



# NATIONAL ELECTION WATCH (NEW)

A Coalition of Civic and Non-Governmental Organizations  
8 Sawi Drive, Off King Harman Road, Freetown.

+232-76-737-231

[nationalelectionwatchsl@gmail.com](mailto:nationalelectionwatchsl@gmail.com)

[www.nationalelectionwatchsl.org](http://www.nationalelectionwatchsl.org)

## Position Paper on the Draft National Decentralisation Policy.

### Introduction

National Election Watch and Civil Society leaders across the country met at the Buxton Hall School Freetown on Thursday 22<sup>nd</sup> September 2020 to input into the draft Decentralisation Policy by Ministry of Local Government and Rural Development (MLRD).

Civil society leaders agreed that the policy is quite progressive for local level democracy, citizen's participation and inclusion. The review of the draft document provides citizens the opportunity to reflect on the past 16 years of experience with the decentralisation process. The document repeatedly emphasizes the focus of decentralisation: bringing governance, development and services to the people, as well as localizing accountability.

We note the quality of the draft policy in terms of its structure, logic, standard and variety of decentralisation issues covered. However, a number of key concerns relating to the draft policy document were raised as follows;

- The absence of constitutional provision for Local governance; we note that a number of progressive points in this policy will be hampered by the failure to finalise the 1991 Constitutional Review process. It was agreed that constitutional review must take a holistic approach and the Government of Sierra Leone must endeavour to finalise the Constitutional Review process now to help solidify the progressive policy statements in the draft Decentralisation Policy.
- The continuous redrawing of the territorial boundaries of the country; the redrawing of territorial boundaries of localities by successive governments as proposed in the document (5:10) is very worrying, especially when such redrawing does not take into consideration historical, cultural, ethnic and social factors.
- Under the Territorial Structure of the Sub-National Governance (6.1.1), the document provides for only four regions, whereas according to the amended Provinces Act of 2017, there are five regions in the country. The peculiar structure of Western Urban and Rural Districts must be given careful consideration because both districts do not fall into the current structure and form of sub-national governance. Additionally, the meeting also observed that the North Western Region and Sections in the chiefdoms were not captured in the document
- The conduct of local council elections on a non- partisan basis has a number of implications from democratic strengthening and accountability. Sierra Leone is a democratic state and democracy presupposes healthy competition. Efforts must be made to build and nurture democracy through competitive multi-party elections.
- Members of Parliament participating in Local council meetings as ex-officios create room for number of controversies. The presence of MPs in the local council might undermine decisions taken by the heads of the council.

*Banker: Sierra Leone Commercial Bank (SLBC)*

- The standalone local governance fiscal policy on decentralisation CSO leaders welcome a standalone policy on fiscal decentralisation and argue that based on the backward trend analysis of 2-4% allocation from 2015-2019, that 5% of domestic revenue is grossly inadequate.
- A clear policy statement for inclusion of women, youths, PWD's and senior citizens was strongly recommended.
- We are concerned about the multiple layers at the local level E.g. establishment of Regional Coordinating offices which will further create room for complexity and complication in roles, responsibilities and hierarchy. The establishment of Regional Coordinating offices conflicts with the principles of decentralization and undermines the effectiveness of the process. The RCOs will make room for non-elected officials to wield more power and authority than the elected officials with potential to usurp the powers of local councils.
- The roles of existing structures in relation to the de-concentrated functions of the justice and security sector are not adequately captured in the policy.
- Community level social and political tension and conflict pose a serious threat to the effective implementation of the decentralisation process. But it is not provided for in the draft policy document.

## The Analysis

Below is the analysis of Civil Society proposed contribution to the draft National Decentralisation policy. Looking at specific strategic themes, key issues involved, our concerns about each of them and the recommendations that we proffer:

No	Themes	Key Issues	Concerns/ Remarks	Recommendations
1	The type of Decentralisation and form of sub-national governance	The policy proposes to deepen and widen decentralisation at the following levels – regions, localities, chiefdom, Wards and villages.	Widening the decentralisation is welcoming, but we realized that “ <b>section</b> ” which is the next level after chiefdom structure is left out in the proposed structure. Also, the North-West Region is left out (page 24). The structural differences/Division in the Western Area has not been recognized.	Section and North-Western Region should be captured by this document.
		It proposes further the establishment of Regional Coordinating offices to coordinate and harmonise implementation of government policies relating to non-devolved sectors.	The authority of appointed personnel (RCs) overshadows the role of elected officials at the local levels. This will undermine the concept of bringing power to the community and decentralized governance.	For an effective functioning of the decentralisation process, RCOs should not exist because their existence will create room for usurpation of powers of the Local Authorities. We are however mindful of the fact that certain functions need to be de-concentrated such as Security and Justice. We therefore, recommend the de-concentration of the security and the judicial

