

THE PARADOX OF POST-CONFLICT RECONSTRUCTION IN SIERRA LEONE.

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Recent literature on post-conflict reconstruction has focused primarily on the dynamics of the actual process with limited attention paid to the issues of transparency and accountability. However, evidence from certain post-conflict situations reveals that corruption, an important factor leading to state collapse, remains an integral issue in post-conflict reconstruction and that accountability constitutes the missing link in our understanding of how reconstruction processes are to be re-engineered. This raises important questions as to the viability of the reconstruction process and its impact on the evolution of accountability structures in post-conflict societies. The Sierra Leone example provides an interesting case of how this paradox unfolds. The post-conflict reconstruction process in Sierra Leone has been plagued with a multitude of challenges that range from resettling displaced communities, rebuilding infrastructure, restoring civil authority, and reforming state institutions. One critical challenge concerns how reconstruction projects are to be managed transparently and for the benefit of host communities. Over the years, experience has illustrated the destructive effects of the critically flawed manner in which many projects are managed and the inadequacy of certain mechanisms to address issues of accountability. Widespread allegations of corruption involving the misappropriation of resources, the failure of contractors to deliver adequately on their contracts, the poor quality of infrastructure and goods supplied, and the suspension of existing projects by the Anti-Corruption Commission have generated widespread public dismay and cynicism, while at the same time reinforcing donor as well as local commitment to deal with the issue of accountability.

- What is the nature and dynamics of corruption in post-conflict reconstruction in Sierra Leone?
- How are donors as well as their local implementing partners responding to this issue?
- To what extent will their response impact the evolution of post-conflict accountability structures?

This study seeks to examine the underlying dynamics of corruption relating to post-conflict reconstruction in Sierra Leone and its broader impact. The study is structured into three parts: the first provides an overview of the nature of corruption in post-conflict Sierra Leone and includes some cases and allegations linked to certain reconstruction programs; the second explores possible causes and the mechanisms in place to deal with the problem; the final part examines prospects and challenges of addressing corruption in post-conflict Sierra Leone.

OVERVIEW

A brief summary of the conflict

The conflict in Sierra Leone began in 1991 largely in response to the perceived collapse of the state that was precipitated by decades of mismanagement. The Revolutionary United Front (RUF) Rebels, supported by Liberian President Charles Taylor, began their assault on the government, which was led at the time by a military ruler. There was a brief halt to the conflict in 1996 when democratic elections were held, but the newly elected government's rule was cut short by a military junta, which joined with the RUF rebels in terrorizing the population. A Nigerian-led intervention in 1997 by ECOMOG peacekeepers (ECOWAS Monitoring Group) pushed the junta out of Freetown, where the military and rebels began their terror campaign against the civilian population in earnest. UN peacekeepers were introduced in 1999, where they assumed control of the country and gradually subdued the rebels to end the war in 2002. Elections were held that same year, and Ahmed Tejan Kabbah, who was president of the short-lived 1996 government, was reelected and his Sierra Leone People's Party continues to hold power today.

The nature and dynamics of corruption in Sierra Leone

Even after the return to democratic rule, corruption in Sierra Leone runs rampant, as a recent corruption report catalogued how "corruption is endemic throughout the system of government at every level. Everywhere development promise is sapped by corruption. Public infrastructure decays or is never built because the resources from the relevant ministries are diverted to private ends."¹ Before the war corruption was largely explained under the context of neo-patrimonialism,² under which state resources were distributed by public officials (the patrons) to their supporters (the clients). Most often government parastatals and fake contracts constituted conduit pipes for the siphoning of state resources. Some of the remote causes of the collapse of the Sierra Leonean state have been attributed to this form of governance that places a premium on the misuse of state resources. Since the end of the war, the diversion of public resources has shifted toward a new dimension. Resource allocation and mobilization has now shifted into the hands of donors since they drive the entire reconstruction process. While to a certain degree elites depended on and exploited international donors to their benefit in the pre-conflict years, the onset of post-conflict reconstruction and the consequent substantial increase in international funds constitutes a new framework within which corruption plays itself out. Unlike other post-conflict societies, however, the reconstruction process in Sierra Leone does not involve large-scale projects but is largely limited to providing support to ministries, resettlement and rehabilitation programs and institutional reforms. As such corruption cases regarding reconstruction projects are largely decimal. This is evident in

¹ Alice Jay and Alie Hafiz Koroma

² Jalloh Mohamed 'The May 25 Coup and the Burden of Democratic Survival in Sierra Leone' L'Afrique Politique' 1999.

the series of projects whose intended objectives were never met largely because of poor planning, lack of proper oversight, coupled with weak institutional capacity.

