure one. The solid lines reflect actual experience which leads to an implementation gap that is unlikely to be closed before 2010, when JSDP is scheduled to conclude. When one relates this model to the Sierra Leone context, the sector-wide approach should have taken place within the context of the 2002 Memorandum of Understanding outlined in the poverty reduction framework arrangement between the UK and Sierra Leone. A key element of this arrangement was a shift in focus from crisis and emergency management to one of sustainable economic growth and poverty reduction, with an emphasis on reforming the institutions responsible for the national delivery of government services. In essence, this required a move from regarding safety and security as purely an issue of national security towards one where there is traction for institutional reform within a civilian law and order/rule of law paradigm.

Given the inter-relationship between SSR and JSDP programmes and given that both have been moving towards a sector-wide approach, legitimate questions have been raised over coordination. The SSR process apparently considered that justice belongs to the security sector, following the definition of the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD DAC). The 2007 ONS Briefing Note is unclear about whether it fully recognises the Justice Sector Strategy process or whether justice sits under the Security Sector Policy.

Figure 2: Actual Justice & Security Relationship



Under the DAC policy definition, SSR includes the justice sector.⁶ This is principally for the purposes of ensuring accountability and oversight of security actors, their adherence to the rule of law and the contribution of the justice system to security outcomes. In practice, DfID security sector and justice (SSAJ) programmes have been established in both conflict- and non-conflict-affected countries and also include non-security outcomes (e.g., protection of rights, women’s empowerment, etc). They have not been subsumed under SSR strategies or programmes.

JSDP took the view that because of the different orientations of justice and security sectors, it would not be appropriate, either theoretically or practically, to combine them into one sector. While there is some overlap between the two sectors, their outcomes are different (justice: the rights of citizens and rule of law; security: state security itself). In any effective democracy, there should be a healthy tension between these two concerns, but any attempt to blur the separation of powers of the two sectors is wrong. It is nevertheless vital that the justice sector maintain links with the institutional architecture set up by the National Security and Central Intelligence Act, which provides a streamlined system for co-ordination of the efforts of the broad range of organisations involved in ensuring the internal and external security of Sierra Leone.

DfID also treats justice and security as closely-related, overlapping institutions with complementary goals, but does not treat them as a single sector. To buttress its position, DfID makes reference, *inter alia*, to the principle of separation of powers and the fact that tackling regional or national security threats is not the same as protecting individual rights.⁷

Subsuming the judiciary into security increases the potential for the development of a police state; there are many unhappy instances in Africa of compromised judiciaries that have become organs of state security. Furthermore, merging justice into security compromises the ability to move from a post-conflict situation to one supporting the rule of law, economic growth, development and the normal state of society. In sum, justice needs to keep its distance from security.

As indicated above, the main issue under contention in Sierra Leone was the question of the location of the police and prisons within the justice and security sectors. A recent Output to Purpose Review of JSDP⁸ stated that *“the arguments over which organisation belongs to what sector have put pressures on domestic partners to ‘place’ themselves within the context of UK-defined policies, rather than within national policy and budgeting processes, in order to access different UK resources. This seems to contradict the benefit of developing sector-wide approaches, which should not add burdens for partner governments. Under SSAJ policy, criminal justice institutions are considered together in order to enhance the effectiveness of the criminal justice system. As the gatekeeper of the criminal justice system, policing is linked to justice sector policies and priorities. Prisons depend on effective criminal justice system to manage their population.”*

As part of the development of the Justice Sector Reform Strategy, national partners have come to an agreement on the recognition of the justice sector⁹. The former Vice President, who chaired the Justice Sector Strategic Planning Committee, requested the preparation of a justice sector budget aligned to the medium-term expenditure framework (MTEF). The Inspector General of Police also recognised that 80% of police functions belong in the justice sector, with the remainder in the security sector. The Ministry of Finance has recognised the justice sector as separate and has stressed the need to prepare a separate sector budget.

Holistic Development of JSDP

The contextual background¹⁰ against which JSDP was created was that of a state emerging from a civil war that lasted from 1991 until 2002 that ranked 176 out of 177

countries in the 2006 Human Development Index. The Truth and Reconciliation Commission confirmed the impact of justice system weaknesses on the civil war and the need for the post-war transition to progress towards re-establishing the rule of law and making justice accessible.