				functions to the already existing governance structures in the localities.
		The policy reinforces the role of the local councils as the highest units of democratic decentralisation.	Regional structures make the process complex and leads to unnecessary bureaucracy and funding implications. This is a potential source of conflict in functions. If the problem to be addressed is coordination, NEW recommends empowering and expanding the existing structures to accommodate district council operative or personnel.	We recommend for the further strengthening of the structures of the ONS at PROSEC, DISEC and CHISEC levels for effective decentralized security across the country. Implement the provisions in the revised Local Court Act that calls for the supervision of local courts by the Ministry of Justice.
No	Themes	Key Issues	Concerns/ Remarks	Recommendations
2	<b>Constitutionality of Local Governance</b>	The policy proposes entrenching decentralisations and local governance in the constitution of Sierra Leone. It further proposes a number of amendments that will guarantee various aspects of decentralisation including funding, intergovernmental relations and creation of new councils.	As Civil Society, we welcome the position to entrench decentralisation and local governance as a fundamental feature in our national constitution. However, we believe constitutional reforms need to be taken holistically.	We therefore recommend an immediate reopening of the Constitutional Review process by government issuing out a white paper on the CRC recommendations (134).
No	Themes	Key Issues	Concerns/ Remarks	Recommendations
3	<b>Political Decentralisation</b>	The policy reinforces the role of the Council as the highest political authority in the locality through which the chairperson receives authority to direct the affairs of the locality.	We agree that, the council remains the highest political authority at the local level. While we agree with the spirit of this aspect in the policy framework, that the councils remain the highest political authority in the localities, we have observed that a number of provisions such as instituting RCOs, their roles and functions as prescribed in this document undermine the authority of the local council at	

			that level.	
		The policy proposes non-partisan elections.	<p>The non-partisan council elections remains a red flag issue. From a Civil Society perspective, conduct of local council elections on a non-partisan basis has a number of implications from democratic strengthening and accountability. Sierra Leone is a democratic state and democracy presupposes healthy competition. Efforts must be made instead to build and nurture democracy through competitive multi-party elections.</p> <p>Furthermore, while the problem of partisanship is a source of grave concern, the solution on non-partisanship is unlikely to engender consensus.</p>	This non-partisan Local council election needs careful consideration and discussions, especially on how it should be operationalized.
		The policy incorporates all paramount chiefs within the locality in the local council to sit alongside elected councilors.	<p>At national level, we are also concerned about the proposed inclusion of members of parliament at the local level. This is because the functions of local councils are totally different from that of Parliament.</p> <p>Parliament has to make laws and provide oversight. Parliament has a different schedule from the local councils.</p> <p>The party in power will have advantage over other political parties in parliament to support parliamentarians to attend council meeting. We run the risk of recentralizing governance with such proposals. E.g. The payment of Nomination fees has allowed the party in power to fill in candidates for all bye-elections, while opposition parties cannot.</p>	Members of parliament should not be sitting in local council meetings as ex-officios.

No	Themes	Key Issues	Concerns/ Remarks	Recommendations
4	<b>Administrative Decentralisation</b>	The policy calls for the strengthening of the Local Government Service Commission		
		It proposes the creation of a unified public service where staff in local government can have access to positions in the centre and vice versa.	The recruitment of local council staff should be competitively done.	The recruitment of local council staff should be done by Local Council Service Commission and HRMO
		Local councils to retain the power to recruit in consultation with the LGSC and HRMO.		
		All staff of councils will be of permanent tenure as the regular civil service.	The permanency of tenure of local council staff should be captured in the conditions of service of the Local Council Service Commission	A national harmonization process of recruitment and wages should cut across the Public Service and Councils
No	Themes	Key Issues	Concerns/ Remarks	Recommendations
5	<b>Fiscal decentralisation</b>	The policy proposes a separate local governance fiscal policy	CSOs support a standalone local governance fiscal policy on decentralisation.	We are proposing that the fiscal policy makes provision for all budget and expenditure to be gender sensitive.

		The principle of subsidiary shall inform the expenditure assignment.		
		Commits government to a minimum of 5% of domestic revenue as direct transfers to local councils.	Based on a backward trend analysis of 2-4% allocation from 2015-2019, 5% of domestic revenue is grossly inadequate.	Based on the above, and looking at the role of the local council, we are of the view that this minimum is small. <b>We are suggesting a minimum of 7% of the domestic revenue to go to local council as direct transfers</b>
		Inter-governmental fiscal transfers will be informed by a formula-based system.		
		Commits to a 15% national development budget to local councils for local economic development.	The commitment of a 15% national development budget to local councils for local economic development is an added value which we welcome.	
		Local councils will have the sole authority to determine, levy and collect local taxes.		We recommend that the funds go directly to local council to carry out local economic development within their jurisdiction.
		Local councils to enter into loan agreements.	Does this mean council will no longer consult MoF and seek their approval for any loan they want to take?	There should be clarity on the approval process of any loan council is going to take.