One key project that has generated a lot of discontent among local communities as well as in donor circles is the Paramount Chief Restoration Project funded and supported by the DFID. The objective was to help resettle local chiefs that were displaced by the war back to their community. Evidences showing pictures of the houses that were constructed suggest that the projects intended objective was not met largely because of a combination of factors key amongst which is poor planning, technical hiccups, security concern and lack of proper coordination between the funding agency and the local implementing agency.³ Until now though the project is closed, the accounts of this project are yet to be reconciled and its integrity remains shrouded in doubt.

Another key corruption case was linked to the National Electoral Commission for funds allocated to organize the 2002 post-conflict elections in Sierra Leone. Senior officials including the Chief Electoral Commissioner, the Secretary and other Commissioners are still being investigated by the Anti Corruption Commission as funds for the project were traced to individual international bank accounts. This discouraged further donor support for the local elections in April 2004, and in the end, the International Fund for Electoral Services (IFES) was contracted to manage the funds for the organization of the local elections.⁴

Another corruption case that has also gained widespread publicity is the contract awarded to the MIK Trading Company by the Ministry of Education. The contract was to provide education materials to newly constructed and rehabilitated schools. It was alleged that most of the material supplied were far below the standard demanded, with the presumption that some of the monies were diverted for personal benefit. While this issue is still pending awaiting an audit report into the contract, the contractor has been asked by the Ministry to supply the materials at his own cost.⁵

Further examples of badly managed projects include the rehabilitation of the Connaught Hospital, which was suspended, and the World Bank-supported Bo-Taiama Road Reconstruction Project, which was crippled by security problem.⁷

What possible reasons can we put forward to explain this malaise?

One prevailing identifiable cause for corruption in Sierra Leone is institutional weakness, which relates to the lack of internal oversight, poor remuneration and deplorable working condition. This in itself undermines the capacity of public institutions to function effectively and transparently, which is evident in how government projects are executed and the false nature of procurement and tender procedures. This is further compounded by the long history of neo-patrimonialism and the very limited attempts to deal with it.

³ Anti Corruption Commission papers.

⁴ ACC report 2003.

⁵ Interview by the author with the contractor.

⁷ Interview of the author with the World Bank country manager, Sierra Leone.

This has resulted in the collapse of the public service as a functional sector, and thus a lack of performance and accountability.

Another problem relates to the precarious nature of post-conflict situations, which are often abnormal situations with multiplier killer assumptions. A critical example is the security situation. In such situations primacy is often given to the issue of stabilization over monitoring and evaluations, which are critical components of accountability. The World Bank Road Project and the Paramount Chief Restoration Project were to a large extent affected by this. In most cases, displaced communities are desperate and as such resettlement and rehabilitation programs are often clouded with urgency, which leaves very little room for rigidity in observing clearly defined rules of management and for the disbursement of funds. This situation is further exacerbated by the nature of donor funding and implementing plans, as in certain situations, late payment of funds and excessive bureaucratization has been responsible for crippling the intended objectives of reconstruction projects. This was also a key factor in the PCRCP where construction materials were left at the mercy of communities awaiting further allocation of funds to kick start reconstruction. In the end, most of these materials were either destroyed or stolen. Added to this is the demand made by donors to adjust project objectives in order to absorb other objectives without any corresponding adjustment in funding. In such scenarios there is very little consideration for timeline and funds.⁸