JSDP was built on a history of UK support to the police and judiciary in Sierra Leone with a view to moving to a coordinated sector-wide approach. It was designed in line with the UK’s strategy for Sierra Leone¹¹ to establish a peaceful and stable country through, among other things, “improved security”, “improved governance” and “fostering a just and inclusive economy and society”. It was also in line with DfID’s Safety, Security and Accessible Justice Policy which aims to “make justice systems work better, especially for poor people in ways that are appropriate to the local culture and within available resources”¹².

JSDP was designed in June 2002, approved in April 2004 and began implementation in March 2005. This time frame created significant start-up challenges, with some stakeholders impatient to see activities starting and others concerned that support for CCSSP, in particular, would cease. JSDP incorporated elements of both CCSSP and the Law Development Programme (LDP) and inherited continued funding of commonwealth judges and prosecutors and a legal draftsman post.

The DfID-sponsored Law Development Project was a relatively small stand-alone project of £3-4M launched in January 2001, with a view to address three main issues facing the legal profession in Sierra Leone:

- The ability, capacity and working effectiveness of the judiciary, including higher courts and the local courts applying customary law.
- Reform of the legal code to better reflect contemporary needs and the presentation of this redrafted legislation to Parliament through the Ministry of Justice.
- Training of all levels of legal personnel, including High Court judges.

Institutional strengthening was achieved through refurbishing the main Law Courts building in Freetown, restoring the three provincial High Courts and building and refurbishing magistrates’ court buildings in both the capital

and the provinces. It worked on reducing case backlogs, building up the court registry system, restoring stenographic record systems and updating the Law Courts library. It provided the law officers' department with essential logistical support, updated the library and storage equipment and improved Records Management at the Administrator and Registrar General's office. Local courts were provided with limited logistical support such as uniforms, insignia for local court officials, stationery, secure storage cupboards and bicycles.

It is quite clear that the GoSL remains committed to justice and security sector reform, which it sees as integral to conflict prevention and poverty reduction. This commitment is reflected in the National Policy Framework for the Justice Sector approved by the Steering Committee and government reform policies stated in the PRSP. The PRSP sets out the government's plans to tackle poverty in the medium-term, cites rule of law and respect for human rights as key components of governance and includes as a priority objective "improved administration of justice and human rights". Pillar One (Promoting Good Governance, Security and Peace) includes actions to improve access to justice for the poor, strengthening of the SLP, ensuring respect for human rights, empowerment of women and strengthening the participation of civil society. Pillar Three (Human Development) includes action to improve support to children and to tackle gender-based violence.

The 5-year contract awarded by DfID to the British Council to implement JSDP contained a built-in review after the initial two-year phase. Contract implementation began in March 2005. Unlike the CCSSP, the International Military Assistance Training Team (IMATT) and the Sierra Leone Security Sector Programme (SILSEP), JSDP was designed to be led by the government. This had implications for JSDP's ability to redirect its spending without express approval of JSDP Steering Committee, which was not always appreciated outside the programme. Given the mandate, during the inception phase, partnership arrangements between the government leadership, civil society and JSDP staff team were established. Management structures were set up, including a Secretariat. Under the direction of a programme director and a programme manager, the JSDP staff management team were divided into three outward-facing components – Safety and Security, Administration

of Justice and Informal Justice (including all non-state actors). These were supported by a monitoring, evaluation and research component as well as by the engagement of an infrastructure development expert.

The roles of the Steering Committee and the Task Force were crucial in the development and implementation of JSDP¹³. Without the active support of these two committees, the entire programme stood little chance of succeeding. They were actively engaged in the formulation and approval of the work plan and the implementation of same.

The first meeting under JSDP was held in May 2005 to begin prioritising work and agree upon activities and tasks. As indicated earlier, following some impatience expressed by partners over extended consultation and design stages, an emphasis was placed on immediate implementation of a wide range of interventions across the sector, including infrastructure projects. The willingness to engage quickly in agreed initiatives was crucial for building relationships, trust and credibility.

During Task Force meetings, the role of civil society in JSDP was discussed at some length. Whilst there was civil society representation in the process, it was thought to be limited. Given that there are many different civil society groups with an interest in justice issues, it was decided to set up a separate committee of civil society representatives – the Civil Society Justice Sector Coordinating Group (CSJSCG). This group met for the first time in June 2005 and sent representatives to the Task Force to speak on behalf of civil society as a whole.