No	Themes	Key Issues	Concerns/ Remarks	Recommendations
6	<b>Relationship between Central and Local Governments</b>	Government to pursue reforms of the central MDAs in the light of decentralisation and devolution.		
		Strengthen the IMC dialogue processes.		
		MPs to participate in Council meetings as ex-officio members.	If we are talking about local level governance, there is a concern with the proposed inclusion of members of parliament at the local level. This is because the functions of local councils are totally different from that of Parliament. MPs have to make laws and provide oversight. Schedule of parliament is different from that of local councils.	Members of parliament should not be sitting in local council meetings as ex-officios.
No	Themes	Key Issues	Concerns/ Remarks	Recommendations
7	<b>Human Resources Management and Capacity Building</b>	The policy proposes a Local Government Centre of Excellence to promote research and capacity building on local governance.	There is already an existing institution –Civil Service Training College.	CSOs recommend incorporating components of local governance and decentralisation into the course curriculum of Civil Service Training College, to serve the needs of personnel of various levels and secondly to address the proliferation of institutions. The Civil Service Training College however needs serious institutional reforms.
No	Themes	Key Issues	Concerns/ Remarks	Recommendations

8	<b>Role of Chieftaincy in Decentralisation</b>	The policy calls on government to empower chieftaincy, insulate them from politics and strengthen the governance of Chiefdom Development Committees.	Paramount Chiefs has always been part of the council but in few numbers. Their full representation and participation is important because any decision taken at that level will be unanimous	We further recommend the strengthening of the Village and Ward Development committees.
<b>No</b>	<b>Themes</b>	<b>Key Issues</b>	<b>Concerns/ Remarks</b>	<b>Recommendations</b>
9	<b>Inclusive Citizens Participation</b>	The policy calls for the development of a social inclusion policy to be implemented by local councils and will ensure gender sensitive and gender responsive programming.	A clear policy statement for inclusion of women, youths, PWD's and senior citizens was strongly recommended	We recommend a minimum 30% quota of representation of women and young people, PWDs, Senior citizens and other marginalize groups at local level.
<b>No</b>	<b>Themes</b>	<b>Key Issues</b>	<b>Concerns/ Remarks</b>	<b>Recommendations</b>
10	<b>Local Economic Development</b>	This section calls on government to commit to a 15 % of development budget to local councils, promote public-private partnerships and local economic development.	The commitment of a 15% national development budget to local councils for local economic development is an added value which we welcome.	There needs to be further consultations to adequately inform the fiscal policy to be formulated. We recommend that the funds go directly to local council to carry out local economic development within their jurisdiction.
<b>No</b>	<b>Themes</b>	<b>Key Issues</b>	<b>Concerns/ Remarks</b>	<b>Recommendations</b>



11	<b>Redrawing Territorial Boundaries of Localities</b>	The policy (for the first time) proposes a methodological process of redrawing new local council boundaries informed by evidence and need and not politics.	The continuous redrawing of the territorial boundaries of the country; The redrawing of territorial boundaries of localities by successive governments as proposed in the document (5:10) is very worrying, especially when such redrawing does not take into consideration historical, cultural, ethnic and social factors.	We recommend all redrawing of local territorial boundaries takes into consideration historical, cultural, ethnic and social factors.
		It provides the procedures and minimum level of support for new localities.	Under the Territorial Structure of the Sub-National Governance (6.1.1), the document provides for only four regions, whereas according to the amended Provinces Act of 2017, there are five regions in the country. The peculiar structure of Western Urban and Rural Districts must be given careful consideration because both districts do not fall into the current structure and form of sub-national governance. Additionally, the meeting also observed that the North Western Region and Sections in the chiefdoms were not captured in the document	Section and North-Western Region should be captured by this document.
<b>No</b>	<b>Themes</b>	<b>Key Issues</b>	<b>Concerns/ Remarks</b>	<b>Recommendations</b>
12	<b>Regional Integration and International Cooperation</b>	The policy recognizes the need to promote cross-learning, exchanges and cooperation at the regional or international levels.	<p>Whilst we welcome regional and international corporation, the aspect of community social and political integration is not captured in the document.</p> <p>Community level Social, political tension and conflict pose a serious threat to the effective implementation of the decentralisation process. But it is not provided for in the draft policy document</p>	We recommend corporation within councils and community conflict resolution mechanisms.

***Banker: Sierra Leone Commercial Bank (SLBC)***