Another emerging trend that has also clouded accountability in the reconstruction process is the shift in the pattern of neo-patrimonialism. Since resources are now placed in the hands of donors, their representatives are now perceived as patrons while their local development partners are their clients. As such this has given rise to the growing informalisation of the relationship between donors and their local counterparts. In most cases these relationships are given primacy at the expense of accountability. This plays itself out in two ways. First is the human aspect, wherein internationals working in post-conflict societies are often sympathetic to certain communities and organizations and thus go all out to satisfy them by dishing out funds in the form of projects. Here very little consideration is given to the issue of accountability. In Kosovo for example, minorities like the Serbs enjoy certain privileges given to them by the international community. This is also seen with the Kurdish community and Sunni Muslims in Iraq. In Sierra Leone, local organizations and public officials that are very close to donor representatives are often favored while other well meaning organizations and sectors are left out. The second aspect relates to the under utilization of foreign consultants, which is rarely done in a transparent manner. In the first place local implementing agencies do not make any input in the choice and selection of foreign consultants, as it is always regarded as a donor-reserved issue. Tied to this is the huge cost involved in the hiring of these consultants, which is always factored in the actual cost of projects. In the end, part of the funds allocated for those projects are taken away through hiring consultants who are paid ten or twenty times more than their local counterparts. As a result, local initiative can become stifled and the motivation of local staff dampened. This scenario often provides room for local staff to involve themselves in automating procurement and tender bids as a way to supplement their meager salaries.

⁸ The author interviews with a project manager.

Another problem is the way accountability is construed by donor agencies. In the majority of cases, post-conflict reconstruction processes that are largely driven by donors undertake an upward accountability trend. In this situation, funding agencies and organizations direct expenditure of funds and execution of projects, and thus very little or no consideration is accorded to local populations on whose behalf such funds and projects are executed. The danger is that accountability is linked to the disbursement of funds rather than substantive performance, and that international staffs become more interested in accounting for funds rather than taking into consideration the expectations of local communities. In a way most communities do not have the opportunity to make their voices felt about the nature of the projects undertaken, thus limiting accountability, which should be directed both upwards and downwards.

INSTITUTIONS ENHANCING ACCOUNTABILITY

One key mechanism effectively designed to oversee the reconstruction process was the establishment of key institutions charged with the responsibility of implementing projects, which take the form of ad hoc commissions and program implementing units. Two key commissions that were set up include the National Commission for Social Action and the National Commission for Disarmament, Demobilization and Reintegration. NCDDR was a huge project that oversaw the disarmament of 72,000 former combatants and their reintegration into society, with the assistance of a multi-donor trust fund of forty million dollars which was made available to execute the project. Here both the donors and the Commission laid down a common arrangement on disbursement procedures,⁹ wherein an independent foreign firm, the FMPU, was contracted to manage the funds, and an international auditing firm, the KPMG, audited the accounts.

The National Commission For Social Action (NACSA)

This body is responsible for undertaking key reconstruction as well as development projects, and it currently has a five-year mandate. Most reconstruction funds are channeled through this agency, and its procurement and disbursement procedures were laid down by both the funding agencies and the Commission¹⁰. It has a monitoring and evaluation unit, and it has largely enjoyed credibility both in the eyes of donors as well as the local population.

Program Implementing Units

These are largely placed within government ministries, and are designed to carry out specific responsibilities relating to either construction projects or reform programs. Key examples are the Poverty Alleviation Strategy Coordinating Office and the Governance Reform Secretariat.

⁹ Interview of the author with the former commissioner of NCDDR

¹⁰ Interview of the author with the commissioner NACSA

Donor Assistant Coordinating Office

This office was established recently to monitor the flow of donor assistance to the country, and was partly designed to help promote accountability in the use of donor funds in realization of the fact that weak donor coordination is prone to corruption.¹¹

The advantage of these institutions is their mode of operation. Apart from the fact that they are flexible, which makes them suitable to respond in a post-conflict setting, they provide better remuneration to make room for better-qualified staff. Most donors prefer to deal with these institutions rather than government ministries, and the \$228.5 million reconstruction projects financed by the World Bank are managed and implemented by these various agencies.¹²

Decentralization

Decentralization has also been identified as a key element in promoting accountability in post-conflict Sierra Leone. The rationale is that it will help promote effective governance, accountability and transparency in the public sector both at the local and national levels. This stems from an informed opinion that the systematic erosion of state capacity to deliver effective social services over the years was due to excessive centralization of power, which was a cause for bad governance and social exclusion. There is huge donor support for this process, though the key challenge will be how to mobilize local political commitment to ensure that local institutions are transparent and accountable.