The heads of the institutions, represented in the Steering Committee, each nominated two representatives to ensure regular attendance at Task Force meetings, with a mandate to participate in the direction of the programme as it developed, to review progress and to identify any pressing issues that needed to be addressed. They were also instrumental in ensuring that the implementation phase of the programme was developed in line with a sector-wide approach to justice sector budgeting and planning. The Justice Sector Reform and Implementation Plan brought with it a sector-wide functioning coordination unit and re-alignment of the Steering and Task force committees into a Justice Sector Leadership and a Technical Working Group¹⁴.

The JSDP team, with inputs from the Task Force, developed an Inception Report, which included an operational strategy, a log frame, objectives, performance indicators and key reform areas for the initial two-year phase and a detailed workplan for the first six months. The Inception Report was approved by the Steering Committee and DfID in July 2005.

In summary, the first year provided largely ‘stand-alone’ assistance, with government involvement resting primarily in planning and oversight functions, through the Task Force and Steering Committees. Of particular note were strengthened government involvement, growing acceptance of a justice sector¹⁵, and improved relationships and credibility.

Building on these achievements, an increased focus was given to the primary objective: the development of a costed, sector-wide Justice Reform Strategy (JSRS) aligned with the government’s PRSP Medium-Term Expenditure Framework (MTEF) and annual budgeting processes and with the donor objective of moving away from ‘stand-alone’ assistance. The JSRS was adopted in December 2007 and is designed to lead to a sector-wide approach that is fully-integrated within government processes. By the end of JSDP in 2010, it is envisaged that consideration should be given to supporting the JSRS through sector budget support.

Capacity in the justice sector reflects weaknesses apparent in the wider government. A recommended objective for the GoSL’s Reform Strategy is to support both state and non-state justice systems operating in Sierra Leone and to ensure that both work fairly and effectively to provide a real choice for the majority of people. Each system will have its own advantages and disadvantages and both need support, even if the state system will inevitably require a greater share of financial resources.

To achieve sustainable and affordable change, work needs to be undertaken across the board to develop and enable the capacity of the constituent parts of the sector. This takes time and whilst accepting that this is a long-term process, it can be augmented by ‘quick wins’. However, it would be unwise to place too much store on these. In essence, significant discernible impact on the ground is unlikely to be found at the early stages of a

developmental sector-wide approach project, but some early progress is usually possible.

The Migration from CCSSP to JSDP

Commonwealth Community Safety and Security Project (CCSSP)

As an extension to the original Commonwealth Police Development Task Force, the UK Government, since 1999, has assisted in the rebuilding and development of the SLP via a programme known as the Commonwealth Community Safety and Security Project (CCSSP). The CCSSP programme ended in June 2005, some four months after the commencement of JSDP. In the absence of functioning institutions, at inception, the CCSSP had faced significant challenges in a country suffering from violent conflict, threats to life, internal displacement and limited rule of law.

In 1997-1998, prior to the CCSSP, the police were a force in crisis and out of control. This was evidenced by a lack of professionalism, discrimination, patronage and lack of effective leadership. There was no routine strategic thinking and a total lack of vision. Daily work was undertaken on an ‘as usual basis’ emanating from a rank-conscious military style force with no reference to either modern-day policing or planning. There was neither transparency nor accountability. Everything was secretive.

Whilst in an ideal world consideration should be given to the long-term consequences of intervention, there is something of a dichotomy for those charged with implementation. In order to stabilise a country and provide visibility in the short-term, there is a need to react quickly and provide logistical support on the ground – such as the provision of communications equipment and vehicles. This requires considerable short-term donor investment on capital provision. The difficulty is that once donor support is rightly refocused into other areas, the financial burden that remains for the Ministry of Finance in terms of both recurrent and capital replacement expenditure is not affordable and the provision becomes unsustainable. This is something of a double blow, as by then the relevant institution (in this case the SLP) has become totally dependent upon contributions by external actors. Withdrawal of international funding inevitably leads to short-term paralysis and degradation of service with a real danger of attrition to the *status quo ante*.