Anti-Corruption Commission

Considering the negative impact of corruption on the past and more importantly on the future of the country's development, the current administration has taken steps to address this pervasive problem. One step taken by the government was to enact an Anti-Corruption Act in 1999 that provided for, amongst other things, the formation of the Anti-Corruption Commission (ACC) in 2000 to prosecute perpetrators of corruption. The key features of the Act are its establishment, functions, definition of corrupt practices, and powers of investigation by the Commission and the prosecution of offences. The Act provides that the Commission be independent and accountable to the President and Parliament, separate from the civil service and the police, and also stipulates that all investigation conducted by the Commission should begin from February 2000 and not before that date.

Since the ACC began operations in 2001, it has been conducting corruption prevention and awareness activities. According to the Commissioner, "it is to an extent the result of the ACC's publicity campaigns that added impetus has been given to public realization of the full extent of the ills of corruption."¹³ Activities undertaken have included the production of talk show programs on the radio, work shops on corruption, and the dissemination of information focused on the victims of corruption, a disproportionate number of whom are the poor. The Commission has also conducted activities in the area

¹¹ Interview of the author with the director DACO

¹² Interview of the author with the World Bank country manager Sierra Leone.

¹³ The Anti-Corruption Commission (ACC) Annual Report 2001, p.5

of prevention, for example in the management systems within governments, with the aim of removing loopholes that breed corruption.

As far as conducting corruption investigation and prosecution is concerned, over the years the Commission's progress has been minimal at best. The Commission has been adversely affected by inadequate funding, a lack of skilled or trained staff, and most importantly, the lack of political will, all of which contributing to its dismal record. According to a senior official in ACC, "open apathy and in a number of cases outright non-compliance" within government ministries in an effort to achieve bureaucratic support has gravely hindered the work of the Commission. Despite the existence of various institutions such as the Office of the Ombudsman and the Auditor General's Office, the continued failure to punish those that have been exposed for corruption in various capacities and in numerous cases (such as in the case against the heads of the National Electoral Commission and Dr. Taju Deen) have seriously undermined the credibility of the ACC. This seeming lack of effectiveness has jeopardized the image of the commission in dealing with high profile cases in a way that satisfies public perception and demand for justice. Moreover, there is no systematic coordination among the various institutions combating corruption of their responsibilities, and this is manifested in the disparity between the number of cases submitted to the Attorney General by the Commission for prosecution and the actual number prosecuted.

International support for the ACC

There are also a number of partners working jointly with the ACC to achieve its objectives. The ACC's main partners are its donors, in particular the Department for International Development (DFID), World Bank, UNDP, EU and most recently the German Government who have donated the sum of US\$ 237,000 for community education programs in 2004 and 2005.¹⁴ The donors have supported the following anti-corruption initiatives:

- Institutional Reform and capacity building of key anti-corruption institutions to deliver on their core functions and discharge their mandate effectively
- Technical support to the Anti-Corruption Commission, in the form of expatriate Technical Cooperation Officers (TCO). In Sierra Leone, they filled three significant posts during the first phase of DFID's support to the ACC, including an expatriate Deputy Commissioner.
- Support to NGO's involved in the work of fighting corruption, such as the World Bank's support to Campaign for Good Governance (a local NGO) on accountability earlier this year.
- The sponsoring of seminars or workshops e.g. The UNDP support to the Commission on the 11th and 12th December 2002 for a workshop on the Reform of Procurement Procedures.