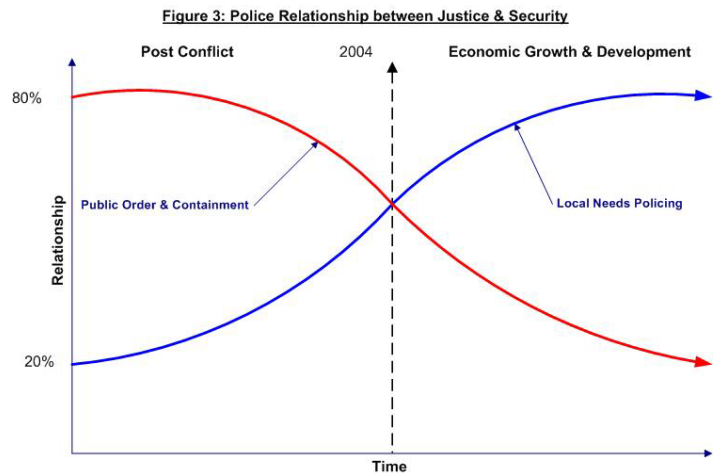
Given the need to shift from a post-conflict scenario to one of economic growth and development, there was a need to refocus support to the SLP and to be more inclusive of the wider justice sector.

In the first three months of the programme, during the inception phase, JSDP recognised that significant progress had been made by the SLP over the previous six years and also recognised that the sector-wide mandate of JSDP was different to that of the institutional mandate of the CCSSP. This inevitably influenced what could continue to be funded and therefore required a different approach to the SLP. A migration plan was submitted to the Inspector General of the Police, the Minister of Internal Affairs and DfID that acknowledged the fact that initial assessment on the ground did not seem to be in accord with the posited position advanced in London on the post-conflict/economic growth and development continuum. After consultation with the Inspector General on the impact of the CCSSP interventions and consultants used by the programme, CCSSP elements closely allied to Task Force priorities were recommended to continue under JSDP. These included strategic planning and management, operational intelligence activities, crime management and training, support to finance and administration systems, and support to training and development, especially for middle and lower ranking officers.¹⁶ This left something of a gap in security-style operations that needed to be addressed separately under DfID’s SILSEP Programme. This added to the tensions previously alluded to and had to be carefully managed.

During the civil war the people of Sierra Leone lost faith in the justice sector and the police. The last DfID Output to Purpose Review on the CCSSP made explicit reference to the fact that without greater management visibility and continued emphasis and restatement of SLP purpose, policing style and values, some officers could revert to their old ways. Additionally, the Safety and Security Review made particular reference to the need for strengthening devolved power, authority and, most importantly, responsibility to Local Unit Commanders.

Policing, in its widest sense, is one of the means by which law and order and the rule of law are respected and maintained. Within the paradigm of normal rights-based policing (rather than threats-based policing), a community policing style takes precedence. Local Needs Policing

(LNP) is the designation for community policing in Sierra Leone. It is designed to meet the expectations and needs of local communities and reflects national and international standards and objectives. It is delivered locally through an empowered Local Command Unit (LCU). Figure 3 reflects these dimensions as an evolutionary move from a more controlling state threat-based policing style towards a community policing style based on the rights of the individual.

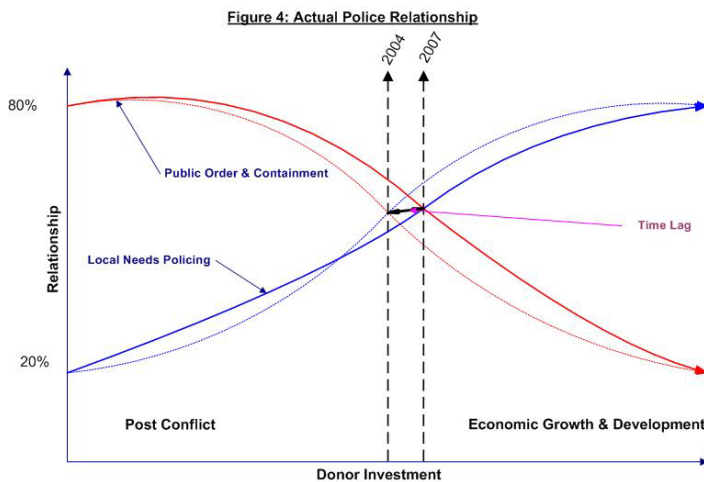


Therefore, given the need to ensure a policing style that emphasised partnership and quality service delivery over confrontation, the migration proposals from CCSSP to JSDP in particular emphasised that the LNP was central to the shift the SLP needed to make to move from post-conflict safety and security stabilisation to a mature modern-state organisation dealing effectively with law and order.