DFID has approved its second phase of support to the Anti-Corruption Commission for three years with a £3,523,950 pledge from 2004-2007.¹⁵ The support is intended to consolidate the gains made in the first phase and improving the capacity of the

¹⁴ Department for International Development, Anti Corruption Commission Programme (phase 2), p13

¹⁵ Ibid

Commission to fulfill its objectives. DFID's financial resources are managed by their main office in Freetown, and their West African Department will continue to take up responsibility for DFID's contribution via a Project Officer.

The beneficiaries of all this support will ultimately be the entire population. The objective is that over time the prevalence of corruption in public offices and in the private sector will be greatly minimized if not eradicated.

Civil Society

According to the Commissioner, linkages with other institutions are necessary if the "Commission is to have any meaningful impact."¹⁶ Civil society groups have been involved in various aspect of governance, including fighting corruption and monitoring the protection of human rights. Civil society has done a great deal to sensitize the public about corruption. It has played an oversight role on both the government and governance institutions. Through advocacy and public education, it has pressure government institutions to be accountable. Donor support has played a great part in building the capacity of civil society in order for them to carry out their functions.

The Anti-Corruption Commission has worked steadfastly from the onset to build strong networks with other groups engaged with the fight against corruption including the Campaign for Good Governance, Talking Drums Studios, Civil Society Movement Sierra Leone, Sierra Leone Teachers Union (SLTU), National Commission for Democracy and Human Rights, and the National Accountability Group (NAG), to name only a handful. This collaboration with other civil society groups led to the launching and development of a Strategic Plan in 2002. The three-year plan outlines the aims and objectives as well as the strategies and activities of the coalition.

However, there lies a problem inherent in the reliance of international donors on non-governmental agencies, for as they continue to build the capacity of civil society institutions, the already heavily-eroded state authority and state institutions continues to wallow from a lack of support, which is one of Sierra Leone's major problems as it looks toward the future.

PROSPECTS AND CHALLENGES

There is no doubt that certain mechanisms are in place to respond to the issue of corruption in light of the reconstruction process. What is in doubt, however, is the prospect for these mechanisms to influence post-conflict accountability structures in Sierra Leone. Accountability in the face of weak institutional capacity and civil society structures will require a principled commitment on the part of donors and their local development partners. In the case of Sierra Leone where reconstruction efforts are largely driven by the donor community, donors must do more to promote a culture of accountability. This could be done in several ways. The first is to help promote dialogue on the development process, since its lack greatly hinders the accountability process. Second, there is need to empower institutions and communities to play a more

¹⁶ Anti Corruption Commission Annual Report 2001, p5

meaningful role in the process of governance. Support should be channeled to rural areas to help build a participatory and open system, as a viable participatory system is critical if communities are to monitor the reconstruction process and its activities.

The irony of the transition to multi-party democracy in Sierra Leone is that it has not affected in any way the functioning of the state. Effective state authority is still largely abysmal, since the institutions established to restrain public officials from corruption are undermined by the very authorities themselves. The ACC is a case of a crippled giant; while its continued relevance is unquestionable, its mode of operation needs to be more result-oriented and proactive. Focus must be given to the implementation of the National Anti-Corruption Strategy. Another problem relates to the chasm between institutional hardware and software: having the institutions set up is one thing; getting these institutions to impact public behavior in a sustainable way is another issue altogether. In that light, civil society has a lot to do to fill that gap. This is reflected in the cautious optimism of the president when he advised that “the fight must be carried out in partnership with an active and independent civil society involving people from all walks of life.”¹⁷

CONCLUSION

The case of Sierra Leone underlines the problematic dynamics of accountability in post-conflict reconstruction processes. To a large extent it reinforces the thesis that post-conflict situations are not only prone to corruption, but that corruption is also an impacting factor on the evolution of accountability structures in post-conflict societies. From all indications it is glaring that corruption, which was an instrumental factor in the collapse of the state, no doubt features as an element in its reconstruction. The Sierra Leone experience not only exemplifies that paradox but at the same time provides useful insight into some of the limitations in addressing corruption in transitional societies. Building strong mechanisms to address the issue of corruption is not only crucial for the viability of the reconstruction process, but constitutes a critical element to any attempt at building a democratic state and society in post-conflict Sierra Leone.

¹⁷ DFID document on supporting the ACC