LNP was reinforced as the chosen vehicle to deliver these principles and is strongly featured throughout the SLP Strategic Plan. All JSDP-funded SLP interventions flowed from implementation of this concept as a mechanism for providing access to justice, effective oversight and accountability for the SLP. (It should be stressed, however, that for the SLP to be effective in terms of community policing, the current inability of the Ministry of Internal Affairs to exercise proper oversight must continue to be addressed.)

Elections are fundamental to the democratic process, but inevitably can divert attention from and halt developmental progress for some time. One can either take the view that post-election developmental activity should be suspended

or try to maintain development progress, albeit at a reduced level. Figure 4 reflects the tension of the policing needs of the state versus individual in the context of the country's position on the post-conflict-development continuum.



Whilst this is a judgement call, DfID and JSDP took the position that it would be unwise to throttle back on the development momentum; better to be ambitious and achieve a short-term temporal shortfall than to reduce development activity. Nevertheless, in order to militate against any potential negative impact or lack of focus during the pre-election and election periods, JSDP continued to work closely with staff and officials to ensure continuity.

A key element of the SLP's transformation is its change management programmes, which seek to initiate, implement and monitor organisational and operational interventions designed to improve SLP's effectiveness. When JSDP took over responsibility for the provision of technical assistance at the end of CCSSP, the draft three-year strategic plan for the SLP was well-advanced. At the request of JSDP, focus on LNP was enhanced. This LNP focus secured final approval from the Police Council in 2006 and was published together with an abridged version for wider circulation. The general approach reflected the need for balanced policing within a democratic context, while identifying the SLP as a main strategic partner within the justice sector and also recognised the SLP's security role. Under the guidance of JSDP, technical assistance was provided to assist the SLP to develop the necessary tactical and operational plans to underpin the strategic plan. It also provided assistance in

the development of a communications strategy that would enable it to be understood and delivered to the grassroots level.

The SLP are currently engaged in a number of change management projects. Whilst each has its merits, there remains a need for rationalisation and focus if the outcomes are to be realised. Challenges still remain with implementation of projects within the SLP. Project team meetings are still infrequent, with project managers preferring to develop and implement the projects on their own. There are frequent personnel transfers that result in team discontinuity and make project implementation difficult.

Considerable training and development occurred during the life of the CCSSP, resulting in pockets of excellence, particularly with respect to the SLP Executive Management Board and other senior officers. Universal concern that this quality could not be found at lower levels in the organisation was supported by the conclusion of a DfID Output to Purpose Review, which noted an insufficient emphasis on the lack of management and supervisory skills at middle and junior levels of the organisation.

A lesson learned for the future is to ensure that middle and junior management of the service are exposed to training opportunities so as to ensure that progress and direction of the force are not dissipated at the operational level. As with the wider sector, it is also important to ensure that elements of the service do not receive a disproportionate amount of technical assistance and support, thus causing a training imbalance.

As a result of CCSSP activities, the SLP are well-placed to move reform activities forward. It is unfortunate that the same cannot be said for most of the remainder of the justice sector, which has not attracted funding support during the main phase of the post-conflict environment.

In conclusion, the way forward must be coherent. The framework for future development must flow from the Justice Sector Reform Strategy and the structures that support it. To be affordable and sustainable, future development must be led and administered by relevant Sierra Leone institutions acting in concert and supported with technical assistance from JSDP. The heads of the

justice institutions are quite right to insist that donor aid be co-ordinated and not forced upon them inappropriately. This is all to the good, but this coherent framework

approach emanating from the JSRS will require the newly-formed justice sector coordination unit to fulfil its functions appropriately.

Annex 1 Membership and Roles of Steering Committee

Steering Committee

Role: Strategic Policy setting and guidance

Chair: Vice President

Participants:

- Chief Justice
- Speaker of Parliament
- Attorney General/Minister of Justice
- Minister of Internal Affairs
- Minister of Finance
- Minister of Presidential Affairs
- Minister of Social Welfare and Gender
- Minister of Local Government
- Co-ordinator Office of National Security
- Executive Officer of DACO
- Inspector General Police
- Director General Prisons
- Solicitor General
- Registrar High Court
- Anti-Corruption Commissioner
- Ombudsman
- Director Public Prosecutions
- Chairman Law Reform Commission
- President Bar Association
- Representative of JSDP and DfID

In attendance: Chair of Task Force on Justice Reform

Terms of Reference

- Overall responsibility for providing strategic direction and policy co-ordination for the development of the Justice Sector in accordance with agreed objectives.
- Develop a sector-wide strategic plan for the Justice Sector supported by sector-wide annual plans including endorsing operational plans and budgets for individual departments and agencies.
- Mobilise and sustain political commitment to a reform agenda for the Sector based on a combination of lessons learned from a practical approach and applied action-oriented research.
- Responsibility for monitoring policy co-ordination across the justice sector including identifying and addressing bottlenecks in the administration of justice process.
- Identification of funding sources and efficiency saving mechanisms based on a sector approach to justice.
- Direct and guide the Task Force on Justice Reform.
- Consider and take relevant action on the basis of reports and recommendations from the Task Force on Justice Reform.
- Comment and evaluate on six month progress reports prepared by JSDP
- Create sub-committees as and when necessary.
- Prepare and approve principles of rules of procedure for the Steering Committee.

Annex 2 Membership and roles of Task Force

Role: Strategic Planning, Monitoring and Supervision

Chair: Administrator and Registrar General

Participants: Representative of Law Offices Department
Representative of Prisons
Representative of Police
Representative of the Judiciary
Representative of Ministry of Local Government
Representative of Bar Association
Representatives of Civil Society (CGG, Conciliation Resources, LAWCLA)
Ministry of Social Welfare and Gender
Ministry of Internal Affairs
Ministry of Finance
Office of National Security
Governance Reform Secretariat
Law Reform Commission
Anti Corruption Commission
Representatives of JSDP

Terms of Reference

- Working with JSDP on the development of a strategic justice sector plan for that reflects the need of sector institutions and civil society.
- Ensuring proper linkages between the justice sector and its respective institutions, including improving communication, co-ordination and co-operation between them.
- Identifying cross-institutional problems and solutions and recommending low/no cost mechanisms for problem solving and agreeing on the way forward.
- Advising and reporting regularly to the Steering Committee as determined by it.
- Provide input for the design and development of work-plans for JSDP.
- Ensure preparation of weekly progress reports to JSDP and the Task Force.
- Inform the process of developing and implementing a Public Relations Strategy ensuring that all relevant agencies of the Justice Sector and the public are kept fully updated on key developments.
- Prepare and approve principles of rules of procedure for the Task Force.

Footnotes

- ¹ Anthony C. Howlett-Bolton was the Component Manager, Safety and Security, for the Justice Sector Development Programme (JSDP) from 2005-2007.
- ² Explanatory Note on Security and Access to Justice for the Poor, DfID practice paper April 2007
- ³ Ibid.
- ⁴ Mitchell B Reiss, Director, Policy Planning Staff during Testimony to the US Helsinki. Commission, Washington DC, March 16, 2004.
- ⁵ op. cit.
- ⁶ Security Systems Reform OECD DAC 2004.
- ⁷ Explanatory Note on Security and Access to Justice for the Poor, DfID practice paper April 2007.
- ⁸ March 2007.
- ⁹ In Sierra Leone the Justice Sector is seen to comprise of the Ministry of Justice, Ministry of Internal Affairs Local Government and Community Development, Ministry of Social Welfare, Ministry of Local Government, Judiciary, Police, Prisons, Law Reform Commission, Judicial and Legal Service Commission and the office of the Ombudsman.
- ¹⁰ JSDP Output to Purpose Review February 2007.
- ¹¹ Sierra Leone – Medium Term HMG Strategy February 2003.
- ¹² SSAJ for All – Putting Policy into Practice DfID Sept 2002.
- ¹³ Details of their membership and roles can be found at Annexes 1 & 2 respectively.
- ¹⁴ See Justice Sector Reform Strategy and Implementation Plan Chapter 4.
- ¹⁵ The justice sector was formally recognised by government and incorporated into the national budgetary processes by the Ministry of Finance in October 2006.
- ¹⁶ See migration report.

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